



# PLANNING SUB - COMMITTEE

Wednesday, 5th November, 2008

at 6.30 pm

1st Floor of the Town Hall

**Committee Members:**

**Cllr Barry Buitekant, Cllr Michael Desmond (Vice-Chair),  
Cllr Ian Sharer, Cllr Simon Tesler, Cllr Linda Smith,  
Cllr Joseph Stauber, Cllr Vincent Stops (Chair),  
Cllr Katie Hanson and Cllr Jessica Webb**

The press and public are welcome to attend this meeting

**Contact: Emma Perry**

**Tel: 020 8356 3338**

**Email: [Emma.Perry@hackney.gov.uk](mailto:Emma.Perry@hackney.gov.uk)**

# AGENDA

## Wednesday, 5th November, 2008

### ORDER OF BUSINESS

Title	Ward	Page No
1. Apologies for Absence		
2. Members to agree the order of business		
3. Declarations of Interest		
4. Minutes of the Previous Meeting		(Pages 1 - 64)
5. 84 Milton Grove	Clissold	(Pages 65 - 80)
6. 191 Evering Road	Hackney Downs	(Pages 81 - 100)
7. 70A Mountgrove Road	Brownswood	(Pages 101 - 130)
8. 14-16 Kenworthy Road	Wick	(Pages 131 - 136)
9. Senate House, Tyssen Street	Dalston	(Pages 137 - 172)
10. 50 Wenlock Street	Hoxton	(Pages 173 - 202)
11. Velodrome - Olympics		(Pages 203 - 230)
12. 357-359 Kingsland Road	De Beauvoir	(Pages 231 - 286)
13. Homerton Travellers Site	Kings Park	(Pages 287 - 298)
14. Appeal Schedule - April/May/June/July/August 2008		(Pages 299 - 332)
15. Any other business which in the opinion of the Chair is urgent		



## Access and Information

### Location

Hackney Town Hall is on Mare Street, bordered by Wilton Way and Reading Lane, almost directly opposite The Ocean.

**Trains** – Hackney Central Station (Silverlink Line) – Turn right on leaving the station, turn right again at the traffic lights into Mare Street, walk 200 metres and look for the Hackney Town Hall, almost next to The Empire immediately after Wilton Way.

**Buses** 30, 48, 55, 106, 236, 254, 277, 394, D6 and W15.

### Facilities

There are public toilets available, with wheelchair access, on the ground floor of the Town Hall.

Induction loop facilities are available in Rooms 102 and the Council Chamber

Access for people with mobility difficulties can be obtained through the ramp on the side to the main Town Hall entrance.

### Copies of the Agenda

The Hackney website contains a full database of meeting agendas, reports and minutes. Log on at: [www.hackney.gov.uk](http://www.hackney.gov.uk)

Paper copies are also available from local libraries and from Democratic Services officer whose contact details are shown on page 2 of the agenda.

### Local Democracy Website – [www.hackney.gov.uk](http://www.hackney.gov.uk)

The Local Democracy section of the Hackney Council website contains full details about the democratic process at Hackney, including:

- Councillor contact details
- Information about MPs, MEPs and GLA members
- Agendas, reports and minutes from council meetings
- The council's constitution
- Overview and Scrutiny information
- Details and links to area forums and local consultations
- And more.

# ADVICE TO MEMBERS ON DECLARING INTERESTS

Hackney Council's Code of Conduct applies to **all** Members of the Council including the Mayor, co-opted Members and independent Members.

This note is intended to provide general guidance for Members on declaring interests. However, you may often need to obtain specific advice on whether you have an interest in a particular matter. If you need advice, you can contact:

- The Corporate Director of Legal and Democratic Services;
- another Council lawyer; or
- Democratic Services.

If at all possible, you should try to identify any potential interest you may have before the meeting so that you and the person you ask for advice can fully consider all the circumstances before reaching a conclusion on what action you should take.

## 1. Do you have a personal interest in any matter on the agenda or which is being considered at the meeting?

You will have a personal interest in a matter if it:

- i. relates to an interest that you have already registered on the Register of Interests;
- ii. relates to an interest that should be registered but you have not yet done so; or
- iii. affects your well-being or financial position or that of members of your family or your close associates, to a greater extent than it would affect the majority of people in the ward affected by the decision.

**Note:** The definition of family is very wide and includes a partner, step-relations and in-laws. A "close associate" is someone whom a reasonable member of the public might think you would be prepared to favour or disadvantage.

## 2. If you have a personal interest you must:

- i. **declare the existence and nature of the interest (in relation to the relevant agenda item) at the beginning of the meeting, before it is discussed or as soon as it becomes apparent to you; but**
- ii. **you can remain in the meeting, speak and vote on the matter unless the personal interest is also prejudicial.**

However, in certain circumstances you may have an exemption which means that you might not have to declare your interest.

**Exemption 1:** You will have an exemption where your interest arises solely from your membership of or position of control/management in:

- a body to which you have been appointed or nominated by the authority; and/or
- a body exercising functions of a public nature (e.g. another local authority).

**Exemption 2:** You will have an exemption if your personal interest is simply having received a gift or hospitality over £25 which you registered more than 3 years ago.

**If you have an exemption:**

- i. **you need only declare your interest if you address the meeting; and**
- ii. **you can vote without declaring the interest providing you do not speak.**

### 3. When will a personal interest also be prejudicial?

Your personal interest will also be prejudicial if a member of the public who knows the relevant facts would reasonably think the personal interest is so significant that it is likely to prejudice your judgement of the public interest; and

- i. either the matter affects your financial position or the financial position of any person or body through whom you have a personal interest; or
- ii. the matter relates to the determining of any approval, consent, licence, permission or registration that affects you or any relevant person or body with which you have a personal interest.

**Exemptions:** You will not have a prejudicial interest if the matter relates to the following:

- i. the Council's housing functions - if you hold a lease or tenancy with the Council, provided that the matter under consideration is not your own lease or tenancy;
- ii. school meals, transport or travel expenses – if you are the parent or guardian of a child of school age, provided that the matter under consideration is not the school the child attends;
- iii. statutory sick pay;
- iv. Members' allowances;
- v. ceremonial honours for Members; or
- vi. setting the Council Tax.

### 4. If you have a prejudicial interest you must:

- i. **Declare the existence and nature of the interest (in relation to the relevant agenda item) as soon as it becomes apparent to you.**
- ii. **Leave the room unless members of the public are allowed to make representations, give evidence or answer questions about the matter. If that is the case, you can also attend to make representations, give evidence or answer questions about the matter.**
- iii. **Once you have finished making representations, answering questions etc., you must leave the room. You cannot stay in the room whilst the matter is being discussed neither can you remain in the public gallery to observe the vote on the matter. In addition, you must not seek to improperly influence a decision about the matter.**

### Further Information

Advice can be obtained from Amanda Kelly, Interim Borough Solicitor, on 020 8356 3345 or email [Amanda.Kelly@hackney.gov.uk](mailto:Amanda.Kelly@hackney.gov.uk)

Guidance is also available from the Standards Board for England's website: [www.standardsboard.gov.uk/TheCodeofConduct/Guidance/](http://www.standardsboard.gov.uk/TheCodeofConduct/Guidance/)





## MINUTES OF A MEETING OF THE PLANNING SUB-COMMITTEE

THURSDAY, 16TH OCTOBER, 2008

- Councillors Present:** Councillor Vincent Stops in the Chair  
Cllr Barry Buitekant, Cllr Michael Desmond (Vice-Chair), Cllr Katie Hanson and Cllr Jessica Webb
- Apologies:** Cllr Simon Tesler and Cllr Joseph Stauber
- Officers in Attendance** Graham Loveland (Interim Head of Regulatory Services), Ron Madell, Scott Schimanski (Team Leader, Area Team), Gillian Nicks (Deputy Team Leader, Major Applications Team), Femi Nwanze, Fred Raphael, Sue Foster (Assistant Director of Regeneration and Planning), Rosemary Lansdowne (Principal Solicitor), Russell Smith (Planning Officer) and Rokos Frangos (Senior Planning Officer)
- Also in Attendance** Kevin Moore (Hackney Society)

### 1 Apologies for Absence

- 1.1 Apologies for absence were received from Councillor Stauber and Tesler.

### 2 Members to Agree the Order of Business

- 2.1 Item 10 was moved to the end of the agenda.
- 2.2 Item 15 was moved forward and taken after Item 11, as it had the same architect.

### 3 Declarations of Interest

- 3.1 Councillors Stops, Desmond and Hanson declared a personal, non-prejudicial interest in Item 6 – St Mary's Old Church, as they had met Matthew Evans, agent, on previous Members' Site Tours.
- 3.2 Councillor Webb declared a prejudicial interest in Item 10 – Mabley Green, Lee Conservancy Road, as she had attended many meetings where this had been previously discussed and left the Chamber during the discussion of this item.
- 3.3 Councillor Stops declared a personal interest in Item 12 – Rushmore Primary School, as his partner was the Cabinet Lead for Education.



- 3.4 Councillor Stops declared a personal interest in Item 13 – Mossbourne Community Academy, as his partner was the Cabinet Lead for Education.

#### 4 Minutes of the Previous Meeting

- 4.1 **RESOLVED** – that the minutes of the meeting on 3 September 2008 be APPROVED as a true and accurate record, subject to the following amendments:

- Item 8 – paragraph 8.4 - ... After several interruptions, Councillor Tesler asked the Chair if he would like him to leave the meeting. In response the Chair said yes, but nevertheless Councillor Tesler stayed in the meeting.
- Item 9, paragraph 9.2 – the second bullet point should state – ‘The main concerns from Hackney Wick ward Councillors were regarding the lack of permeability in the area.
- Item 11 – Item L (Thirlmere House), paragraph L.7 - ... It was requested that a scoping study be undertaken, as the Sub-Committee was minded that noise insulation should reasonably be provided for the Mildmay Club, if the study indicated that this was required.
- Item 11 – Item L (Thirlmere House), paragraph L.11 - ...The applicant accepted that they would need to find means of access for both the Mildmay Club and Star Images and that this commitment should be reflected as an informative on the Decision Notice. This issue would be delegated to the Planning Officers.

#### 5 Woodberry Down Estate, N4

To demolish all existing buildings on the Woodberry Down Estate, with the exception of St.Olave’s Church, the Beis Chinuch Lebonos Girls School, Reservoir Centre, Primary School and Health Centre. Redevelop the site with 4,684 homes (including 41% affordable), comprising 1-bed, 2-bed, 3-bed, 4-bed flats, and 5-bed flats, 5-bed and 6-bed houses with associated car parking at an overall site provision rate of 50%; approximately 38,500m<sup>2</sup> of non-residential buildings and associated car parking, including 5,194m<sup>2</sup> of retail buildings within classes A1-A5, 3144m<sup>2</sup> of class B1 Business use, 30,000m<sup>2</sup> of class C1, D1 and D2 use including education, health centre, children’s centre, community centres, youth centre; provision of new civic space, public parks, open space, landscaping of the edges of the New River and the East and West Reservoirs, construction of bridges across the New river; reduce width of Seven Sisters Road from 6 to 4 lanes and related improvements to the public realm; formation of new access points to the new Woodberry Down Neighbourhood , the creation of new and improvement of existing cycle and pedestrian routes to and within the estate (Outline Application matters for determination siting, design and means of access). Revisions include increase in education floor space; repositioning of cycle/pedestrian bridge between west reservoir and Haringey; re configuration of Woodberry Circus’; relocation of two bridges over New River; increase in footprints and heights of various buildings; provision of a new Health Centre and increase in residential units from 4644 to 4664.

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

- 5.1 The Planning Officer introduced the report as set out in the agenda and reported that the number of units had now increased from 4,644 to 4,664.

- 5.2 The Chair informed the Committee that the Hackney Homes had been discussed at a previous meeting and that this application purely dealt with planning issues. He added that anybody wishing to address Hackney Homes issues could contact their ward Councillor.
- 5.3 Councillor Middleton spoke in objection to the scheme, her comments are summarised as follows:
- There was no tower block included on the plan, although it was previously included.
  - No where for residents to go whilst the work was being done.
  - Again, the request for a meeting to be held on-site to discuss this item had been refused.
  - Seven Sisters Road was already congested and a reduction in the number of lanes would only add to this problem. This would also cause a problem for emergency vehicles accessing the site.
  - The narrowing of Seven Sisters Road would also have a knock on effect for traders along Woodberry Grove as car parking spaces would be lost.
- 5.4 Peter Naughton, Chair of Woodberry Down EDC, spoke in support of the scheme with objections, his comments are summarised as follows:
- The scope of the scheme did not reflect the fact that Vivian and Dovedale Houses had now been demolished.
  - Precise statement of freeholders' interests had not been produced.
  - The education figures detailed on page 199 of the report did not reflect the fact that there was to be an academy on-site.
  - The parking provision was currently zero, this should be looked as it was not appropriate for the size of the development. There was also not sufficient provision for commercial parking.
  - Would like to see a priority allocation system for parking and would welcome discussions on this matter.
- 5.5 Robin Smith (Hackney Homes) and Alan Hedge (Architect), spoke in support of the scheme, their comments are summarised as follows:
- This was one of the largest regeneration projects in the UK.
  - The wording for parking provision, detailed in condition t, page 161, should be clarified.
  - Condition e, page 166 – aware that the Government was currently reviewing the Code Levels for Sustainable Homes. They feel the wording should be consistent with the Old School site and all subsequent reports should be in line with Government guidelines.
- 5.7 With regard to the issue raised by Peter Naughton regarding Vivian and Dovedale Houses had now been demolished, it was requested that an Informative to added to reflect this. This was **AGREED**.
- 5.8 Discussion took place on the issue of parking, which had not yet been agreed. The Committee wished to know what was proposed for the 2,000 car parking spaces previously agreed. The Chair suggested that the next time the development comes

back to Committee the parking strategy should have been largely resolved. He suggested the strategy should:

- i) include a condition for the implementation of a CPZ given the proximity of the development to Manor House Underground station and likely demand;
- ii) Prioritise CPZ permits for existing residents and future families;
- iii) Be aspiring of this development being an eco-town. The level of parking of the Kickstart site should be the maximum – sites closer to the station should have lower levels of parking, some should be car free;
- iv) The underground versus street parking level split and indicative figures given.
- v) A strategy for managing the large underground parking areas should be developed. The Committee had previously indicated its hope that this would include concierge management.

5.9 The Architect informed the Committee that the Council had previously agreed to 50%, with one car parking space being provided for every two flats. It was proposed that approximately 1,350 spaces would be allocated to private/intermediate properties located underground and approximately 800 spaces allocated for social housing, located on the street. The parking was proposed to be allocated on a first come, first served basis, with priority to existing residents.

5.10 The Chair wished to clarify how the car parking would be managed and the Architect explained that this would form part of a future detailed application to Committee. The reference to electric vehicles was also to be removed from the condition.

5.11 Detailed discussion took place on the Code Level for Sustainable Housing as Robin Smith felt that they should go along with Government legislation and take out the aspiration of Code Level 6 and replace with Code Level 4, as it may already need to be altered if the Government decides that Code Level 6 is unobtainable. He added that there was also a cost implication of achieving Code 6, which equated to approximately £34,000 per unit.

5.12 The Interim Head of Regulatory Services stated that the Code Level for Sustainable Housing was currently 3 and suggested that the condition could be altered to state that the approved housing be constructed to a minimum Code Level 3, with an aspiration for Code Level 4.

5.13 The Principal Solicitor also suggested that the aspiration for Code Level 6 be kept in the condition, as part of the twenty year plan, as there was the opportunity for this to be relaxed throughout the life of the scheme, however the Committee could not recommend to enforce up to Code Level 6 in the future. The Assistant Director of Regeneration and Planning added that contractors were currently calculating measures to achieve Code Level 6 on current technology and this could be reduced throughout the life of the scheme.

5.14 The Chair felt that the aspiration for Code Level 6 should remain in condition e, page 166 of the report. This was **AGREED**.

**(Councillor Desmond did not take part in the vote, as he arrived during the discussion of the item.)**

**RESOLVED that:-**

**(A) The Council, taking account of the environmental information required under Regulation 3 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, resolves to GRANT APPROVAL; subject to any direction by the Mayor of London and the Government Office for London, and the following conditions:**

**(i) SCB3 Time limit:**

The development to which the permission relates must be begun not later than whichever is the later of the following dates:-

- a) The expiry of three years from the date of permission, or
- b) The expiry of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

REASON: As required by Section 92(2) of the Town and Country Planning Act 1990.

**(ii) Phasing:**

The development shall be implemented in accordance with the phasing plan provided in drawing 05111/022/C, titled, "Construction Phases", unless otherwise agreed in writing by the Local Planning Authority.

REASON: In order that the Local Planning Authority can be satisfied that the phasing of the development will be satisfactory.

**(iii) Construction:**

The applicant shall submit and resubmit until such time as approved in writing by the Local Planning Authority and so implemented, the following:

- a) Completion of a Construction Environmental Management Programme prior to the commencement of the development
- b) Construction Method Statement prior to commencement of each Phase or Quarter of development
- c) Considerate Contractors Agreement to be agreed by each developer for the relevant Phase or Quarter prior to commencement of each relevant Phase or Quarter.
- d) Provision of parking/loading/visitors for construction of each phases
- e) Provisions shall be made within the site to ensure that all vehicles associated with the demolition and construction of the development hereby approved are properly cleaned. 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: To ensure that the development causes the minimum disruption, environmental effect and harm to local amenity, including the passage of mud and dirt onto the adjoining highway in the interest of highway safety.

**(iv) ES Conditions:**

- a) The development hereby permitted shall strictly comply with the approved Masterplan drawings unless otherwise approved in writing by the Local Planning Authority.

Thursday, 16th October, 2008

REASON: To ensure that the development is completed in accordance with the Environmental Assessment in compliance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999

- b) The development hereby permitted shall be carried out in substantial accordance with the illustrative drawings listed in the Schedule at the head of this decision notice unless otherwise approved in writing by the Local Planning Authority.

REASON: To ensure that the development is completed in accordance with the Environmental Assessment in compliance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999

- c) The land uses shall only be located substantially in accordance with the masterplan, titled, "Woodberry Down Outline Planning Application Masterplan" unless otherwise approved in writing from the Local Planning Authority.

REASON: To ensure that the development is completed in accordance with the Environmental Assessment in compliance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999

- d) The siting of buildings shall be substantially in accordance with the masterplan, titled, "Woodberry Down Outline Planning Application Masterplan" unless otherwise approved in writing from the Local Planning Authority.

REASON: To ensure that the development is completed in accordance with the Environmental Assessment in compliance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999

- e) The height and massing of buildings shall be no greater than indicated in the masterplan, titled, "Woodberry Down Outline Planning Application Masterplan" unless otherwise approved in writing from the Local Planning Authority.

REASON: To ensure that the development is completed in accordance with the Environmental Assessment in compliance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999

(v) **Reserved Matters:**

This is an outline planning permission and the following matters are reserved for further approval: Design; External Appearance; and Landscaping. Detailed drawings of the proposed development showing the reserved and other matters, as set out below, must be submitted and resubmitted until such time as approved in writing by the Local Planning Authority and so implemented, before any work is commenced. The application for approval of the reserved matters must be made not later than the expiry of three years, beginning with the date of this permission. The development shall not be carried out otherwise than in accordance with the reserved matters thus approved:

- a) The layout of the site to a scale of not less than 1:500 and incorporating:
  - i) The siting of all buildings and ancillary structures of each Quarter
  - ii) The means of access to and from the site for each Quarter



- b) Full plans and elevations of all buildings and other structures showing the design and external appearance of the buildings and structures, and including details of all materials to be used for external surfaces for relevant Phase or Quarter.
- c) The internal layout of the accommodation on each floor, including the size and purpose of the rooms and the position of the fittings and facilities within each unit for the relevant Phase or Quarter.
- d) Details of residential uses of each Phase or Quarter, including size, number, tenure and habitable rooms.
- e) Residential amenity space details for each Phase or Quarter prior to commencement of works to that Phase or Quarter.
- f) The extent and position within the building(s) of the floorspace to be devoted to each use hereby permitted for the relevant Phase or Quarter.
- g) Details of public open space for each Phase or Quarter, detailing: location; boundaries; rights of ownership and maintenance details.
- h) The means of enclosure on all site boundaries, indicating clearly which are existing and which are proposed, and including full details of height, materials and construction for the relevant Phase or Quarter.
- i) The facilities to be provided for the storage and removal of waste materials for the relevant Phase or Quarter.
- j) The provisions to be made within the development to ensure that people with disabilities are able to gain full access to – and make adequate use of – the accommodation to be provided.

REASON: To ensure the satisfactory design, layout and external appearance of the development and to ensure that the proposed development does not prejudice the free flow of traffic and conditions of general safety along the neighbouring highway.

(vi) **Uses:**

- a) The development shall provide at least 1936 affordable housing units (41% of the accommodation), with the social housing in each Phase or Quarter to be capable of accommodating all existing residents of social housing accommodation wishing to relocate in that Phase or Quarter in accordance with the overall tenure and accommodation mix.

REASON: To ensure that the development accords throughout all its implementation Phases or Quarter with the Council's and London Plan affordable housing and housing mix planning policy objectives.

- b) All social rented units shall be designed to meet 'Parker Morris + 10%' accommodation standards as a minimum total floorspace in the relevant dwellings of the development.

REASON: To ensure that the development accommodates all residents seeking to return after completion, and to further the Council's and London Plan affordable housing and housing mix policy objectives.

- c) The affordable housing in the development shall consist of below market cost housing available to tenants wishing to return after vacating their property as a direct consequence of this development, and other people nominated by the Council and other Local Authorities through its Housing Allocation Scheme and the East London Sub-Region Nominations Protocol whose incomes are insufficient to enable them to afford to meet their housing needs locally within

the Borough of Hackney on the open market, and where the rent or price for such housing is reduced directly or indirectly by means of subsidy from the public private or voluntary sector and being either Social Rented Units or Intermediate Housing Units.

REASON: To ensure that implementation of the development accords with the Council's and London Plan affordable housing and housing mix policy objectives.

- d) Each transfer to a new landlord of an Affordable Dwelling shall:
- i) be with full title guarantee of a leasehold estate for a maximum of 125 years;
  - ii) provide, without additional cost to the Approved Registered Social Landlord, vehicular access and foul and surface water sewers and water, gas, electricity and telecommunications service systems for the dwelling linking in each case to the estate roads and service systems to be constructed and laid as part of the remainder of the Development and connected ultimately to highways and sewers maintainable at the public expense;
  - iii) contain a covenant by the Approved Registered Social Landlord not to amalgamate or sub-divide the Affordable Dwelling so that the Affordable Housing Mix will be maintained by the Approved Registered Social Landlord;
  - iv) be constructed to the prevailing design and performance requirements and standards set by the Housing Corporation;
  - v) in respect of a Social Rented Unit contain a covenant that the Unit is only used and to be used, occupied and retained in perpetuity and for no purpose other than for the provision of Social Rented Housing for occupation by tenants at rental levels being in accordance with the prevailing Housing Corporation rental structure;
  - vi) in respect of an Intermediate Housing Unit contain a covenant that the Unit is only used and to be used, occupied and retained in perpetuity and for no purpose other than for the provision of Intermediate Housing for occupation by purchasers in accordance with the Intermediate Housing Scheme.

REASON: To ensure that implementation of the development accords with the Council's and London Plan affordable housing and housing mix policy objectives.

- e) Intermediate Housing, being affordable housing available on a shared ownership basis (in accordance with the (London??) Intermediate Housing Scheme) shall be occupied by persons who at the commencement of their occupancy are in need of intermediate housing in terms set out in Paragraph 3.37 of the London Plan 2008 and the Mayor of London's Strategic Housing Strategy published September 2007 as revised from time to time.

REASON: To ensure that implementation of the development accords with the Council's and London Plan affordable housing and housing mix policy objectives.

- f) Not to Occupy, suffer or permit Occupation and/or use suffer or permit the use of any of the Open Market Dwellings unless or until:
- (i). the Affordable Dwellings have been transferred or agreed to be transferred to an Approved Social Registered Landlord in accordance with the Affordable Housing Terms;
  - (ii). the works of construction, conversion and fitting out of the Affordable Dwellings have been fully completed; and
  - (iii) the Planning Obligations Monitoring Officer has confirmed in writing to the Owner that the Affordable Dwellings have been constructed and are ready for Occupation in accordance with the covenants contained in this Agreement PROVIDED THAT this sub-clause shall be deemed to have been complied with if no written communication has been received from the Planning Obligations Monitoring Officer within 28 working days of the date on which the Affordable Dwellings were inspected;

REASON: To ensure that implementation of the development accords with the Council's and London Plan affordable housing and housing mix policy objectives.

- a) The development shall ensure that there are suitable arrangements to ensure implementation and management thereafter of all the new health and community facilities, primary and secondary education so as to serve the identified needs of additional residents in the completed development, in accordance with details to be approved and put into effect prior to occupation of any of the development.

REASON: To ensure that provision is made for health and educational needs arising from the development, in accordance with Policy CS2 of the Hackney UDP.

- b) Details of a suitable (site-specific or area-based) construction training and local labour recruitment programmes aimed at enhancing access to employment and acquisition of construction and allied skills shall be approved in writing and implemented or utilised as an integral part of the demolition and construction programme for the development.

REASON: To ensure that provision is made for educational needs arising from the development, in accordance with Policy CS2 of the Hackney UDP.

- c) All new health, educational and other community facilities located in buildings which also contain new dwellings shall be constructed and fitted out and details of a suitable management body approved prior to occupation of any of the dwellings within that part of the development.

REASON: To ensure that provision is made for community groups and activities to serve residents within the development, in accordance with Policy CS2 of the Hackney UDP.

**(xix) Open Space and Play Spaces**

- a) Details of management arrangements to secure the maintenance of internal roads, play and public open spaces and landscape shall be approved prior to commencement of any new development.

REASON: To ensure that open areas of the site do not deteriorate visually, in the interests of visual amenity across this substantial area.

- a) The playspaces shown in the Play Strategy shall be laid out ready for use prior to occupation of any dwellings in the adjoining blocks served by the play space.

REASON: To ensure that these play spaces are available to serve the development, in accordance with the play provision policies in the Hackney UDP and London Plan.

- e) Before development commences, details of all publicly accessible open space shall be submitted and resubmitted until such time as approved in writing by the Local Planning Authority. Development shall be in accordance with the approved details.

REASON: In order that the Local Planning Authority may be satisfied as to the details of the proposals in relation to policy OS2 of the Adopted UDP.

- f) A level access shall be provided to all ground floor 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.

- g) Prior to the commencement of each Phase or Quarter, a statement of viability shall be submitted in support of the housing mix proposed, and bringing forward running totals and estimates of achievement of the quantum and tenure of housing in the Woodberry Down.

- h) In the event of no transfer to a registered social landlord proposals for setting up a local management board or acceptable organisation shall be submitted and resubmitted until approved in writing by the Local Planning Authority for approval prior to first occupation of any of the proposed affordable housing.

REASON: To ensure that the delivery and retention of affordable housing is facilitated, in accordance with UDP and London Plan policies.

**(vii) External Appearance:**

- a) Full details, including samples, of the materials to be used on the external surfaces of the building, including glazing, for each relevant Phase or Quarter shall be submitted and resubmitted until such time as approved in writing by the Local Planning Authority before any work commences on site and so implemented. 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.

- b) A landscaping scheme illustrated on detailed drawings for each Phase or Quarter shall be submitted to and approved by the Local Planning Authority, in writing and so implemented, 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 is 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.

- c) Full details of all ground surface treatment to the site shall be submitted and resubmitted until such time as approved in writing by the Local Planning Authority and so implemented, before any work on the site is commenced. 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 visual amenity of the area.

(viii) **Highways/TfL:**

This is an outline planning permission and the following matters are reserved for further approval: Design; External Appearance; and Landscaping. Detailed drawings of the proposed development showing the reserved and other matters, as set out below, must be submitted and resubmitted until such time as approved in writing by the Local Planning Authority and so implemented, before any work is commenced within the relevant Phase or Quarter. The application for approval of the reserved matters must be made not later than the expiry of three years, beginning with the date of this permission. The development for each relevant Phase or Quarter shall not be carried out otherwise than in accordance with the reserved matters thus approved:

- a) The layout of the site to a scale of not less than 1:500 and incorporating:
1. Car parking details at a maximum provision of 50% per unit and further limited parking at locations where development is well serviced by public transport;  
Details of car parking provisions and facilities for Use Classes A1-3 and D uses for each relevant Phase or Quarters;
  2. Details of proposed Controlled Parking Zones to the relevant Phase or Quarters;
  3. Details of cycle parking provisions including numbers, covered and secure provisions for each Phase or Quarter;
  4. Details of a quiet route through the site for cyclists;
  5. Details of all bus stands/stops to be approved by TfL and LPA;



6. Details of alterations to Seven Sisters Road, including the proposed Circus
  7. Details of any proposed works to Finsbury Park entrance
  8. Details of all emergency access arrangements suitable for police, fire and ambulance service use.
- b) Details of car and cycle clubs for each relevant Phase or Quarters;
- b. All public rights of way to be preserved to allow a maximum accessibility and include a provision of a minimum of 2m wide footpaths with safe even surfaces and road crossings suitable for wheelchair users;
  - c. Full details of land ownership and adoption for each Phase or Quarter
  - d. Details of highway improvements around Manor House station prior to commencement of works to the station

REASON: To ensure the satisfactory design, layout and external appearance of the development and to ensure that the proposed development does not prejudice the free flow of traffic and conditions of general safety along the neighbouring highway.

- c) Before the use hereby permitted first commences, at least 10% of the units (provision for 2 or more bed units) 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.

- d) Safety Audit Stages 1 and 2 – Safety in Design
- e) Secure by Design – The layout shall be tested for safety along with building security.
- f) Adequate visibility shall be provided to the highway within the application site above a height of one metre from footpath level for a distance of three metres on one/both side(s) of the permitted points of vehicular access, in accordance with details to be approved by the Local Planning Authority before any work on the site is commenced, and be so maintained.

REASON: To provide a suitable standard of visibility to and from the highway and to ensure that the use of the access does not prejudice the free flow of traffic and conditions of general safety along the neighbouring highway.

- g) Details of other new roads prior to commencement of each Phase or Quarter of development
- h) The layout of the site to a scale of not less than 1:500; incorporating full details of Junctions 1 to 18.

REASON: To ensure the satisfactory design, layout and external appearance of the development and to ensure that the proposed development does not prejudice the free flow of traffic and conditions of general safety along the neighbouring highway.

- j) The layout of the site to a scale of not less than 1:500; incorporating full details of modified roads for each Phase or Quarter.

REASON: To ensure the satisfactory design, layout and external appearance of the development and to ensure that the proposed development does not prejudice the free flow of traffic and conditions of general safety along the neighbouring highway.

- k) No part of the development hereby approved shall be occupied until accommodation for car parking, turning and loading/unloading has been provided in accordance with the approved plans, and such accommodation shall be retained permanently for use by the occupiers and/or users of, and/or persons calling at, the premises only, and shall not be used for any other purposes.

REASON: To ensure that the proposed development does not prejudice the free flow of traffic or public safety along the neighbouring highway(s) and to ensure the permanent retention of the accommodation for parking/ loading and unloading purposes.

- l) Vehicular access to the site shall be only via the permitted access.

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

- m) Prior to first occupation of respective Phases or Quarters of the proposed new residential development, a Travel Plan (including information on sustainable transport) shall be submitted and resubmitted until such time as approved in writing by the Local Planning Authority. The Travel Plan shall then be implemented prior to occupation of the relevant housing areas, and shall be so maintained for the duration of the use, unless prior written approval of the Local Planning Authority is obtained in writing.

REASON: To ensure that the travel arrangements to the school are appropriate and to limit the effects of the increase in travel movements.

- n) Prior to first occupation of the proposed retail/ commercial, schools, business/training centre health and community centres and all other non-residential uses, Travel Plans for the respective uses and/or Phases or Quarters shall have been submitted to and approved by the Local Planning Authority. The Travel Plan shall then be implemented prior to the use commencing and shall be so maintained for the duration of the use, unless prior written approval of the Local Planning Authority is obtained in writing.

REASON: To ensure that the travel arrangements to all of the non-residential uses and facilities are appropriate and to limit the effects of the increase in travel movements.

- o) Details of continuing implementation and monitoring of the Travel Plans as required in Conditions (m) and (n) shall be submitted and resubmitted until such time as approved in writing by the Local Planning Authority to enable monitoring for a period of 2 years from first occupation of these uses.

REASON: To ensure that the travel arrangements are appropriate, and to limit the effects of the increase in travel movements.

- p) No commencement of construction on Junctions 1 – 18 shall take place until the Local Highway authority has signified full approval of the works proposed through a suitable formal Agreement.
- q) Within two months of completion of each Phase or Quarter of the proposed development, as identified on the application drawings, all redundant accesses located within the area of development of that Phase or Quarter and not incorporated in the development shall be permanently closed with the kerbs, footway and verge reinstated in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

REASON: To limit the number of access points along the site boundary for the safety and convenience of highway users in accordance with Policy TR19 of the UDP.

- r) No construction shall commence until such time as the Applicant has entered into a legal Agreement with the Council pursuant to S278 Highways Act 1980 substantially in the format appended at Second Schedule to cover all works to the public highway, including such matters as highway layout and junction alterations, new parking bays and pavement works.

REASON: To ensure that details of construction and implementation are acceptable in highway terms.

- s) No construction shall commence until such time as the Applicant has entered into a legal Agreement with the Council pursuant to S38 Highways Act 1980 substantially in the format appended at the Fourth Schedule to cover the adoption of all new sections of the public highway, including such matters as highway layout and junctions, new parking bays and pavements/ cycle routes.

REASON: To ensure that details of construction and implementation are acceptable in highway terms.

- t) Prior to occupying any residential dwelling forming part of the Development each new resident of the Development shall be informed by the relevant Owner of the Council's policy that they shall not be entitled (unless they are the holder of a disabled persons badge issued pursuant to Section 21 of the Chronically Sick and Disabled Persons Act 1970) to be granted a Residents Parking Permit to park a vehicle in a Residents Parking Bay and will not be able to buy a contract to park within any car park owned, controlled or licensed by the Council.
- u) This permission shall not include details of the siting of the two foot/cycle bridges shown across the New River (northern section) or their linkages on to Eade Road, Haringey and areas beyond, which shall be the subject of separate applications to Hackney and Haringey Councils as the Local Planning Authorities for each side of this part of New River.

**REASON (NSC)** To enable the detailed routing, design and related amenity issues arising on both sides of New River to be considered when detailed proposals for the bridges are ready to be brought forward at the appropriate Phase of the Woodberry Down redevelopment.

(ix) **Environment Agency:**

- a) A buffer zone a minimum of 5 metres wide, measured from the bank top, alongside the New River for the full extent of the site shall be established in accordance with details which shall be submitted to and resubmitted as necessary until approved in writing by the Local Planning Authority before the development commences, and so implemented. Bank top is defined as the point at which the bank meets the level of the surrounding land. The width of this buffer zone may have to be increased beyond 5 metres if any buildings bordering the buffer zone are greater than two storeys in height. The buffer zone should be planted and free from all hardstanding, fences or formal/ornamental gardens.

**REASON:** To maintain the character of the watercourses and provide undisturbed refuges for wildlife using the river corridor.

- b) All planting within the 5m buffer zone to the New River shall be only of locally native plant species, of UK genetic origin.

**REASON:** Use of locally native plants in landscaping is essential to benefit local wildlife and to help maintain the regions natural balance of flora. Native insects, birds and other animals cannot survive without the food and shelter that native plants provide - introduced plants usually offer little to our native wildlife. Local plants are the essence of regional identity and preserve the character of the British landscape. Local plants are adapted to local soils and climate, so have low maintenance requirements. In addition, planting locally native plants helps to prevent the spread of invasive plants in the region.

- c) A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas including the buffer zone, other than small, privately owned, domestic gardens shall be submitted and resubmitted until approved in writing by the Local Planning Authority before the development commences, and so implemented. The landscape management plan shall be carried out as approved.

**REASON:** To protect/conserves/enhance the natural features and character of the area.

- d) All water crossings shall be by clear spanning structures (from banktop to banktop) that will not impede the river corridor and allow the migration of both channel and bank species. Bridges should be designed to have a minimum impact upon the watercourse, with the abutments set back from the watercourse on both banks to provide a strip of natural bank top beneath the bridge. They should, preferably, be as high and as small as practical. Footbridges should be constructed with open board treads to allow light through to the bank and channel below.

REASON: Clear-spanning bridges will maintain a continuous buffer zone and provide a corridor for the passage of wildlife and reduce the risk of pollution from run-off.

- e) There shall be no hard engineered bank protection works or re-profiling of the bank beneath or around any bridge over the New River.

REASON: This condition is necessary to maintain the continuity of the wildlife corridor along the New River.

REASON: To ensure this continuity is retained, it is important that the area beneath the bridge is not lost to concrete or other such hard material used for bank protection.

- f) Any artificial lighting within the development shall be of a focused and directional nature to ensure that there is no light spill into the buffer zone.

REASON: Artificial light can harm the ecology of an area through disruption of the natural diurnal rhythms of wildlife. The river channel with its wider corridor should be considered Intrinsically Dark Areas and treated as recommended under the Institute of Lighting Engineers "Guidance Notes for the Reduction of Light Pollution".

- g) There shall be no storage of materials within the 5 metre buffer zone to the New River. This must be suitably marked and protected during development and there shall be no access within this area during development. There shall be no fires, dumping or tracking of machinery within this area.

REASON: To prevent solid materials from entering the watercourses and causing pollution. To reduce the impact of the proposed development on the existing buffer zone and the movement of wildlife along the river corridor.

- h) No development approved by this permission shall be commenced until details of the use, handling or storage of any hazardous substance included in the Schedule to the Planning (Hazardous Substances) Regulations 1992 has been submitted and resubmitted until approved by the Local Planning Authority, and so implemented.

REASON: To prevent pollution of the water environment, by the use, handling or storage of hazardous substances in lesser quantities than prescribed in the regulations.

- i) The construction of the planned drainage system shall be carried out in accordance with details submitted and resubmitted until approved in writing by the Planning Authority before the development commences, and so implemented.

REASON: To prevent pollution of the water environment.

- j) No development approved by this permission shall be commenced until the Local Planning Authority is satisfied that adequate sewerage infrastructure will be in place to receive foul water discharges from the site. No buildings (or uses)



hereby permitted shall be occupied (or commenced) until such infrastructure is in place.

REASON: To prevent pollution of the water environment.

- k) No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.

REASON: to prevent pollution of controlled waters.

- l) Surface water source control measures shall be carried out in accordance with details which shall be submitted and resubmitted until approved in writing by the Local Planning Authority before development commences, and so implemented. In order to discharge this condition, we require that the following information be provided:

1. A clearly labelled drainage layout plan showing pipe networks and any attenuation ponds, soakaways and drainage storage tanks. This plan should show any pipe 'node numbers' that have been referred to in network calculations and it should also show invert and cover levels of manholes.
2. Confirmation of the critical storm duration.
3. Where infiltration forms part of the proposed stormwater system such as infiltration trenches and soakaways, soakage test results and test locations are to be submitted in accordance with BRE digest 365.
4. Where on site attenuation is achieved through attenuation ponds or tanks, calculations showing the volume of these are also required.
5. Where an outfall discharge control device is to be used such as a hydrobrake or twin orifice, this should be shown on the plan with the rate of discharge stated.
6. Calculations should demonstrate how the system operates during a 1 in 100 year critical duration storm event. If overland flooding occurs in this event, a plan should also be submitted detailing the location of overland flow paths.

REASON: To prevent the increased risk of flooding and to improve water quality. The above information should reflect the drainage strategy submitted as part of the outline planning application.

(x) **Environmental Health:**

- b) Details of Street Cleansing arrangements for each Quarter to be submitted and resubmitted until such time as approved in writing by the Local Planning Authority prior to commencement of construction, and

REASON: To ensure the implementation of the Council's street cleansing policies.

- c) Details of a Waste Management and Recycling Plan to be submitted and resubmitted until such time as approved in writing by the Local Planning Authority prior to the occupation of each Quarter or Phase.

REASON: To ensure the implementation of the Council's waste management and recycling policies.

(xi) **Renewable Energy & Other Sustainability Issues:**

- a) Before development commences for each Quarter, details for compliance with the Woodberry Down Energy Strategy with an Energy Demand Assessment and detailing renewable energy technologies and energy efficiency measures in the development shall be submitted and resubmitted until such time as approved in writing by the Local Planning Authority, and so implemented. The submitted details shall include an assessment of how the inclusion of renewable energy technologies will contribute towards the reduction of carbon emissions from the development. The development shall be carried out in accordance with the approved details.

REASON: To ensure the proposed development contributes towards the objectives of the Mayor's Energy Strategy in accordance with Policies 4A.7 and 4A.9 of the London Plan.

- b) Prior to commencement of development full details of the locations of the proposed biomass facilities, including all associated storage, and a strategy for managing deliveries to these facilities are to be submitted and resubmitted until such time as approved in writing by the Local Planning Authority and the development shall be constructed and operate thereafter fully in accordance with the approved details.

REASON: In the interests of maintaining free-flow of traffic and preventing adverse impact on highway safety in accordance with the principles set out in the Hackney UDP.

- c) Prior to commencement of development full details of the locations of the proposed wind turbine facilities are to be submitted and resubmitted until such time as approved in writing by the Local Planning Authority and the development shall be constructed and operate thereafter fully in accordance with the approved details.

REASON: To ensure the satisfactory design, layout and external appearance of the development and to ensure that the proposed development does not prejudice the free flow of traffic and conditions of general safety along the neighbouring highway.

- d) Before development commences for each Quarter, full details and locations of the proposed Energy Centre locations for each Quarter or Phase detailing renewable energy technologies and energy efficiency measures in the development shall be submitted and resubmitted until such time as approved in writing by the Local Planning Authority. The submitted details shall include an assessment of how the inclusion of renewable energy technologies will contribute towards the reduction of carbon emissions from the development. The development shall be carried out in accordance with the approved details.

REASON: To ensure the proposed development contributes towards the objectives of the Mayor's Energy Strategy in accordance with the London Plan.

- e) The approved housing shall be constructed to a minimum Code for Sustainable Homes Level 4 standard in the case of Phase 1, to reach Level 6 by later Phases or Quarters of the development at a rate to be agreed through submission of Reserved Matters for each subsequent Phase or Quarter. Details of the independent code assessor's report shall be submitted prior to any work occurring on the relevant part of the development. Details of the final Code Assessment for dwellings or groups of dwellings shall be submitted and approved in writing as soon as they have been carried out, prior to first occupation of those dwellings.

REASON: To ensure that the development makes a contribution to the energy and resource efficiency priorities and other sustainability objectives which are embodied in the government's Code for Sustainable Homes accreditation scheme.

- f) Full details of a biodiverse, 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.

- h) Before development commences in each Phase or Quarter, details of how the following measures are being utilised shall be submitted to and approved in writing by the Local Planning Authority:

- Water recycling measures
- Sustainable Urban Drainage Systems
- Recharging points for electric vehicles

REASON: To minimise cumulative flood risk promote, sustainable urban drainage and to maximise opportunities for new forms of more sustainable transport.

(xii) **Contamination:**

Prior to the commencement of works, a detailed site investigation for each Phase or Quarter shall be carried out to establish if the site is contaminated, to assess the degree and nature of the contamination present, and to determine its potential for the pollution of the water environment. A soil contamination report shall be submitted to – and appropriate remedial measures agreed with – the Local Planning Authority, in writing, and implemented prior to the commencement of any work on site.

REASON: To establish whether there are any land decontamination measures required to prepare the site for development.

(xiii) **Archaeology:**

No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of

investigation for each Phase or Quarter, which has been submitted and resubmitted until such time as approved in writing by the Local Planning Authority. The development shall only take place in accordance with the detailed scheme approved pursuant to this condition. The archaeological works shall be carried out by a suitably qualified investigating body acceptable to the Local Planning Authority.

REASON: To safeguard the archaeological interest of the site, which is within an Area of Archaeological Priority.

(xiv) **Trees & Landscape, Play Areas:**

- a) Before development commences in each Phase or Quarter, a detailed Tree Survey/Retention Plan (plan and schedule) indicating precise location, species, height and condition of each tree accurately plotted and showing which trees are to be retained and which are proposed for felling shall be submitted and resubmitted until such time as approved in writing by the Local Planning Authority before any work commences on site.

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.

- b) No demolition, site clearance or building operations shall commence until chestnut paling fencing of a height not less than 1.2 metres shall have been erected around each tree or tree group to be retained on the site, at a radius from the trunk of not less than 4.5 metres. Such fencing is to be maintained during the course of development to the satisfaction of the Local Planning Authority.

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

- d) A detailed landscape and open space Strategy for the whole Woodberry Down site shall be submitted and resubmitted until approved in writing by the Local Planning Authority, and so implemented throughout each Phase or Quarter.

REASON: To accord with UDP and London Plan policies for maintenance and enhancement of the open environment and landscape.

- d) A detailed Play Strategy shall be submitted and resubmitted until approved in writing by the Local Planning Authority for each Phase or Quarter of the development, to be consistent with the aims and content of the Masterplan.

REASON: To accord with UDP and London Plan policies for creation and maintenance of safe and convenient play facilities both near to housing and on a larger scale to serve the development and area.

- e) The site-wide sustainable drainage system shall be provided in accordance with the submitted flood risk assessment document under the master plan application dated March 2008.

REASON: To accord with London Plan and UDP flooding and water conservation policies.

(xv) **Lighting:**

- a) Prior to the commencement of the development, details of a lighting strategy for the development site shall be submitted and resubmitted until such time as approved in writing by the Local Planning Authority, setting out the general distribution and design guidelines for all installations in the development and its public realm areas in accordance with the Council's adopted Public Realm Design Guide, and so implemented.

REASON: To ensure that the principles of location and design of external lighting are acceptable in terms of adopted design principles, including the Woodberry Down Design Code, and enhance public safety and crime prevention.

- b) Prior to the development commencing in the relevant Phase or Quarter, details of lighting of all public areas shall be submitted and resubmitted until such time as approved in writing by the Local Planning Authority. The approved lighting shall be installed before any use in the relevant Phase or Quarter commences and maintained thereafter.

Prior to the commencement in the relevant Phase or Quarter, full details of the lighting of all buildings shall be submitted. The approved lighting shall be installed before the relevant use and maintained thereafter.

REASON: To ensure that the detailed location and design of external lighting are acceptable in terms of adopted design principles, including the Woodberry Down Design Code, and enhance public safety and crime prevention.

(xvi) **Noise/Extraction**

1. Before development commences in each Phase or Quarter, a scheme for sound insulation and noise control measures should be submitted and resubmitted until such time as approved in writing by the Local Planning Authority, and permanently retained thereafter to achieve the following internal noise targets:

Bedrooms (23.00-07.00 hrs) 35 dB  $L_{Aeq}$ , and 45 dB  $L_{max}$  (fast)  
Living Rooms (07.00-23.00 hrs) 40 dB  $L_{Aeq}$

2. The rating level of the noise emitted from fixed plant on the site shall be 10dB below the existing background level at any time. The noise levels shall be determined at the façade of any noise sensitive property. The measurements and assessments shall be made according to BS4142:1997.
3. 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 and resubmitted until such time as approved in writing by 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.

4. With reference to 2 above, details of CHP plants and in particular the acoustic data to be forwarded to this department for approval prior to planning approval.
5. No development shall commence on site (including site clearance) until such time as an Environmental Management Plan has been submitted and resubmitted until such time as approved in writing by the Local Planning Authority, which shall be required to cover the following items:
  - a) Dust mitigation measures
  - b) The location of plant and wheel washing facilities and operation of such facilities
  - c) Details of measures to be employed to mitigate against noise and vibration arising out of the construction process demonstrating best practical means
  - d) Construction traffic details (volume of vehicle movement likely to be generated during the construction phase including routes and times)
  - e) Security Management (to minimise risks to unauthorised personnel)
  - f) Training of Site Operatives to follow the Environmental Management Plan requirements
6. Full written details, including relevant drawings and specifications, of the proposed works of sound insulation against airborne noise to meet  $D'_{nT,w} + C_{tr}$  dB of not less than 55 between the ground floor and first floor, where residential parties non domestic use, shall be submitted and resubmitted until such time as approved in writing by the Local Planning Authority. The use hereby permitted shall not commence until the sound insulation works have been implemented in accordance with the approved details. The sound insulation shall be retained permanently with the approved details.

(xvii) **Nature Conservation**

- a) A nature conservation strategy shall be submitted both for the overall Woodberry Down development and for each Phase or Quarter, consistent with the Masterplan proposals to show how baseline conditions for species and habitats are maintained and where possible enhanced. Further details and consideration of the following shall be incorporated:
  - Impacts of disturbance on gadwall and other water birds which commute between the site and the Lea Valley Special Protection Area.
  - Assessment of impacts (positive and negative) on ecology and access to nature along the New River in respect to detailed access and landscaping.
  - More detailed consideration and, if necessary, mitigation of impacts on the common toad, now a UK Biodiversity Action Plan priority species.
  - Conditions to minimise impacts of lighting on bats and waterfowl.
  - Opportunities for further mitigation and enhancement of the river and reservoirs

(xviii) **Technical Reports**

- a) Prior to the occupation of each Phase or Quarter of development, a TV reception survey shall be submitted and resubmitted until such time as approved in writing by the Local Planning Authority (carried out pre and post development) to ensure that no loss of reception occurs, with mitigation details of any loss of TV reception.

REASON: To minimise any loss of amenity for existing occupiers.

(xix) **Permitted Development Rights – Dwelling-Houses and other Buildings**

- a) No buildings, extensions or alterations permitted under Classes A,B,C,D and E shall be carried out without prior written approval from the Local Planning Authority.

REASON: To enable the Local Planning Authority to consider the acceptability of extensions or alterations in relation to their impact on garden size, neighbours and external appearance of the building(s).

- b) No plumbing or pipes, other than rainwater pipes shall be fixed to the external faces of the buildings

REASON: To ensure that the elevations as approved at detailed stage are not cluttered with pipework which may detract from their external appearance.

**Highways: Parking Strategy**

The details of car parking submitted with this application shall be regarded as illustrative and a vehicle parking Strategy shall be submitted and resubmitted until such time as approved in writing by the Local Planning Authority and so implemented, before any of the reserved matters for any part of the development are considered. The Strategy shall set out:

- (i) the principles of quantity and location of on-street vehicle parking for each Phase or Quarter of the development reflecting priority for occupiers of family-sized dwellings (3 bed plus) and the restraint objectives of current London Plan policy in the light of levels of public transport accessibility (PTALs) across the site;
- (ii) the location of on-street parking spaces and their intended relationship with Highway adoption proposals and proposals to cater for Woodberry Down Estate residents whose dwellings are to be demolished as part of the development.
- (iii) Proposals for on-site management of the underground and undercroft parking areas.
- (iv) Proposals for the servicing of shops and other non-residential uses.

REASON: To ensure the satisfactory design, layout and external appearance of the development and to ensure that the proposed development does not prejudice the free flow of traffic and conditions of general safety along the neighbouring highway.

(xx) **Section 106 Agreement**

- (a) No part of the development or any related operations shall commence until such time as a legal Agreement with the Council pursuant to Section 106 of the Town & Country Planning Act 1990 substantially in the format appended at the Third Schedule has been entered into to secure contributions to achieve the following infrastructure and mitigation measures necessary to acceptable development of the site:

### **Transport**

- i) Highway works to upgrade Seven Sisters Road and create a landscaped boulevard linking the two parts of Woodberry Down (£4.7m) and internal road layout works
- ii) Transport impact mitigation, including improvements to bus capacity (£270,000) and new pedestrian and cycle routes
- iii) Requirement to carry out and monitor the Travel Plans for the site (£25,000)
- iv) Study to extend or create a new Controlled Parking Zone (CPZ)(£20,000) – in the event of introduction of a CPZ, new residents within subsequent Phases or Quarters of the development that, at the time the CPZ comes into being, have reserved matters relating to that Phase yet to be approved, shall not to be eligible for on-street parking permits
- v) Introduction and running of Car Club to cover the site (£100,000)

### **Community**

- vi) Contribution to Library facilities (£263,000)
- vii) Provision of Public Art (£100,000)
- viii) Provision of Youth Centres and facilities (£400,000)
- ix) Provision of Three satellite community facilities (£1m)
- x) Laying out and maintenance of strategic and communal open spaces (Costs to be confirmed)

### **Community Safety**

- xi) Provision of Site-wide CCTV system (£150,000)

### **Education**

- xii) Contributions to layout and boundary relationship with City Academy (£700,000)
- xiii) Woodberry Down Primary School improvements (£6.5m)
- xiv) New Children's Centre (£700,000)
- xv) New Adult Learning Centre (£2m)

### **Energy & Sustainability**

- xvi) Provision of Community Heat & Power & other technologies to advance site-wide use of renewable energy (estimated. C. £10m)
- xvii) Achievement of highest possible Assessment levels across the site under Code for Sustainable Homes

**REASON: (NSC)** To ensure that this major urban redevelopment is founded on the physical and other infrastructure necessary to achieve an environmentally and socially sustainable community.

### **INFORMATIVES**

(Sl.1) Building Control

(Sl.2) Work Affecting Public Highway

(Sl.3) Sanitary, Ventilation and Drainage Arrangements

(Sl.7) Hours of Building Works

(Sl.24) Naming and Numbering

(as Environment Agency letter of 2.10.08) Conservation



(as Environment Agency letter of 2.10.08) Soil Remediation

(as Environment Agency letter of 2.10.08) Discharge

(as Environment Agency letter of 2.10.08) Potential Contamination

(as Environment Agency letter of 2.10.08) Abstraction Licence

(EA) Geothermal systems

It is recommended that the principal contractor applies for Section 61 consent under Control of Pollution Act 1974 for prior consent for demolition/construction phases.

**(NSI):** The London Plan (policies 3A.1: 3A.2: 3A.5: 3A.10: 3A.13: 3A.18: 3A.20: 3A.21: 3B.1: 3B.11: 3C.1: 3C.2: 3C.3: 3C.20: 3C.21: 3C.23: 3D.10: 3D.14: 4A.3: 4A.4: 4A.7: 4A.19: 4A.20: 4B.1: 4B.2: 4B.3: 4B.4: 4B.5: 4B.8: 4B.9: 4B.11 & 5C.1) and also 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, EQ16, EQ18, EQ46, EQ48, HO3, E14, E18, R4, R8, TR19, ACE6 and ACE8. The detailed application of these policies is also summarised at paragraph 9.2 of this report.

In deciding to grant planning permission the Council has also had regard to the relevant Policies of the Woodberry Down Area Action Plan – Supplementary Planning Guidance, August 2004, as well as relevant national and regional guidance.

This permission does not extend to Vivian House or Dovedale House, which are outside of the development area of the application.

## **6 St Mary's Old Church, Stoke Newington Church Street, N16 9ES**

**2008/1099** – (Full Planning Application) Erection of a part single-storey and part three-storey rear extension and change of use to provide a new community arts centre with kitchen/servery facilities and one bedroom flat with balcony at second floor level involving partial demolition of the church building. Opening hours 10:00 to 23:00 hours daily.

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

6.2 Anderson Inge, spoke in objection to the scheme, his comments are summarised as follows:

- This was the second round of consultation, however this was not reflected on the notice on-site or on the Council's website.
- What was the need for the project?
- Was the proposal financially viable as it was to be funded by the commercial flat located on-site?
- Design inappropriate for the location.
- Did not feel that the proposal was an enhancement of the existing building.
- Felt the drawings were inadequate – not in colour and could not be accessed on the Council's website.

- 6.3 Jonathan Clark and Matthew Lloyd spoke in support of the scheme, their comments are summarised as follows:
- There was a need for something to be done with the structure of the building and for the church to be brought back into use and become the 'hub of the community'.
  - Received lots of support for the activities proposed.
  - There were no plans to build on the grave yard.
  - The flat was a source of income and would allow a range of activities to be provided, to a range of different social groups.
  - The extension would provide a multifunctional flexible space, which fits the brief.
  - The proposal is very heavily conditioned, including the design and materials and they have the high aspirations for the scheme.
  - Following consultation, between 150-200 expressed their support for the scheme. All members of the St Mary's Old Church were also thoroughly behind the proposal.
- 6.4 The Urban Design and Conservation Manager stated that the Council had worked closely with the architect and English Heritage and had previously visited the site. The Council strongly supports the proposal, which provides a unique new space which respects the historical architecture.
- 6.5 Councillor Desmond referred to boxed pews and what was planned for these, as he felt they should be preserved. Jonathan Clark explained that this would be dealt with under faculty procedures, which were not in place yet. The plan was for the oldest south aisle to be retained and restored in situ. He added that they did have the facility to store such items if necessary.
- 6.6 In response to a query regarding the materials, it was confirmed that the proposed materials would come back to Committee for approval.

**Unanimously RESOLVED that:-**

<b>Permission be GRANTED, subject to the following conditions:</b>
--

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**

In order to preserve the appearance of St Mary's Old Church, details, including samples, of all materials to be used on the external surfaces of the new extension, boundary walls and ground surfaces shall be submitted to and approved by the Local Planning Committee, 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 new extension showing the matters set out below must be submitted to and approved by the Local Planning Authority, in writing, before work on the matters set out below is commenced. The development shall not be carried out otherwise than in accordance with the details thus approved. All the details set out below shall be submitted together and at the same time.

- Windows; all clear and obscure glazing
- Doors
- All exterior materials, including the wood panelling
- External lighting

REASON: To ensure that the external appearance of the building is satisfactory and satisfies design quality requirements, as well as safety of the public realm.

**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. SCI3 – No roof plant**

No roof plant (including all external enclosures, machinery and other installations) shall be placed upon or attached to the roof or other external surfaces of the building.

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.

**7. SCD1 – Level Access**

A level access shall be provided to and within the new community arts hall 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.

**8. 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. The details as approved and implemented shall be permanently retained on the site.

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.

**9. SCG1 – Restriction on Hours**

The use hereby permitted may only be carried out between 10:00 hours and 23:00 hours on any day.

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

**10. CH10 – Provision for bicycles**

Space shall be made available for the parking of 3 cycles within the new St Mary's Church site before the use of the community arts centre is first commenced.

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

**11. CH8 – Parking for people with disabilities**

Before the use hereby permitted first commences, at least 2 car parking spaces shall be marked and retained permanently for use by the vehicles of persons with disabilities within the site of the new St Mary's Church on the opposite side of Stoke Newington Church Street.

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

**12. CL10 – Archeological Investigation**

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

REASON: To safeguard the archaeological interest of the site, which is within a Area of Archaeological Priority.

**13. CL11 – Archaeology and Foundations**

No work on site shall take place until a detailed design and method statement for the foundation design and all new groundworks has been submitted to and approved in writing by the Council, as local planning authority. The development hereby approved shall only take place in accordance with the detailed scheme approved pursuant to this condition.

REASON: To safeguard the archaeological interest of the site, which is within a Area of Archaeological Priority.

**14. CR2 – Dustbin Enclosures (details to be approved)**

Details of dustbin 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.

REASON: In order to provide for adequate bin enclosures in the interest of the appearance of the site and area.

**15. CT1 – 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.

**16. CT2 – Provision of Landscaping as Approved**

The landscaping scheme hereby approved as part of the development shall be carried out within a period of twelve months from the date at 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 in the interests of the appearance of the site and of the area generally.

**17. CT3 – Protection of trees during site works**

No development will take place on site until full details of tree protection have been submitted to, and approved in writing by, the Council and until such approved protection has been erected on site.

Tree protection will be in accordance with BS5837:2005 (Trees in relation to construction - Recommendations) and will protect the root protection area calculated as described in Table 2 of that British Standard.

The protective fencing will be 2.4m high and conform to Figure 2 of BS5837:2005 i.e. a scaffold framework comprising a vertical and horizontal framework, well braced to resist impacts, with vertical tubes spaced at a maximum interval of 3m. On to this weldmesh panels should be securely fixed with wire or scaffold clamps.

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

**18. CT5 – No removal, felling, topping or lopping of trees**

No tree within the curtilage of the site shall be wilfully damaged or destroyed and no tree shall be removed, lopped, topped, felled or uprooted without the prior consent in writing of the Local Planning Authority.

REASON: To accord with the requirements of Section 197(a) of the Town and Country Planning Act 1990 and to provide for the retention and protection of existing trees in the interests of the appearance of the locality.

**19. SC – Non standard condition**

Prior to commencement of any works, the applicant shall submit a report detailing the potential noise impacts on nearby residents and the relevant mitigation measures proposed. The report, along with any proposed remedial measures shall be approved by Council's Pollution Group prior to the commencement of any works. The development shall be carried out fully in accordance with remedial measures thus approved and the measures shall be retained thereafter.

REASON: To ensure the proposal is acceptable for the occupants.

**20. SC – Non standard condition**

A vegetation-covered roof (or 'green roof') system is to be established on the new extension's roof surfaces as shown in the approved plans. Details thereof shall be submitted to the Local Planning Authority and approved in writing before occupation of the development hereby approved first commences.

REASON: To enhance the character and ecology of the development.

**21. SC – Non standard condition**

No deliveries shall be taken or dispatched from the premises outside 08:00 hours to 24:00 hours any day.

REASON: To safeguard from noise and disturbance to residential occupiers.

**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; EQ12 - Protection of Conservation Areas; EQ13 - Demolition in Conservation Areas; EQ14 - Alterations and Expansions of buildings in Conservation Areas; EQ16 - Protection of Listed Buildings; EQ17 - Alterations to Listed Buildings; EQ18 - Setting of Listed Buildings; EQ19 - Changes of Use of Listed Buildings; EQ20 - Buildings of Local Significance; EQ29 - Archaeological Heritage; EQ31 - Trees; EQ40 - Noise Control; EQ42 - Air Pollution; EQ48 - Designing out Crime; HO3 - Other sites for Housing; TR19 - Planning Standards; OS5 - Development Affecting Open Spaces and Parks; OS6 - Green Chains and Links; CS8 - Places of Religious Worship; ACE1 - New Arts, Culture and Entertainment Development; ACE8 - Planning Standards; and, TR19 - Planning Standards.

The following policies 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; 3C.2 - Matching development to transport capacity; 3C.16 - Tackling congestion & reducing traffic; 3C.20 -

Improving conditions for walking; 3C.21 - Improving conditions for cycling; 3C.22 - Parking strategy; 4A.1 - Tackling climate change; 4B.1 - Design principles for a compact city; and, 4B.2 - Promoting world-class architecture and design.

## 7 196 Evering Road, E5

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 alterations to the front lightwell and front basement windows, alterations to the rear elevation including replacement of existing doors at raised ground floor and first floor mezzanine level with sash windows.

- 7.1 The Planning Officer introduced the report as set out in the agenda.
- 7.2 Alan Binnie, spoke in objection to the scheme, his comments are summarised as follows:
- Speaking on behalf of petitioners.
  - Factual inaccuracies within the report, including the name of the applicant is not the same as on the original submission; revised plans still show side steps which is incorrect.
  - Three conflicting plans shown on the Council's website.
  - The room size and layout is too dense for the site.
  - The report stated that the building was in a poor state of disrepair, however, the building was in a extremely good state and had not been unoccupied for long periods of time.
  - Always had ground level access and no side steps had ever existed.
  - There was an issue with the building not having disabled access.
- 7.3 Jay Patel, Architect, spoke in support of the scheme, his comments are summarised as follows:
- They had undertaken pre-application discussions with residents association representatives.
  - They had previously visited the site with the Planning Officer.
  - Staff from the Building Control Team visited the site on three separate occasions and confirmed that the plans met with building regulations.
  - The roof terrace had been removed and this was just to be a flat roof. Jay Patel stated that the applicant was happy for this to be conditioned.
  - The name of the applicant was the same as originally submitted.
- 7.4 Following a query from Councillor Buitekant regarding there being no toilet in flat 2, it was confirmed that this had been missed off the plan.
- 7.5 The Chair made reference to the side entrance to the property and it was explained that there was a standard 6cm threshold and this could be accessed by a disabled person. The architect added that a ramp could be installed.
- 7.6 Reference was made to the indication from the Architect that the flat roof be conditioned. This was **AGREED**.

**RESOLVED that:**

**Planning permission be GRANTED, subject to the following conditions:**

1. **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.

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. **SCR2 – Dustbin Enclosures**

Details of dustbin and recycling enclosures showing the design, 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 provide for adequate bin and recycling enclosures in the interest of the appearance of the site and area.

4. **Roof Terrace**

The flat roof of the property shall not be used as a terrace, balcony, or sitting out area.

REASON: To ensure the use of the development does not harm the amenity of neighbouring occupiers.

**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], HO3 [Other Sites for Housing] and H012 , [Conversions], H016 [Housing for people with disabilities], Policy 3A.2: [Borough Housing Targets], Policy 3A.4: [Housing choice], and Policy 4B.1: [Designing Principles for a compact City] 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, Dorothy Hodgkin House, 12 Reading Lane, London, E8 1HJ. 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.

### **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, Dorothy Hodgkin House, 12 Reading Lane, London, E8 1HJ, 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.

**8 168 Southgate Road, N1 3HX**

Demolition of a garage and the erection of a two storey, one bedroom dwelling house.

8.1 The Planning Officer introduced the report as set out in the agenda and explained that this had come to committee because of the number of objections received.

8.2 Mrs Rigden, spoke in objection to the scheme, her comments are summarised as follows:

- The proposed building would seriously affect the amount of light coming into her property.
- Increase in the number of cars parked in the area, due to the loss of garage and new house.
- Planning Officers did not visit her property to assess the potential loss of light.
- A number of photos were circulated at the meeting, illustrating her point that there was insufficient room for a car to be parked to the front of the property.

8.3 Matthew Goldman, Applicant, spoke in support of the scheme, his comments are summarised as follows:

- With reference to the daylight issue, the back of the property would have a sloped roof to try and reduce the amount of light lost.
- The garage was an unsafe structure and he believed the new property would improve the appearance of the site.
- The architect had liaised with the Planning Officer and the Conservation Officers to produce the design of the property.
- A method statement was produced to protect the trees.

8.4 Following a query regarding the amount of space at the front of the property for a car to park, it was confirmed that there was a total of 4m, which would accommodate a small car.

8.5 Kevin Moore asked whether the Kingsland Conservation Advisory Committee had been consulted as the proposed development was located within a conservation area. The Planning Officer stated that they had been consulted and no response was received.

8.6 Councillor Desmond referred to the loss of daylight issue and wished to clarify whether a daylight/sunlight report had been produced. The Planning Officer stated that a daylight/sunlight report had not been produced for this application due to the size of the extension, and the level of daylight/sunlight loss for the neighbouring property was deemed appropriate.

8.7 In response to a query regarding the materials to be used on the frontage of the property, the applicant confirmed that the lower level would be render with brick above. The Chair asked whether the proposal included the provision of a green roof and the applicant indicated that this had already been discussed and he was happy for this to be provided. The Chair requested that all endeavours for a green roof to be included be added to the list of conditions. This was **AGREED**.

- 8.8 A request was also made for the parking space to be removed from the front of the property, to be replaced with a garden. 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 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**

Full details, with samples, of the materials to be used on the external surfaces of the buildings, 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.

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. NSC – Sedum Green Roof**

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 create or enhance the site's biodiversity and to contribute to a sustainable urban drainage system as required by the London Plan.

**5. SC – Non standard condition**

A vegetation-covered roof (or 'green roof') system is to be established on the new extension's roof surfaces as shown in the approved plans. Details thereof shall be submitted to the Local Planning Authority and approved in writing before occupation of the development hereby approved first commences.

REASON: To enhance the character and ecology of the development.

**6. SC – Non standard condition**

The proposed parking space to the front of the new dwelling facing onto Ardleigh Road is to be removed and replaced with soft landscaping.

REASON: In order for the development to preserve and enhance the character of the surrounding conservation area in accordance with Policies EQ1 and EQ12 of the Hackney Unitary Development Plan 1995.

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

1. Contribution of £27,006.00 towards education based on calculation within the Supplementary Planning Document.

### **INFORMATIVES**

The following Informatives should be added:

#### **SI 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), EQ41 (Development Close to existing sources of noise), HO3 (Other sites for housing) and TR19 (Parking Standards)

The following policies contained in the London Plan 2008 are relevant to the approved development and were considered by this Council in reaching the decision to grant planning permission: 3A.1 (Increasing London's supply of housing), 3A.2 (Borough housing targets), 3A.3 (Maximising the potential of sites), 3A.5 (Housing Choice), 3C.23 (Parking strategy), 4A.3 (Sustainable design and construction), 4B.1 (Design principles for a compact city), 4B.3 (Maximising the potential of sites), and 4B.5 (Creating an inclusive environment).

- SI.1 Building Control
- SI.2 Work Affecting Public Highway
- SI.3 Sanitary, Ventilation and Drainage Arrangement
- SI.7 Hours of Building Works
- SI.8 Soundproofing Between Flats
- 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.29 Potential Archaeological Interest
- SI.33 Landscaping

#### **9 Land adjacent to 81/83 & 85 Mount Pleasant Lane, E5 9EW**

Erection of a four-storey building with balconies to provide nine residential units (comprising 1 x 4 bed flat, 2 x 3 bed flats, 1 x 2 bed flat and 5 x 1 bed flats), together

with the creation of new access drive with gated entrance off Mount Pleasant Lane, provision of one disabled car parking space, provision of nine cycle spaces and provision of refuse/recycling store facilities.

- 9.1 The Planning Officer introduced the report as set out in the agenda. Reference was made to the addendum which stated that a petition signed by 29 local residents had been received by email on 13 October. The main objections and responses to these were detailed within the addendum.
- 9.2 Brian Eley and Constanze Schmidt, spoke in objection to the scheme, their comments are summarised as follows:
- Speaking on behalf of 28 residents who had submitted a petition and they felt their concerns had not been addressed.
  - Concern over the proposed access to the properties, as the driveway was only 2.4m wide.
  - No turning circle provided and only 1 disabled parking space. Emergency services vehicles will not be able to access the site.
  - Concerned over the waste storage being provided
  - Loss of tree at the junction to the site.
  - Too dense for the backland site.
  - There were already too many vehicles in the local area, this development would only add to this problem.
- 9.3 Councillor Buitekant wished to clarify whether the fire service was able to access the site and the Planning Officer explained that they would not be able to access the properties through the driveway, however a fire hydrant was usually provided in such cases. She added that this issue would be dealt with at the building regulations stage.
- 9.4 In response to a query over the density of the proposed development, it was stated that the size of the development did comply with the density figures stated within in the London Plan.
- 9.5 Discussion took place on the issue of access and the Committee was asked to refer to paragraph 4.7.4 of the report which detailed how the access to the site had been improved in subsequent proposals.
- 9.6 The Highways Officer added that 3.7m was the minimum width for access for a site, however in some cases this had to be reduced, depending upon the number of car parking spaces being provided. In this case only one disabled parking space was being provided and although they were not happy with the proposal they were prepared to accept the level of access.
- 9.7 Discussion took place on the refuse storage as it was identified that refuse vehicles would not be able to access the site. It was requested that a condition be added for the landscaping to be looked at, to include the location of the refuse storage. This was **AGREED**.
- 9.8 The Interim Head of Regulatory Services stated that a way of addressing the access issue could be for the development to be car free. The applicant indicated that he would be happy with this proposal. This was **AGREED**.

- 9.9 The Committee also requested that the number of cycle spaces be increased from nine to twelve. This was **AGREED**.

**(Councillor Buitekant voted against the recommendation.)**

**(Councillor Desmond abstained from the vote.)**

**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 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**

Full details, with samples, of the materials to be used on the external surfaces of the buildings, 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.

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 including sections.
- cycle store

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. SCR2 – Dustbin Enclosures**

Details of refuse and recycling storage enclosures showing the design 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 provide adequate refuse and recycling store enclosures in the interests of the appearance of the site and area.

**6. SCH10 – Provision for Cycles**

Space shall be made available for the secure parking of nine cycles within the site/development/building before the use is first commenced.

REASON: In order to ensure the satisfactory development of the site.

**7. SCR4 – Wheelchair Accessible Homes**

The housing units proposed to be located on the ground floor must be designed to wheelchair standards and be in accordance with details to be submitted to and approved by the Local Planning Authority.

REASON: In the interests of providing satisfactory and convenient housing accommodation for persons with disabilities.

**8. SCH8 – Parking for persons with disabilities**

Before the use hereby permitted first commences, the permitted car parking space shall be marked and retained permanently for use by the vehicles of persons with disabilities.

REASON: In order to ensure that a functional parking space is retained and available for the use of persons with disabilities.

**9. SCH11 – Adequate visibility at entrance**

Adequate visibility shall be provided to the highway within the application site above a height of one metre from footpath level for a distance of three metres on one/both side(s) of the permitted points of vehicular access, in accordance with details to be approved by the Local Planning Authority before any work on the site is commenced, and be so maintained.

REASON: To provide a suitable standard of visibility to and from the highway and to ensure that the use of the access does not prejudice the free flow of traffic and conditions of general safety along the neighbouring highway.

**10. SCL10 Archaeological Investigation**

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

REASON: To safeguard the archaeological interest of the site, which is within an Area of Archaeological Priority.

**11. NSC – Noise**

The building shall be constructed so as to provide insulation against external noise to achieve levels not exceeding 35dB LAeq (night) and 45 dB LMax (measured with F time weighting) for bedrooms, 40dB LAeq (day) for other habitable rooms with

windows shut and other means of ventilation provided. Details of the alternative ventilation scheme must also be provided to the Local Planning Authority prior to installation. A test shall be carried out prior to the discharge of this condition to show that the required standard of sound insulation shall be met and the results shall be submitted to the Local Planning Authority for approval.

REASON: In the interest of the residential amenity of the future occupiers of the hereby permitted development.

**12. NSC – Sedum Green Roof**

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 create or enhance the site's biodiversity and to contribute to a sustainable urban drainage system as required by the London Plan.

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

1. Contribution of £27,006.00 towards education based on calculation within the Supplementary Planning Document.

**INFORMATIVES**

The following Informatives should be added:

SI 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), EQ41 (Development Close to existing sources of noise), HO3 (Other sites for housing) and TR19 (Parking Standards)

The following policies contained in the London Plan 2008 are relevant to the approved development and were considered by this Council in reaching the decision to grant planning permission: 3A.1 (Increasing London's supply of housing), 3A.2 (Borough housing targets), 3A.3 (Maximising the potential of sites), 3A.5 (Housing Choice), 3C.23 (Parking strategy), 4A.3 (Sustainable design and construction), 4B.1 (Design principles for a compact city), 4B.3 (Maximising the potential of sites), and 4B.5 (Creating an inclusive environment).

- SI.1 Building Control
- SI.2 Work Affecting Public Highway
- SI.3 Sanitary, Ventilation and Drainage Arrangement
- SI.7 Hours of Building Works
- SI.8 Soundproofing Between Flats



- 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.29 Potential Archaeological Interest
- SI.33 Landscaping

## 10 Westgate Centre, Westgate Street, E8 3RU

Demolition of existing buildings and construction of a part two, part six-storey building comprising class A1/A2/B1/D1 use at ground floor-level, and thirty four self-contained residential units above (fourteen one-bedroom flats, nine two-bedroom units, five three-bedroom units, four four-bedroom units and two five-bedroom units).

**Post-submission revisions** – Revisions to the detailed design, comprising changes to the stepped-down element of the proposed building to the corner of Sheep Lane and Bocking Street, extending the massing of this element further down Bocking Street and establishing greater visual continuity with the maisonettes that comprise the rest of the Bocking Street element of the proposal; changes to these maisonettes, including the removal of one storey, repositioning of access staircases and entrances, changes to internal layout, window arrangements on the front elevation, and additional windows.

- 11.1 The Planning Officer introduced the report as set out in the agenda and added that the proposal should state the construction of a part one, part three, part six storey building.
- 11.2 The Planning Officer made reference to the addendum. Paragraph 1.2 of the report stated that a planning application at nos. 11-23 Westgate Street by the same architects had recently been refused, however this was not the case and the application was still under consideration by the Council.
- 11.3 The Architect was in attendance to answer any questions that arose.
- 11.4 The Urban Design and Conservation Manager was asked his opinion on the design of the proposed development and he stated that this was a difficult site, however many of the fundamental design issues had now been resolved. The Architect circulated sample materials at the meeting.
- 11.5 The Chair requested that the following items be included in the list of conditions:
  - Best endeavours for rain water harvesting to be provided. This was **AGREED**.
  - Street lighting to be placed on the building. This was **AGREED**.
  - Cycle parking to be provided on the carriageway. This was **AGREED**.

**Unanimously RESOLVED that:**

**Planning permission be GRANTED, subject to the following conditions:**

### 8.1.1 SCB0 – Development in accordance with plans

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

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

#### 8.1.2 **SCB1 – Commencement within three years**

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

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

#### 8.1.3 **SCM6 – Materials to be approved**

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

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

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

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

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

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

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

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

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

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

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

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

#### 8.1.4 **SCM9 – No extraneous pipework**

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

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

**8.1.5 SCI3 – No roof plant**

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

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

**8.1.6 SCH8 – Parking for people with disabilities**

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

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

**8.1.7 SCH10 – Secure bicycle parking**

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

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

**8.1.8 NSC1 – Non-standard condition**

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

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

**8.1.9 NSC3 – Non-standard condition**

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

approved first commences. 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.

#### 8.1.10 NSC4 – Non-standard condition

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.

**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 Assistant Director of Planning and Regeneration and the Interim Director of Legal and Democratic Services:**

1. Payment by the landowner/developer of £6293.32 as a financial contribution towards Council library facilities. (This sum has been calculated in accordance with the approved formula in the Planning Contributions Supplementary Planning Document (SPD) (2006).)
2. Payment by the landowner/developer of £51,160.17 as a financial contribution towards education facilities in the borough. (This sum calculated in accordance with the approved formula in the Planning Contributions Supplementary Planning Document (SPD) (2006).)
3. The developer is required to pay £65,400 under Section 278 of the Highways Act (1980) with the Council's Highways department (Streetscene) to reinstate and improve the highway adjacent to the boundary of the site, to include access to the highway, measures for street furniture relocation, carriageway markings, access and visibility safety requirements.
4. Provision by the landowner/developer for the use of local labour for construction in the form of twenty-five per cent on-site employment, including the facilitation of an apprentice for a defined period.
5. No resident's parking permits are to be issued to occupiers of the development other than disabled badge-holders.
6. Residential units to be built to Lifetime Homes standard and comply with Code for Sustainable Homes.
7. Provision by the landowner/developer of thirteen habitable units as affordable housing to be given over to Notting Hill Housing (or an alternative RSL (Registered

Social Landlord) as agreed by the Local Planning Authority), the dwelling mix to comprise seven one-bedroom units under shared ownership tenure and four four-bedroom units and two five-bedroom units for social rental.

### **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; EQ40 - Noise Control; E18 - Planning Standards; HO3 - Other Sites for Housing; 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; 3A.1 - Increasing London's supply of housing; 3A.2 - Borough housing targets; 3A.5 - Housing choice; 3A.6 - Quality of new housing provision; 3A.7 - Large residential developments; 3A.8 - Definition of affordable housing; 3A.9 - Affordable housing targets; 3A.10 - Negotiating affordable housing in individual private residential and mixed-use schemes; 3B.1 - Developing London's economy; 3B.2 - Office demand and supply; 3B.3 - Mixed use development; 3B.4 - Strategic Industrial Locations; 3C.1 - Integrating transport and development; 3C.2 - Matching development to transport capacity; 3C.3 - Sustainable transport in London; 3C.23 - Parking strategy; 4A.1 - Tackling climate change; 4A.6 - Decentralised energy: Heating, cooling and power; 4A.7 - Renewable Energy; 4B.1 - Design principles for a compact city; 4B.2 - Promoting world-class architecture and design; 5C.1 - The strategic priorities for North London.

### **INFORMATIVES**

The following Informatives should be added:

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

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

## 11 1 -7 Westgate Street, E8 3RL

Erection of a part five, part six storey building to provide 76 residential units (27 one-bedroom units; 23 two-bedroom units, 19 three-bedroom units and 7 four-bedroom units) and 1312 sqm commercial floorspace (use class B1 or B2), including 22 car parking spaces.

- 11.1 The Planning Officer introduced the report as set out in the agenda.
- 11.2 The Planning Officer referred to the addendum which included further details on the balconies. He stated that originally the units facing the railway were provided with balconies, however, at pre-application stage the Council requested that these be removed due to potential noise disturbance from the rail lines. Two revised drawings were attached to the addendum, which detailed alternative locations for the balconies. The Committee liked the idea of additional balconies, but left it to officers to decide which design was appropriate.
- 11.3 The Chair made reference to the ventilation of the basement and the Planning Officer referred to the addendum and stated that condition 4 of Recommendation B safeguarded against visual appearance of the buildings from stacks, vent pipes, flues and ductwork.
- 11.4 In response to a query from Councillor Desmond regarding what materials were proposed, it was explained that the majority of the building would be zinc cladded, which weathers well.
- 11.5 The Chair made reference to the piece of land known as the 'Triangle' and asked whether any of the Section 106 money could be allocated for amenity space to be provided at this site. It was **AGREED** that condition 8 within Recommendation B be allocated to the 'Triangle' and for the Architect to design it.

**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 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. SMC6 – Materials to be approved (entire site)**

Details, including samples, of 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.

**4. Non Standard Condition**

Detailed drawings/full particulars of the proposed development showing additional balconies 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.

REASON: To ensure an acceptable level of residential amenity for future occupiers of the development.

**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. SCH8 – Parking for people with disabilities**

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

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

**7. 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.

**8. SCH10- Provision for cycles**

Secure, covered parking shall be provided for 76 bicycles in the form of Sheffield stands (or an alternative approved in writing by the Local Planning Authority), 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.

**9. SCH11 – Adequate visibility to entrance**

Adequate visibility shall be provided to the highway within the application site above a height of one metre from footpath level for a distance of three metres on one/both side(s) of the permitted points of vehicular access, in accordance with details to be approved by the Local Planning Authority before any work on the site is commenced, and be so maintained.

REASON: In the interests of highway safety.

**10. SCH14 – Closure of existing accesses**

The existing access(es) to the site shall be closed permanently when the use of the new access(es) shown on the plans hereby approved is/are provided and in use.

REASON: In the interests of highway safety.

**11. SCH15 – Access only as approved**

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

REASON: In the interests of highway safety.

**12. Non standard condition**

Details of the construction traffic route and a construction traffic management plan shall be submitted to LBH Traffic and Transportation prior to the commencement of construction works on site.

REASON: In order to minimise disruption to the highway resulting from construction

**13. NSC1 – Noise Control**

The plant and any associated equipment hereby approved shall be operated to a level of 10db below the lowest measured background noise (LA90, 15 minutes) as measured one metre from the nearest affected window of the nearest affected residential property. The assessment of the background noise shall be made in the absence of all operating plant that services the premises that is the subject of this planning application. In addition the plant shall not create an audible tonal noise nor cause perceptible vibration to be transmitted through the structure of the building.

REASON: To safeguard the amenity of the occupiers of the residential element of the development and the area generally by preventing noise and vibration nuisance in accordance with Council policy EQ1 of the Unitary Development Plan.

**14. NSC3 – No roof plant**

No roof plant (including all external enclosures, machinery and other installations, except for photovoltaic and solar hot water heating panels) shall be placed upon or attached to the roof or other external surfaces of the building.

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.



**15. Non standard condition**

- (i) The rating level of noise emitted from fixed plant on the site shall be 10dB below the existing background noise level at any time. The noise levels shall be determined at the façade of any noise sensitive property. The measurements and assessments shall be made according to BS4142:1997.
- (ii) Development shall not commence until details of a scheme complying with paragraph (i) of this condition have been submitted to and approved in writing by the local planning authority.
- (iii) The development shall not be occupied until the scheme approved pursuant to paragraph (ii) of this condition has been implemented in its entirety. Thereafter, the scheme shall be maintained in perpetuity.

REASON: To safeguard the amenity of the occupiers of the residential element of the development and the area generally by preventing noise and vibration nuisance in accordance with Council policy EQ1 of the Unitary Development Plan.

**16. Non standard condition**

Full written details, including relevant drawings and specifications, of:-

- a) The construction of the ceilings and walls separating the offices and residential on the upper floors of the premises and the adjacent properties:
- b) The proposed works of soundproofing against airborne and impact sound;

Shall be submitted to and approved in writing by the local planning authority. The use hereby permitted shall not commence until the soundproofing works have been implemented in accordance with the approved details. The soundproofing shall be the approved details.

REASON: To safeguard the amenity of the occupiers of the residential element of the development and the area generally by preventing noise and vibration nuisance in accordance with Council policy EQ1 of the Unitary Development Plan.

**17. Non standard condition**

Details of the type of glazing and ventilation system to be installed shall be submitted to and approved in writing by the local planning authority. The glazing and ventilations shall be installed in accordance with the approved details.

REASON: To safeguard the amenity of the occupiers of the residential element of the development and the visual appearance of the development.

**17. Renewable energy**

Full details of 10% 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.

**18. Sustainable drainage**

Full details of a rainwater harvesting system 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: In the interests of reducing surface water run-off.

19. Full details of a grey water recycling system 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: In the interests of protecting and conserving water resources surface water run-off.

**B) That the above recommendation be subject to the applicant, the landowners and their mortgagees entering into a section 106 agreement in order to secure the following matters to the satisfaction of the Assistant Director of Regeneration and Planning and the Interim Corporate Director of Legal and Democratic Services:**

1. To secure the provision of 41.4% of habitable rooms, with a split of 70%: 30% socially rented /intermediate.
2. Not to occupy or cause or permit the occupation of more than 60% of the Open Market Dwellings on each Development Site prior to all the site related affordable units being completed and available for occupation and transferred to the approved RSL.
3. Payment by the landowner/developer of a sustainable transport contribution of £25,080 towards works to the public highway.
4. The signing of a Section 278 legal agreement under the Highways Act to pay the Council £35,000 for required works to the highway. Unavoidable works required to be undertaken by Statutory Services will not be included in London Borough of Hackney estimate or payment.
5. Payment by the landowner/developer of an education and libraries contribution of £184,656.35 with respect to anticipated child yield from the additional residential housing units being provided in accordance with the DFES cost of providing a school place.
6. Payment by the landowner/developer of an open space contribution of £4539.52 towards the supply and quality of open space in the immediate locale, which could include 'The Triangle' on the junction of Mare Street and Westgate Street.
7. No car parking permits to be issued for new residential units, unless for the holder for a Disabled Person's Badge or for an electrically powered vehicle.
8. Residential units to be built to Lifetime Homes standard and comply with Code for Sustainable Homes.
9. Commitment to the Council's local labour and construction initiatives (25% on site employment).
10. Payment by the landowner/developer of all the Council's legal and other relevant

fees, disbursements and Value Added Tax in respect of the proposed negotiations and completion of the proposed Section 106 Agreement

11. Achievement of a level 3 rating under the proposed Code for Sustainable Homes with best endeavours to achieve level 4.
12. 20% reduction in carbon emissions through the use of renewable energy sources and use of low energy technology
13. Considerate Constructors Scheme – the applicant to carry out all works in keeping with the National Considerate Constructors Scheme.
14. A Green Travel Plan to include servicing of the sites, to be submitted to and agreed with the Council, to include the provision of a car share scheme.
15. At least 10% of units provided shall be wheelchair accessible.
16. The applicant is advised that they will be required to enter into a highways Section 278 legal agreement with TfL.
17. Provision to allow the placement of street lighting on the proposed buildings where appropriate.
18. Best endeavours to provide a car club.
19. Detailed drawings/full particulars of the proposed development showing additional balconies 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.

REASON: To ensure an acceptable level of residential amenity for future occupiers of the development.

**C) That in the event of the Section 106 agreement referred to in Recommendation B not being completed by 16<sup>th</sup> December 2008, the Assistant Director of Regeneration and Planning be given the authority to refuse the application for the following reasons:**

1. 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 policies ST1, H01 and H03 of the Hackney Unitary Development Plan, policies 3A.7 and 3A.8 of the London Plan 2004 and advice contained in PPS1 and PPG3.
2. 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, H03, CS2 and S10 of the Hackney Unitary Development Plan and policy 3A.21 of the London Plan 2004.

## **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, EQ48 – Designing out Crime, HO3 – Other sites for Housing, TR19 – Planning Standards.

The following policies in the London Plan (Consolidated with Alterations since 2004) are relevant to the approved development/use and were considered by this Council in reaching the decision to grant planning permission: 2A.1 – Sustainability Criteria, 3A.1 – Increasing London’s Supply of Housing, 3A.2 – Borough Housing Targets, 3A.3 – Maximising the Potential of Sites, 3A.5 – Housing Choice, 3A.6 – Quality of New Housing Provision, 3A.8 – Definition of Affordable Housing, 3A.9 – Affordable Housing Targets, 3A.10 – Negotiating Affordable Housing, 3A.11 – Affordable Housing Thresholds, 3A.13 – Special Needs and Specialist Housing, 3A.17 – Addressing the Needs of London’s Diverse Population, 3C.1 – Integrating Transport and Development, 3C.2 – Matching Development to Transport Capacity, 3C.3 – Sustainable Transport in London, 3C.23 – Parking Strategy, 4A.1 – Tackling Climate Change, 4A.3 – Sustainable Design and Construction, 4A.7 – Renewable Energy, 4A.22 – Spatial Policies for Waste Management, 4B.1 – Design Principles for a Compact City, 4B.3 – Enhancing the Quality of the Public Realm, 4B.5 – Creating an Inclusive Environment, 4B.6 – Safety, Security and Fire Prevention and Protection, 4B.8 – Respect Local Context and Communities.

## **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.33 Landscaping
- NSI Thames Water

### **12 Rushmore Primary School, Elderfield Road, E5 0LE**

Erection of single-storey extension of front of primary school building to accommodate new school offices, storage space and group study space, together with new entrance canopy and new groundskeeper’s store.

- 12.1 The Planning Officer introduced the report as set out in the agenda.
- 12.2 The Chair made reference to the loss of shrubs and asked whether they could be located to another part of the site. The Planning Officer stated that it could be

conditioned that the feasibility of locating shrubs to another area be looked into. This was **AGREED**.

12.3 There being no further questions from Members, the Chair moved to the vote.

**Unanimously RESOLVED that:**

**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. 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.

**5. SCH10 – Secure bicycle parking**

Secure, covered parking shall be provided for twelve 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.

**6. NSC1 – Non-standard condition**

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

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

**7 NSC2 – Non-standard condition**

The shrubbery currently situated where the extension hereby approved is to be built shall be replanted elsewhere within the school grounds, or alternative shrubs of similar appearance and number, in accordance with a photographic record of the existing shrubbery and a landscape plan to be submitted to the Council and approved in writing before use of the development hereby approved first commences.

REASON: In the interests of maintaining the character and appearance of the school site.

**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; C6 - Provision of Education Facilities.
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: 3A.23 - Education facilities; 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 All materials submitted pursuant to the discharge of conditions 3 and 7 of this approval (as per paragraphs 8.1.3 and 8.1.6 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 2008/0285, 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.

**13 Mossbourne Community Academy, 100 Downs Park Road, E5 8JY**

Erection of a one-storey extension to the western wing of the existing building to accommodate new school dining facilities; a part one, part three storey extension to the eastern wing of the existing building to accommodate additional teaching facilities for a 250 pupil sixth form, and a two storey extension to the rear of the eastern wing to accommodate an autistic special needs unit, together with enabling demolition works to parts of the building, and associated landscaping.

- 13.1 The Planning Officer introduced the report as set out in the agenda.
- 13.2 John Burrow (Learning Trust) and Andrezej Kuszell (Architect) were in attendance to answer any questions that arose.
- 13.3 Councillor Desmond wished to clarify why this extension was not included in the original proposal for the Mossbourne Community Academy. It was explained that it previously wasn't requested and that the Academy had previously been sponsored privately and was now under the responsibility of the Council.
- 13.4 Discussion took place on the proposed materials and it was confirmed that some parts of the extension will mimic the existing building and will incorporate the colour red, which will compliment the existing blue and yellow.
- 13.5 Concern was raised over the loss of four trees and the Committee wished to know which trees would be lost. It was explained that two of the trees were already dead and that the other two were younger trees. The Planning Officer added that an additional condition had been added to avoid or minimise harm to the existing TPO trees, detailed in the addendum.
- 13.6 The Committee felt that 80 car parking spaces was too many and that 142 cycle spaces was inadequate. It was explained that the school was adamant that the 80 car parking spaces were needed, on site. The Chair suggested that if space was at a premium and could not be found for the cycle parking then it could be located instead of some of the car parking on the site.
- 13.7 The Chair asked if any existing soft landscaping (grass) was to be lost to car parking and indicated an area on the drawings to the west of the site. The Committee was assured that no new hard standing for parking was to be created.

**Unanimously RESOLVED that:**

**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. 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.

**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. 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 vehicle of a disabled badge-holder.

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

**7. SCH10 – Secure bicycle parking**

Secure, covered parking shall be provided for 142 bicycles in the form of Sheffield stands, with full details (including siting) to be submitted to the local planning authority and approved in writing before use of the development hereby permitted commences.



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

**8. SCH14 – Closure of existing access**

The existing north-eastern vehicular access to the site shall be closed permanently when the use of the new north-eastern emergency vehicle access shown on the plans hereby approved is provided and in use.

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

**9. 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.

**10. SCT3 – Protection of trees during site works**

No development will take place on-site until full details of tree protection have been submitted to, and approved in writing by, the Council and until such approved protection has been erected on-site. Tree protection will be in accordance with BS5837:2005 (Trees in relation to construction – Recommendations) and will protect the root protection area calculated as described in Table 2 of that British Standard. The protective fencing will be 2.4 metres high and conform to Figure 2 of BS5837:2005, i.e. a scaffold framework comprising a vertical and horizontal framework, well-braced to resist impacts, with vertical tubes spaced at a maximum interval of 3 metres. Panels should be securely fixed to this weldmesh with wire or scaffold clamps.

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

**11. SCT4 – Tree survey/retention plan**

A detailed tree survey (plan and schedule) indicating precise location, species, height and condition of each tree, together with the spread of each tree accurately plotted, and showing which trees are to be retained and which it is proposed should be felled (to number no more than four trees) shall be approved by the local planning authority before any work commences on site.

REASON: To accord with the requirements of Section 197(a) of the Town and Country Planning Act 1990, and to provide for the retention and protection of existing trees in the interests of the appearance of the locality.

**12. SCT1 – Submission of landscaping scheme**

Full 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 trees, type of stock and level of maturity, numbers of trees and shrubs (to be no fewer than ninety) to be planted, and areas to be grass-seeded or turfed, and also including layout, construction, and existing and proposed levels, consistent with the tree protection plan and method statement. 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 five 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.

**13. NSC1 – Non-standard condition**

The applicant shall:

- (a) use all reasonable endeavours to secure that at least 25% of the workforce for the construction of the development is local labour (any person or persons aged 18 years or over who is a resident of the London Borough of Hackney);
- (b) notify the Hackney Construction Recruitment Centre or any other subsequent organisation of all vacancies for employees, self-employed, sub-contractors and any other form or type of employment or service arising from construction of the development;
- (c) supply to Hackney Construction Recruitment Centre a complete labour plan for the full duration of the construction phase identifying which skills and employment are needed;
- (d) have an active programme for recruiting and retaining apprentices and adult improvers in the various building trades (such as bricklaying, carpentry, electrical, plumbing and plastering) and as a minimum employ one apprentice per £1 million of construction contract value and one adult improver per £2 million of construction contract value, providing written evidence documenting that programme within 7 days of a written request from the Council;
- (e) provide a detailed monthly labour return for monitoring the employment and self-employment profile of all workers working on the development; in relation to all contracts with a value in excess of £5 million, supply the Hackney Construction Recruitment Centre with full procurement details and a plan identifying the services and materials that will be sourced during the period commencing on the implementation of the development and finishing six months after completion off the development.

REASON: In the interests of upholding the Council's employment objectives by providing opportunities for residents of the borough.

**14. NSC2 – Non-standard condition**

The new vehicular entrance and route at the eastern end of the site is to be used by emergency vehicles only and is not to be used by staff or visitors' vehicles, or delivery vehicles.

REASON: In the interests of protecting the tree protection areas in the adjacent trees from the impact of excessive vehicular use.

**15. NSC3 – Non-standard condition**

No development shall commence on-site until a scheme to minimise the threat of dust pollution during site clearance and construction works (including any works of

demolition of existing buildings or breaking out or crushing of concrete) have been submitted to and approved in writing by the local planning authority. The approved scheme shall include a watering regime in the event of dry weather, dust screens, etc., as appropriate, and shall be implemented in its entirety once development has commenced.

REASON: In order that the local planning authority may be satisfied that the demolition process is carried out in a manner that will minimise possible dust pollution to neighbouring properties.

**16. NSC4 – Non-standard condition**

No demolition, groundwork, enabling works or construction is to be done on site within the root protection area (area as recommended by BS5837:2005) of the retained, TPO trees until full details of the surfacing within this area, including existing and proposed levels, excavation depths and construction have been agreed in writing with the Council.

REASON: To avoid or minimise harm to the existing TPO trees from the effects of hard surfacing and to minimise such areas within the root protection area and to maximise their gas and water permeability.

- 17.** The applicant shall be required to enter into a legal agreement with the Council's Streetscene department, pursuant to section 278 of the Highways Act 1980, for the payment of the cost of any works to highway land adjoining the site that arise from the implementation of this planning permission.

**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; C6 - Provision of Education Facilities; CS10 - 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; 3A.18 - Protection and enhancement of social infrastructure and community facilities; 3A.24 - Education facilities; 3C.1 - Integrating transport and development; 3C.17 - Tackling congestion and reducing traffic; 4B.1 - Design principles for a compact city; 4B.2 - Promoting world-class architecture and design; 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.25 | Disabled Person's Provisions                    |

- SI.27 Regulatory Reform (Fire Safety) Order 2005
- SI.28 Refuse Storage and Disposal Arrangements
- SI.33 Landscaping

NSI.1 All materials submitted pursuant to the discharge of conditions 3 this approval (as per paragraphs 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 2008/1652, 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.

**14 Olympics & Paralympics Site - Hackney & adjoining Boroughs: Land between River Lea Navigation, A12 East Cross Route, River Lea and Silverlink railway line, Homerton, E9**

Observations to the Olympic Development Authority (ODA) regarding Submission of Urban Design and Landscape Framework Appendices (Bridges, retaining Structures, and Streetscape Components) pursuant to condition OD.0.9 of planning permission 07/90010/OUMODA dated 28/09/07.

- 14.1 The Planning Officer introduced the report as set out in the agenda. He referred to the addendum which detailed further comments received from internal consultees.
- 14.2 The Chair asked that as part of the design code, the roads should be laid out to enable to creation of a 20 mph zone in the legacy. This was **AGREED**.

**RESOLVED that:**

**The London Borough of Hackney (LBH) objects to the proposed appendices to the Urban Design and Landscaping Framework (UDLF):**

- The LBH objects to the legacy transformation road layout. In particular with regard to the Waterden Road replacement being a major distributor road that will create a barrier for Hackney residents trying to access the amenities in the eastern half of the park.
- The LBH objects to the proposed new access arrangements off the A12 Lea Interchange as the transport implications on Hackney have not been assessed.
- The LBH objects to the use of Combined Kerb and Drainage Units. The Council does not generally support the use of these drains on roads to be adopted by the Council due to maintenance issues. As levels in the Olympic Park can be changes to meet requirements, the gradient of roads should be designed such that conventional drainage can be incorporated.

**Planning permission be GRANTED, subject to the following conditions:**

- All future legacy roads earmarked for adoption by LBH should be in accordance with Hackney's Public Realm Design Guidelines with regard to streetscape specifications and be constructed to an adoptable standard.
- Any street lighting that will be located on future adopted roads will need to be designed and constructed to the satisfaction of the Council.
- Cycling lanes should be provided for on the carriageway and segregated cycling lanes should not be provided (as shown within the submitted documentation). Instead the carriageway lane widths should be wide enough to accommodate cyclists safely.
- Any future bridges that are intended to be adopted by London Borough of Hackney will need to be designed and constructed to the satisfaction of London Borough of Hackney's Streetscene Department. Each bridge will need to be assessed on a case by case basis by London Borough of Hackney. Any additional requirements required as a result of the assessment by London Borough of Hackney will need to be provided to ensure that the bridge will be built to an adoptable standard.
- The LBH expects materials for such structures (bridges, retaining structures and streetscape components) within the Olympic Park to be of the highest quality.
- The LBH recommends that more information should be provided to show how the roading networks will accommodate cyclists and connect to the wider cycle network.
- The LBH would encourage that the design of retaining structures could be configured to incorporate, where accessible, more usable spaces by visitors and where not accessible the potential for living walls and local fauna refuges (i.e. bat boxes/bee habitats).
- The LBH advises the ODA that the intention to adopt site-wide SuDS (sustainable drainage systems) should be demonstrated in these Urban Design and Landscape Framework Appendices, by reference to the various techniques to allow infiltration of surface water runoff where ground conditions permit, or for other approaches such as attenuation and holding tanks which also allow for the watering of new trees in the highway.
- All roads should be laid in a manner to allow the creation of a 20mph zone in Legacy Mode.

## **15 Mabley Green, Lee Conservancy Road, E9 5HW**

Construction of outdoor gym including new canopy and boundary enclosures.

(Councillor Webb left the Chamber for the hearing of this item.)

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

10.2 The Interim Head of Regulatory Services informed the committee that the application site was in fact located on common land as well as metropolitan land and as such, any development on the subject site must remain unrestricted and open to public use in perpetuity. To this effect it was confirmed that no fencing or any other means of enclosure forms part of this application.

- 10.3 Reference was made to the addendum which stated that an objection email dated 13 October 2008 had been received from the Hackney Parks Forum and Mabley Green Users' Group. Although they had not been formally consulted during the statutory consultation period, the objectors were informed of the proposed development through the 2012 Team and at meetings with the Head of Green Spaces. The main objections and the responses to those were detailed within the addendum.
- 10.4 Matt Delaney, The Great Outdoor Gym Company, was in attendance to answer any questions that arose.
- 10.5 The Chair wished to clarify why this particular location was chosen and Matt Delaney responded by stating that they had gone to the Council and asked them where they felt was the most suitable place for this equipment to be located.
- 10.6 Councillor Hanson wished to know the estimated lifespan of the equipment and it was explained that the equipment had a guarantee of five years, however it was made of galvanised steel so had the potential to last up to twenty years. The canopy was also fire retardant.
- 10.7 The Committee wished to clarify who was responsible for the maintenance of the site and it was explained that the site would belong to the Council, however the management arrangements would need to be finalised.
- 10.8 Councillor Desmond asked whether any supervision was proposed for the site. Matt Delaney stated that as the site would belong to the Council, any supervision would need to be contracted by the Leisure Department. He added that the adidas money could be match-funded in order to fund 20 hours per week supervised sessions and coaching.
- 10.9 Concern was raised over the advertising and how they would be perceived, as the adidas slogan would be displayed on the equipment. Matt Delaney explained that the advertising would be kept to a minimum and that this had been managed well at other sites within London.
- 10.10 In response to a question from the Chair asking why the area of hard standing on Mabley Green could not have been used for the new equipment, David White, 2012 Unit, explained that this area would remain as car park and part of this would be used for changing rooms for the new facility.

**RESOLVED that:**

**Planning permission be DELEGATED to the Interim Head of Regulatory Services, in consultation with the Chair and the Assistant Director Community Services, within the next ten working days, 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 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 (Amended)**

Full details, with samples, of materials to be used on the external surfaces of the structures and equipment 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. **SCT – Protection of trees during site work**

No development will take place on site until full details of tree protection have been submitted to, and approved in writing by, the Council and until such approved protection has been erected on site. Tree protection will be in accordance with BS5837:2005 (Trees in relation to construction – Recommendations) and will protect the root protection area calculated as described in Table 2 of that British Standard. The protective fencing will be 2.4m high and conform to Figure 2 of BS5837:2005 i.e. a scaffold framework comprising a vertical and horizontal framework, well braced to resist impacts, with vertical tubes spaced at a maximum interval of 3m. On this weldmesh panels should be securely fixed with wire or scaffold clamps.

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

5. **Provision of litter bins.**

Before the development commences provision of facilities for the disposal of litter and refuse by members of the public within the site shall be made in accordance with details to be submitted to and approved by the Local Planning Authority in writing.

6. **NSC – Ground Levels**

There shall be no rising of existing ground levels on the site.

REASON: To prevent the increase of flooding due to impedance of flood flows and reduction of flood storage capacity.

7. **NSC - Permeable structures**

All walls and fencing of the hereby approved development shall be permeable to flood water.

REASON: To prevent obstruction to the flow and storage of flood water and consequent risk of flooding.

**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

**Thursday, 16th October, 2008**

in reaching the decision to grant planning permission: EQ1 (Development Requirements), EQ21 (Metropolitan Open Land), EQ31 (Trees), EQ40 (Noise Control), EQ48 (Designing Out Crime), OS1 (Enhancing Metropolitan Open Land), OS2 (Open Spaces and Parks), OS4 (Protection of Character of Open Spaces and Parks) and OS5 (Development Affecting Open Spaces and Parks) as well as policies 3D.8 (Realising the value of open space and green infrastructure) and 3D.10 (Metropolitan Open Land) of the London Plan 2008.

**INFORMATIVES**

The following Informatives should be added:

SI.7 Hours of Building Works

**16 Delegated Decisions - August/September 2008**

The report was NOTED.

**17 Any other business which in the opinion of the Chair is urgent**

None.

**Duration of the meeting:** 6.30pm – 10.20pm

**Signed**

.....

**Chair of Planning Sub- Committee**

**Contact:**

Emma Perry

020 8356 3338

Emma.Perry@hackney.gov.uk



# Agenda Item 5

ADDRESS: R/O 84 Milton Grove, N16 8QY	
WARD: Clissold	REPORT AUTHOR: Micheal Garvey
APPLICATION NUMBER: 2007/2723	VALID DATE: 16/11/2007
DRAWING NUMBERS: 242-01 Rev F, 242-05	
APPLICANT: Mr A Leigh 17 St. Thomas Road Southgate, London N14 6AJ	AGENT: Barker Shorten Architects 23-28 Penn Street London N1 5DL

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

**RECOMMENDATION SUMMARY: Grant Conditional Planning Permission**

ANALYSIS INFORMATION  
ZONING DESIGNATION:

CPZ		Yes
Conservation Area		No
Listed Building (Statutory)		No
Listed Building (Local)		No

LAND USE DETAILS:	Use Class	Use Description	Floorspace
Existing		Storage	
Proposed	C3	Residential	95 SQM

RESIDENTIAL USE DETAILS:	Residential Type	No of Bedrooms per Unit				
		1	2	3	4	5+
Existing		0	0	0	0	0
Proposed		0	2	0	0	0
Totals	(Total = 2)	0	2	0	0	0

The application has been brought to committee due to the level of objections.

## OFFICERS REPORT

### 1. SITE DESCRIPTION

1.1 The site consists of land to the rear of 84 Milton Grove which is currently used as two single storey garages fronting Church Walk. The surrounding properties comprise of a mixture of residential and industrial uses on Church Walk.

1.2 To the north is the rear garden of 86 Milton Grove; to the east is a three storey residential property at 84 Milton Grove; and to the south lies the rear garden of 82 Milton Grove. A mixed use development is located to the west on the opposite side of Church Walk.

## **2. CONSERVATION IMPLICATIONS**

2.1 There are no conservation implications associated with this proposed development.

## **3. HISTORY**

07/03/2007-Planning Permission refused for, erection of a two-storey plus basement mews style building fronting Church Walk to accommodate 2, two-bedroom residential dwellings with first-floor terraces to front elevation **(2006/2244)** Refused for the following reason:

*The proposal, by reason of its siting and height would adversely affect the general amenity of the occupiers of the surrounding properties, and as such would be contrary to policies ST1 [Appropriate Development], EQ1 [Development Requirements] HO3 [Other Sites for Housing] and HO20 [Planning Standards] of the Hackney Unitary Development Plan.*

02/10/2007-Planning Permission refused for, erection of a two-storey plus basement mews style building fronting Church Walk to accommodate 2, two-bedroom residential dwellings with first-floor terraces to front elevation **(2007/1729)** The reason for refusal was:

*The proposal, by reason of its siting and height would adversely affect the general amenity of the occupiers of the surrounding properties, and as such would be contrary to policies ST1 [Appropriate Development], EQ1 [Development Requirements] HO3 [Other Sites for Housing] and HO20 [Planning Standards] of the Hackney Unitary Development Plan.*

## **4. CONSULTATIONS**

Date Statutory Consultation Period Started: 27/11/2007

Date Statutory Consultation Period Ended: 18/12/2007

Site Notice: Yes

Press Advert: Not required

### **4.1. Neighbours**

47 neighbours have been consulted by personal letter, with a 14 day reconsultation being carried out on the 17/09/2008, in total seventeen valid letters of objection have been received in response citing the following objections:

- No vehicle access;
- The building is out of keeping with its surroundings;
- Proposal constitutes backland development on a greenspace.
- Overdevelopment due to excess density;
- The proposal would create a precedent for other backland development schemes;
- Biodiversity action plan required;
- No parking has been provided;
- The proposed massing will create overshadowing and be out of character with surrounding properties
- Drawings are inaccurate in that they do not show the two storey of the rear property and the tree in garden of 84 Milton Grove does not exist
- Overlooking and loss of light
- Design and access statement inaccurate as it wrongly states that there will be no overlooking from the side and rear; it incorrectly states that a roof terrace is proposed; it states that the building will be sited at the back of the footpath in keeping with other properties, when other properties are set back from the pavement;
- The proposal is contrary to Supplementary planning guidance note 1 (New Residential Development).

#### 4.2 **Other Council Departments**

4.3 Urban Design & Conservation: No objections

4.4 Pollution Group: No objections

4.5 Private Sector Housing: Ensure that there is adequate provision for refuse storage

4.6 Transportation: No objections

4.7 Waste Management:

The proposal requires 200 litres per dwelling plus one recycling box each. The plans show they have provided this.

#### 4.8 **Statutory Consultees**

4.9 Thames Water: No comments received

### 5. **POLICIES**

#### 5.1 **Hackney Unitary Development Plan 1995**

EQ1 Development Requirements

EQ48 Designing out Crime  
HO3 Other Sites for Housing

## 5.2 London Plan 2008

3A.1 Increasing London's supply of housing  
3A.2 Borough housing targets  
3A.3 Maximising the potential of sites  
4B.1 Design principles for a compact city

## 5.3 National Planning Guidance

PPS1 Delivering Sustainable Development  
PPG1 General Policy and principles  
PPG3 Housing

## 6. COMMENT

6.1 The application is a resubmission of application 2007/1729, which was refused on grounds of unsatisfactory siting and excessive height which would adversely affect the general amenity of the occupiers of the surrounding properties. This is a full planning application for the erection of a pair of semi-detached, two-storey over basement two bedroom houses.

### 6.2 Land Use:

The principle of residential use on this site is considered acceptable. The site is located within a predominantly residential area and would not contravene any policy contained within the UDP. The density of the proposal at 119 dwellings per hectare is considered acceptable and in accordance with London Plan Policy 3A.3 'Maximising the potential of sites' which advises that development proposals should achieve the highest possible intensity of use compatible with local context, the design principles in Policy 4B.1 and with public transport capacity.

### 6.3 Design, Scale and Bulk

6.3.1 The most recent drawings incorporate an amended design which is for a modern contemporary building incorporating a mixture of materials including timber cladding, copper roof, and stock brick. The proposal is to demolish the existing garages and erect two, two bedroom dwelling houses to the rear of 84 Milton Grove fronting Church Walk. The units would both comprise two storeys plus a basement level. The proposal would have a maximum height of 6.4m, a depth of 9.9m and a width of 9.8m.

6.3.2 The building is designed to be stepped down at the rear elevation which reduces the scale and bulk in relationship to neighbouring residential properties. The basement is 2m in height, the ground floor 4.4m and the first floor projects a further 1.9m from the ground floor. The roof slopes at basement and ground levels and there is also a slight slope and flat roof at first floor level.

- 6.3.3 The height of the proposal at two storeys is considered to be appropriate in the context of the area given that there are two and three storey buildings on the eastern side of Church Walk. To the north there is a large two storey building. The development would also be subordinate to the terrace of properties to the west along Milton Grove to the rear, which are three storeys in height. It is considered that the proposal represents an acceptable quality of design that would not be harmful to the appearance of the subject site or the character of the surrounding area.
- 6.3.3 The proposed materials are also considered to be appropriate in the context of the area and adjacent buildings. Therefore, the proposal is considered acceptable in design terms.
- 6.3.4 The previous application was refused due to its siting and height and the impact that this would cause to the general amenity of the occupiers of the surrounding properties.
- 6.3.5 In design terms, it is considered that the revised scheme addresses the previous reason for refusal and is considered acceptable for the following reasons:
- 6.3.6 In terms of the siting of the proposed new building, this is considered acceptable being similar to other recently approved schemes in the vicinity which similarly make use of backland sites. These include 113-117 Church Walk (Ref: 2002/0283) opposite the application site which has a larger footprint and is three storeys in height. Other approved schemes with planning permission which have residential use to the rear of properties along Church Walk are 23-25 Church Walk (2002/1677); 29-31 Church Walk (2004/1939); 121-127 Church Walk (2006/2186) and Land adjacent to 23 Church Walk (2007/1941).

The current proposal also significantly reduces the scale and bulk to the rear elevation at ground and first floor level by introducing a series of setbacks at first and second floor levels. It is considered that the revised proposal would not significantly affect the rear of 84 Milton Grove as the proposed building will be 11m away at first floor level and 8.3m at ground level. This is considered an acceptable degree of visual separation and is considered acceptable in design terms.

Therefore it is considered that the reason for refusal has been addressed.

#### 6.4 Residential Accommodation

The proposed accommodation is considered acceptable in terms of room sizes, layout and ventilation. The proposal could not accommodate two three storey houses, given the constraints of the site. Any increase in scale and bulk would not be appropriate in relation to the nearby residential amenities.

#### 6.5 Trees

There is a Silver Birch tree in the adjoining property at 82 Milton Grove however it is considered that the proposed development will have no impact on this tree due to its distance from the proposal. There are a small group of self-seeded

Sycamores of little amenity value on the application site which are proposed to be felled.

## 6.6 Impact Upon Residential Amenity

- 6.6.1 The nearest property to the application site is 84 Milton Grove but the proposed building will be over 8m from the rear of this property. In addition, 84 Milton Grove is a three storey plus basement building in comparison to the two storey building proposed.
- 6.6.2 The properties opposite are a two storey commercial building (Class B2 - Business) and a three storey residential building. None of these buildings will be significantly affected by the proposal given their commercial use and their respective heights in comparison to the proposed building.
- 6.6.3 In contrast to the previous applications the applicant has now submitted a drawing which demonstrates that the proposal complies with the 25 degree test as set out by the Building Research Establishment (BRE) guidelines drawn from the centre of the nearest affected habitable room window at the basement of 84 Milton Grove. It is therefore considered that the proposal would not cause any significant loss of daylight to windows serving habitable rooms of this property.
- 6.6.4 In terms of outlook, the most recent revised set of plans illustrates a reduced height of the northernmost dwelling, thereby reducing any potential impact on the outlook from neighbouring properties, and allowing more visible sky area to be retained than the original proposal.

## 6.7 Response to objections

- One letter of objection states that there is no vehicle access into the site however there is no requirement in planning policy to provide vehicle access to a site.
- Letters of objection to the scheme state that no parking has been provided at the site. However, it is considered that, as neither of the units are family units, provision for car parking is not necessarily required and would not worsen the existing parking situation in the area to an unacceptable level. It should be noted that the site is located within a controlled parking zone (CPZ).
- The site is currently occupied by disused residential garages, and as such there would be no loss of garden space as the site is already separated from the adjoining residential properties and their gardens.
- Several letters of objection state that there will be an impact on adjoining neighbours. The previous reason for refusal was due to impact to residential amenity in terms of overshadowing and overlooking from a larger building. However the applicant has provided a BRE (daylight/sunlight) drawing which shows that the proposal will not result in an unacceptable loss of light to neighbouring residential properties. The Planning Service is minded to agree with the information submitted by the applicant.

- Due to the limited scale of the development it is not considered that a biodiversity action plan is required.
- One letter of objection states that the approval of this proposal would create a precedent that would lead to similar developments in the future. However it should be noted each application submitted to the Local Planning Authority is judged on its own merits, and there are existing development on Church Walk similar to that proposed. However, this is the only brownfield site on the street, and therefore has been assessed slightly differently to previous applications.
- Planning drawings are only required to show adjoining buildings in the context of the site. The submitted drawings in this case are considered to be satisfactory. In terms of the tree this is an error which is not material to the determination of the application.
- The Design and access statement is considered to be acceptable.
- The proposed accommodations are not family units and therefore there is no requirement to provide access to a garden.
- The issue of density is considered acceptable for this site.
- Regarding inaccurate drawings in relation to the property to the rear; the most recently submitted plans are considered to be accurate.

## 7. **CONCLUSION**

- 7.1 The proposal is considered acceptable in terms of design, scale and form. The proposal will not significantly impact upon residential amenity to neighbouring properties whilst the principle of residential accommodation is acceptable. The proposal is therefore recommended for approval as it accords with policies EQ1 and H03 of the Hackney Unitary Development Plan 1995 and policies 4B.1 'Design principles for a Compact City' and 4A.3 'Maximising the Potential of Sites' of the London Plan 2008. Thereby in light of the issues raised it is considered that the proposed development of the site is acceptable. Although in most cases Planning Services would encourage developments to incorporate a green roof scheme, due to the sloping roof elements, the design and scale of the proposed units, it is in this instance not considered appropriate to request a green roof be provided.

### **RECOMMENDATION:**

- 8.1 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 **Boundary walls (To Be Approved)**  
SRM5

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 Obscured glazing  
SRR8

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 Future Restrictions (Residential)  
SRR7

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.

## 9 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.

Signed.....

Date.....

Fiona Fletcher -Smith

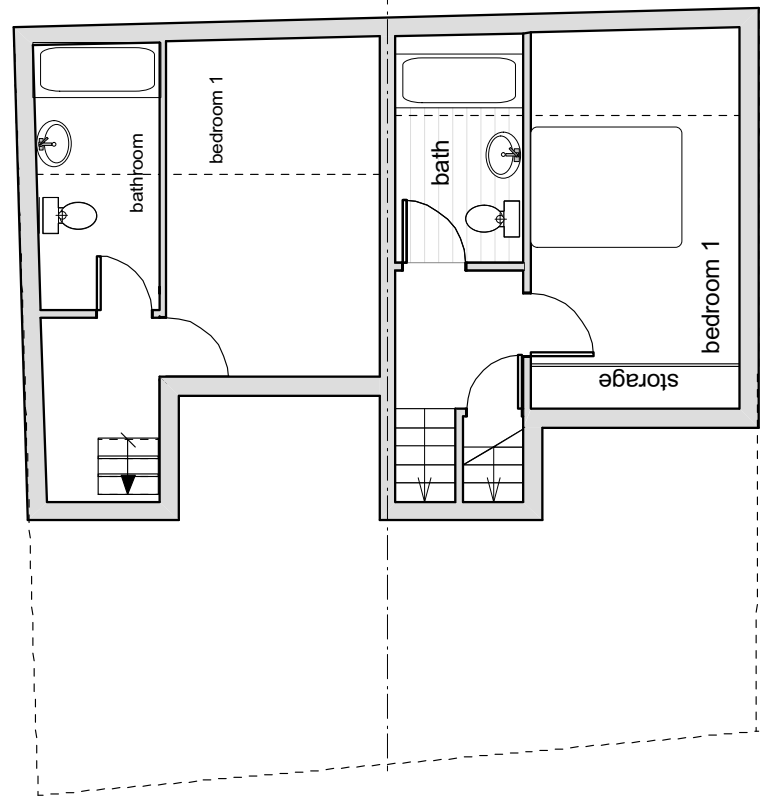
**CORPORATE DIRECTOR NEIGHBOURHOODS & REGENERATION**

NO.	BACKGROUND PAPERS	NAME/DESIGNATION AND TELEPHONE EXTENSION OF ORIGINAL COPY	LOCATION CONTACT OFFICER
1.	2007/2723	Micheal Garvey Planning Officer 020 8356 8053	263 Mare Street, E8 3HT
2.	Hackney UDP and London Plan 2008		

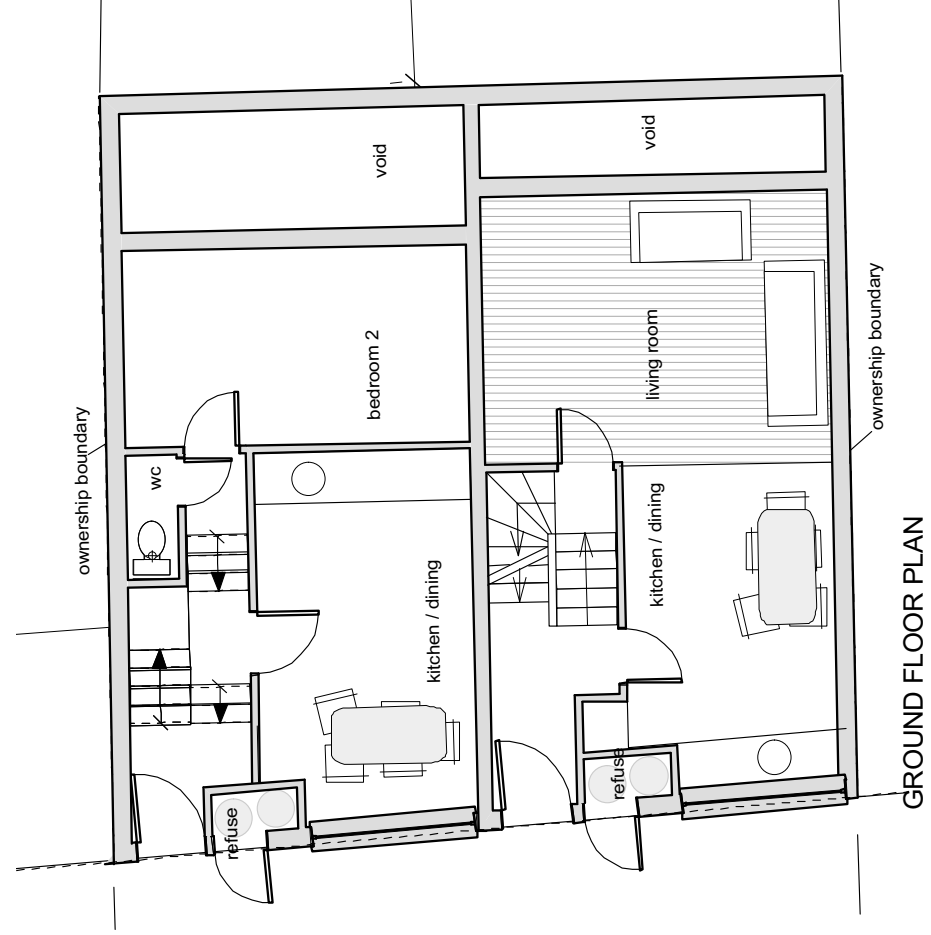
This page is intentionally left blank



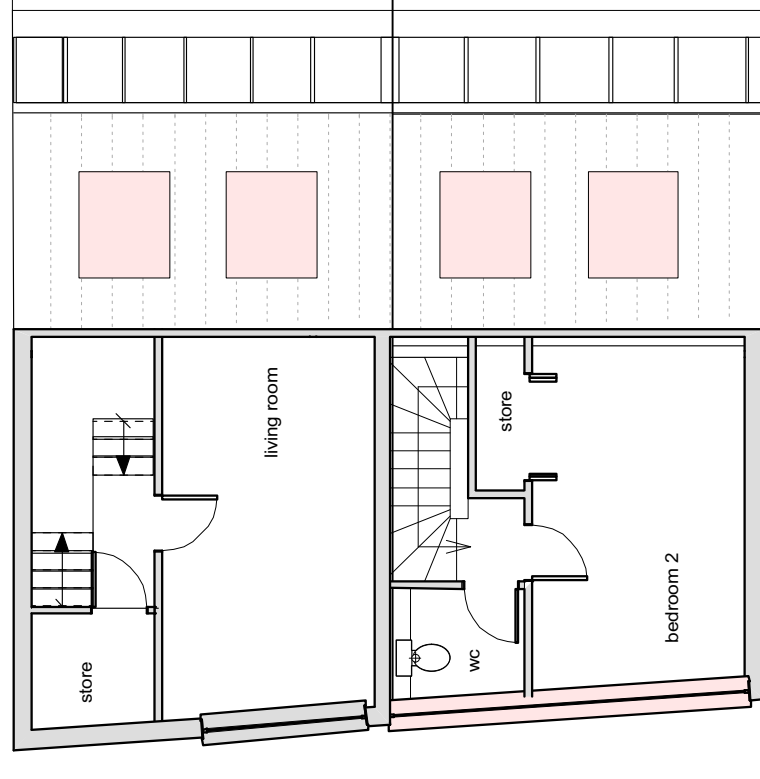
LOCATION PLAN scale 1:1250



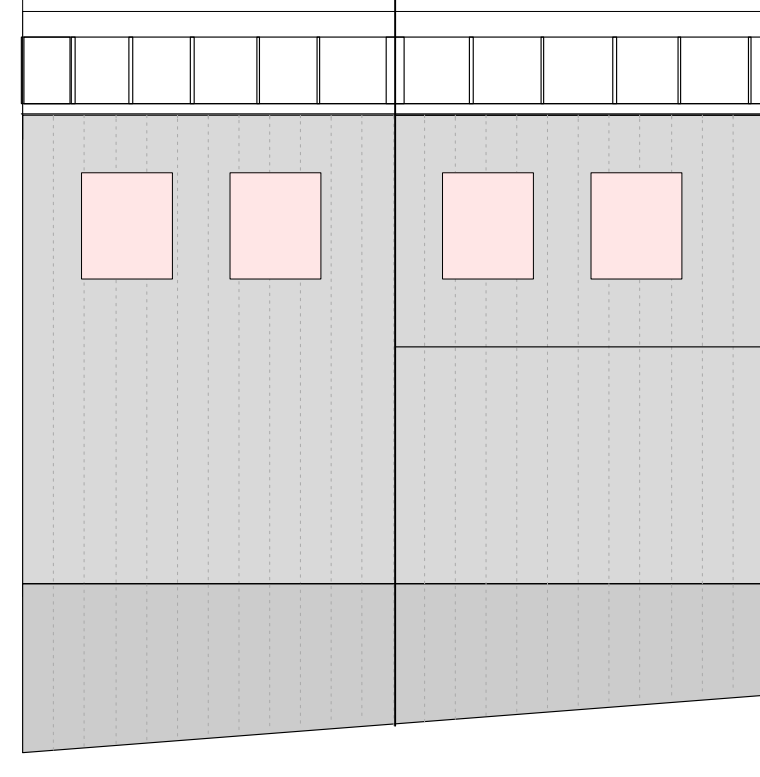
BASEMENT PLAN



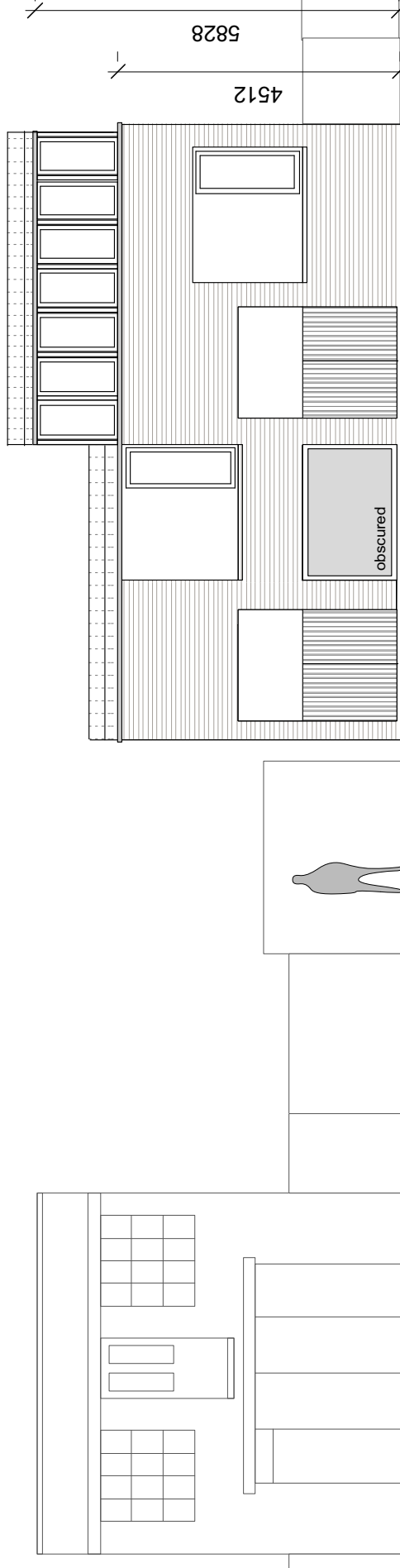
GROUND FLOOR PLAN



FIRST FLOOR PLAN

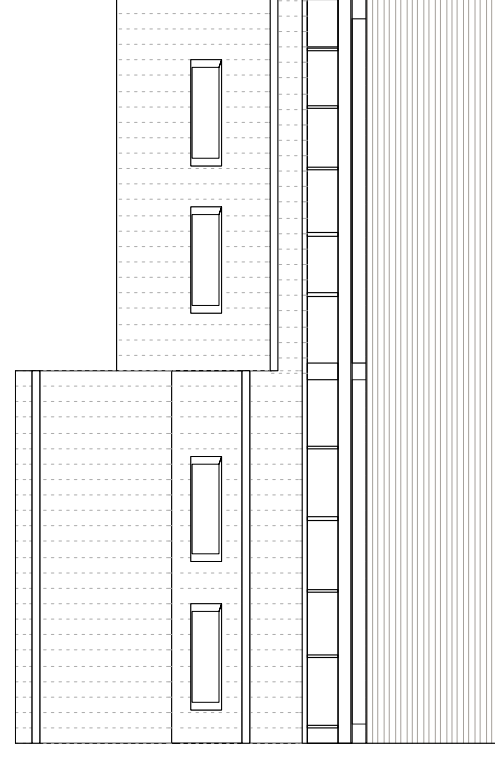


ROOF PLAN

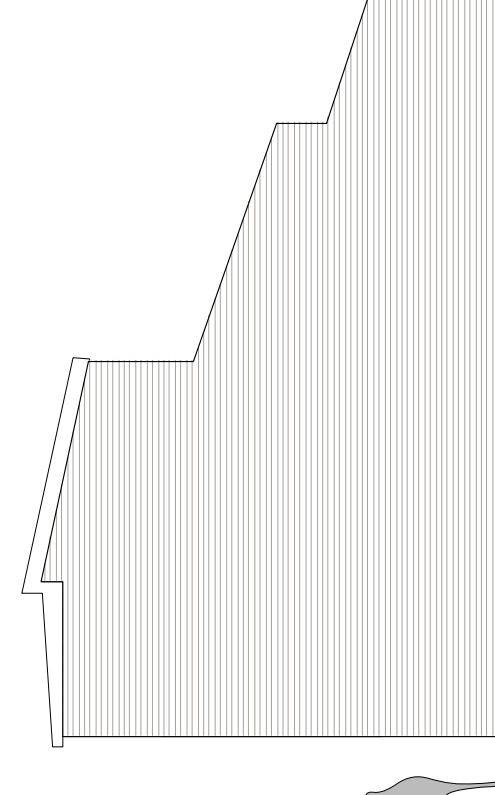


WEST ELEVATION

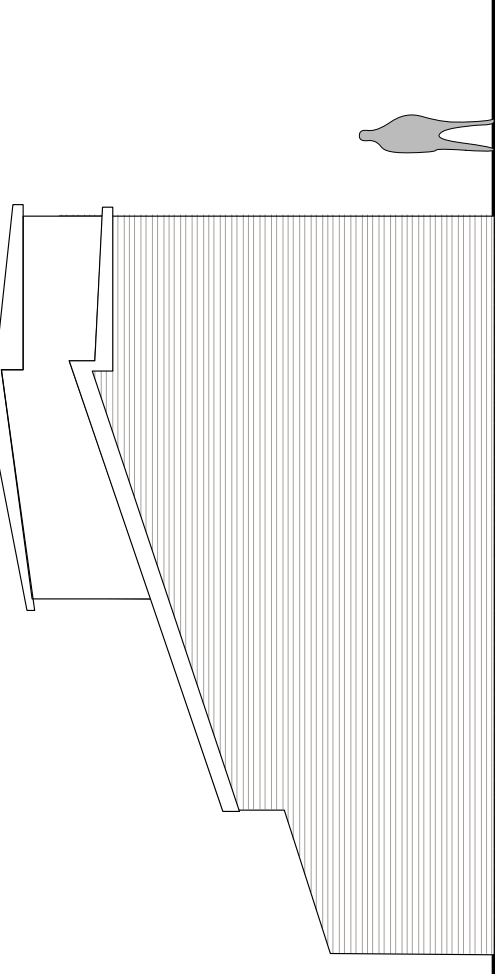
Materials: stock brick;  
 cast-in-situ concrete timber floors and window frames  
 copper to roofs



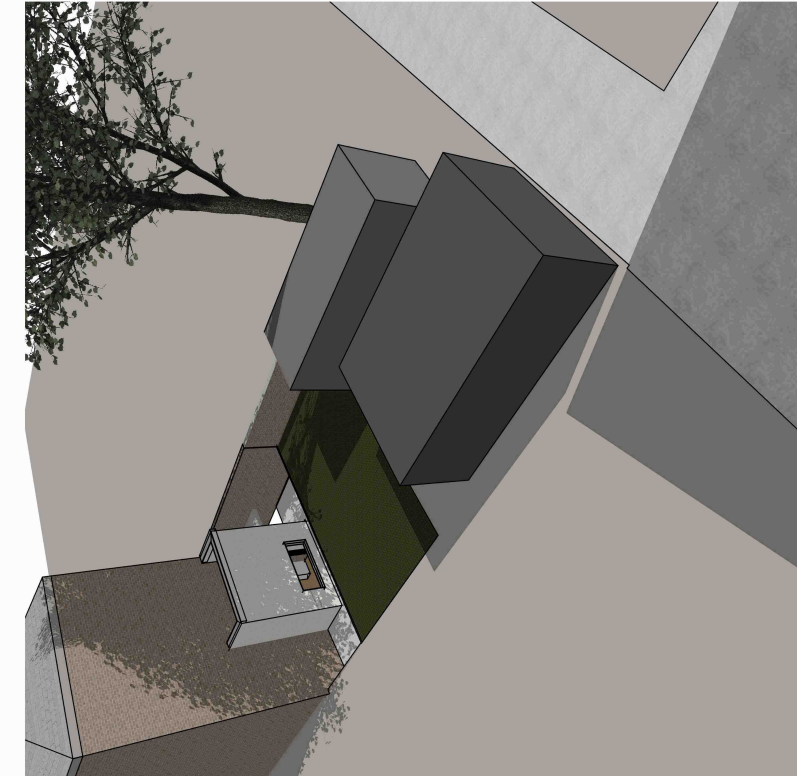
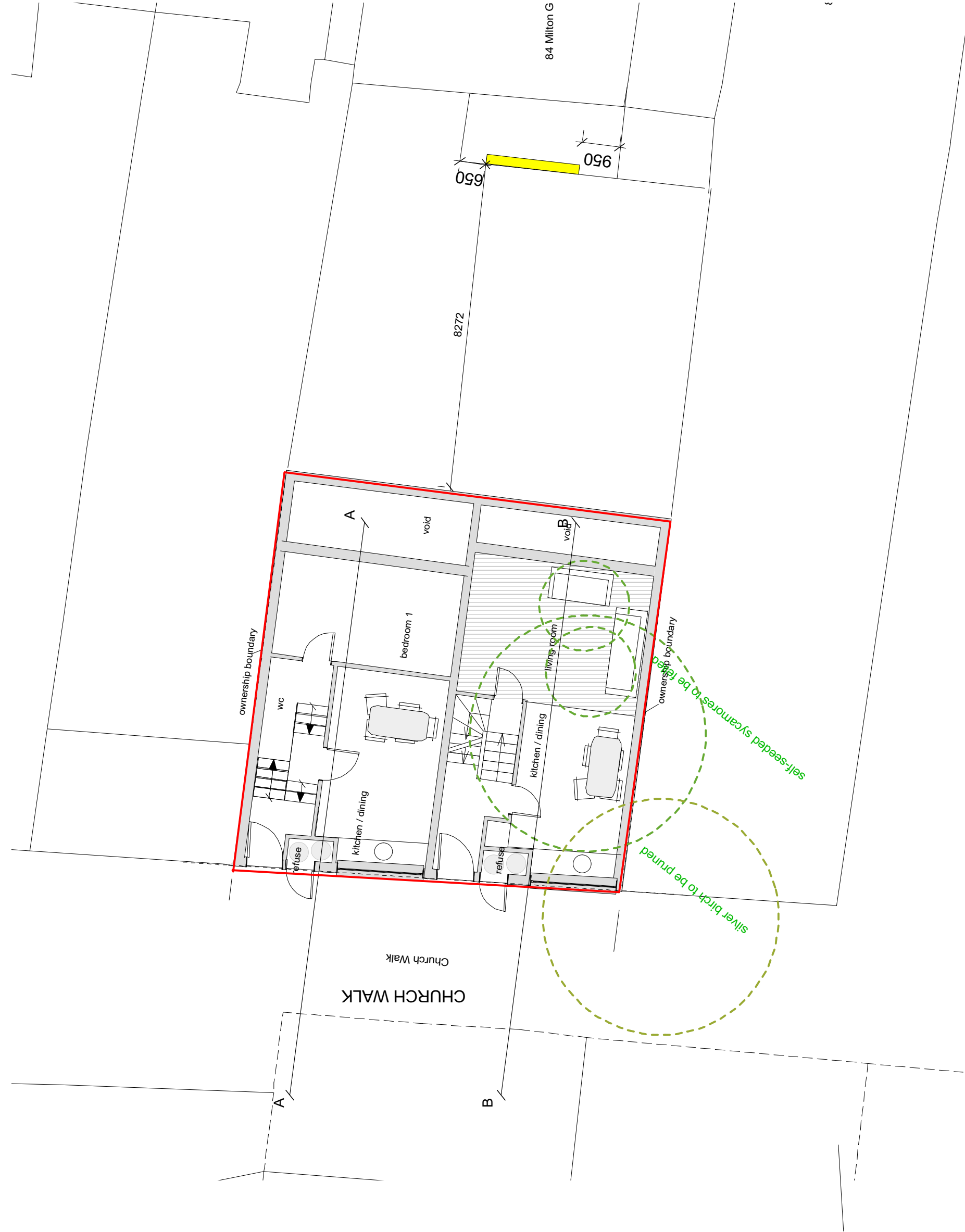
EAST ELEVATION



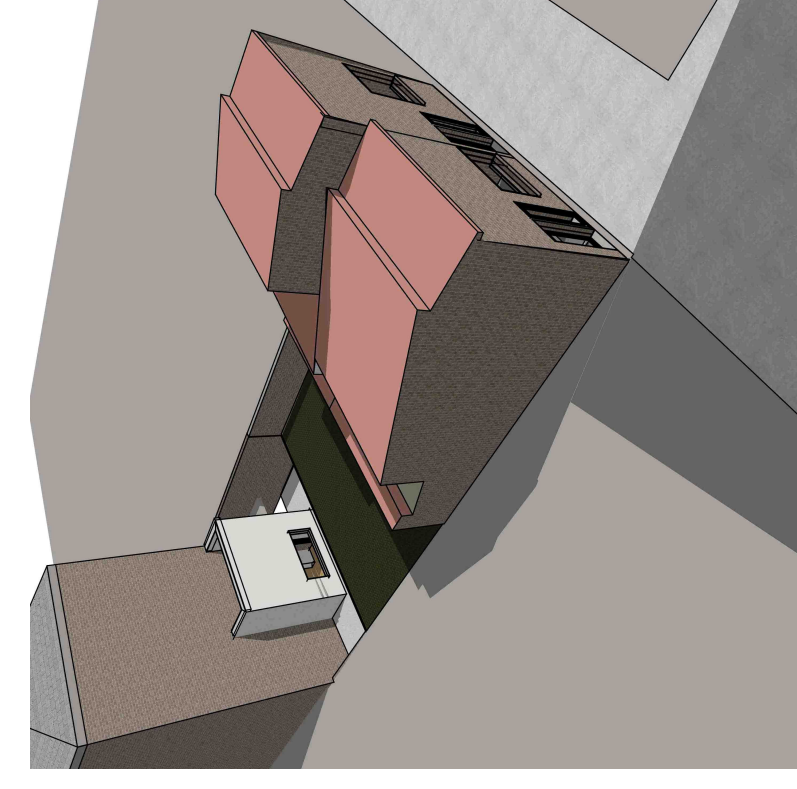
SOUTH ELEVATION



NORTH ELEVATION



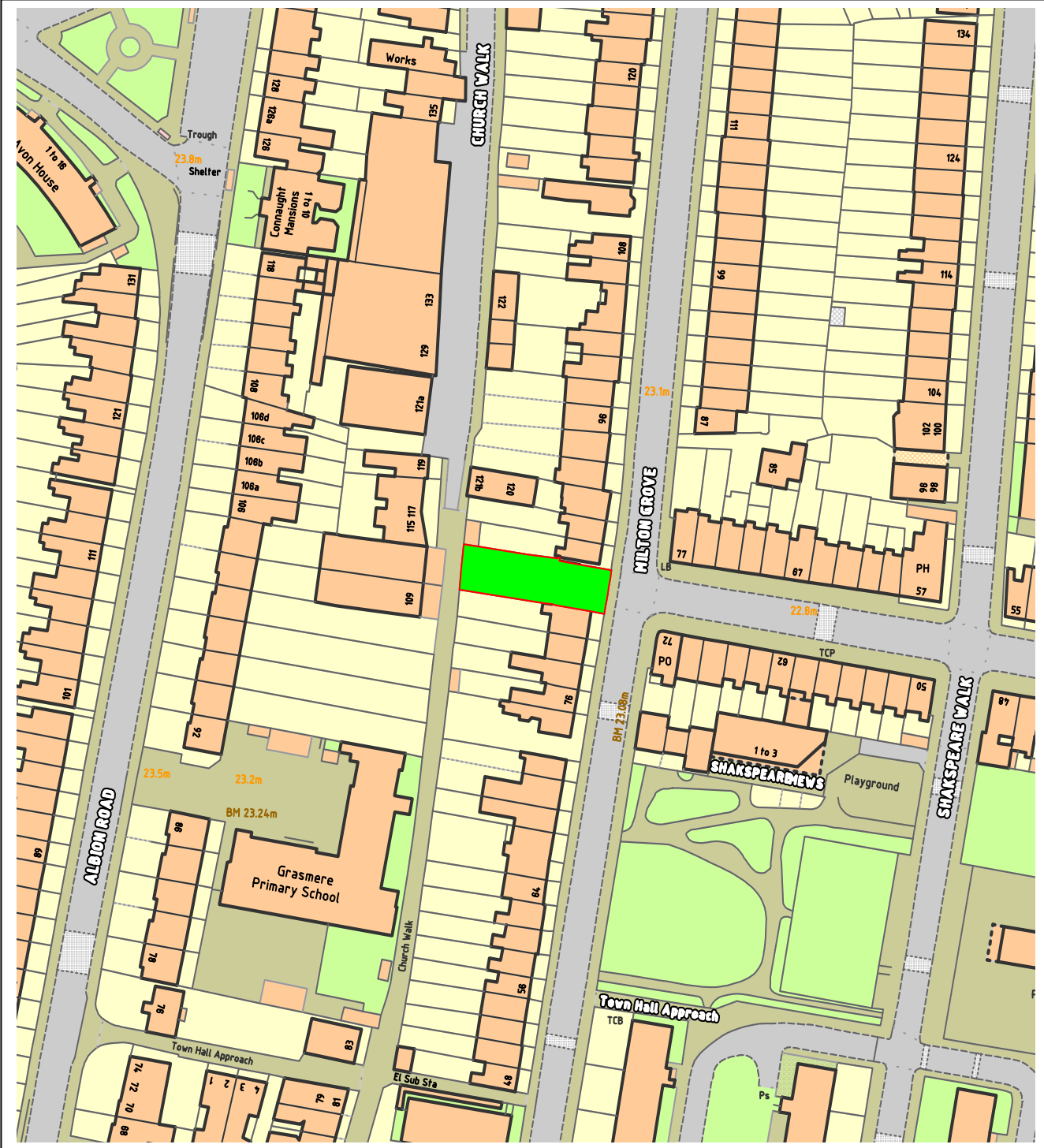
as existing



as proposed

This page is intentionally left blank

# Site Plan - Rear of 84 Milton Grove, N16 8QY



This material has been reproduced from Ordnance Survey digital map data with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright.

This page is intentionally left blank



<b>ADDRESS: 191 Evering Road, E5</b>	
<b>WARD:</b> Hackney Downs (H) <b>APPLICATION NUMBER:</b> 2008/1920  <b>DRAWING NUMBERS:</b> 191eve/1/01 Rev A 191eve/1/02 Rev A 191eve/2/01 Rev B 191eve/2/02 Rev A 191eve/2/03 Rev A  Together with Design and Access Statement	<b>REPORT AUTHOR:</b> Bernard Haasbroek  <b>VALID DATE:</b> 15/08/2008
<b>APPLICANT:</b> <b>Whitechapel Resources Limited</b> <b>334-336 Goswell Road</b> <b>London</b> <b>EC1V 7RP</b>	<b>AGENT:</b> <b>Mr. L. Heer</b> <b>Bostall Architectural Services</b> <b>Old Bexley Lane</b> <b>Bexley, Kent</b> <b>DA5 2BL</b>

**PROPOSAL:** 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.

**RECOMMENDATION SUMMARY: Grant Conditional Planning Permission**

**ANALYSIS INFORMATION**

**ZONING DESIGNATION:**

CPZ		No
Conservation Area		No
Listed Building (Statutory)		No
Listed Building (Local)		No
Archaeological Interest	YES	

LAND USE DETAILS:	Use Class	Use Description	Floorspace
Existing	C3	Residential	316 SQM
Proposed	C3	Residential	316 SQM

RESIDENTIAL USE DETAILS:	USE	Residential Type	No of Bedrooms per Unit				
			1	2	3	4	5+
Existing			0	0	0	0	1
Proposed			0	3	0	1	0
<b>Totals</b>		<b>(Total = 4)</b>	<b>0</b>	<b>3</b>	<b>0</b>	<b>1</b>	<b>0</b>

**OFFICERS REPORT**

## **1. SITE DESCRIPTION**

- 1.1 The site is a two-storey over basement mid-terrace Victorian building located on the north side of Evering Road. The property was in the process of being refurbished at the time of the site visit. At its rear is a large single-storey ground floor extension with balcony above. A rear roof dormer extension and front light-well have been constructed utilising permitted development rights granted to single family dwellinghouses under the Town and Country Planning (General Permitted Development Order).
- 1.2 The surrounding area is predominantly characterised by residential properties, which are a mixture of single family dwellings and similar flat conversions.

## **2. CONSERVATION IMPLICATIONS**

- 2.1 There are no conservation implications associated with this application.

## **3. HISTORY**

- 3.1 There is no planning history for the subject site.

## **4. CONSULTATIONS**

- 4.1 Date Statutory Consultation Period Started: 19/08/2008

- 4.2 Date Statutory Consultation Period Ended: 10/10/2008

- 4.3 Site Notice: Yes

- 4.4 Press Advert: No

### **4.5 Neighbours**

- 4.5.1 12 neighbours have been consulted by personal letter and a site notice was posted on 19/08/2008.

#### **4.5.2 Evering Road Action Group:**

Object – One petition letter with 16 signatures has been received from the above group, raising objections on the following grounds:

- Submitted plans are incorrect as the proposed building includes works and alterations that have already been completed. There is a discrepancy between the submitted plans with some showing a level access to the side entrance and some showing a number of steps, which would have an implication in relation to Hackney UDP policy HO16.
- The work in relation to this scheme has already commenced without planning permission and it is contested that this can not be seen as permitted development.

- The existing single storey rear extension does not have planning permission and this planning permission would effectively permit this unauthorised development.
- The single storey rear extension would have a balcony element that would seriously affect the privacy of adjoining neighbouring properties.
- The dwelling does in fact have a side entrance at ground floor level and part of the development must therefore be adapted for disabled use to comply with policy HO16 of the Hackney UDP.

#### 4.6 Other Council Departments

##### 4.6.1 Waste Management:

No comment received

## 5 POLICIES

### 5.1 Hackney Unitary Development Plan 1995

EQ1	Development Requirements
H03	Other sites for housing
H012	Conversions
H016	Housing for people with disabilities

SPG2	Supplementary Planning Guideline 2 (Residential Conversions Extensions and Alterations)
------	---

### 5.2 London Plan 2008

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
4B.1	Design Principles for a Compact City

### 5.3 National Planning Policies

PPS1	Delivering Sustainable Development
PPG3	Housing

## 6. COMMENT

### 6.1 Background

The proposal is for the conversion of single dwelling house to create 4 self-contained flats of which one will be a four bedroom flat with access to the rear garden. The proposal includes minimal external alterations namely alterations to the front basement windows and front door steps, the erection of a roof structure on the edge of the existing terrace and double doors opening onto it at first floor level.

- 6.2 A number of minor revisions were negotiated with the applicant to improve the proposal and to bring it under current policy requirements. This included the erection of a 1.8 metre high screen on the boundary wall at first floor level, the insertion of an additional window to the bedroom 2 at basement level and the reconfiguration of the internal layout to improve stacking of rooms, prevent overlooking issues.
- 6.3 A large rear extension exists on the site with a flat concrete roof and access onto it at first floor level which can therefore be used as a first floor terrace. This structure was built without planning permission but it was constructed approximately 10 years prior and would therefore be immune from planning enforcement action.
- 6.4 Building works were underway at the time of the site visit. This included the rear dormer and loft conversion as well as refurbishment of the basement and the insertion of windows. The property is however currently a single family dwellinghouse and under the Town and Country (General Permitted Development) (Amendment) (No2) (England) Order 2008 permitted development rights can be used to carry out all the works referred to above without the need to apply for planning permission. These developments do not therefore form part of the current planning application which is confined solely to the proposed conversion of the building to flats with the alterations as stated in the description.
- 6.5 Principle Of Development  
The relevant policies to consider with regards to the principle of the proposed residential conversion are HO3 'Other Sites for Housing' and HO12 'Conversions' and HO16 'Housing for people with disabilities'.
- 6.6 The existing dwelling comprise of approximately 316 square metres of internal floor space. Policy HO12 of the Hackney UDP requires for conversions exceeding 180 sqm. to provide at least one family unit with four bedrooms, suitable for occupation by six or more people and with access to private amenity space. These features form part of the current planning application and are therefore acceptable.
- 6.7 Policy HO16 of the Hackney UDP requires, where possible, for a house conversion to have at least part of the conversion accessible for people with impaired mobility. The side entrance of the subject site is at ground level and the layout of the four bedroom unit was improved so that accessibility for disabled users can be attained with further conversion work. The need to provide a four bedroom family unit as required by policy HO12 was however considered to take priority and the proposal is considered as acceptable in this regard.
- 6.8 The proposal is also considered to be in line with policies 3A.1, 3A.2 and 3A.3 of the London Plan as well as PPS1 and PPS3 which support the notion of creating additional housing in a sustainable manner.
- 6.9 Visual Appearance  
The proposal entails mainly changes to the internal configuration. The minor alterations to the front elevation, including the improvements to the front steps and basement windows will improve the visual appearance of the building and the street scene. The proposed new roof structure on the single storey rear extension is in keeping with the dwelling structure and will integrate this structure with the main dwelling. The proposed development is therefore considered to be acceptable in

terms of its visual appearance and policies EQ1 of the Hackney UDP and 4B.1 of the London Plan.

6.10 Impact on neighbouring amenities

The proposal would only comprise of changes to the internal configuration of the building it would not have an adverse effect on the residential amenities of neighbouring properties. The proposal will however improve the negative impacts of overlooking from the terrace at first floor level on the single storey rear extension. The proposal entails the construction of a new false roof structure with the existing terrace as a recess behind this and 1.8 metre screen on the boundary with 189 Evering Road. As such the proposal is regarded to be acceptable in terms of policies EQ1 of the Hackney UDP and 4B.1 of the London Plan in terms of its potential impact on residential amenities.

6.11 Internal Layout

The internal layout of the proposed development was changed so that the four bedroom family gains access from the side entrance and occupies the rear of the property on basement, ground and mezzanine level. This arrangement allows for the four bedroom unit and avoids loss of privacy for any of the proposed units. The other three two bedroom units take up the remainder of the building and the internal configuration leads to an appropriate layout and stacking as suggested in Supplementary Planning Guidance 2.

6.12 The table below indicates the room sizes in square metres for the proposed development with the requirements as given in Supplementary Planning Guidance 2 stated in brackets below. All the minimum room sizes are being met with the proposed development and the internal layout complies with the regulations and requirements of policy HO3 and Supplementary Planning Guidance 2.

	Unit 1	Unit 2	Unit 3	Unit 4
Main Bedroom	16.5 (11)	18 (11)	12 (11)	11.5 (11)
2 <sup>nd</sup> Bedroom	12 (10.5)	10 (6.5)	10 (6.5)	15.5 (6.5)
3 <sup>rd</sup> Bedroom	8.2 (6.5)			
4 <sup>th</sup> Bedroom	12.8 (6.5)			
Kitchen/ Living	14 (13)	30 (24)	25 (24)	27 (24)
Separate Living	20 (16)			
Garden	149.5 (30)			

6.13 Waste Management – The proposal makes provision for four 140 litre refuse bins and four recycling boxes and would therefore comply with the conventional standards for waste management. The refuse area would be screened from public view behind a low level wall and would therefore be less visible so that no further condition is required in this regard to comply with policy EQ1 of the Hackney UDP.

**7. Response to objections**

In response to the objections received to the proposal, the following comments apply:

- 7.1 Inaccurate plans – The Local Planning Authority is satisfied that the submitted plans are a true reflection of the buildings that exist on the site at the time of the site inspection.
- 7.2 Commencement of works – The property is currently classified as a single residential dwelling and the works that were carried out to date would fall under the permitted development allowance as explained in paragraph 6.4 of this report.
- 7.3 Unlawful single storey extension – The single storey rear extension that has been constructed without planning permission would be immune to planning control as it has been in existence for more than 4 years. The proposal would improve the visual appearance of this element with the inclusion of a false roof and reduce the negative impacts on neighbouring amenities due to overlooking as discussed in paragraph 6.10 of this report.
- 7.4 Privacy – The proposal will improve the privacy of all neighbouring residential properties as discussed in section 6.10 of this report.
- 7.5 Provisions for mobility impaired occupants – The revised plans will result in the four bedroom ground floor unit to comply with policy HO12 of the Hackney UDP which is considered to be of primary importance and compliance to policy HO16 may not be possible in this instance.

## **8 CONCLUSION**

- 8.1 The proposal to convert and alter the property into flats accords with policies within the Hackney Unitary Development Plan. The Planning Service is satisfied that no breach of planning control occurred and that the proposed development should be recommended for approval.

## **9 RECOMMENDATION:**

**That planning permission be Granted subject to:**

### **9.1 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.

### **9.2 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.

9.3

**NSC – Screening**

A 1.8 metre high obscured screen shall be erected and permanently maintained for the first 2.5 metres at first floor level along the rear boundary with 189 Evering Road.

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

**10 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], HO3 [Other Sites for Housing] and H012 , [Conversions], H016 [Housing for people with disabilities] as well as policy 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], 4B.1 [Design Principles for a Compact City] of the London Plan 2008.

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, Dorothy Hodgkin House, 12 Reading Lane, London, E8 1HJ. 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.

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, Dorothy

Hodgkin House, 12 Reading Lane, London, E8 1HJ, 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.

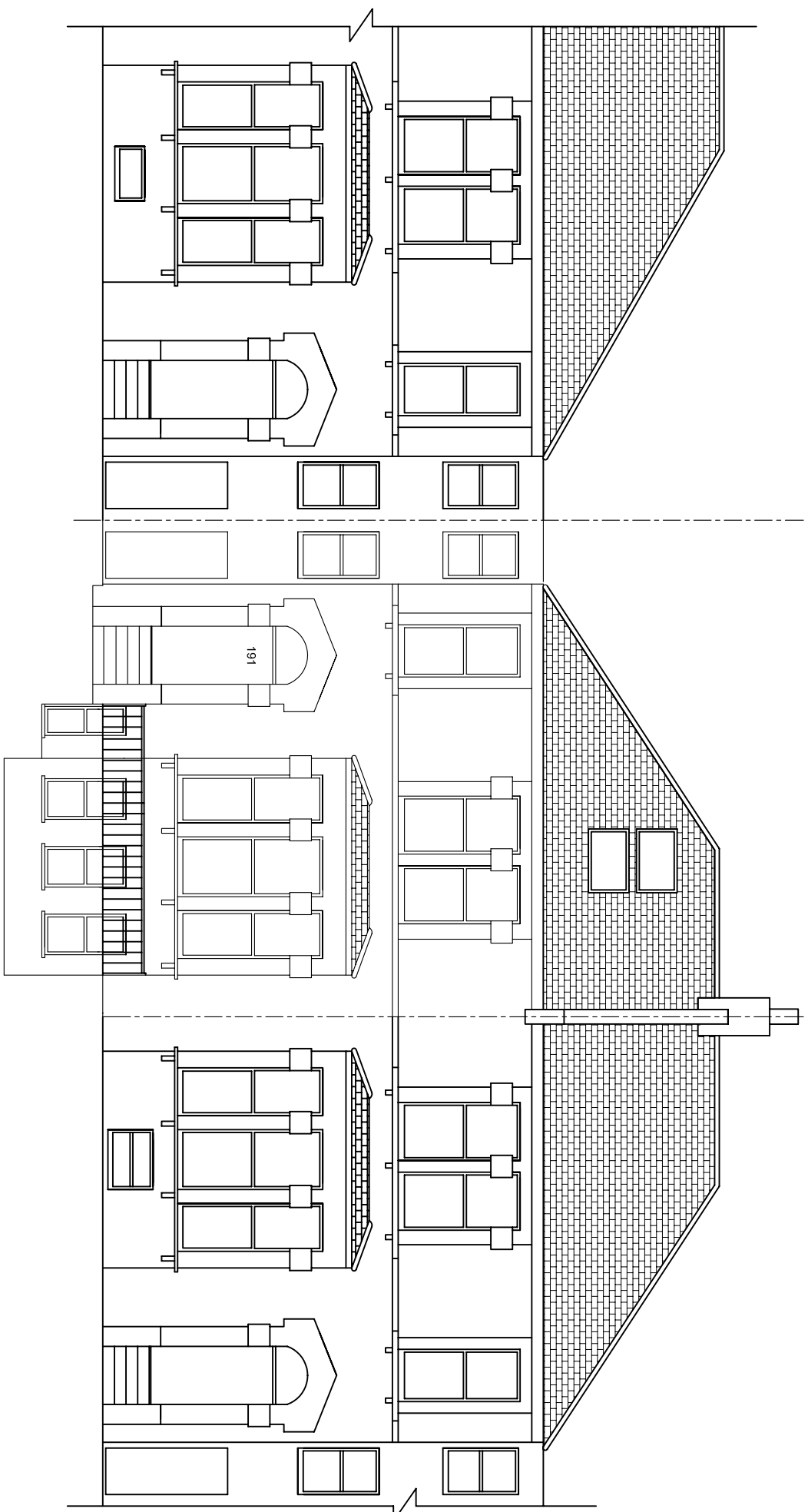
**Signed**..... **Date**.....

**Fiona Fletcher -Smith**

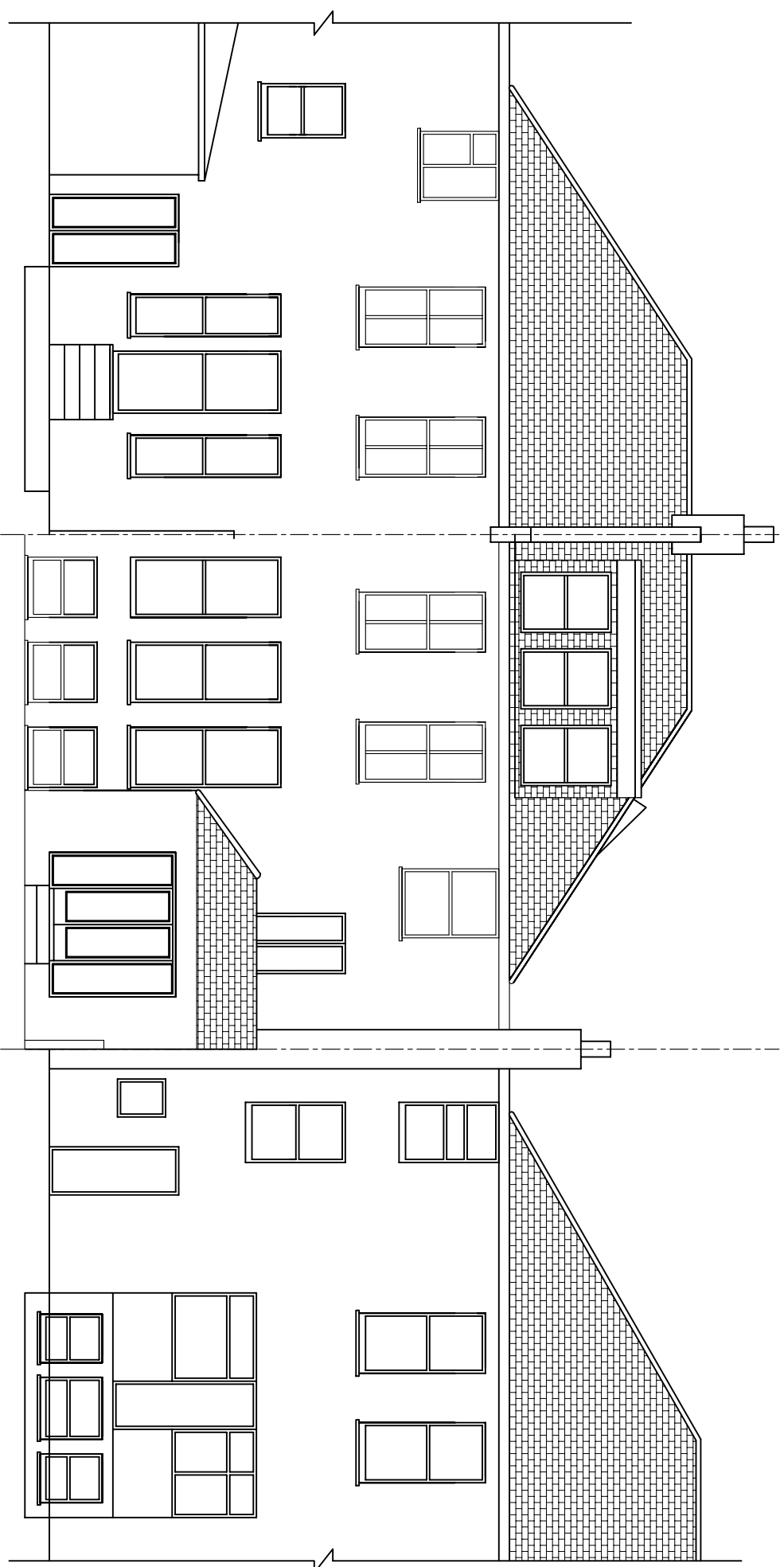
**CORPORATE DIRECTOR NEIGHBOURHOODS & REGENERATION**

NO.	BACKGROUND PAPERS	NAME/DESIGNATION AND TELEPHONE EXTENSION OF ORIGINAL COPY	LOCATION CONTACT OFFICER
1.	Planning file: 2008/1920	Bernard Haasbroek Planning Officer 020 8356 7939	263 Mare Street, London E8 3HT
2.	Hackney UDP and London Plan		

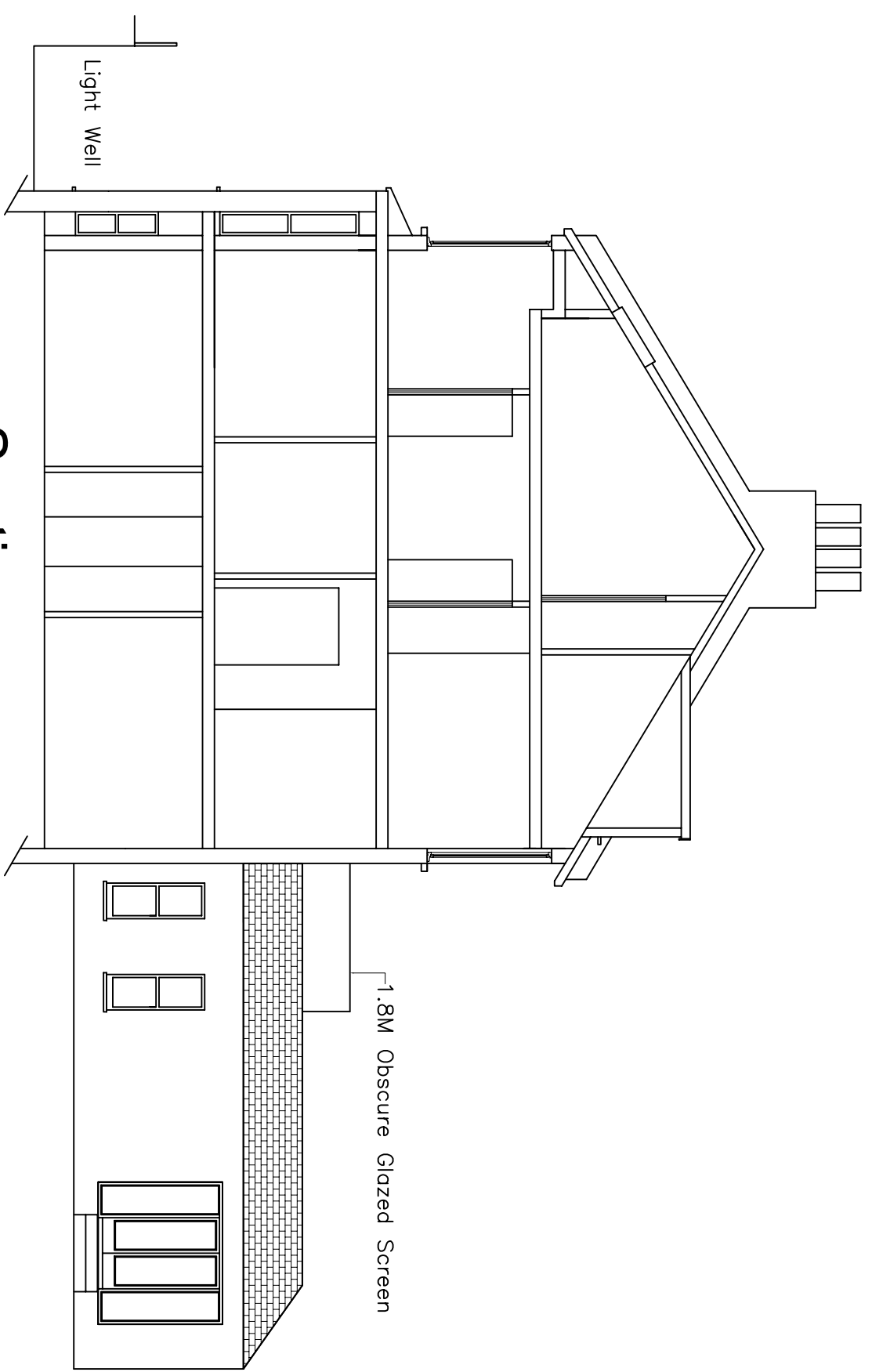




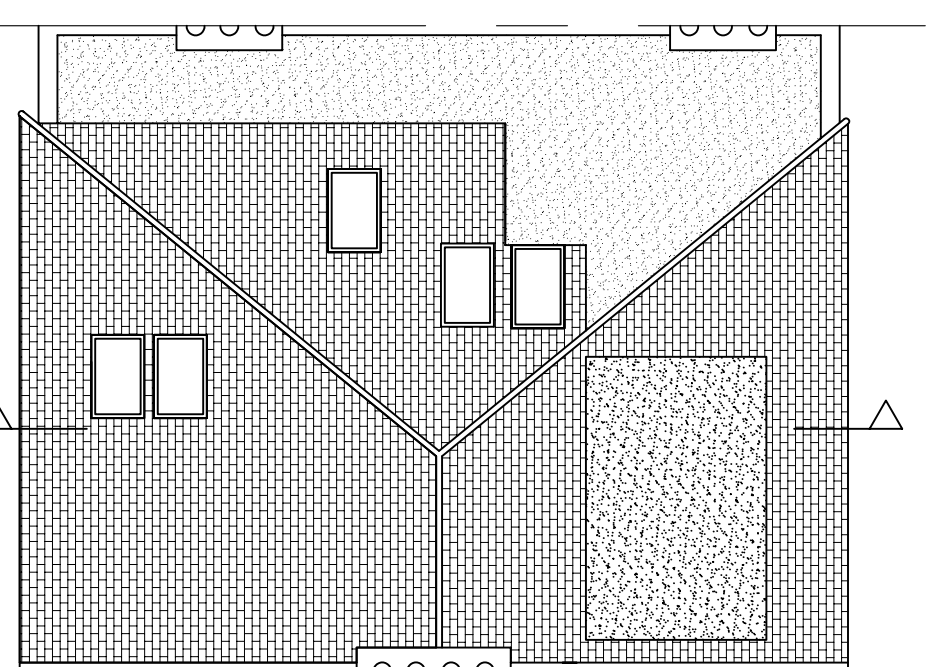
**Front Elevation**



**Rear Elevation**



**Section**



**Roof plan**

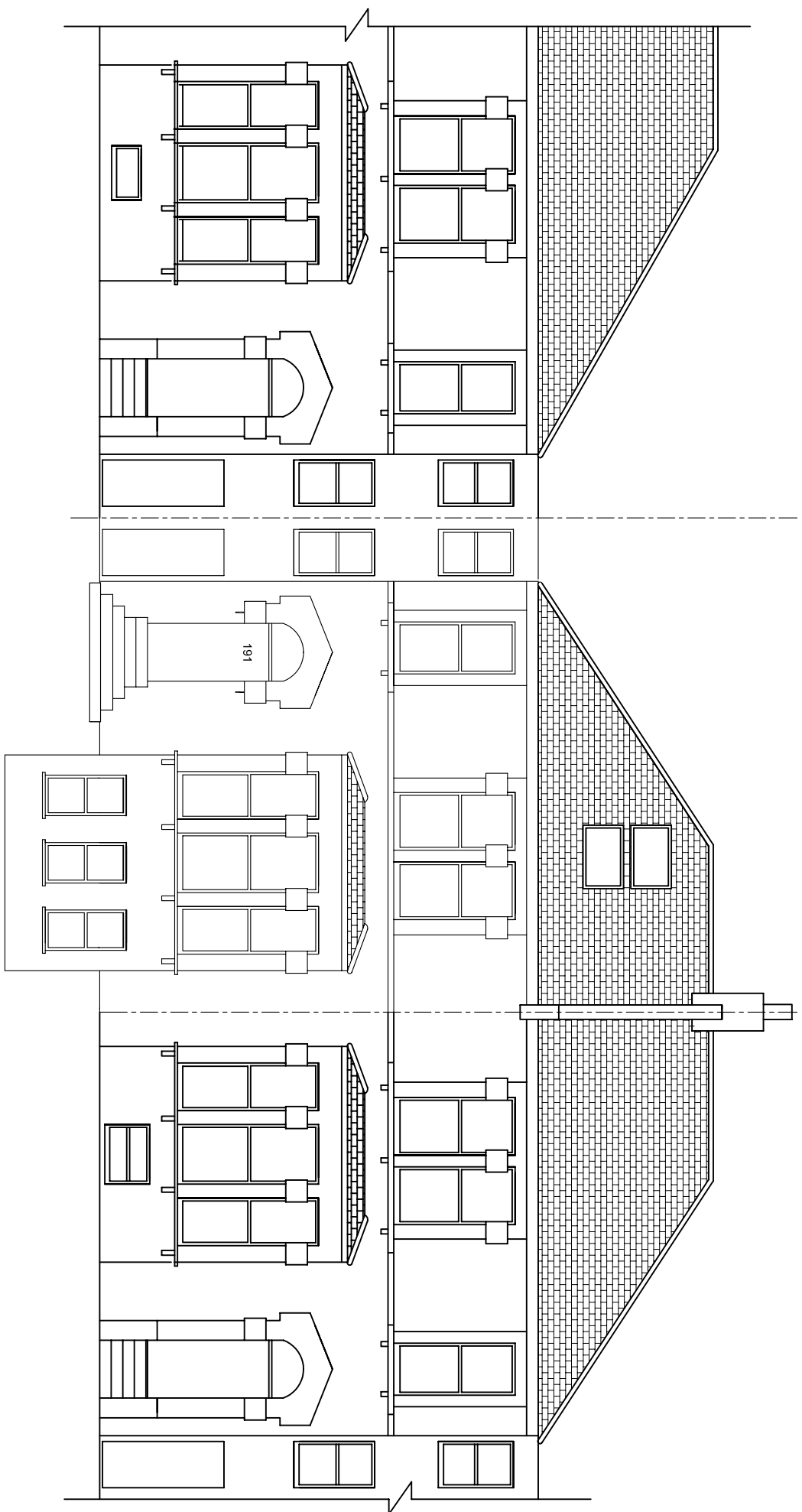
<b>CLIENT</b>					
WHITECHAPEL RESOURCES LTD					
<b>TITLE &amp; LOCATION</b>					
PROPOSED ELEVATIONS, SECTION & ROOF PLAN					
191 EVERING ROAD					
LONDON, E5 8AJ					
<b>DATE</b>	<b>SCALE</b>	<b>DRG No</b>	<b>DRN : BY</b>	<b>REV :</b>	
August 2008	1/100@A2	191lev2102	jj	A	



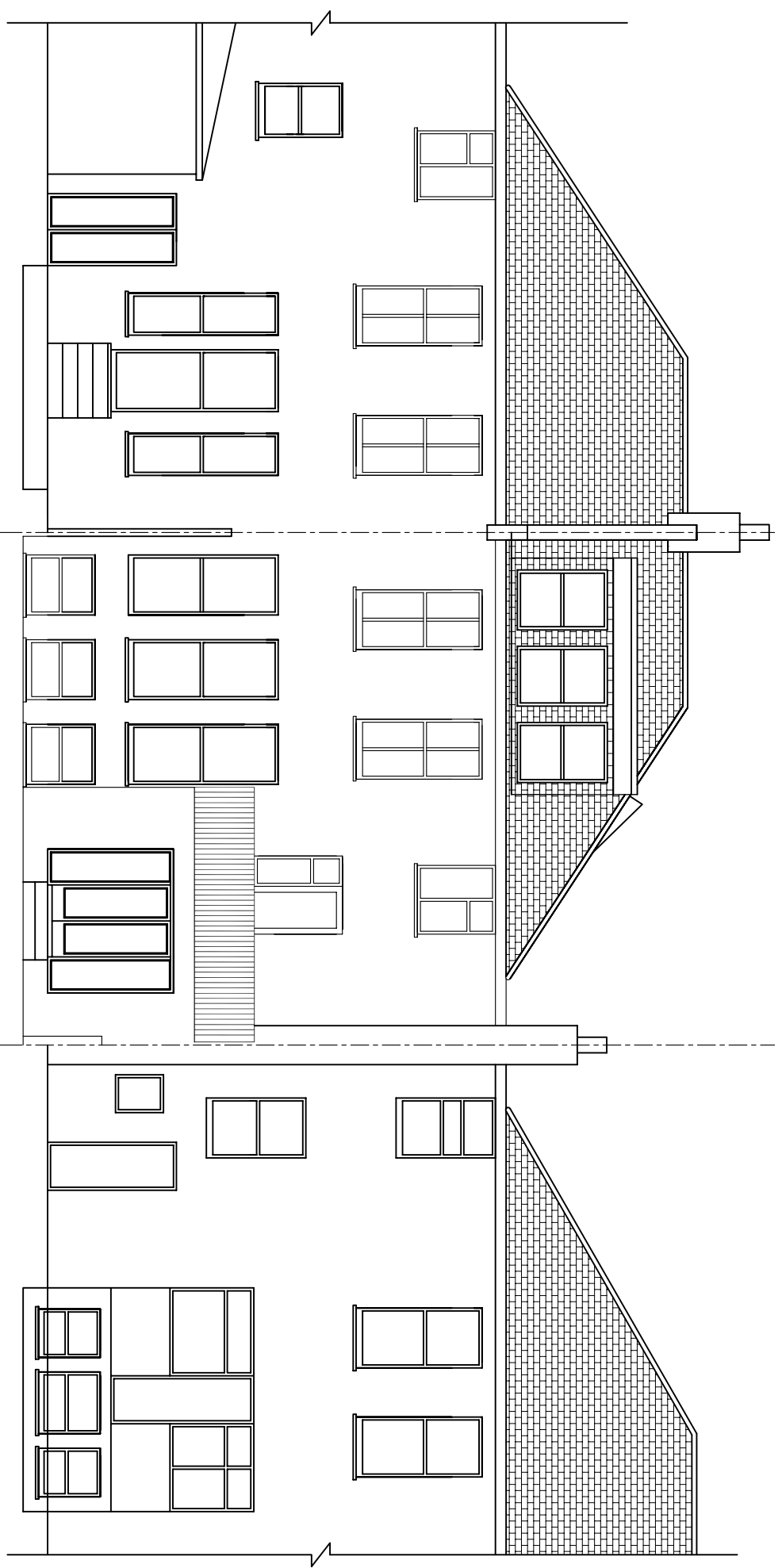
**BOSTALL ARCHITECTURAL SERVICES**  
Design & Building Contractors

23 old Bexley lane  
Bexley  
Kent  
DA5 2BL  
tel: 01322552170 fax: 01322 557834

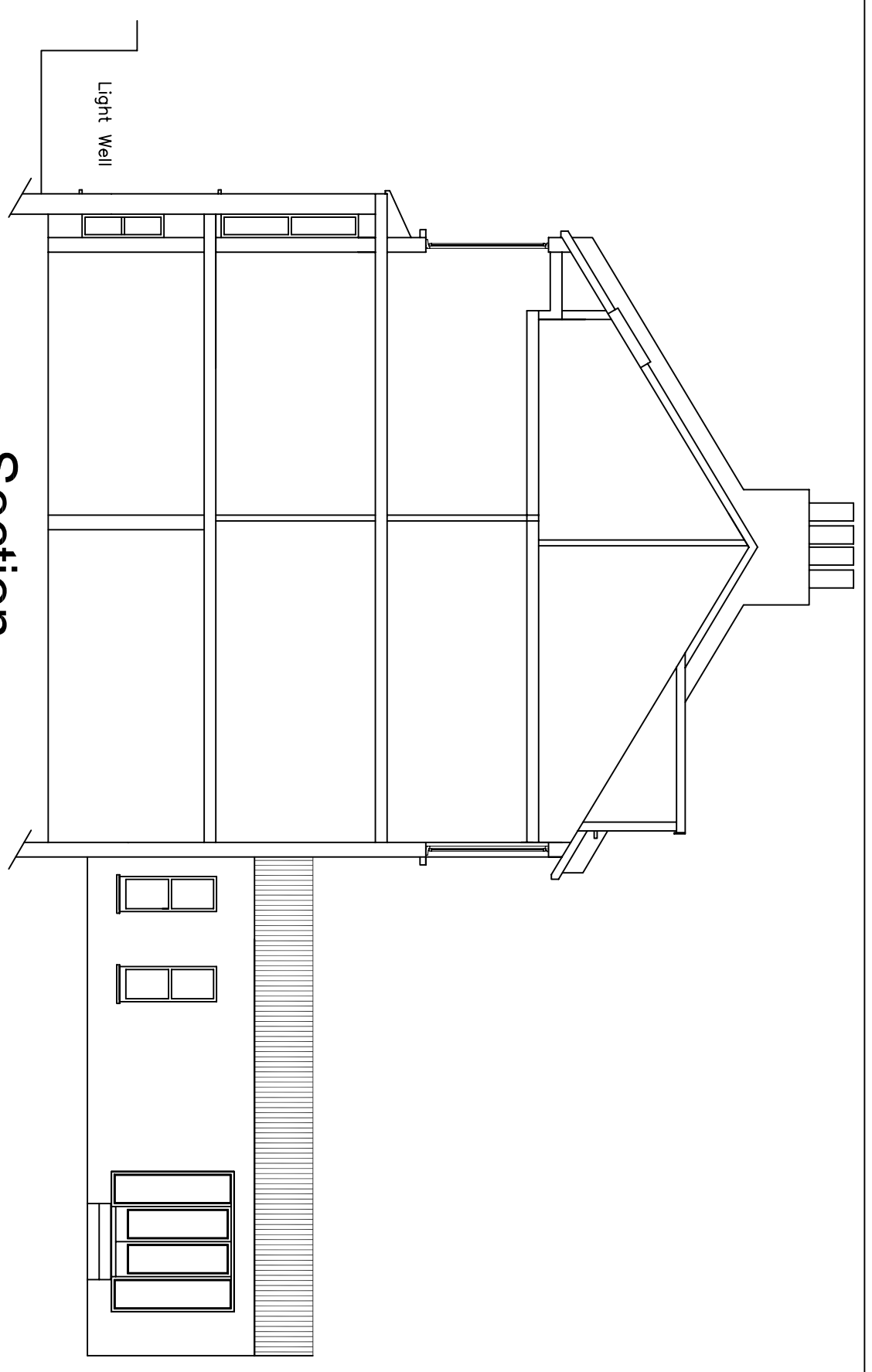
This page is intentionally left blank



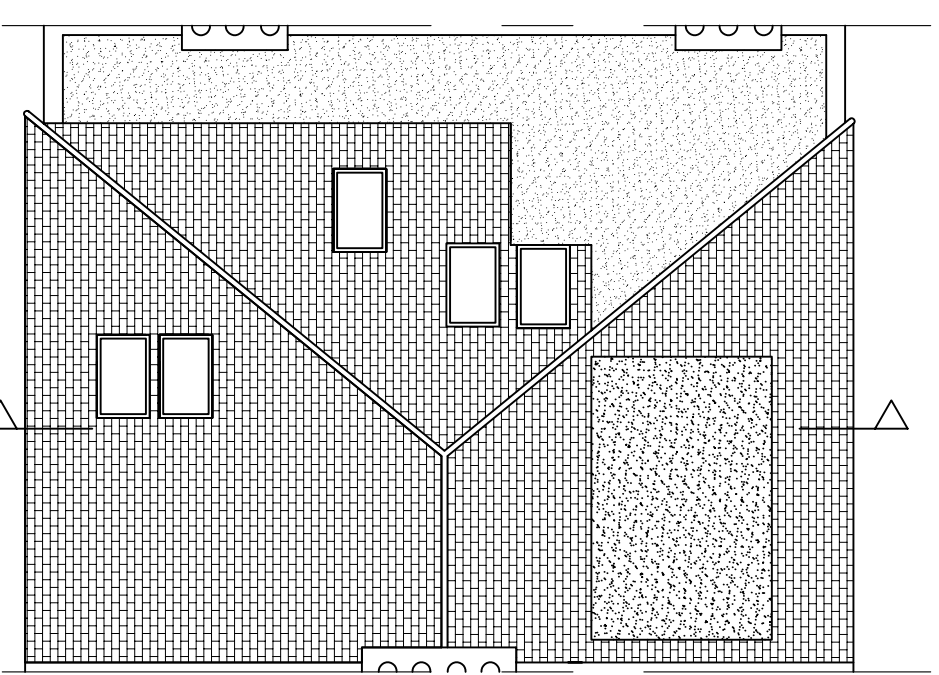
**Front Elevation**




**Rear Elevation**



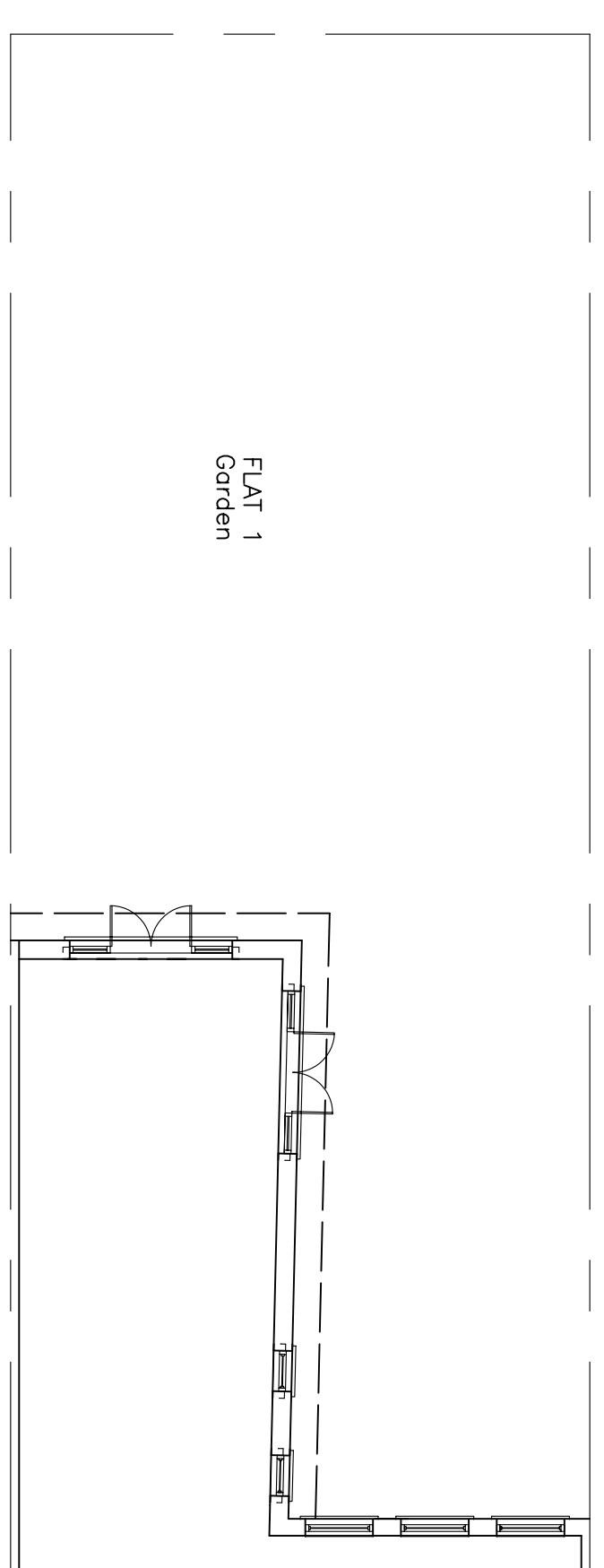
**Section**



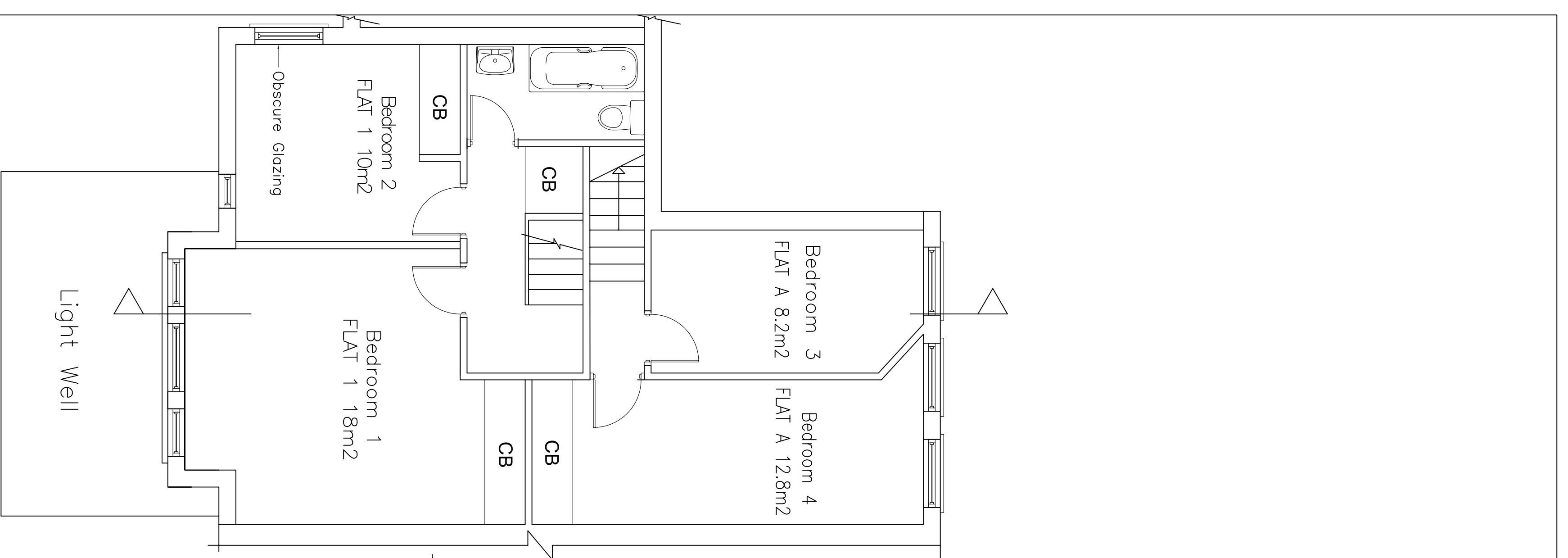
**Roof plan**

CLIENT		WHITECHAPEL RESOURCES LTD	
TITLE & LOCATION		EXISTING ELEVATIONS, SECTION & ROOF PLAN 191 EVERING ROAD LONDON, E5 8AJ	
DATE	SCALE	DRG No	DRN : BY
August 2008	1/100@A2	191/evel102	jj
			REV : A
		<b>BOSTALL ARCHITECTURAL SERVICES</b> Design & Building Contractors 23 old Bexley lane Bexley Kent DA5 2BL tel: 01322552170 fax: 01322 557834	

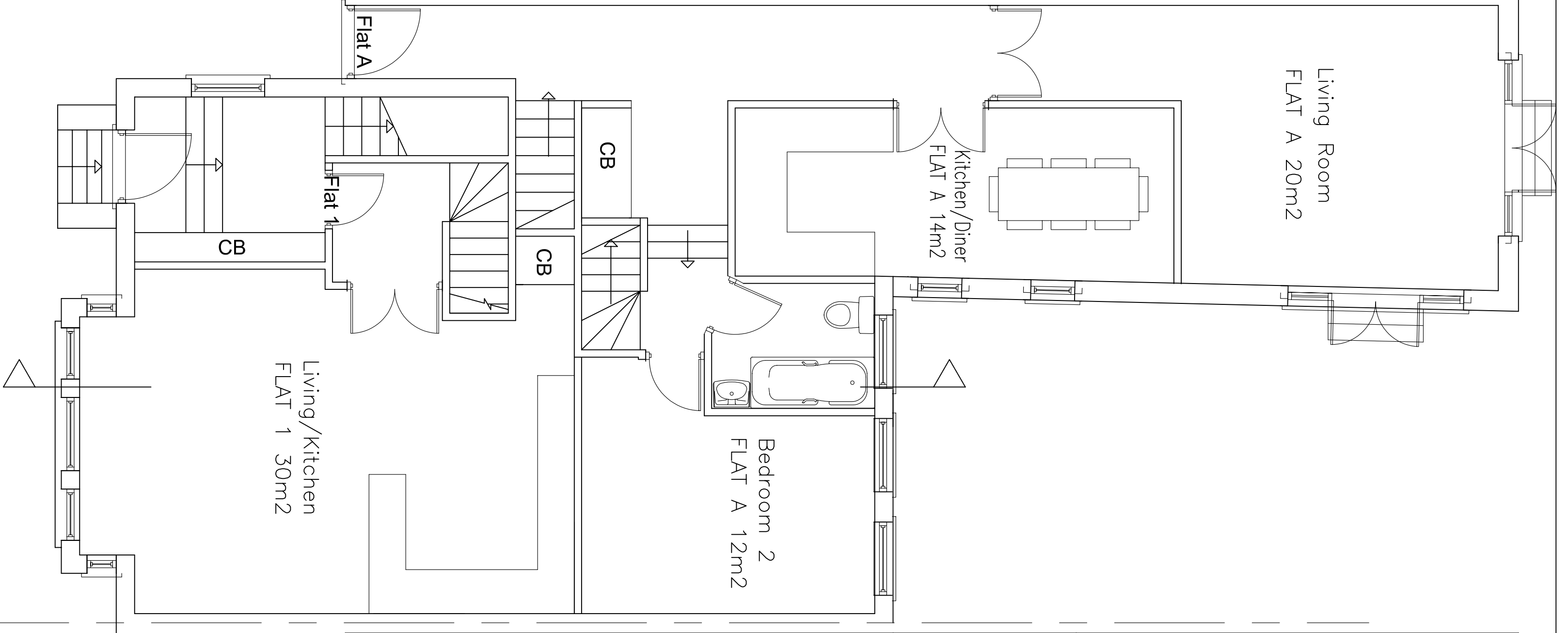
This page is intentionally left blank



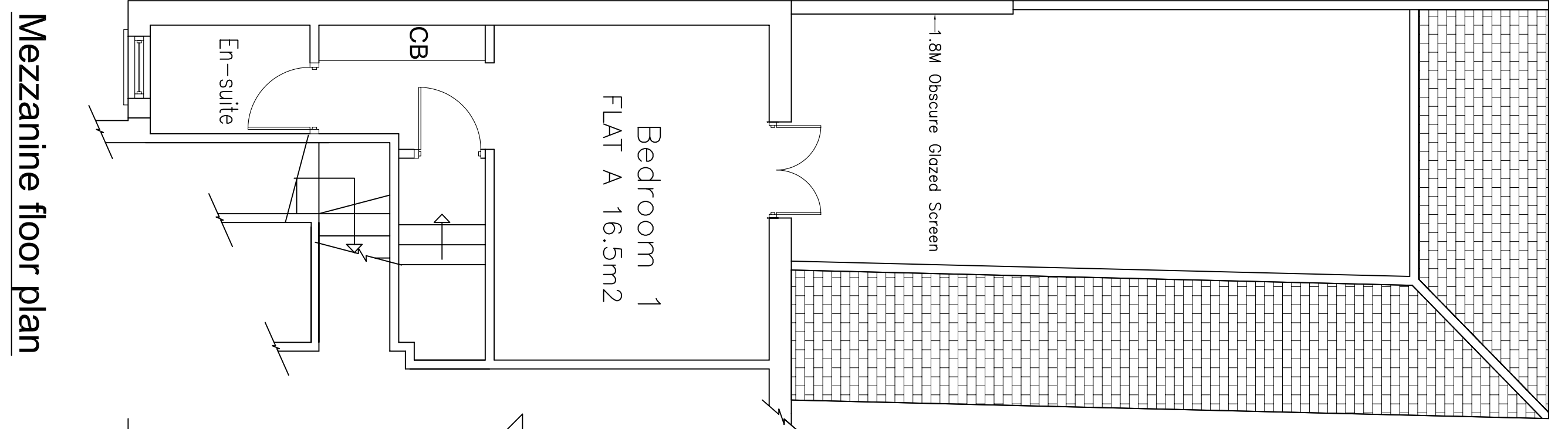
**Proposed garden**  
scale 1:100



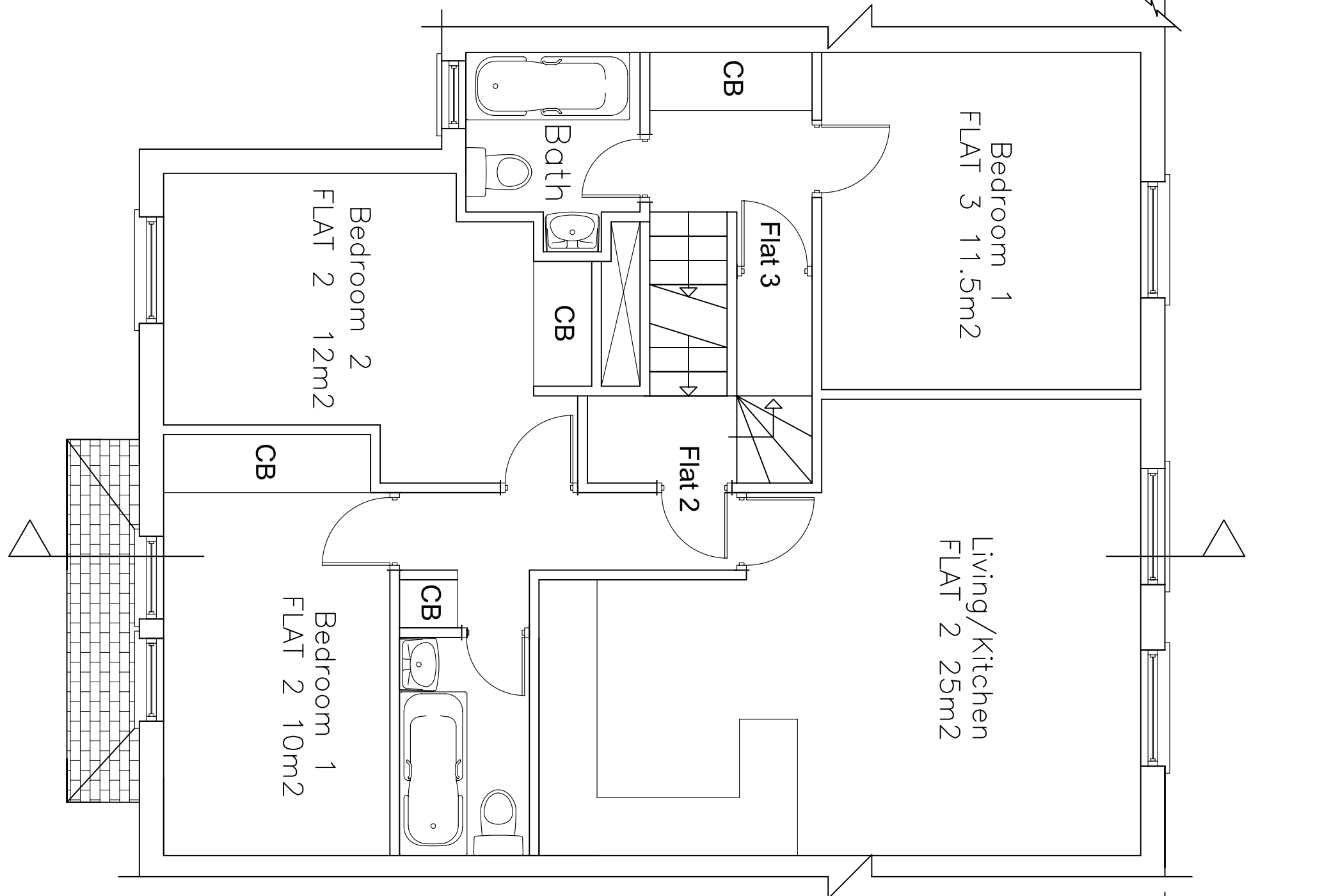
**Basement floor plan**



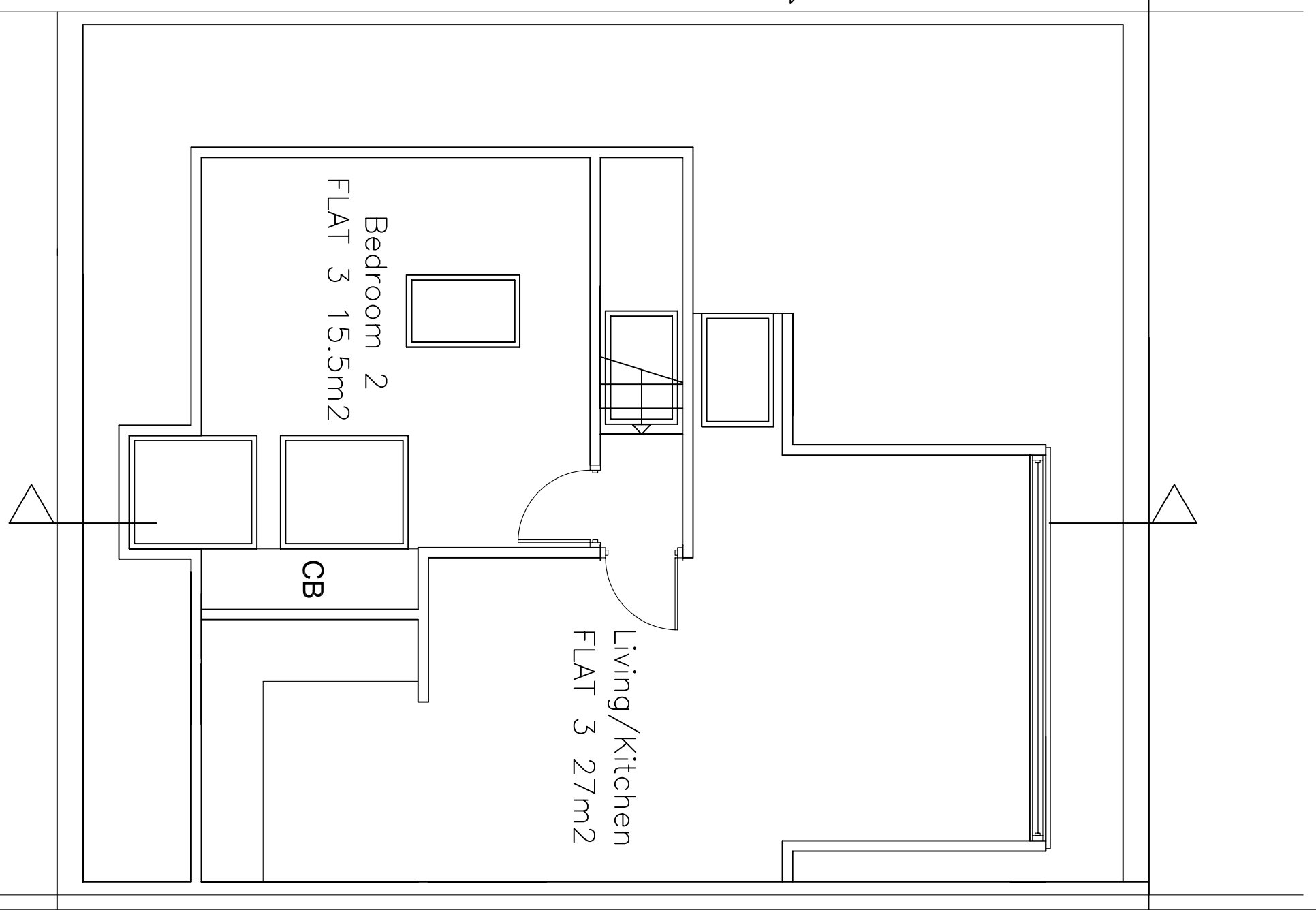
**Ground floor plan**



**Mezzanine floor plan**



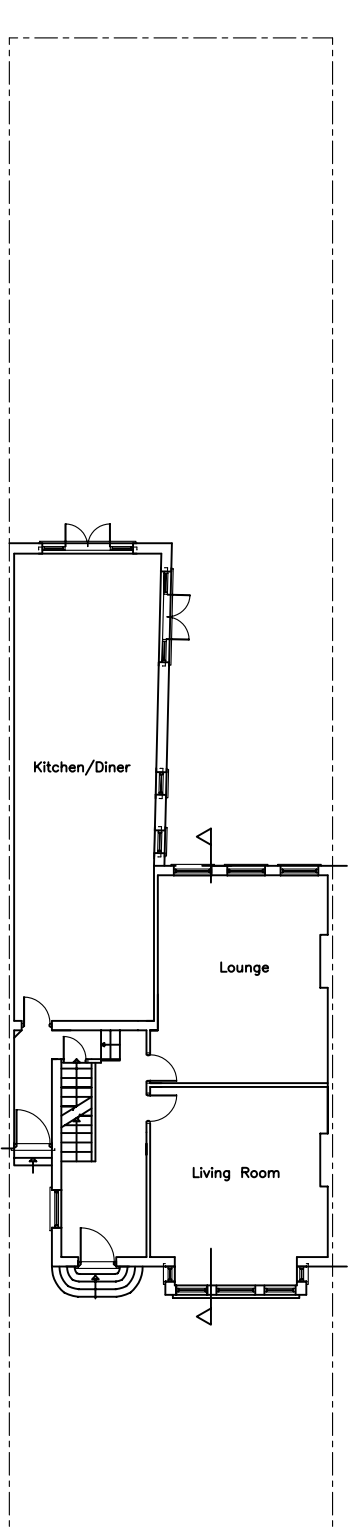
**First floor plan**



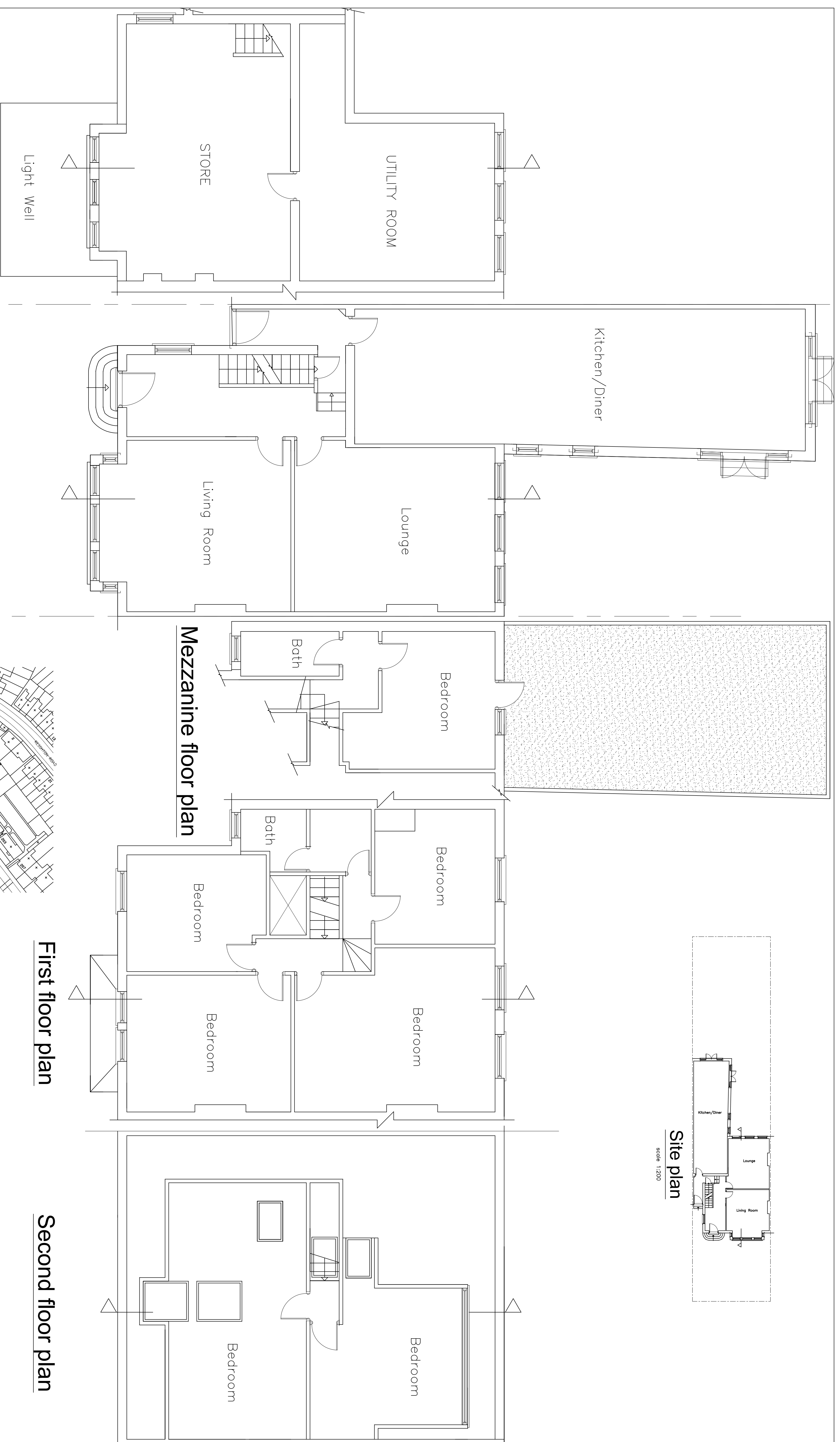
**Second floor plan**

CLIENT		WHITECHAPEL RESOURCES LTD	
TITLE & LOCATION		PROPOSED FLOOR PLANS 191 EVERING ROAD LONDON, E5 8AJ	
DATE	SCALE	DRG No	DRN - BY
October 2008	1:50 @ A1	191rev2101	jj
BOSTALL ARCHITECTURAL SERVICES		REV: B	
Design & Building Contractors		23 old Bexley lane Bexley Kent DA5 2BL tel: 01322552170 fax: 01322 557834	

This page is intentionally left blank



**Site plan**  
scale 1:200



**Basement floor plan**

**Ground floor plan**

**Mezzanine floor plan**

**First floor plan**

**Second floor plan**

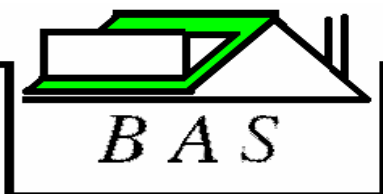


**Block plan**  
scale 1:1250

<b>CLIENT</b>		<b>WHITECHAPEL RESOURCES LTD</b>	
<b>TITLE &amp; LOCATION</b>		<b>EXISTING FLOOR PLANS 191 EVERING ROAD LONDON, E3 8AJ</b>	
<b>DATE</b>	<b>SCALE</b>	<b>DRG No.</b>	<b>DRN - BY</b>
August/2008	1/50@A1	191rev/101	jj
<b>BOSTALL ARCHITECTURAL SERVICES</b>		<b>REV:</b>	
Design & Building Contractors		A	
23 old Bexley lane Bexley Kent DA5 2RL tel: 01322552170 fax: 01322 557834		<b>B A S</b>	

This page is intentionally left blank





**Bostall Architectural Services**  
*Design & Building Contractors*

23 Old Bexley Lane  
Bexley  
Kent  
DA5 2BL  
Tel: 01322 557566  
Fax: 01322 557834

## **Design & Access Statement**

### **191 Evering Road, Hackney E5 8AN**

The property at 191 Evering Road was purchased in 2007 by Whitechapel Resources Ltd. At the time of the purchase, the property was a large single family dwelling.

#### **Use**

The property at 191 Evering Road, Hackney has been a residential property since construction in approximate 1900 and the changes to the accommodation, although affecting the number of units available, will retain the overall residential use.

#### **Amount**

The existing property was a large house with ancillary rooms to the basement. The proposed alterations to the property will provide the following accommodation.

- |        |  |
|--------|--|
| Flat A | 4-bedroom ground, raised ground, mezzanine and lower ground floor unit with garden access.<br>Special measures have been planned to provide future use of this apartment as a lifetime home. |
| Flat 1 | 2-bedroom raised ground and lower ground floor unit  |
| Flat 2 | 2-bedroom first floor unit   |
| Flat 3 | 2-bedroom unit on the second floor mezzanine and second floors.  |

#### **Layout**

Access to all four flats has been designed to utilise the original entrance doors to the front of the property. The 4-bedroom family unit will have its own door whilst the other three flats will share the communal front door. Re-using the entrance doors emphasises the commitment of the design to retain the original feel of the property.

- |        |   |
|--------|---|
| Flat A | Flat A has been designed to use the original side entrance to the property which has a small threshold, this can be easily ramped as and when required. |
|--------|---|

Internally the flat has been designed to occupy the rear of the property at basement, ground, raised ground and 1<sup>st</sup> floor mezzanine levels.

All the rooms look out into the garden, with direct garden access through the living room and with bedroom 1 making use of the existing mezzanine level roof terrace.

The living room and kitchen diner are at the same level at the entrance to the property.

An especially wide stairwell to the raised ground floor level has been created for chairlifts, if required, with the walls re-enforced to cater for this. The bathroom and bedroom at raised ground floor level have been created for future special needs, with the bathroom designed to cater for special hoists and supports.

The master bedroom is at 1<sup>st</sup> floor mezzanine level, having its own en-suite facilities and roof terrace, with two further bedrooms located at lower ground floor level.

Garden access is currently stepped but again these can be easily ramped as and when required.

Storage space has been provided to the hallway at ground level.

- Flat 1      Access to Flat 1 is at raised ground floor level. Upon entering there is a large hallway with an entrance to the open plan living room / kitchen and stairs leading down to the lower ground floor to the family bathroom and the two bedrooms.
- Flat 2      Flat 2 is a self-contained 2 bedroom flat located on the first floor with the living room to the rear of the property, the bedrooms to the front and the bathroom between the two.
- Flat 3      Flat 3 is accessed at second floor mezzanine level and is a split level apartment. Bedroom 1 is located on the second floor mezzanine level with the family bathroom. There is a staircase leading up to the second floor which has the open plan living room / kitchen and the master bedroom with its own en-suite.

## **Scale**

The overall design of the additional spaces is in keeping with the buildings within the area. The property is in proportion to the remaining properties within the street scene and the emphasis on the retention of the façade and the timber double hung sash windows and embellishments ensures that the property does not stand out from the remainder in terms of the scale of the development.

## **Landscaping**

The front garden is to be landscaped to reflect the remainder of the street

The rear garden has been laid to lawns

## **Access**

The existing building offers many specific problems for disabled access. Special measures have been adopted and planned for the family unit but, whilst wishing to provide better access for all potential users of the remaining building, the existing arrangement of mezzanine floors and steps to the front entrance mitigate against the provision of ramps and level access.

A section taken through the building indicates the changes in levels within the building and the existing arrangement for access. Changes to the existing

arrangement to provide level access and ramp access would result in substantial changes to the elevations and internal arrangement disproportionate to the gains provided.

This page is intentionally left blank

<b>ADDRESS:</b> 70A Mountgrove Road London N5 2LT	
<b>APPLICATION NUMBER:</b> 2008/0747  <b>DRAWING NUMBERS:</b> H/CJ01, H/CJ02, H/CJ03, H/CJ04, H/CJ05, H/CJ6, H/CJ07, H/CJ08, H/CJ09, 10, H/CJ012, & H/CJ013.  <b>REPORTS:</b> <ul style="list-style-type: none"> <li>• Design and Access Statement</li> </ul>	<b>REPORT AUTHOR:</b> Pascal Van-de-Walle  <b>VALID DATE:</b> 16/04/2008
<b>APPLICANT:</b> Mr William Hussy 85 Penny Lane CH, Middlesex TW17 8LX	<b>AGENT:</b> Ms Christine Johnson C J Studio 26 Tippet Drive Shefford Bedfordshire SG17 5RW
<b>PROPOSAL:</b> 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.	
<b>RECOMMENDATION SUMMARY:</b> Grant conditional planning permission	

### ANALYSIS INFORMATION

ZONING DESIGNATION: (Yes) (No)

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

LAND USE DETAILS:	Use Class	Use Description	Floorspace
Existing	B1	Light Industrial	87m <sup>2</sup>
Proposed	C3	Residential	2 x dwellings

RESIDENTIAL USE DETAILS:	Residential Type	No of Bedrooms per Unit				
		1	2	3	4	5+
Existing	0	0	0	0	0	0
Proposed	Flats	0	0	0	0	0
	Dwellings	0	0	1	1	0
	Studio	0	0	0	0	0
<b>Totals</b>	<b>(Total = )</b>	<b>2</b>				

<b>PARKING DETAILS:</b>	Parking Spaces (General)	Parking Spaces (Disabled)	Bicycle storage
<b>Existing</b>	0	0	0
<b>Proposed</b>	0	0	0

### CASE OFFICER'S REPORT

#### **1 SITE DESCRIPTION**

- 1.1 The subject site is located on the north-eastern side of Wilberforce Road near the intersection of Wilberforce Road and Mountgrove Road. The site contains two small workshop rooms and a roofed area used for loading / unloading facilities which can be accessed via the Cobble Mews entrance from King's Crescent. The premises is currently vacant, however the site was most recently used as a ceramics workshop according to the information submitted to Council.
- 1.2 This site sits within an area of three storey stock brick and stucco Victorian properties arranged in pairs with connecting two-storey side additions.

#### **2 CONSERVATION IMPLICATIONS**

- 2.1 The site does not contain a listed building nor is it located within a conservation area.

#### **3 HISTORY**

- 3.1 Application Number: 2005/1284

Decision Status: Withdrawn

Development Description: Use of ground floor and lower ground as live/work studio flat with work area on ground floor and one bedroom living area on lower ground floor, together with new shopfront and alterations to front elevation including windows to upper floors.

- 3.2 Application Number: 2006/3211

Decision Status: Withdrawn

Development Description: Demolition of existing workshop buildings and erection of 2 x 3 storey (plus lower ground floor) comprising 1 x 4 bedroom dwelling and 1 x 5 bedroom dwelling.

3.3 Application Number:2005/1272

Decision Status: Withdrawn

Development Description: Demolition of existing workshop. Erection of 2, 4 storey 5 bedroom houses.

#### **4 CONSULTATIONS**

4.1 Date Statutory Consultation Period Started: 24/04/2008 & 02/05/2008

4.2 Date Statutory Consultation Period Ended: 23/05/2008

4.3 Site Notice: Yes

4.4 Press Advert: No

#### **4.5 Neighbours**

126 neighbouring property owners / occupiers were consulted and a site notice was placed around the site. Ten objections were received in response to the proposed development. They raised the following issues:

- Privacy impacts: especially to number 2 & 2A Cobble Mews. It was requested that the party wall at the end of the garden should be retained.
- Design and Appearance: The proposed development is out of character with the predominant architectural character of Wilberforce Road up to Brownswood Road which is entirely composed of Victorian Houses built around 1880, especially in relation to the windows. The proposal will be an eyesore.
- Loss of Daylight: Objections received raised concern with the loss of daylight to No. 151 & No.153 Wilberforce Road, 64 Mountgrove Road & properties fronting Cobble Mews. Request for BRE daylight and sunlight analysis.
- Parking and Access Concerns: The objections raised the following concerns with the proposed parking:
  - The parking is proposed on land not owned by the applicant,
  - 'there is not enough space for additional cars' &
  - there is no right of access for 70A Mountgrove Road to access the parking area.
- Overdevelopment: The proposal is too tall for the site and the site is not large enough for 18 potential new residents.
- Rubbish & Recycling: There is no space to provide for rubbish and recycling and the pavement will be the only place to leave refuse.

#### **4.6 Statutory Consultees**

##### 4.6.1 Thames Water Utilities Limited: provided the following response:

- requested that the applicant install a non-return valve or other suitable device to avoid the risk of backflow at a later date,
- advised that there are public sewers crossing this site and that no building works will be permitted within 3 metres of the sewers without Thames Water's approval.
- Informed The Council that it is the developers responsibility to make the proper provision for surface water drainage to a ground, water courses or a suitable sewer.
- That they raise no objection to the proposal based on the water infrastructure provision.

#### **4.7 Other Council Departments**

##### 4.7.1 Urban Design and Conservation:

This site sits within an area of three storey stock brick and stucco Victorian properties arranged in pairs with connecting two-storey side additions. The existing redundant workshop on the site is considered to impact negatively on the streetscene and therefore in principle, we support its replacement with a sympathetic residential infill development.

An ongoing dialogue has taken place with the architect in terms of design, which has established key principles such as maintaining a gap with neighbouring properties and aligning floor levels and fenestration. The proposed building broadly follows the same height and proportions of the adjoining Victorian properties and the massing is considered to sit comfortably with surrounding buildings and not adversely affect neighbouring residential amenity.

At the front, the cut out section at first and second floor levels responds to the change in building lines across the site and there have been several amendments to the front façade to simplify its appearance by removing unnecessarily fussy details such as oriel windows and window railings,. Further amendments have been made to improve the composition of the front façade with a stone finish to the ground floor, which more closely references the adjoining properties and a revised, more ordered fenestration pattern.

These design changes are considered to have improved the appearance of the development so that it sits comfortably within the street and therefore we do not wish to raise any formal objections to this application, subject to the inclusion of the following conditions:



SCM2 - Materials to be approved  
SCM7 - Details to be approved  
SCM9 - No extraneous pipework  
SCR2 – Details of refuse storage enclosure

- 4.7.2 Policy: “The change of use from B1 to residential is acceptable as per policy HO3”. ‘The site was previously used for light industrial purposes and the proposal will result in the loss of employment and reuse of a potentially contaminated site. The site is not located within a Defined Employment Area in the 1995 UDP and is not identified for employment designation in the emerging LDF. There is no Hackney or London Plan policy or evidence in support of the retention of this small backland light industrial site’.
- 4.7.3 Transportation: ‘We have no objections to this proposal’.
- 4.7.4 Waste Management: The proposal requires 650 litres of waste storage for the 2 houses and 4 recycling boxes (2 x each).
- 4.7.5 Private Sector Housing: No comment received.
- 4.7.6 Pollution Group: ‘No objections to the application, however the applicant should have due regard to BS5228 and Noisy works should be restricted to the following hours: Mon to Fri – 8:00am to 6:00pm, Sat – 8:00am to 1:00pm, and at no time on Sundays or Bank Holidays.

## **5 POLICIES**

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

EQ1 - Development Requirements  
EQ43 - Development of Contaminated Land  
EQ46 - Recycling facilities  
EQ48 - Designing out Crime  
HO3 - Other Sites for Housing

### 5.2 Supplementary Planning Guidance (SPG)

SPG 2 - Residential Conversions, Extensions and Alterations

### 5.3 London Plan 2008

3A.2 - Density Matrix  
4B.1 - Design principles for a compact city  
4B.4 - Enhancing the quality of the public realm

### 5.4 National Planning Policies

PPS1 - Delivering Sustainable Development  
PPS3 - Housing

## **6 Comment**

The main considerations relevant to this application are:

- The principle of the proposed development
- Density
- Design, appearance, bulk and scale of the proposed development
- Access and Parking
- Potential impact on the amenity of nearby residents
- Consideration of submissions

Each of these considerations is discussed in turn below.

### **6.1 The principle of the proposed development**

6.1.1 Policy HO3 supports the provision of housing where (a) the proposed development does not conflict with other policies and proposals contained within the plan; (b) the environment of the site is acceptable or would be made acceptable by the proposal in accordance with the policies in this plan; and (c) the proposed scheme is of a high quality with minimal disadvantages to residents in the surrounding area and is compatible with surrounding uses.

6.1.2 The site was previously used for light industrial purposes and the proposal will result in the loss of employment and reuse of a potentially contaminated site. The site is not located within a Defined Employment Area in the 1995 UDP and is not identified for employment designation in the emerging LDF. There is no Hackney or London policy or evidence in support of the retention of this small backland light industrial site. Given the residential nature of Wilberforce Road, and the prominence of this site in relation to the terrace of houses, change of use to residential is also considered to provide a more appropriate termination of the residential terrace and transition to existing mixed use development fronting Mountgrove Road. Finally, a condition is proposed to ensure appropriate site investigation and, where necessary, remediation works are undertaken to ensure that the site is made suitable for residential purposes. As such, points (a) and (b) listed in paragraph 6.1.1. have been addressed.

6.1.3 With regards to Policy HO3(c) the existing redundant workshop on the site is considered to impact negatively on the streetscene and its replacement with a sympathetic residential infill development is supported.

6.1.4 As such, the principle of the development is supported in this case.

### **6.2 Density**

6.2.1 The subject site has an area of 170 square metres and proposes 2 dwellings and 10 habitable rooms (hr). The proposed density of the site is 118 dwellings / hectare or 588 hr/ha. This is within the density requirements contained within Table 3A.2 of the London Plan which recommends 55-225 dwellings / hectare or

200-700 hr/ha for a site located in an urban area with good public transport access (PTAL 5).

### **6.3 Design, appearance, bulk, and scale of the proposed development**

- 6.3.1 The proposed development comprises demolition of the existing 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.
- 6.3.2 The site is located in an area of three storey stock brick and stucco Victorian properties arranged in pairs with connecting two-storey side additions, and demolition of the existing workshop and its replacement with a sympathetic residential infill development is supported in principle.
- 6.3.3 This is the third application submitted for residential redevelopment of the site. The subject site is a challenging site which sits near the corner of Mountgrove Road and Wilberforce Road. The site is located directly behind No.70 Mountgrove Road, and the setback of this building to Wilberforce Road is markedly smaller than the setback of existing residential premises fronting Wilberforce Road. Also, the more recent 'Cobble Mews' development to the rear has also created some constraints, particularly in terms of overlooking, bulk and scale.
- 6.3.4 The current plans are the result of an ongoing dialogue with the architect which is considered to have resulted in an improved appearance of the building in the street scene. The focus of discussions has been on key principles including fenestration, aligning floor levels, and the existing gaps between properties in the vicinity. It is noted that the most recent comments received from adjacent owners / occupiers still raised concern with the appearance of the proposed development which they believe is *'still very out of character with the street and the beautiful classic houses in it'*. Further discussions were held with the architect, applicant and Council's Urban Design and Conservation Officer, and some minor changes were made to the roof form in order to provide greater delineation between the proposed building and the residential properties existing in Wilberforce Road. The proposal has, however, been the result of ongoing discussions and it is felt that the current proposal respects the site and context and that the proposed development sits comfortably within the site. The proposed development is now considered to respect the existing pattern, scale and design of adjacent and nearby development and satisfy the requirements of Policy EQ1 in the Hackney Unitary Development Plan 1995. Relevant conditions are also proposed requesting the submission of details for all windows and doors, and for submission of materials prior to commencement of works on site.

### **6.4 Internal Amenity**

- 6.4.1 The north-western dwelling contains 4 bedrooms and is capable of providing accommodation for 7 people. The south-eastern dwelling (adjacent to No.70 Mountgrove Road) contains 3 bedrooms and is capable of providing accommodation for 5 people. The dwellings have been designed to satisfy the

minimum room sizes contained within SPD 1 – New Residential Development and each dwelling contains at least 30 square metres of private amenity space.

- 6.4.2 The proposed area provided for the kitchen, living room and dining room for the north-western dwelling is shared with the living and dining room. The design is such that the spaces are adequately separated and the proposal satisfies the minimum room sizes. The rear portion of the living room is located beneath a void which also increases the sense of space and improves the natural light to this area.
- 6.4.3 The design includes a void area between the basement and ground floor levels in both dwellings to improve the natural light obtained at the lower ground floor level. This design feature creates an internal balcony within the lounge room located on the upper ground floor of the south-eastern dwelling overlooking the shared kitchen/dining room at lower ground floor level. This will improve the communications and light within the building.
- 6.4.4 As such, the internal amenity of the proposal is considered to provide a positive living space for the future occupants.

## **6.5 Access & Parking**

- 6.5.1 Access can be gained from both the front and rear of each of the dwelling houses.
- 6.5.2 Parking was originally proposed at the rear of the site however this has been removed from the proposed development off-street parking is no longer provided for the dwellings. The site is located within an area with a high Public Transport Access Level of 5 and the removal of on-site parking is supported.
- 6.5.3 Access to the rear of the properties is possible using an existing right of way. This has been confirmed by the applicants' solicitor in a letter dated 11 July 2008.
- 6.5.4 Bicycle parking can be provided at the rear of the site in the rear garden areas.
- 6.5.5 The proposal provides level access at ground floor level for people with disabilities.
- 6.5.6 As such, the proposed development is considered to provide adequate access in accordance with the Hackney UDP 1995.

## **6.6 Potential impacts on the amenity of nearby residents**

- 6.6.1 The proposed development is an infill development. The site is located between two existing buildings that both contain residential premises. The adjacent building to the north-west at No.153 Wilberforce Road contains three flats. The adjacent building to the south-east contains a shop at ground floor level and flats above. There are also residential premises and rear gardens located to the rear of the property fronting Cobble Mews.

- 6.6.2 With regards to overlooking, the proposed development has been amended to retain the existing building wall which is located on, or near, the boundary with No.2 Cobble Mews at the rear of the site to prevent overlooking of the rear properties. The windows within the rear elevation of the south-eastern dwelling which are not screened by the boundary wall are proposed to be high-level windows which will prevent residents within the dwelling from looking into neighbouring windows. There will be no other overlooking impacts from the proposed development.
- 6.6.3 In terms of daylight impacts, the proposed development has been amended to reduce impacts to the flats located above the shops at No.70 Mountgrove Road, with the rear eastern corner of the building being cut back to allow additional light to the rooms within these units. The windows located in the northern elevation of this building that are nearest the new development are for bathrooms only. The other windows within the north elevation provide daylight to bedrooms and these meet the 45 degree angle requirements. There are also three windows located in the south-eastern elevation of the residential building at No.153 Wilberforce Road. This building contains three flats and it has been confirmed that these windows do not provide light to habitable rooms but to a hallway and bathrooms as ascertained during a site inspection of the property. Additionally, there will be no built form direction in front of the hallway window to the upper flat at No.153 Wilberforce Road as the building does not extend to that depth within the site. Finally, the proposed development has also been stepped in the front elevation to ensure that the windows within the front elevation of No.153 Wilberforce Road satisfy the 45 degree angle daylight test. As such, the daylight impacts to adjacent properties will be minimal.
- 6.6.4 There are no other impacts anticipated from the proposed development which provides waste storage at the rear of the property.

## **6.7 Responses to neighbour representations**

In response to the objections raised, the following comments apply:

- 6.7.1 The design issues have been discussed in detail in paragraphs 4.3.1 and 6.3 of the report. In summary, the proposal has been amended such that it is considered to sit comfortably within the site. Specific attention was given to fenestration, height, scale and setbacks to ensure that these aligned with adjacent buildings. Appropriate conditions are also proposed to request details be submitted for approval prior to commencement of works on site.
- 6.7.2 Privacy impacts from the proposal have been minimised as discussed above in paragraph 6.6 and no overlooking is expected from the proposed development.
- 6.7.3 Loss of daylight impacts have been considered in more detail in paragraph 6.6 above and the impacts are considered to be minimal. Where impacts do occur these are to windows in adjacent properties to non-habitable rooms.
- 6.7.4 There were several complaints related to the proposed parking arrangement, including that the parking is proposed on land not owned by the applicant, that 'there is not enough space for additional cars' & there is no right of access for

70A Mountgrove Road to access the parking area. These issues have been resolved by removal of the proposed parking spaces as detailed in paragraph 6.5 of the report.

- 6.7.5 There was concern raised that the proposal was an overdevelopment of the site which is “*not large enough for 18 potential new residents*”. The proposed development has been reduced in size and the density is within the recommended range contained within the London Plan as identified in paragraph 6.2 of the report. As such, the proposal is not considered to be an overdevelopment of the site.
- 6.7.6 The proposed development provides an area for waste storage at the rear of the site which can be made to satisfy Council’s requirements. A condition is proposed in the consent and the proposed objection to waste is not considered to be a valid concern.

## **7 CONCLUSION**

- 7.1 The proposed development is considered compliant with pertinent policies in the Hackney UDP 1995 (saved), and the London Plan (2008) as outlined in paragraph 6 of the report. Accordingly, the granting of planning permission is recommended.

## **8. RECOMMENDATION**

Grant conditional planning permission subject to imposition of the following conditions:

- 8.1 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.

- 8.2 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.

- 8.3 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.

8.4 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.

8.5 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.

8.6 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.

8.7 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

8.8 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.

8.9 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.

9. **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.

10. **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.

**Signed**..... **Date**.....

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

NO.	BACKGROUND PAPERS	NAME/DESIGNATION AND TELEPHONE EXTENSION OF ORIGINAL COPY	LOCATION CONTACT OFFICER
1.	Hackney UDP and the London Plan	Pascal Van-de-Walle	263 Mare Street, E8 3HT

6

This page is intentionally left blank

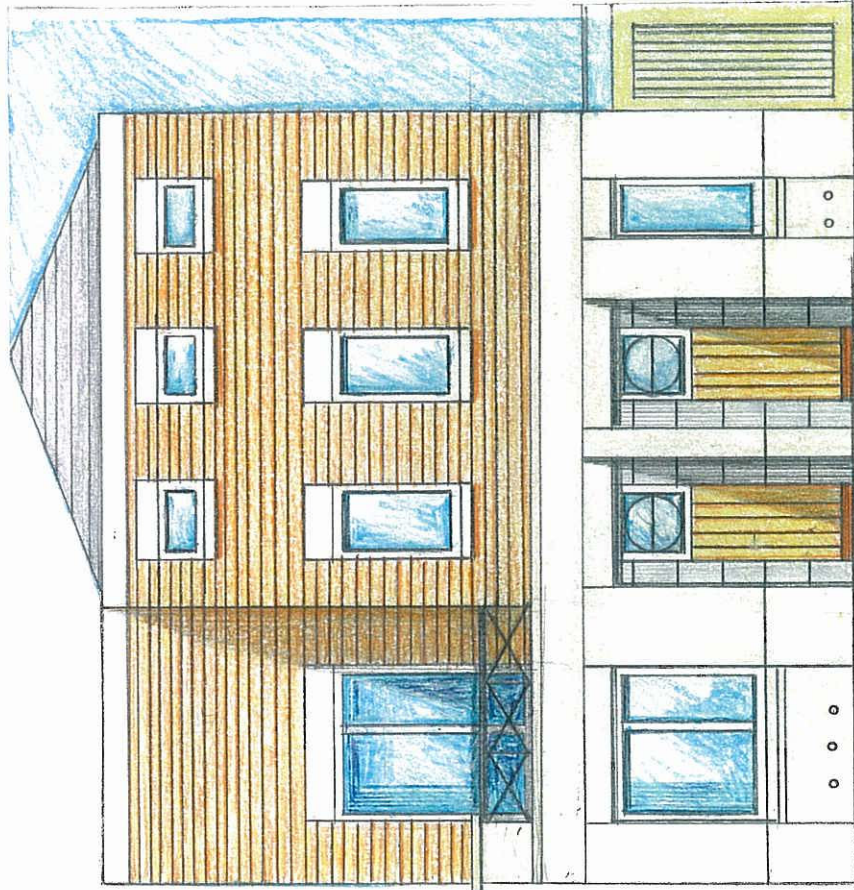




70A MOUNTGROVE RD N5  
Proposed Front Elevation  
Drwg no H/CJ03 REV. B

AMENDED

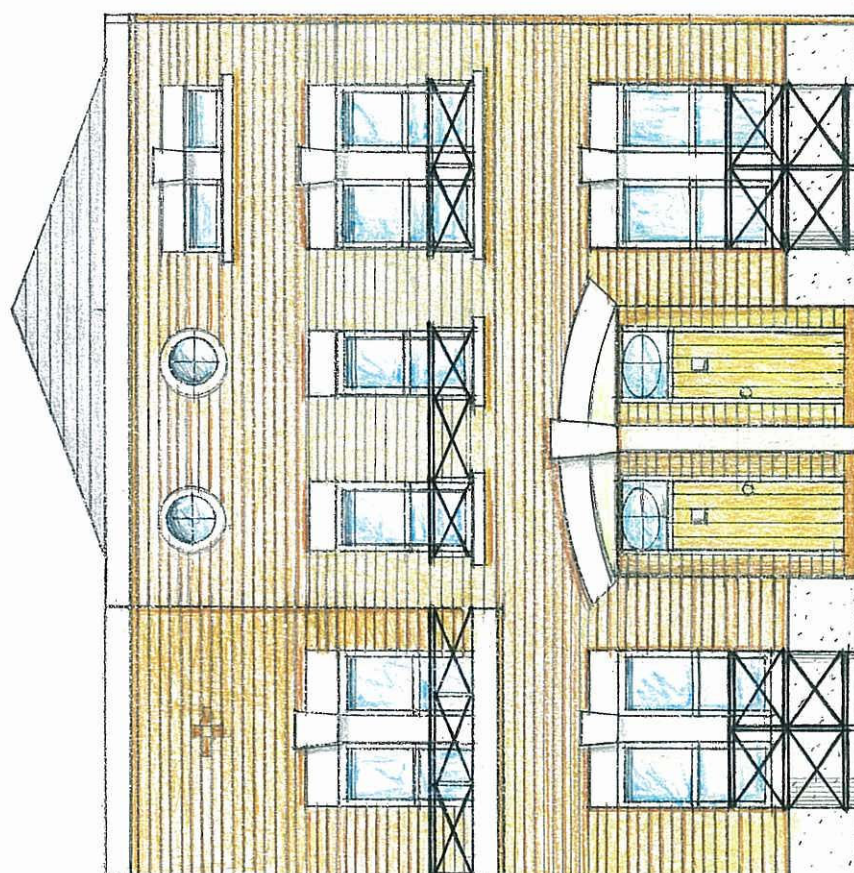




3

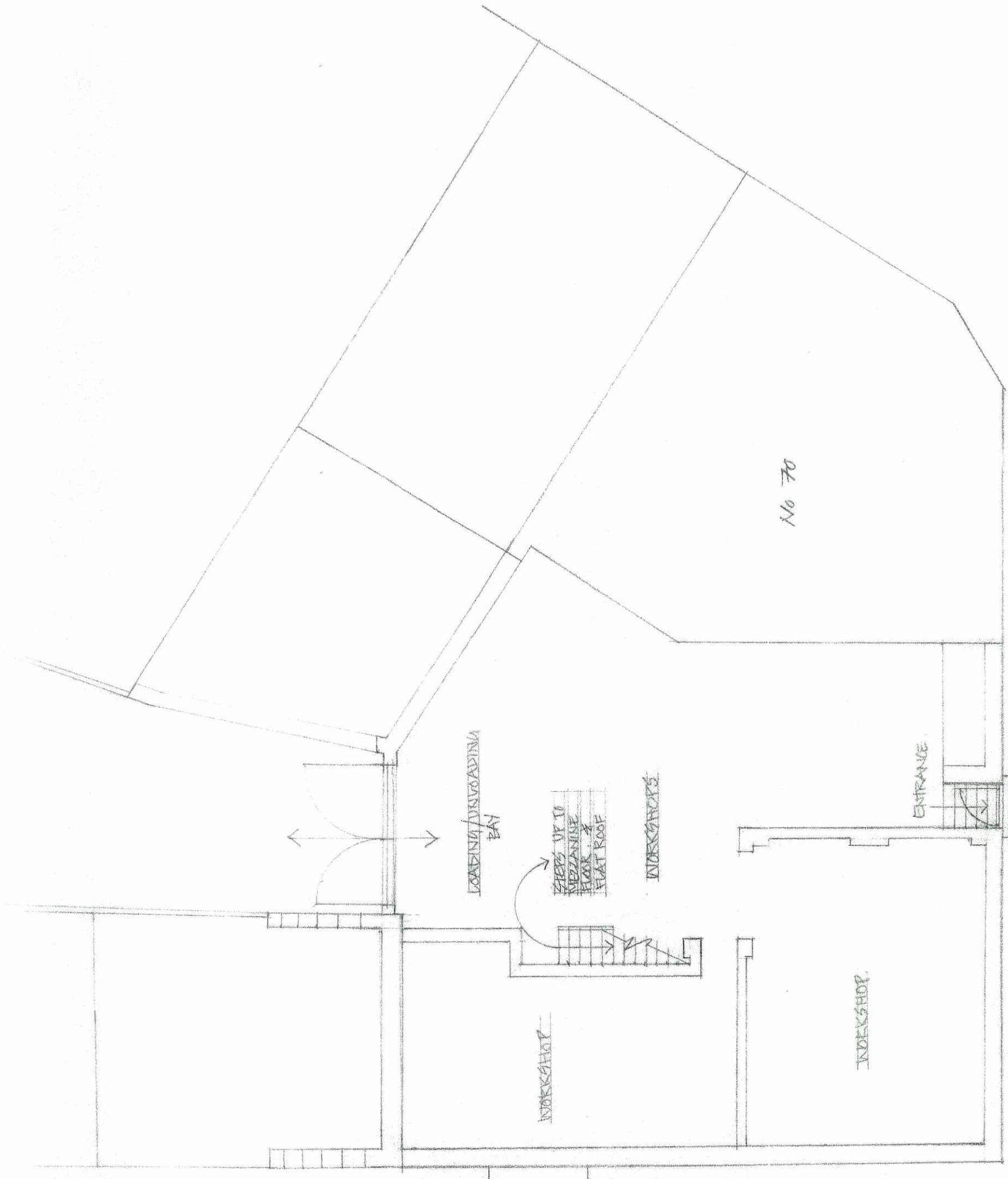


2



PREVIOUS SCHEMES





No 70

70A Existing Ground Drwg no H/CJ/012



No 70

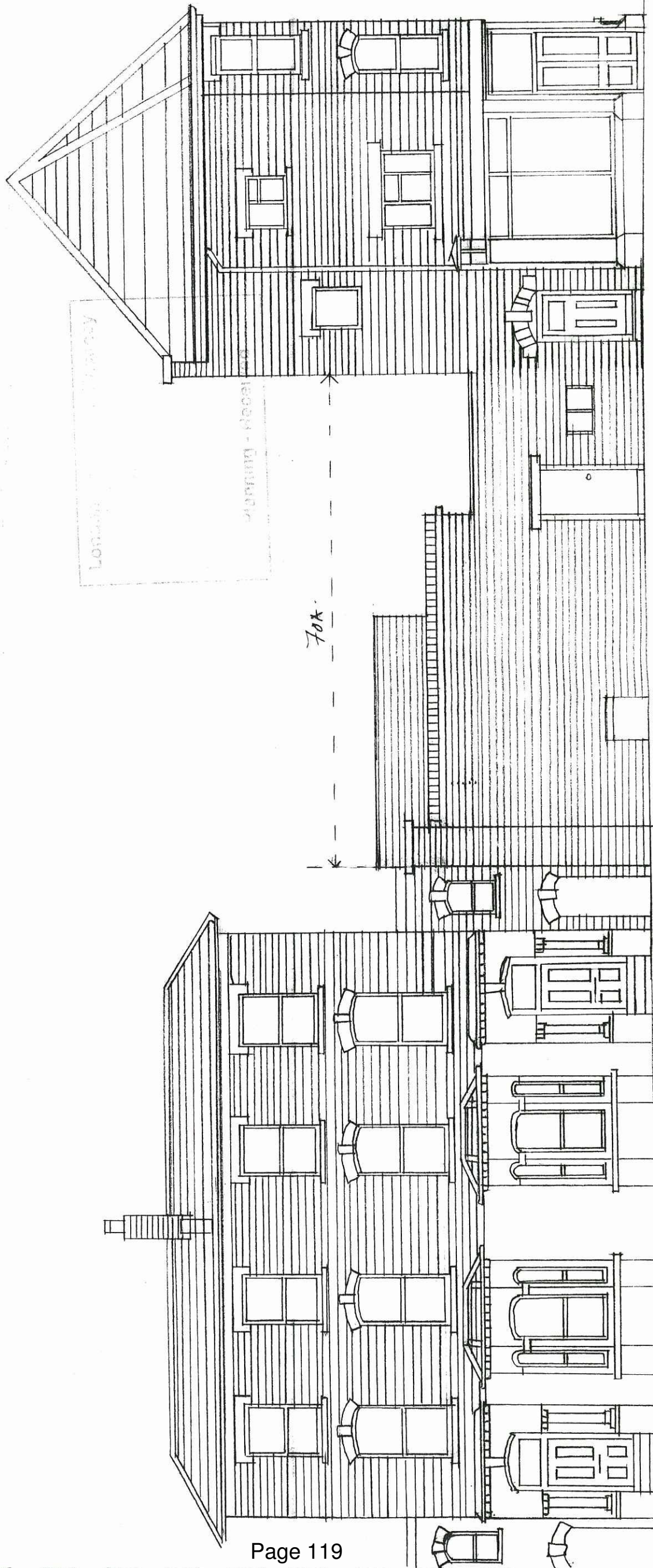
FLAT ROOF

STORAGE

FLAT ROOF

70/A Existing First Floor Drwg no H/CJ 013

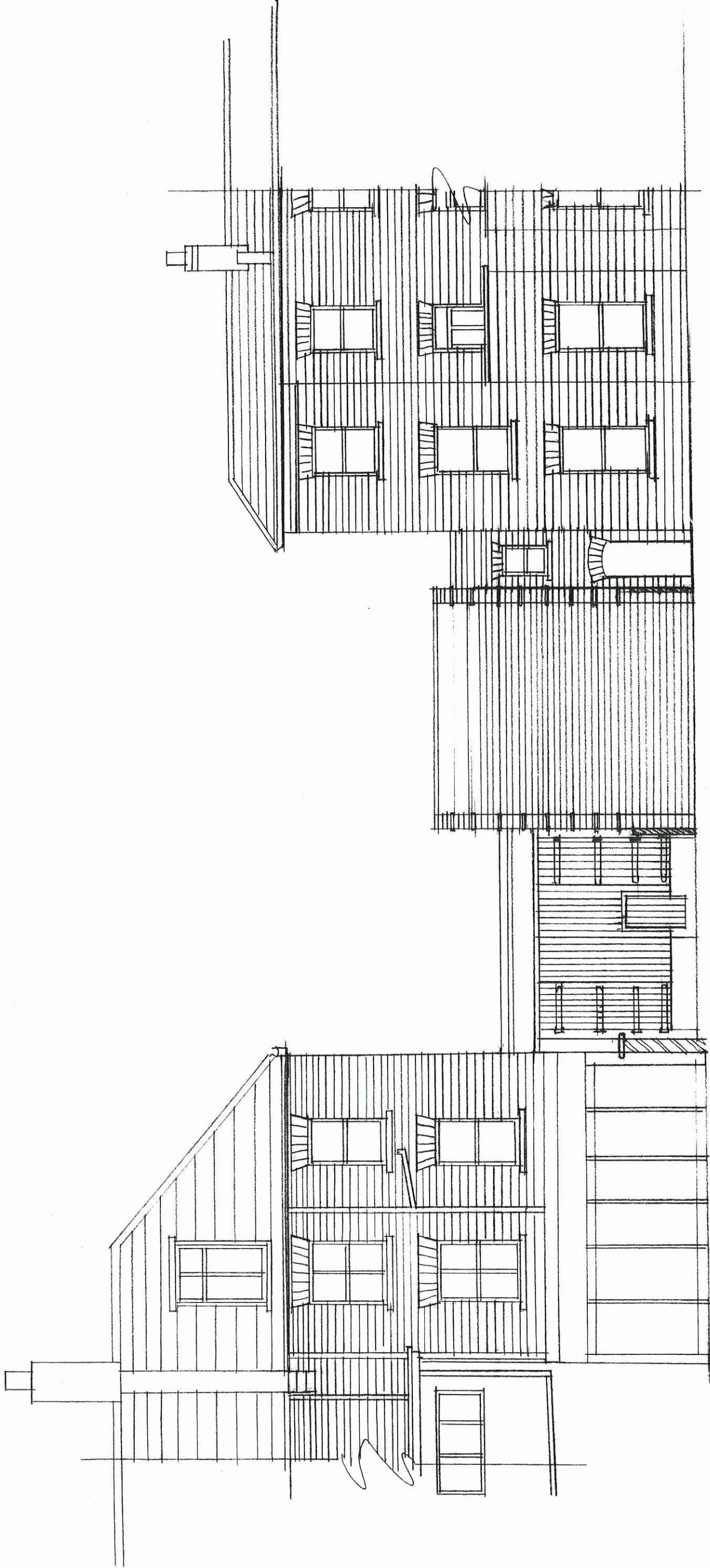




70A - Mountgrove Rd

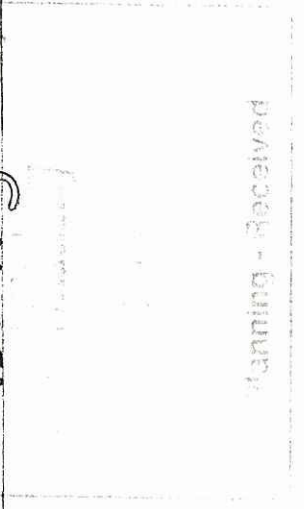
Existing Front Elevation Drwg noH/CJ01





70A Rear of Mountgrove Rd

Existing Rear Elevation Drwg no H/CJ02



Manning - Received





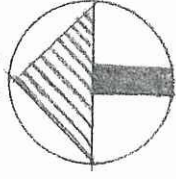
London Borough of Hackney  
**Hackney**  
 - 3 OCT 2008  
 Planning - Received

70A Lower Ground Proposed Drwg no H/CJ08



SITE LOCATION PLAN

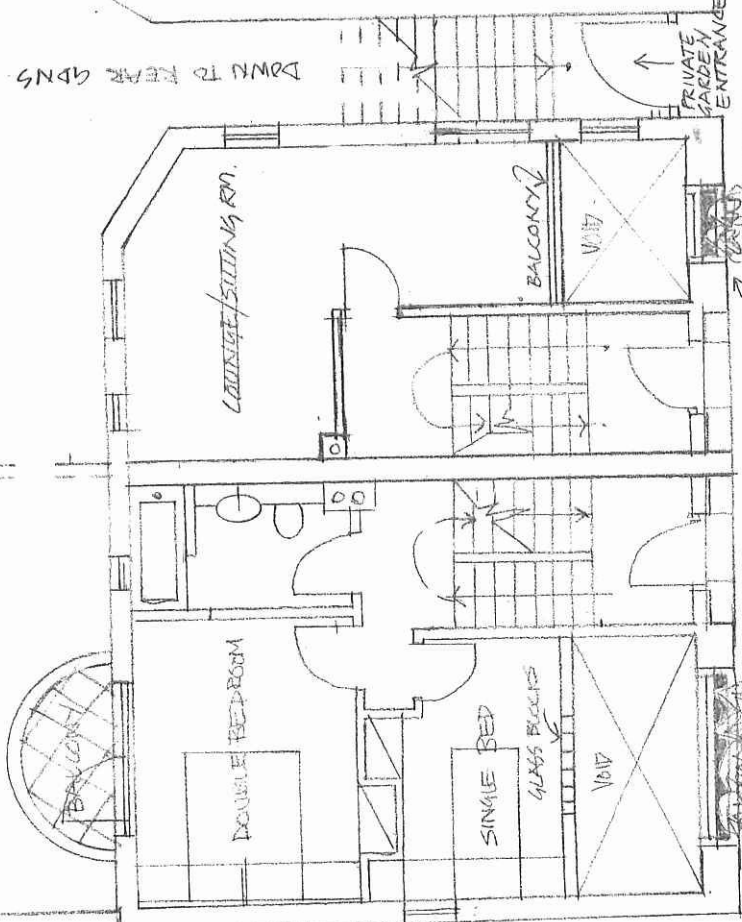
SCALE 1:1250



London Borough of Hackney  
**Hackney**  
 - 3 OCT 2008  
 Planning - Received

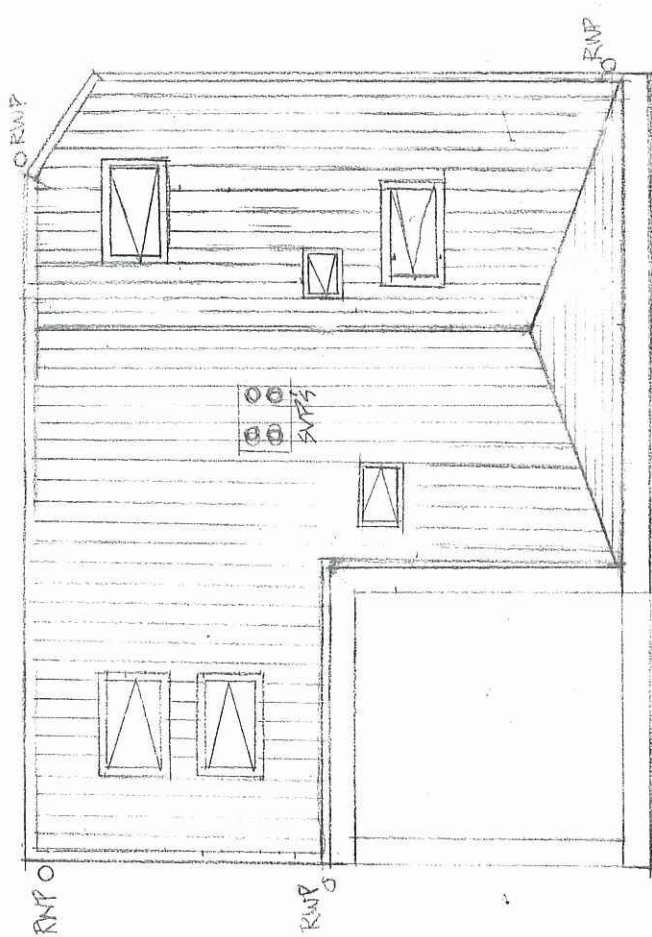
70A Upper Ground - Proposed Drwg no H/CJ07 REVISION. A

AMENDED

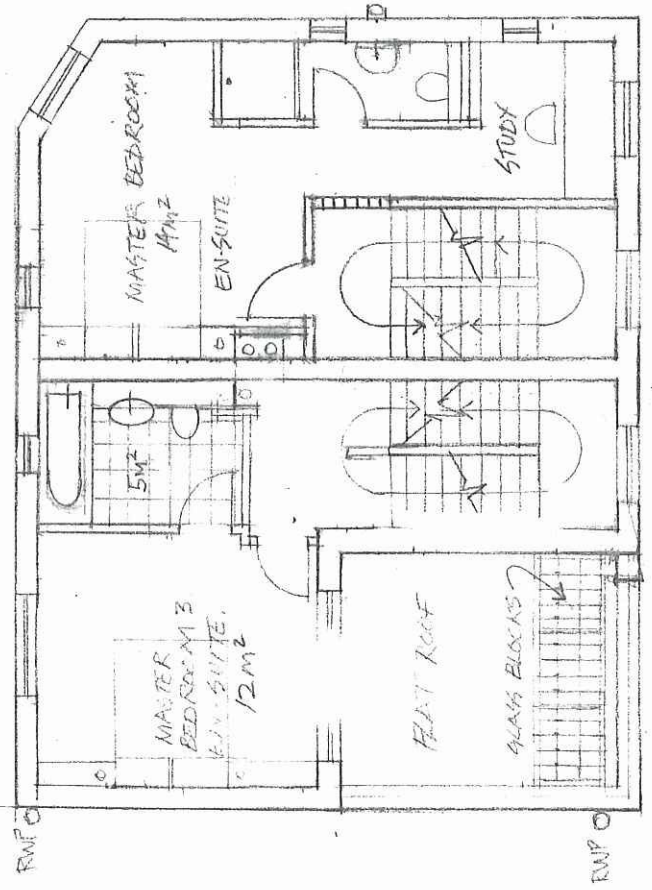


No 70

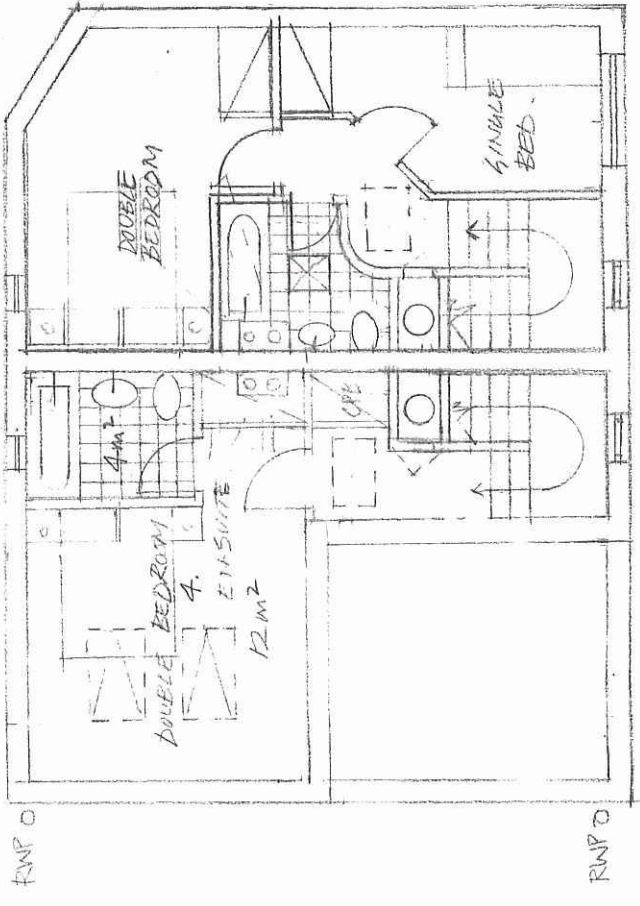




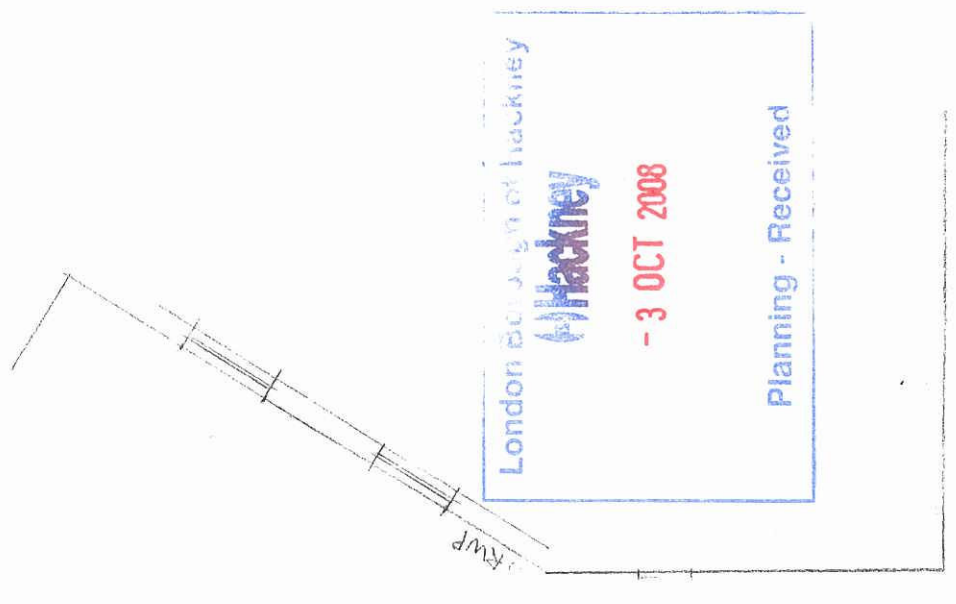
Roof Plain



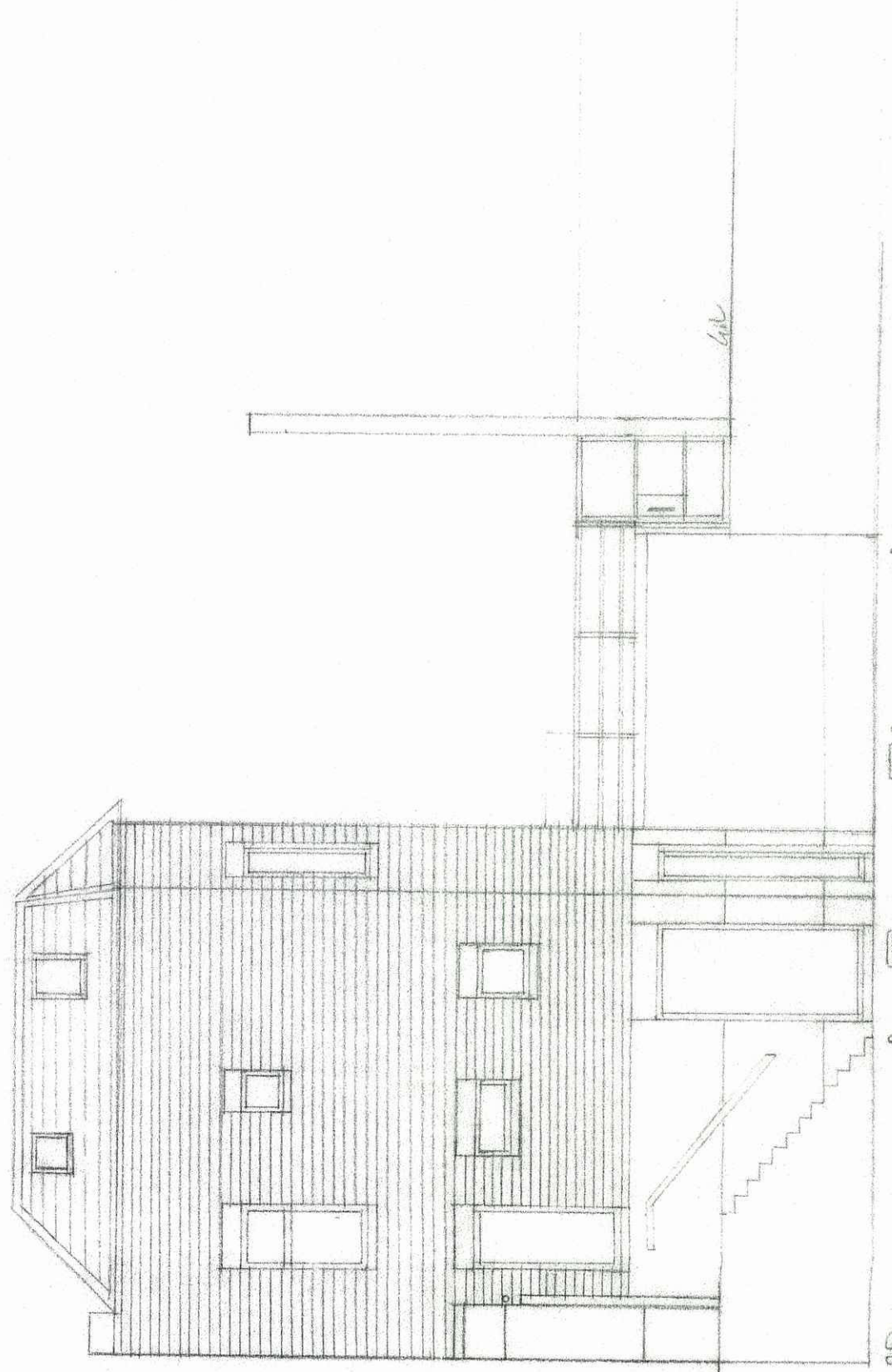
1st Floor



2nd Floor



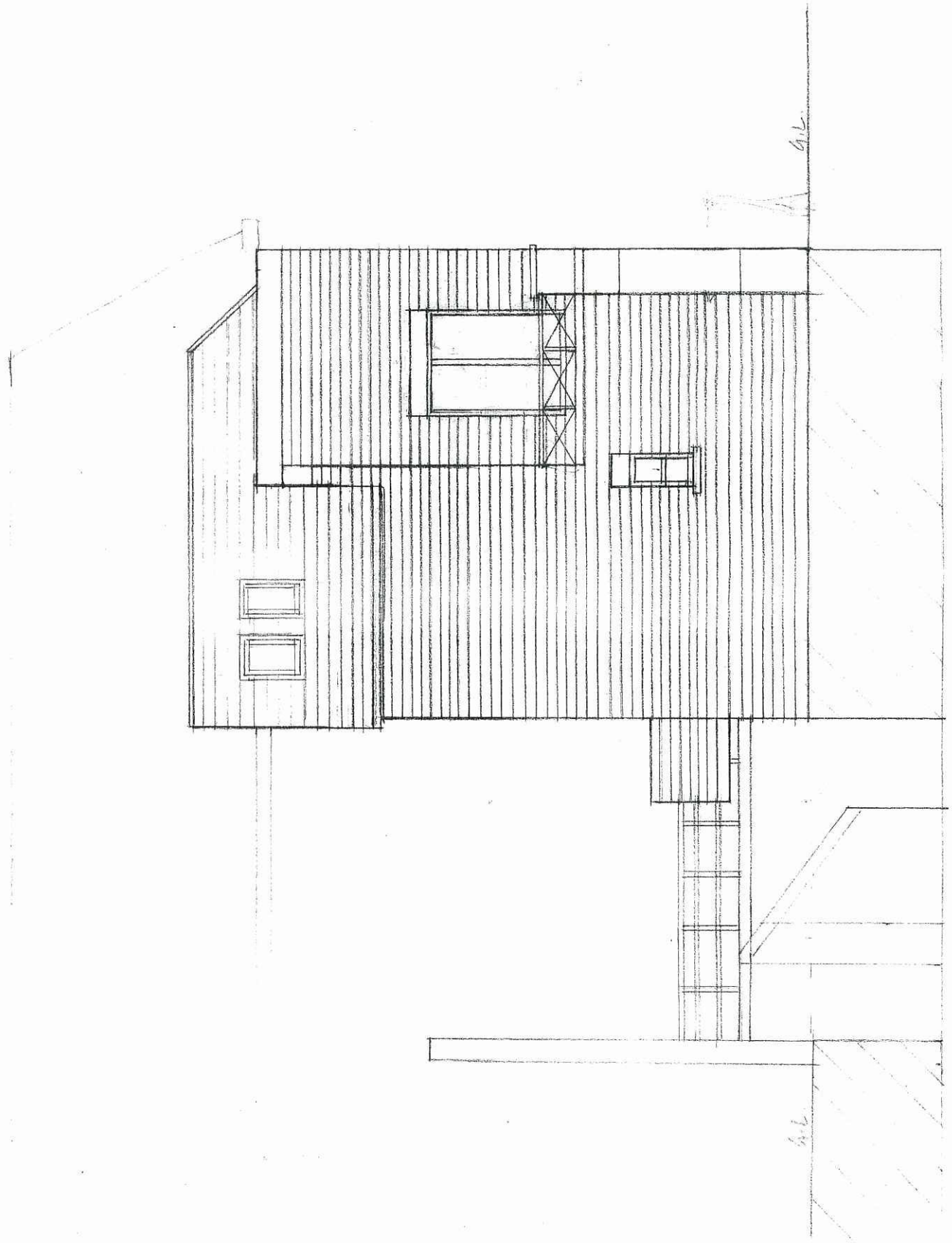
Proposed Drwg No H/CJ09



Proposed Existing Elevation

700704 H/CJ04

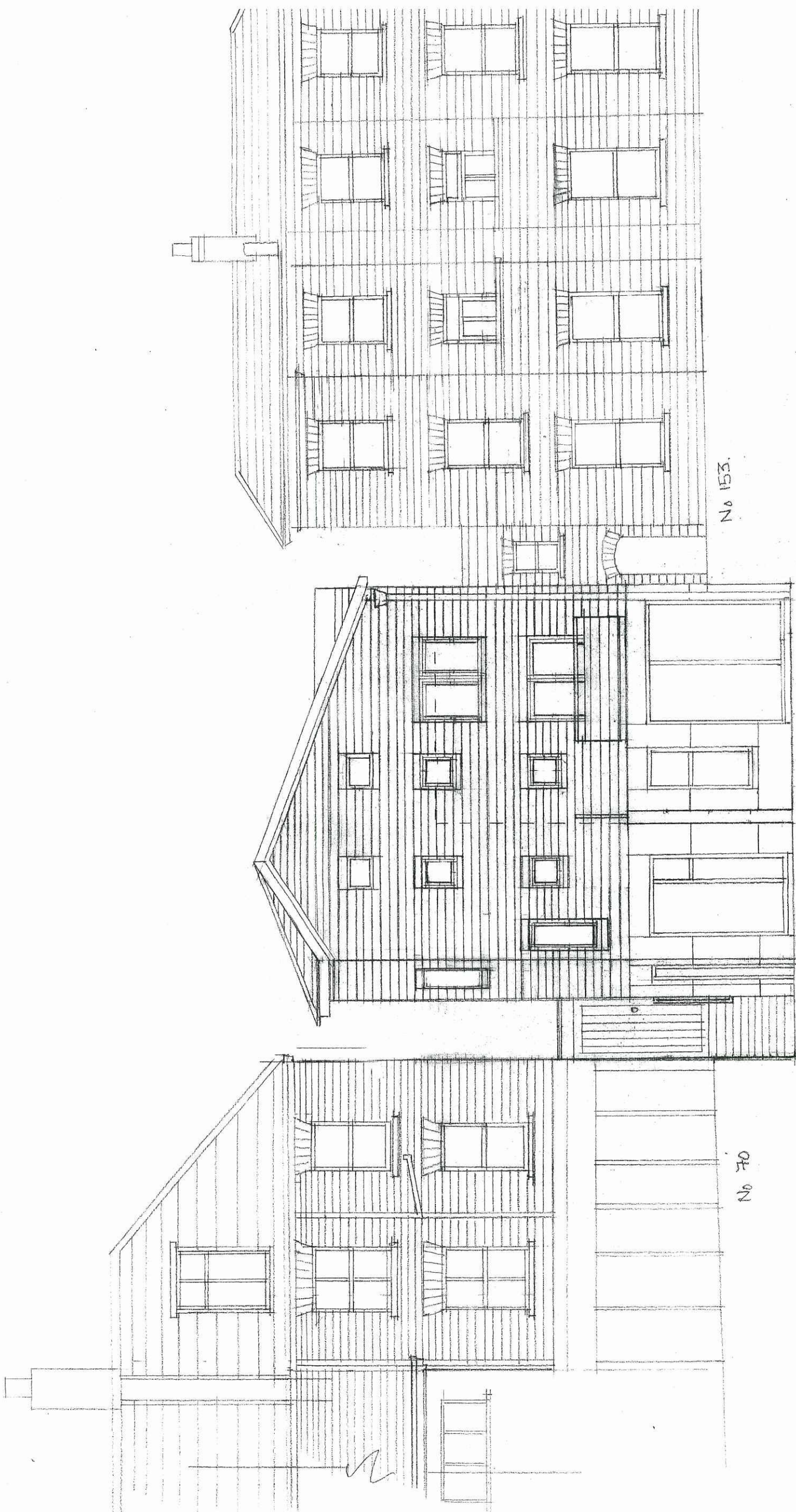




AMENDED

Proposed West Elevation      Drwg no H/CJ05 REV A





No 153.

No 70

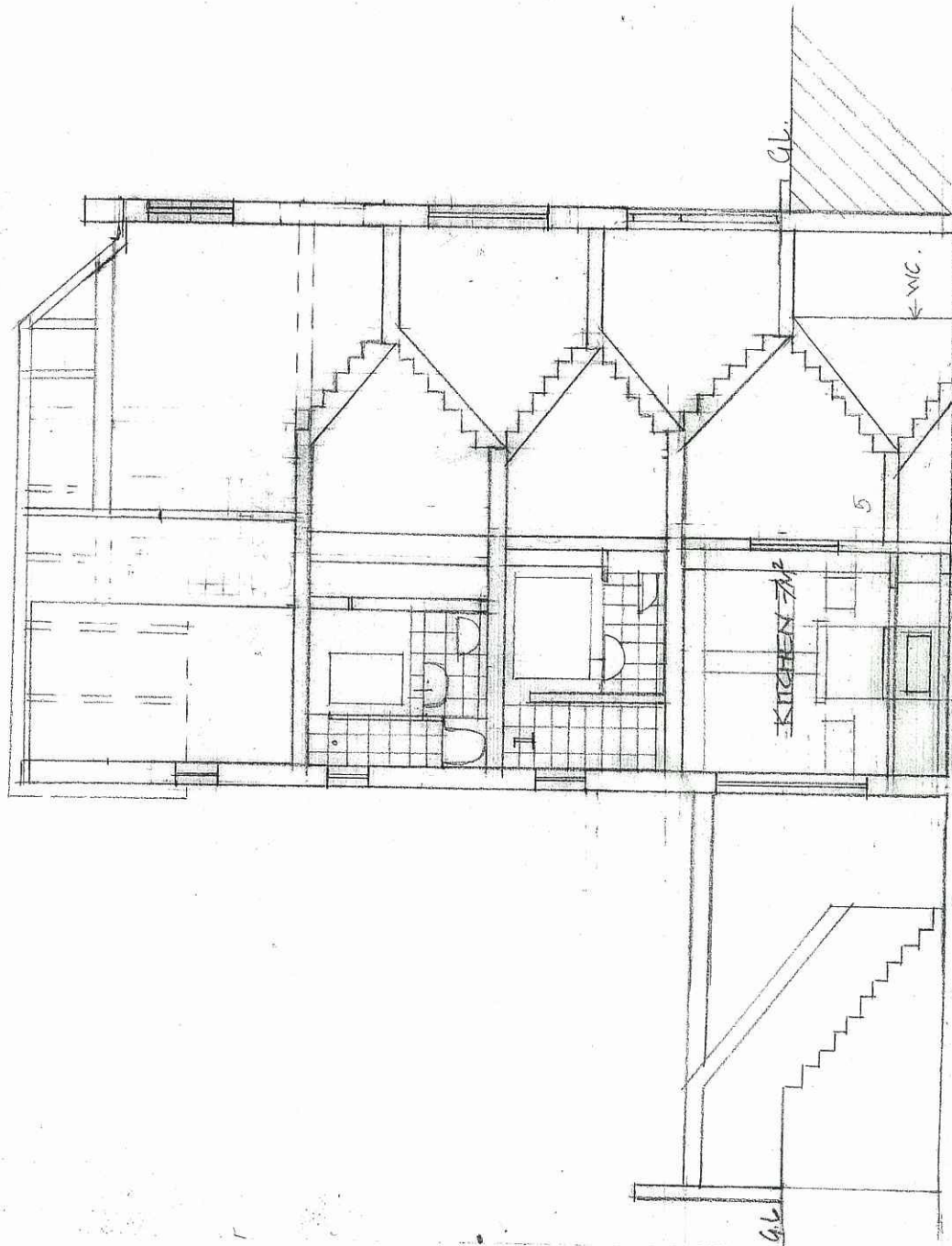
Drwgj no H/CJG REV A.

Recir 70ca

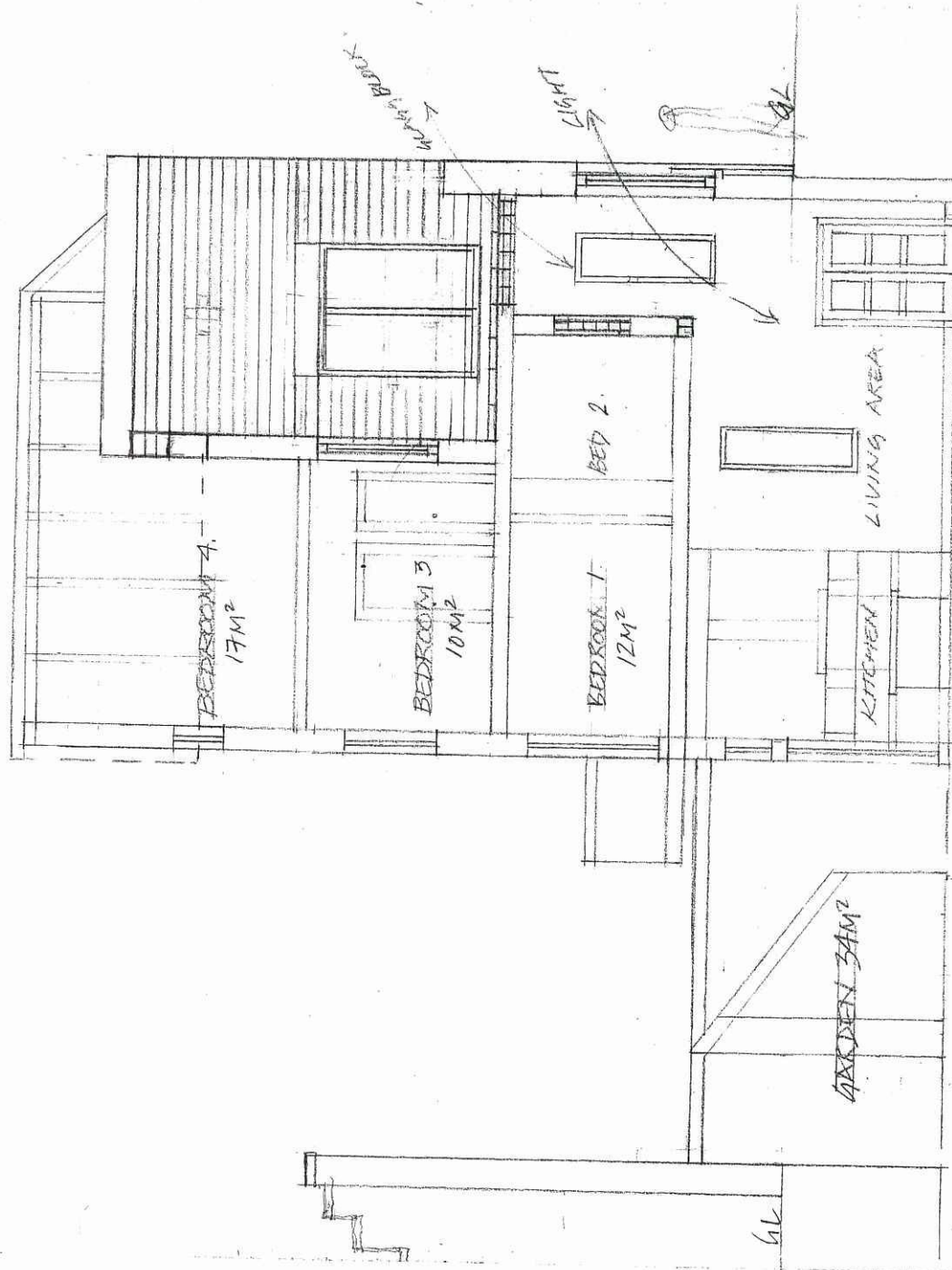
Proposed

AMENDED





Proposed cross section  
stairwell



Proposed cross section

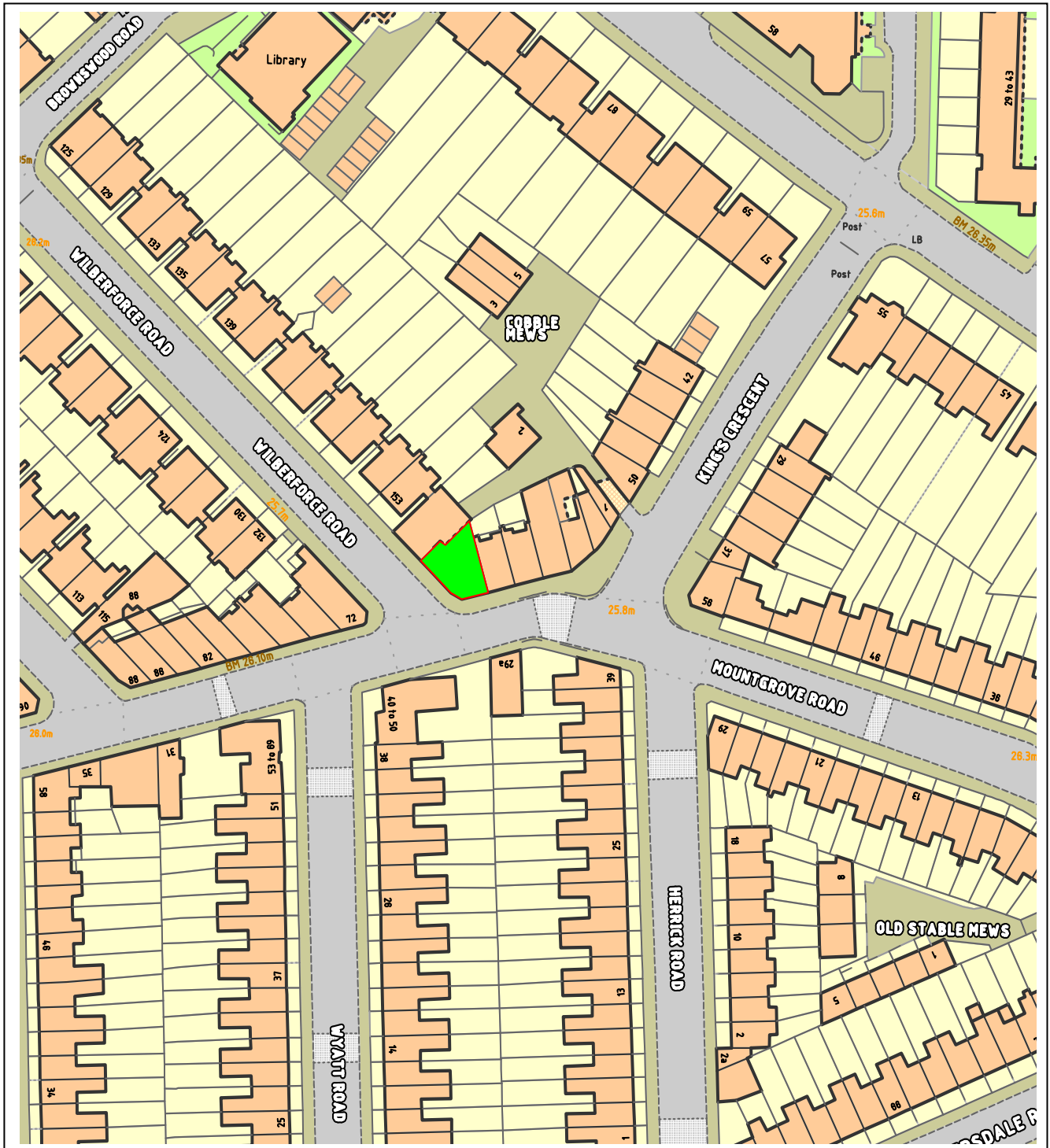
Drwg no 010 REV A

AMENDED

This page is intentionally left blank



# Site Plan - 70A Mountgrove Road, London N5 2LT



This material has been reproduced from Ordnance Survey digital map data with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright.

This page is intentionally left blank

# Agenda Item 8

<b>ADDRESS:</b> 14 - 16 Kenworthy Road - London - E9 5RB	
<b>APPLICATION NUMBER:</b> 2007/2786	<b>REPORT AUTHOR:</b> John Kaimakamis
<b>DRAWING NUMBERS:</b>  2667/D/001 Site Location Plan, 2667/D/002 Proposed Site Layout, 2667/D/110 Proposed Ground Floor Plan _rev P02, 2667/D/111 Proposed First Floor Plan, 2667/D/112 Proposed Second Floor Plan_rev P01, 2667/D/113 Proposed Third Floor Plan_rev P01, 2667/D/114 Proposed Fourth Floor Plan_rev P01, 2667/D/115 Proposed Fifth Floor Plan_rev P01, 2667/D/116 Proposed Roof Plan, 2667/D/117 Proposed Flat Layout, Proposed Elevations: 2667/D/130 1,2,3_rev P01, 2667/D/131 4,5,6_rev P01, 2667/D/132 7,8,9, 2667/D/133 10,11,12, 2667/D/134 1,2,3_rev P01, 2667/D/135 4,5,6_rev P01, 2667/D/136 7,8,9, 2667/D/137 10 & 11, Survey Plans SO7- 234-100, SO7-234-300, SO7-234-301, SO7-234-302, SO7-234-303, SO7-234-304, SO7-234-305, Existing Building plans: SK9, SK7A, 101_revA	<b>VALID DATE:</b> 05/12/2007
<b>REPORTS:</b> Design and Access Statement Planning Statement Tree Report Transport Assessment Daylight/Sunlight Report Flood Risk Assessment Structural Strategy Sustainability Statement Energy Strategy Code for Sustainable Homes Secure by Design	
<b>APPLICANT:</b>  Network Housing Group Ltd 8 Fulton Road Wembley Middlesex HA9 0NU	<b>AGENT:</b>  Levitt Bernstein 1 Kingsland Passage London E8 2BB

**PROPOSAL:**

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 (30x1 bed, 54x2 bed, 25x3 bed, 8x4 bed and 2x5 bed) and 423 sqm nursery.

**NOTE TO MEMBERS:**

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

On 4<sup>th</sup> 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 16<sup>th</sup> 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 16<sup>th</sup> 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 16<sup>th</sup> 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.

The previous Report to Members is attached.

**RECOMMENDATION SUMMARY:**

**Grant conditional planning permission subject to conditions and S106 Agreement.**

Signed

.....

Date 27 October 2008

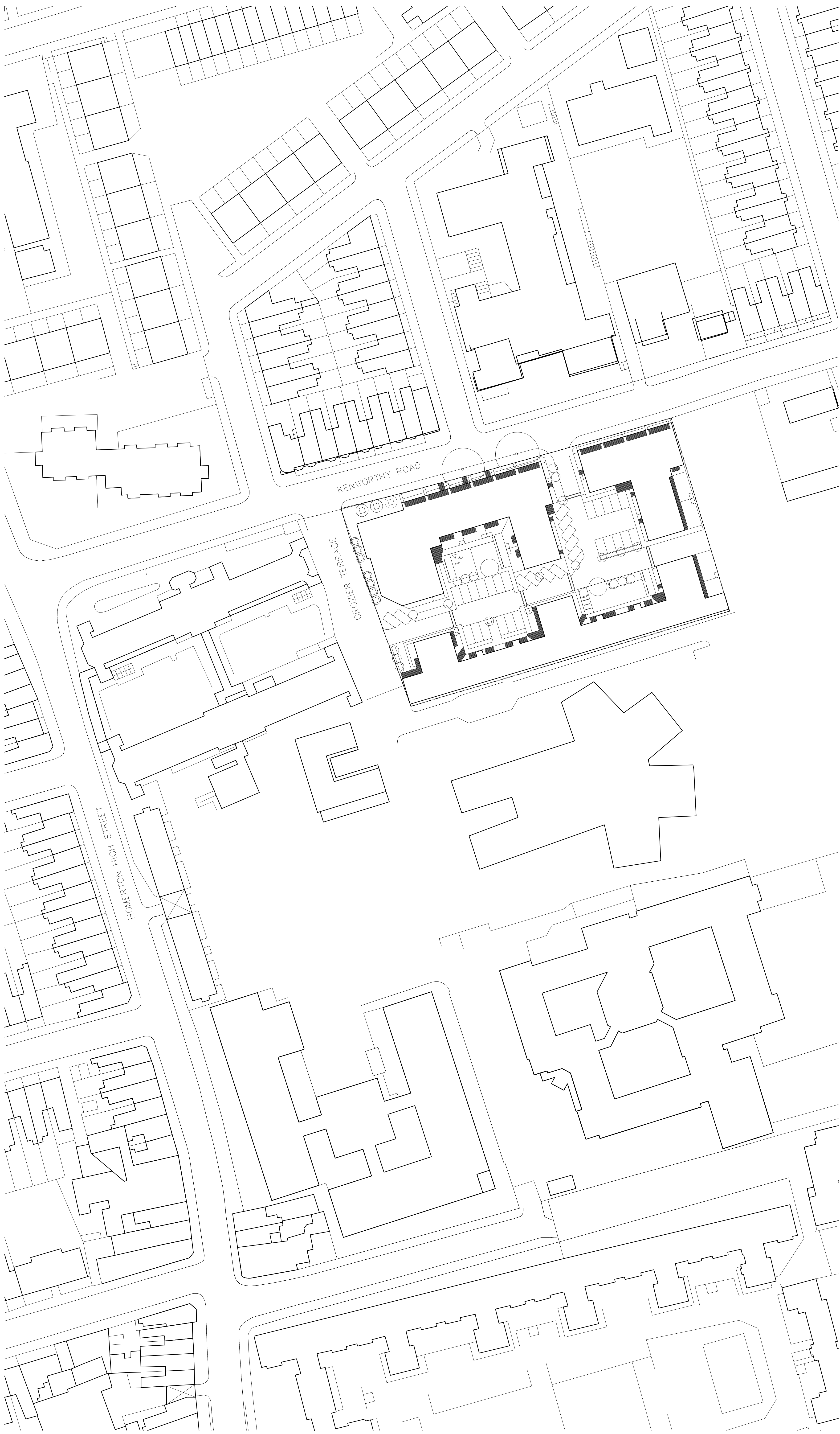
.....

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

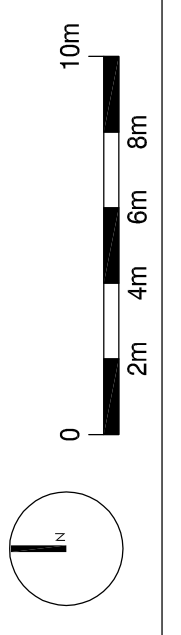
NO.	BACKGROUND PAPERS	NAME/DESIGNATION AND TELEPHONE EXTENSION OF ORIGINAL COPY	LOCATION CONTACT OFFICER
1.	Hackney UDP and the London Plan	John Kaimakamis (ext. 8056)	263 Mare Street, E8 3HT

This page is intentionally left blank





# Kenworthy Road



**standard notes**

1. Do not scale this drawing.
2. All dimensions must be checked on site and any discrepancies verified with the architect.
3. Unless shown otherwise, all dimensions are to structural surfaces.

**THIS IS NOT A CONSTRUCTION DRAWING. IT IS UNSUITABLE FOR THE PURPOSE OF CONSTRUCTION AND MUST ON NO ACCOUNT BE USED AS SUCH.**

**revisions**

28.10.07 First Issue - Planning

**date** 29.10.07

**client** Network Housing Group Ltd

**scale** 1:500 @A1

**drawing** Proposed Site Layout

**drawn** MC

**checked** DF

**drawing number** 2667\_D\_002

**rev**

Levitt Bernstein  
1 Kingsland Passage  
London  
E8 2BB

t: 020 7275 7676  
f: 020 7275 9346

w: [www.levittbernstain.co.uk](http://www.levittbernstain.co.uk)  
e: [reception@levittbernstain.co.uk](mailto:reception@levittbernstain.co.uk)

Levitt Bernstein

File location: J:\2667 Kenworthy Road EP\CAD\02 Live Drawings\Planning

This page is intentionally left blank



## **Planning Committee – 05.11.2008**

<b>ADDRESS:</b> Senate House, Tyssen Street, Dalston, E8 2ND	
<b>WARD:</b> Dalston	<b>REPORT AUTHOR:</b> Anthony Traub
<b>APPLICATION NUMBER:</b> 2007/1844  <b>DRAWING NUMBERS:</b> 204060 / 110c, 120c, 121c, 122c, 123c, 124b, 125c, 130d, 131e, 132b, 133b and 140.  Design and Access Statement Planning Statement Daylight Sunlight Report Transport Statement Energy and Renewable Technology Statement	<b>VALID DATE:</b> 18/09/2007
<b>APPLICANT:</b> Family Mosaic 113 The Timberyard Drysdale Street London N1 6ND	<b>AGENT:</b> CMA Planning 113 The Timberyard Drysdale Street London N1 6ND
<b>PROPOSAL:</b> 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.  <b>NB:</b> Members are requested to note that this scheme was previously resolved for approval at Committee on the 03 <sup>rd</sup> 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.	
<b>RECOMMENDATION SUMMARY: Grant conditional planning permission subject to S106 Legal Agreement.</b>	

### ANALYSIS INFORMATION

#### ZONING DESIGNATION:

CPZ	YES
Conservation Area	NO
Listed Building (Statutory)	NO
Listed Building (Local)	NO
DEA	YES

LAND DETAILS:	USE	Use Class	Use Description	Floorspace
Existing		B1	Office (Vacant)	1000sq.m. (approx)
Proposed		B1		1173 sq.m.

	C3	Residential dwelling houses	2215 (approx) sq.m.
--	----	-----------------------------	---------------------

RESIDENTIAL USE DETAILS:	Residential Type	No of Bedrooms per Unit				
		1	2	3	4	5+
Existing	None					
Proposed	Flat	0	18	4	6	0
<b>Totals</b>	<b>(Total = )</b>	28				

PARKING DETAILS:	Parking Spaces (General)	Parking Spaces (Disabled)
Existing	0	0
Proposed	0 (Car Free Development)	0
Cycle Parking - Proposed	28 (residential) + 5 (commercial). 33 in total.	

### OFFICERS REPORT

#### 1. SITE DESCRIPTION:

- 1.1 The site is located to the northern side of Dalston Lane and fronts Tyssen Street and Ramsgate Street.
- 1.2 The surrounding area is mixed. To the south there is a new mixed use development consisting of ground floor commercial floorspace and 8 flats. Opposite the site on Tyssen Street is Springfield House, a large live work conversion. Adjoining to the north is a commercial warehousing building with an older building adjoining to the east.
- 1.3 Opposite the site on Ramsgate Street is a newly built residential development consisting of 3 storey residential units. The northern adjoining site known as 15 Ramsgate Street has had planning permission granted for a part 14 storey tower consisting of 66 residential units and approximately 1100 sq m of B1 floor space with the portion of the new development adjoining the application site being 4 storeys.
- 1.4 Hackney Downs is located approximately a mile away to the north east of the application site.

#### 2. OFFICERS COMMENT:

2.1 Previously, the proposal was approved by members on the 3<sup>rd</sup> September 2008 subject to the signing of a s106 agreement (report attached as Appendix A). The scheme consisted of:

- The 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.

2.2 Since this approval, the applicant has requested an amendment to the wording of the s106 Heads of Terms which were set out in the previous recommendation by the Committee. The particular heading related to the provision of 10 affordable shared ownership units (see below in section 2.3). The applicant has requested the wording be changed to allow the RSL more flexibility in the current economic climate when providing this intermediate type of affordable housing rather than restricting these units to being shared ownership only.

2.3 The previous head of term under Recommendation B read (in italics):

***‘Recommendation 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 Secretary and Solicitor to the Council:***

***9.2.1 Securing 64.3% of units (69% by habitable room) as affordable housing with a tenure mix of 8 units social rented and 10 units shared ownership.***

2.4 The amended wording to Recommendation B should read (changes in bold and underlined):

- 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.**

2.5 The wording change would allow the RSL the flexibility to provide differing intermediate housing products such as sub-market rental units as well as shared ownership units as initially envisaged. The overall affordable housing numbers would remain the same.

### **3.0 CONCLUSION**

- 3.1** Overall, it is considered that this minor change in wording would allow greater flexibility to the RSL when providing intermediate housing products with no change to affordable housing numbers. It is therefore considered acceptable and recommended to Members for approval.
- 3.2** For clarity, Recommendation A and Recommendation B have been reproduced from the previous committee agenda report (attached as Appendix A) with the amendments to Recommendation B included.

### **4 RECOMMENDATION A:**

#### **4.1 That permission be GRANTED, subject to the following conditions:**

##### **4.1.1 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.

##### **4.1.2 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.

##### **4.1.3 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.

##### **4.1.4 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.

#### **4.1.5 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.

#### **4.1.6 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.

#### **4.1.7 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.

#### **4.1.8 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.

#### **4.1.9 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.

#### **4.1.10 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.

#### **4.1.11 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.

#### **4.1.12 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  $L_{Aeq Tr}$ , 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  $L_{AF90}$ .

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

#### **4.1.13 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.

#### **4.1.14 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.

#### **4.1.15 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.

#### **4.1.16 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.

#### **4.1.17 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.

#### **4.1.18 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.

#### **RECOMMENDATION B:**

- 5 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 Secretary and Solicitor to the Council:**

- 5.2.1 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.
- 5.2.2 Contribution of £145,049.15 towards education and libraries.
- 5.2.3 Contribution of £2,587.10 towards open space.
- 5.2.4 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.



- 5.2.5 The provision of a Green Travel Plan to all residents and commercial lease holder/employees on occupation of the site.
- 5.2.6 Commitment to the Council's local labour and construction initiatives (25% on site employment).
- 5.2.7 No occupation of the Open Market Dwellings until all the affordable units have been transferred to the approved RSL.
- 5.2.8 10% reduction in carbon emissions through the use of renewable energy sources and use of low energy technology.
- 5.2.9 Considerate Contractor Scheme – the applicant to carry out all works in keeping with the National Considerate Contractor Scheme
- 5.2.10 Achievement of a minimum Level 3 under the Code for Sustainable Homes with best endeavours to achieve Level 4.
- 5.2.11 No change of architect or changes to the design as a result of value engineering measures after planning approval has been secured.
- 5.2.12 B1 to shell and core prior to occupation of any residential unit.
- 5.2.13 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.
- 5.2.14 Car free development. No car parking permits except for those with a valid disability badge.
- 5.2.15 Sustainable transport contribution to the amount of £9240.00. (Calculated at £330 per residential unit).
- 5.2.16 All residential units are to be built to Lifetime Homes Standards.

## **10. 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

## **11. 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.

Signed..... Date: 27 October 2008

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

NO.	BACKGROUND PAPERS	NAME/DESIGNATION AND TELEPHONE EXTENSION OF ORIGINAL COPY	LOCATION CONTACT OFFICER
1.	Hackney UDP and the London Plan	Anthony Traub (ext. 7219)	263 Mare Street, E8 3HT

## **Appendix 1 – Previous Committee Report.**

# Hackney Planning Committee – 24.07.2008

<b>ADDRESS: Senate House, Tyssen Street, Dalston, E8 2ND</b>	
<b>WARD:</b> Dalston	<b>REPORT AUTHOR:</b> Anthony Traub
<b>APPLICATION NUMBER:</b> 2007/1844  <b>DRAWING NUMBERS:</b> 204060 / 110c, 120c, 121c, 122c, 123c, 124b, 125c, 130d, 131e, 132b, 133b and 140.  Design and Access Statement Planning Statement Daylight Sunlight Report Transport Statement Energy and Renewable Technology Statement	<b>VALID DATE:</b> 18/09/2007
<b>APPLICANT:</b> Family Mosaic 113 The Timberyard Drysdale Street London N1 6ND	<b>AGENT:</b> CMA Planning 113 The Timberyard Drysdale Street London N1 6ND
<b>PROPOSAL:</b> 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.	
<b>RECOMMENDATION SUMMARY: Grant conditional planning permission subject to S106 Legal Agreement.</b>	

## ANALYSIS INFORMATION

### ZONING DESIGNATION:

CPZ		YES
Conservation Area		NO
Listed Building (Statutory)		NO
Listed Building (Local)		NO
DEA		YES

LAND DETAILS:	USE	Use Class	Use Description	Floorspace
Existing		B1	Office (Vacant)	1000sq.m. (approx)
Proposed		B1		1173 sq.m.

	C3	Residential dwelling houses	2215 (approx) sq.m.
--	----	-----------------------------	---------------------

RESIDENTIAL USE DETAILS:	Residential Type	No of Bedrooms per Unit				
		1	2	3	4	5+
Existing	None					
Proposed	Flat	0	18	4	6	0
<b>Totals</b>	<b>(Total = )</b>	28				

PARKING DETAILS:	Parking Spaces (General)	Parking Spaces (Disabled)
Existing	0	0
Proposed	0 (Car Free Development)	0
Cycle Parking - Proposed	28 (residential) + 5 (commercial). 33 in total.	

## OFFICERS REPORT

### 2. SITE DESCRIPTION:

- 2.1 The site is located to the northern side of Dalston Lane and fronts Tyssen Street and Ramsgate Street.
- 2.2 The site is currently occupied by three to four storey commercial buildings which are currently vacant.
- 2.3 The surrounding area is mixed. To the south there is a new mixed use development consisting of ground floor commercial floorspace and 8 flats. Opposite the site on Tyssen Street is Springfield House, a large live work conversion. Adjoining to the north is a commercial warehousing building with an older building adjoining to the east.
- 2.4 Opposite the site on Ramsgate Street is a newly built residential development consisting of 3 storey residential units. The northern adjoining site known as 15 Ramsgate Street has had planning permission granted for a part 14 storey tower consisting of 66 residential units and approximately 1100 sq m of B1 floor space with the portion of the new development adjoining the application site being 4 storeys.
- 2.5 Hackney Downs is located approximately a mile away to the north west of the application site.

### **3. CONSERVATION IMPLICATIONS**

3.1 None.

### **4. HISTORY**

4.1 2003/1672: Change of use of first floor B1 space to Live/Work, erection of a two storey extension above existing two storey building & erection of five storey buildings to rear to create 836m<sup>2</sup> of A1 (ground floor) accommodation, 19 Live Work units and 6 x 2 bedroom flats. **Withdrawn.**

3.2 2004/0746: Demolition of existing building and construction of a four storey residential building comprising eleven flat units and one five storey with commercial on ground floor and twenty flats on upper floors. **Withdrawn.**

### **5. CONSULTATIONS:**

Date Statutory Consultation Period Started: 16 October 2007.

Date Statutory Consultation Period Ended: 06 November 2007.

Site Notices: Yes

Press Notice: Yes

#### **4.1 Neighbours**

315 surrounding occupiers have been consulted. 1 letter of objection and 1 letter in support have been received. The issues raised are summarised as follows:

4.1.1 Concerned that the proposed four storey building is overly large along the Ramsgate Street frontage as the opposite houses are only three storey and would not only detract from the streetscene but also affect light of those properties opposite;

4.1.2 The proposal will result in the loss of the only mature tree on Ramsgate Street.

#### **4.2 Statutory Consultees**

4.2.1 Metropolitan Police: No reply received.

4.2.2 Thames Water: No objection to the application.

4.2.3 The Learning Trust: No reply received.

### **4.3 Community Groups**

- 4.3.1 Invest in Hackney: Supports the proposal.
- 4.3.2 Thames Water Utilities Limited: No objection to the application. Recommends some advice notes should the application be granted planning permission.
- 4.3.3 The Hackney Society: No reply received.
- 4.3.4 London Fire and Emergency Planning Authority (LFEPA): The LFEPA is not satisfied with the application. However, all aspects regarding fire safety will be considered and dealt with through building regulations.

### **4.4 Other Council Departments:**

- 4.4.1 Waste Management: provides requirements for storage of domestic and commercial waste.
- 4.4.2 Planning Policy: No comments received.
- 4.4.3 Arboricultural Officer: No comments received.
- 4.4.4 Economic Development: No comments received.
- 4.4.5 Housing Association Team: No objection.
- 4.4.6 Environmental Health: Objects to the proposal. Concerns regarding the noise level of the proposed business activities and plant equipment and its impact on the proposed residential flats. Recommends that should the application be granted, conditions be imposed requiring the submission of details ensuring that suitable noise insulation is provided to the residential accommodation.
- 4.4.7 Conservation and Design: Recommend approval subject to conditions.
- 4.4.8 Traffic and Transport: Objects as the proposal does not provide the 2 required disabled car parking spaces on site. Several other matters were considered regarding travel plans, access, cycle stores which were recommended as conditions and S106 agreements should the application be approved.
- 4.4.9 Building Control: No comments received.



4.4.10 Highways: Estimate provided of £27,850.00 for foreseeable highway works.

## **5. POLICIES:**

### **5.1 Hackney Unitary Development Plan 1995**

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

### **5.2 Other Relevant Planning Policies**

SPG1 - New Residential Development  
SPG11 - Access For People With Disabilities  
SPD - Affordable Housing  
SPD - Planning Contributions

### **5.3 London Plan Policies**

2A.1 - Sustainability Criteria  
3A.1 - Increasing London's Supply of Housing  
3A.2 - Borough Housing Targets  
3A.4 - Housing Choice  
3A.5 - Large residential developments  
3A.6 - Definition of Affordable Housing  
3A.7 - Affordable Housing Targets  
3A.8 - Negotiating Affordable Housing in Residential and Mix-used Schemes  
3A.14 - Addressing the Needs of London's Diverse Population  
3C.1 - Integrating Transport and Development  
3C.2 - Matching Development to Transport Capacity  
3C.3 - Sustainable Transport in London  
4A.2 - Spatial policies for waste management  
4A.7 - Energy efficiency and renewable energy  
4A.9 - Providing for renewable energy  
4B.1 - Design principles for a compact city  
4B.3 - Maximising the potential of sites  
4B.4 - Enhancing the quality of the public realm  
4B.5 - Creating an inclusive environment  
4B.6 - Sustainable design and construction  
4B.7 - Respect local context and communities  
4C.12 - Sustainable growth priorities

4C.21 - Design Statements  
5C.1 - Strategic Priorities for East London

#### **5.4 National Guidance and Other Relevant Planning Policies**

PPS1 - Creating Sustainable Communities  
PPS3 - Housing  
PPS9 - Biodiversity and Geological Conservation  
PPG13 - Transport  
PPS22 - Renewable energy

#### **6. OFFICERS COMMENT:**

##### **6.1 Proposal**

6.1.1 Permission is sought to demolish the existing multi storey building on site consisting of existing office/industrial floorspace (Use Class B1, approx. 1000 sq.m).

6.1.2 The scheme involves the erection of a four storey building (fronting Ramsgate Street) and a five storey building (fronting Tyssen Street) 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.

6.1.3 The building will be formed from a yellow stock brick with metallic elements at the uppermost floor. Roof materials will be metallic as well as balustrades. The material for window framing is not clear from the submitted plans.

##### **6.1.4 Considerations**

The main considerations relevant to this application are:

- The principle of the use;
- Design and appearance of the proposed development;
- Sustainability;
- Quality of commercial floor area;
- Traffic and transport considerations;
- Consideration of representations;
- Planning Contributions.

Each of these considerations is discussed in turn below.

##### **6.2 Principle of Use**

- 6.2.1 The principle of mixed use development is considered to be acceptable at this site.
- 6.2.2 Whilst the site is situated within a Defined Employment Area, the proposal replaces the existing 1000 sq metres of commercial (B1) floor space with 1173 sq metres of proposed commercial space. The residential component of the development is located within the floors above the proposed commercial ground floor and within the block fronting Ramsgate Street.
- 6.2.3 The proposal is seeking approval for B1 commercial use. From a policy perspective, use classes B1, B2 or B8 can be considered as employment floorspace. Therefore, for the proposal to be considered acceptable as the lost employment floorspace is replaced by an appropriate use class.

Housing Provision

- 6.2.4 The residential element would accommodate a residential mix of 28 units consisting of 18 two bed units, 4 three bed units and 6 four bed units. This unit mix is considered acceptable and the high number of family sized accommodation (three and four bed) is welcomed.
- 6.2.5 The proposal includes an internal courtyard (approximately 240 square metres) accessible to the Tyssen Street Block and a communal roof terrace (approximately 155 square metres) at the top of the Ramsgate Street Block. Ground floor family units within the Ramsgate Street Block have direct access from living rooms to a private garden with above ground units having access to balconies. These provisions for onsite amenity are considered acceptable.
- 6.2.6 All of the accommodation complies with the Council's residential standards within SPG1 (New Residential Development). The residential units are built to Lifetime Homes standards.
- 6.2.7 The proposal would provide 69% (by habitable room) and 64% (by unit) of the residential component for affordable housing, brought forward by the applicant, Family Mosaic. This quantum is above the required 50% as stipulated in the London Plan and is therefore welcomed. The layout of tenures is considered acceptable.
- 6.2.8 Mix of housing table:

Market Sale	Shared Ownership	Social Rented	Totals
-------------	------------------	---------------	--------

1 Bed	0	0	0	0
2 Bed	9	8	1	18
3 Bed	1	2	1	4
4 Bed	0	0	6	6
Totals	10	10	8	28
% by Habitable Room	31%	32%	37%	

### **6.3 Design and Appearance**

- 6.3.1 The subject site is located in the heart of an area subject to new development. The overall design, massing and scale of four and five storeys fits in with the type of development occurring in the immediate locale.
- 6.3.2 The proposal has been reviewed by the Council's Conservation and Design (CD) team. The CD team state '*... drawings are satisfactory from a design point of view, sustainability statement and details still need to be addressed and conditioned.*'
- 6.3.3 Recommended conditions of consent pertain to sustainability, materials and boundary treatments.

### **6.4 Sustainability**

- 6.4.1 The planning statement indicates that the development will be to a 'Very Good' Eco Homes rating (equivalent of Level 3 Code of Sustainable Homes). Whilst this is deemed acceptable, the emerging LDF Core Strategy prefers new residential developments to achieve a level 4 rating. This matter will be addressed via a Section 106 agreement requiring that best endeavours are used in providing up to level 4.

### **6.5 Quality of Commercial Floor Space**

- 6.5.1 The proposal provides for 1173 square metres of B1 commercial floor space to replace approximately 1000 square metres of existing B1 floor space. This is provided for at ground level and basement level. For light at basement level, there are light wells on two aspects. The size of floor area for the commercial space is relatively vast with little detail on the plans as to how these are to be configured. Invest in Hackney indicate that smaller commercial units are more desirable and suited to the local market. The location of the proposed commercial floor space is considered acceptable. However, it is recommended as a condition, should permission be granted, that details be submitted clearly depicting the layout of any proposed

commercial units within the basement and ground floors to ensure the most viable commercial unit sizes are created.

- 6.5.2 The Council's Pollution Team have viewed the proposal and have concerns pertaining to potential noise from the proposed commercial activity on proposed residential units on site. A condition of consent requiring soundproofing to be installed, details of which to be submitted to the Local Planning Authority prior to works commencing, is recommended should permission be granted.

## **6.6 Traffic and Transport Considerations**

- 6.6.1 The Council's Transportation Team have viewed the proposal and provided comments. Whilst they do not consider the proposal to unduly impact on the surrounding road network, they do object to the under provision of disabled car parking spaces within the site. Several other matters regarding cycle parking, travel plans and sustainable transport contributions were suggested as S106 matters.
- 6.6.2 With the exception of the disabled car parking, it can be acknowledged that the principle of the development is acceptable as the proposal would not "unduly impact on the surrounding road network".
- 6.6.3 In accordance with Council objectives, new developments are required to provide a minimum car parking provision that quantifies as ten per cent of the residential units for ambulant persons. Originally the proposal included a disabled car parking space at ground level accessed directly from the street. However, this would do little for the street scene, appearance of the building, safety of such a space so close to the footpath nor visibility for maneuvering a vehicle into such a space with the logistics of opening and closing a gate difficult. The parking space was removed after discussions with officers and the additional floor area allowed for a larger family unit at ground level and promoted a continuity to the building façade. Whilst the absence of disabled car parking is contrary to policy, in this instance given the wider visual amenity benefits to the street scene, on balance this is considered acceptable.
- 6.6.4 The development is 'car free'. The Council's Transportation Officer recommends that a s106 requirement restricting residents' parking permits unless for a holder of a Disabled Person's Badge/ or for an electrically powered vehicle and securing a sum of £9,240.00 for sustainable transport initiatives. Should the application be granted, these are recommended as s106 requirements.

6.6.5 The Council's Highways Officer has also recommended securing a sum of £27,850.00 for upgrading works required to facilitate the development. Should the application be granted, this is recommended as a s106 requirement.

## **6.7 Consideration of Representatives**

6.7.1 Representations have raised the following issues (in italic font). A response to each is followed directly below.

6.7.2 *Concerned that the proposed four storey building is overly large along the Ramsgate Street frontage as the opposite houses are only three storey and would not only detract from the streetscene but also affect light of those properties opposite;*

6.7.3 The Council's Conservation and Design Team consider the massing, scale and appearance of the development to be acceptable and in accord with similar developments on surrounding sites. The street scene of Ramsgate Street is considered to not be detrimentally affected as having buildings lining both sides will provide visual interest and definition to the street. Ramsgate Street has a north south axis and therefore ample amounts of daylight. Any shadowing created by the new building is considered to be minimal on those buildings opposite due to the separation between these buildings of some 10 to 12 metres.

6.7.4 *The proposal will result in the loss of the only mature tree on Ramsgate Street.*

6.7.5 The surrounding area is a mix of commercial and residential with very little by way of vegetation within the street scene and buildings built up close to the footpath. Whilst this is the only mature tree on Ramsgate Street, the site frontage will display railings and some low level landscaping at street level to replace some greenery and provide some amenity back to the street scene. On balance, the tree removal is considered to be acceptable.

## **6.8 Planning Contributions**

The following matters are being sought as part of the Section 106 legal agreement to offset the impact of the development proposal:

- Securing 64.3% of units (69% by habitable room) as affordable housing with a tenure mix of 8 units social rented and 10 units shared ownership.
- Contribution of £149,049.15 towards education and libraries.

- Contribution of £2,587.10 towards open space.
- The signing of a Section 278 legal agreement under the Highways Act for works to the public highway and securing £27,850.00 to fund these works.
- The provision of a Green Travel Plan to all residents and commercial lease holder/employees on occupation of the site.
- Commitment to the Council's local labour and construction initiatives (25% on site employment).
- 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.
- 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.
- Achievement of a minimum Level 3 under the Code for Sustainable Homes with best endeavours to achieve Level 4.
- No change of architect or changes to the design as a result of value engineering measures after planning approval has been secured.
- B1 to shell and core prior to occupation of any residential unit.

## **7.0 CONCLUSION**

- 7.1.1 Planning permission is sought for the redevelopment of the site at Senate House, Tyssen Street London E8 2NDB. The proposal involves the demolition of existing buildings and the erection of a four storey building (fronting Ramsgate Street) and a five storey building (fronting Tyssen Street) 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.
- 7.2 The proposal will provide 69% (by habitable room) and 64% (by unit) of the residential component for affordable housing, brought forward by the applicant, Family Mosaic.
- 7.3 Overall, for the reasons discussed above, the proposed development is considered to accord with national, strategic and Unitary Development Plan Policies. Accordingly, approval is recommended subject to conditions and the signing of a Section 106 legal agreement.

**8 RECOMMENDATION A:**

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

**8.1.1 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.

**8.1.2 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.

**8.1.3 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.

**8.1.5 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.

**8.1.6 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.

#### **8.1.7 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.

#### **8.1.8 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.

#### **8.1.9 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.

#### **8.1.10 SCH10 - Cycle spaces**

Provision for 33 cycles (28 for residential component and 5 for B1/B8 use). The B1/B8 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.

#### **8.1.11 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.

#### **8.1.13 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.

#### **8.1.14 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  $L_{Aeq Tr}$ , 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  $L_{AF90}$ .

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

#### **8.1.15 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.

#### **8.1.16 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.

#### **8.1.17 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.

#### **8.1.20 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.

#### **8.1.21 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.

**RECOMMENDATION B:**

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

- 9.2.1 Securing 64.3% of units (69% by habitable room) as affordable housing with a tenure mix of 8 units social rented and 10 units shared ownership.
- 9.2.2 Contribution of £145,049.15 towards education and libraries.
- 9.2.3 Contribution of £2,587.10 towards open space.
- 9.2.4 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.
- 9.2.5 The provision of a Green Travel Plan to all residents and commercial lease holder/employees on occupation of the site.
- 9.2.6 Commitment to the Council's local labour and construction initiatives (25% on site employment).
- 9.2.7 No occupation of the Open Market Dwellings until all the affordable units have been transferred to the approved RSL.
- 9.2.8 10% reduction in carbon emissions through the use of renewable energy sources and use of low energy technology.
- 9.2.9 Considerate Contractor Scheme – the applicant to carry out all works in keeping with the National Considerate Contractor Scheme
- 9.2.10 Achievement of a minimum Level 3 under the Code for Sustainable Homes with best endeavours to achieve Level 4.
- 9.2.11 No change of architect or changes to the design as a result of value engineering measures after planning approval has been secured.
- 9.2.12 B1 to shell and core prior to occupation of any residential unit.
- 9.2.13 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.

**RECOMMENDATION C**

**9.3 That in the event of the Section 106 agreement referred to in Recommendation B not being completed by 07 May 2008, the Head of Planning be given the authority to refuse the application for the following reasons:**

- 9.3.1 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.
- 9.3.2 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 and CS2 of the Hackney UDP (1995), the LDF Planning Contributions SPD (2006) and policy 3A.21 of the London Plan (2004).
- 9.3.3 The proposed development, in the absence of a legal agreement for securing open space contributions, would be likely to contribute to pressure and demand on the borough's existing open spaces, contrary to policies EQ1 and OS5 of the Hackney UDP (1995), the LDF Planning Contributions SPD (2006) and policy 3D.8 of the London Plan (2004).
- 9.3.4 The proposed development, in the absence of a legal agreement for a Green Travel Plan, would be likely to lead to an adverse impact on local traffic and pedestrian flow and the unsustainable use of transport contrary to policies ST3, ST31, ST32, ST33, TR6 and TR19 of the Hackney Unitary Development Plan and policies 3C.16 of the London Plan 2004.
- 9.3.5 The proposed development, in the absence of a legal agreement for securing best endeavours to use local labour on-site, would be likely to harm the employment opportunities in the Borough contrary to policies ST3, EQ1, E15 and E18 of the Hackney Unitary Development Plan.

**10. 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

## **11. 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.

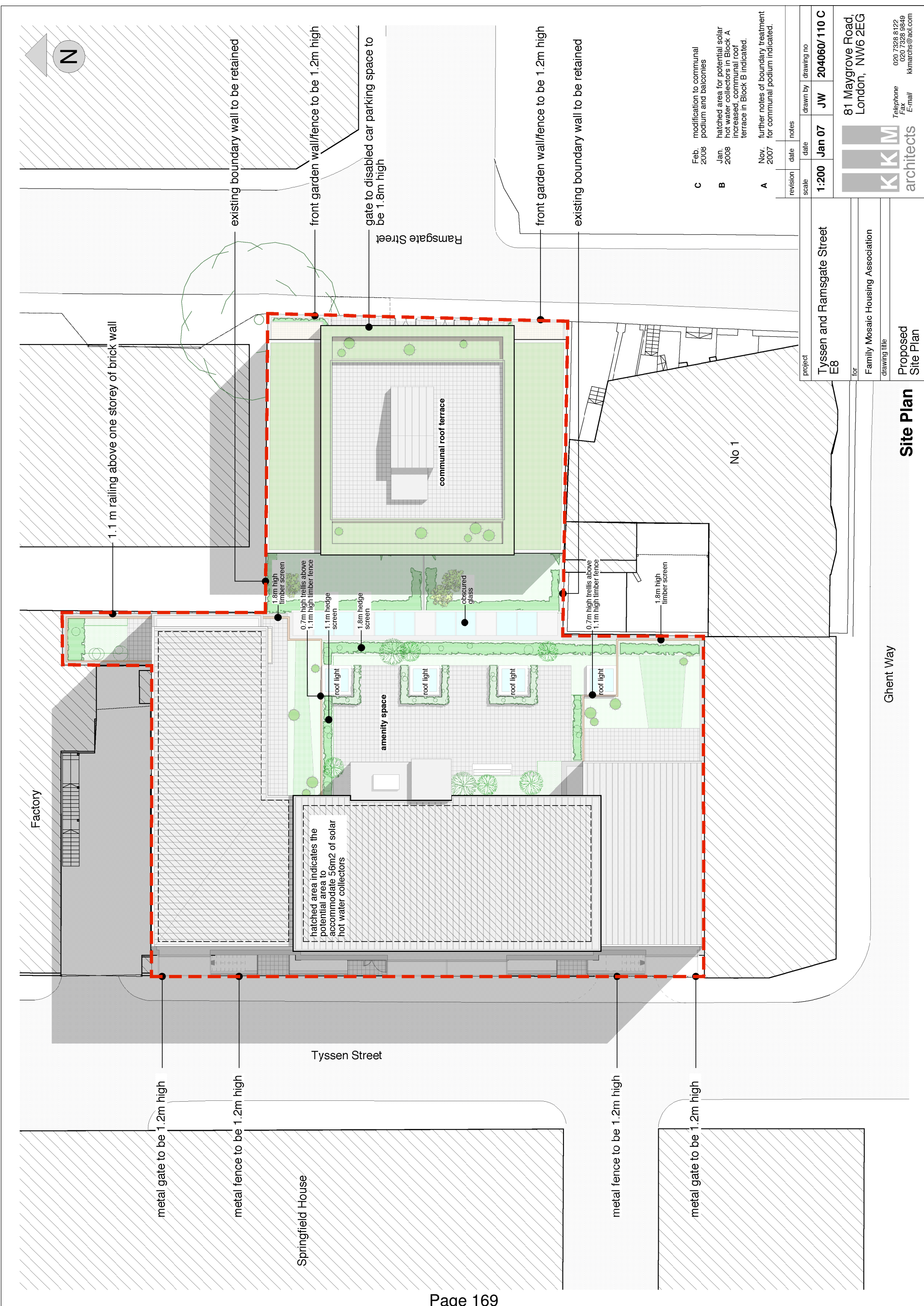
**Signed**..... **Date**.....

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

NO.	BACKGROUND PAPERS	NAME/DESIGNATION AND TELEPHONE EXTENSION OF ORIGINAL COPY	LOCATION CONTACT OFFICER
1.	Hackney UDP and the London Plan	Anthony Traub (ext. 7219)	263 Mare Street, E8 3HT

This page is intentionally left blank





- C Feb. 2008 modification to communal podium and balconies
- B Jan. 2008 hatched area for potential solar hot water collectors in Block A increased, communal roof terrace in Block B indicated.
- A Nov. 2007 further notes of boundary treatment for communal podium indicated.

revision	date	notes
C	Feb. 2008	modification to communal podium and balconies
B	Jan. 2008	hatched area for potential solar hot water collectors in Block A increased, communal roof terrace in Block B indicated.
A	Nov. 2007	further notes of boundary treatment for communal podium indicated.

project	scale	date	drawn by	drawing no
Tyssen and Ramsgate Street E8	1:200	Jan 07	JW	204060/110 C

**KKM architects**  
 81 Maygrove Road,  
 London, NW6 2EG  
 Telephone 020 7328 8122  
 Fax 020 7328 9649  
 E-mail kkmarchs@aol.com

for  
 Tyssen and Ramsgate Street E8  
 Family Mosaic Housing Association  
 drawing title  
 Proposed Site Plan

**Site Plan**

Ghent Way

This page is intentionally left blank



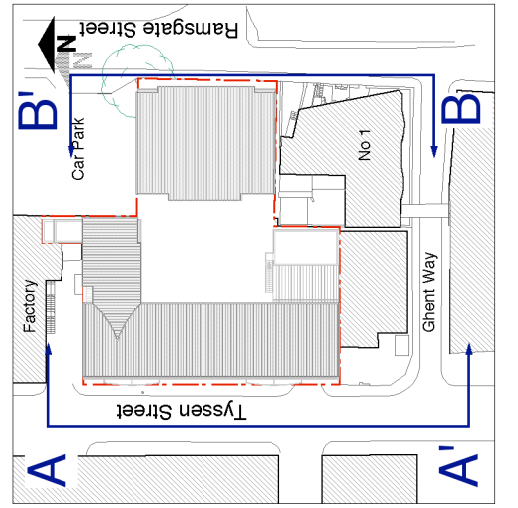
Planning drawing only  
Indicative layout subject  
to detailed design



Proposed West Elevation (A-A)



Proposed East Elevation (B-B)



Key Plan 1:1000

- D Feb. 2008 Minor adjustment to windows and balconies, adjacent six storey building removed
- C Jan. 2008 roof terrace indicated in Block B
- B Dec. 2007 ground and basement floor of Block A recessed further by a metre
- A Nov. 2007 window positions realigned, size of wooden panels reduced, minor adjustment to balcony

revision	date	notes	drawn by	checked by
1:100	Jan 07	JW	204060	130 D

Project Tyssen and Ramsgate Street, E8  
Scale 1:100  
Date Jan 07  
Drawn by JW  
Checked by 204060 130 D

81 Maygrove Road,  
London, NW6 2EG  
Telephone 020 7258 8128  
Email kkm@kkmarchitects.com  
www.kkmarchitects.com

Family Mosaic Housing Association  
Proposed West(A-A) & East(B-B) Elevations  
K K M architects



This page is intentionally left blank

## **Hackney**

### Planning Committee – 05.11.2008

<b>ADDRESS: 50 Wenlock Street - London - N1 7QN</b>	
<b>WARD:</b> Hoxton	<b>REPORT AUTHOR:</b> Anthony Traub
<b>APPLICATION NUMBER:</b> 2008/1510  <b>DRAWING NUMBERS:</b> 3245/C10, 3245/P1 E, 3245/P2 F, 3245/P3 B, 3245/P4 B, 3245/P5 B, 3245/P6 B, 3245/P7 D, 3245/P10 E, 3245/P16 D, 3245/P17 D.  Design Statement Access Statement Planning Statement Daylight Sunlight Report Transport Statement Energy and Renewable Technology Statement Code for Sustainable Homes Assessment	<b>VALID DATE:</b> 22/07/2008
<b>APPLICANT:</b> Landhold Properties Ltd and ISHA (Islington Shoreditch Housing Association). C/- Agent.	<b>AGENT:</b> Nick Mikasis <b>GML ARCHITECTS</b> 40 FEATHERSTONE STREET   EC1Y 8RE   LONDON T: 020 7490 4299   F: 020 7490 4084
<b>PROPOSAL:</b> 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).	
<b>RECOMMENDATION SUMMARY: Grant conditional planning permission subject to S106 Legal Agreement.</b>	

#### ANALYSIS INFORMATION

##### ZONING DESIGNATION:

CPZ		Yes – CPZ A1, PTAL 5.
Conservation Area		NO
Listed Building (Statutory)		NO
Listed Building (Local)		NO

DEA		NO
-----	--	----

LAND DETAILS:	USE	Use Class	Use Description	Floorspace
Existing		B8	Storage and Distribution Warehouse.	900sq.m. (approx)
Proposed		C3	Residential dwelling houses	1375.2 sq.m.

RESIDENTIAL USE DETAILS:	Residential Type	No of Bedrooms per Unit				
		1	2	3	4	5+
Existing	None					
Proposed	Flat	10	5	5	2	0
<b>Totals</b>	<b>(Total = )</b>	22				

PARKING DETAILS:	Parking Spaces (General)	Parking Spaces (Disabled)
Existing	0	0
Proposed	0	2
Cycle Parking - Proposed	50	

### OFFICERS REPORT

**1. SITE DESCRIPTION:**

- 1.1 The site is located on the southern side of Wenlock Street on its junction with Evelyn Walk.
- 1.2 The site is currently occupied by a two to three storey commercial building which is to be demolished.
- 1.3 The surrounding area is predominantly residential with six to ten storey residential blocks. To the east is a depot, to the south, north and west are other residential blocks.

**2. CONSERVATION IMPLICATIONS**

- 2.1 None.

### **3. HISTORY**

- 3.1 2007/2732 – Planning application refused. Demolition of existing building and the erection of a 6 storey building to comprise of 22 residential units with associated car parking (2 spaces) and landscaping. Appeal dismissed on design and appearance and light to lower ground units and amenity space and bedroom sizes not conforming with the Council's SPG1.

Matters the inspector considered to be acceptable or not 'refusable':

- Massing and siting of building;
- Proposed residential use and loss of employment floor space;
- Internal layout of the proposed building, whilst not considered overly efficient, was not a reason to refuse the application;
- No desktop study for potential contamination was provided with the application (as the site had previous industrial uses) and was a reason for refusal. The inspector considered that a condition of consent was sufficient to address this matter and that refusal on this basis was not warranted. Furthermore, since then, a desktop study has been submitted to the Environment Agency with the risk of contamination considered to be low (letter attached as part of the applicant's submitted planning statement).

- 3.2 2006/0392 – Planning application withdrawn for the 'Erection of a 6 storey building with lower ground floor to provide 24 residential units (8x1 bed, 9x2 bed, 6x3 bed, 1x4 bed), 2 disabled car parking spaces and bicycle parking'.

- 3.3 2005/0346 – Planning permission granted for the 'Erection of four-storey building plus basement to provide 11 flats, consisting of 2 x four-bed flats at ground level, 6 x three-bed and 3 x one-bed flats with balconies at first, second and third floor levels, including basement parking-car (6 including 2 for persons with disability), motorcycle (6), bicycles (11). Demolition of existing building.

### **4. CONSULTATIONS:**

Date Statutory Consultation Period Started: 05 August 2008.

Date Statutory Consultation Period Ended: 26 August 2008.

Site Notices: Yes

Press Notice: Yes

## **4.1 Neighbours**

250 surrounding neighbours have been consulted. 3 letters of objection and 1 neutral letter has been received. The issues raised are summarised as follows:

- Does not fit in with surrounding built form/landscape;
- Increase in noise in the area;
- Too high for location;
- Too many flats in the area already;
- Strain on existing infrastructure;
- Will block out light to Flat 48 Sylvia Court;
- Extra car parking demand created by the residential units; and
- Increased potential for crime as a result of this development.

4.1.1 The proposal will result in the loss of the only mature tree on Ramsgate Street.

## **4.2 Statutory Consultees**

4.2.1 Thames Water: No reply received.

4.2.2 The Learning Trust: No reply received.

4.2.3 Cross Rail: No reply received.

4.2.4 TfL: No reply received.

4.2.5 Invest in Hackney: No reply received.

4.2.6 Thames Water: No reply received

4.2.7 The Hackney Society: No reply received.

4.2.8 London Fire and Emergency Planning Authority (LFEPA): The LFEPA is satisfied with the application.

4.2.9 Primary Care Trust (NHS): Does not raise any specific concerns regarding the proposal, but recommends a section 106 requirement for securing £106,683.00 for the 22 units based on the HUDU (Healthy Urban Development Unit) model.

4.2.10 The Learning Trust: No comments received.

## **4.3 Other Council Departments:**



- 4.3.1 Waste Management: provides requirements for storage of domestic and commercial waste.
- 4.3.2 Planning Policy: No comments received.
- 4.3.3 Arboricultural Officer: No comments received.
- 4.3.4 Economic Development: No comments received.
- 4.3.5 Housing Association Team: No objection.
- 4.3.6 Sustainability and Design: Does not object to the proposal subject to conditions.
- 4.3.7 Traffic and Transport: Objects as the proposal does not provide the 2 required disabled car parking spaces on site. Several other matters were considered regarding travel plans, access, cycle stores which were recommended as conditions and S106 agreements should the application be approved.
- 4.3.8 Building Control: No comments received.
- 4.3.9 Highways: Estimate provided of £29,600.00 for foreseeable highway works.
- 4.3.10 Crime Prevention Officer: No comments received.
- 4.3.11 Landscape and Tree Officer: No comments received.
- 4.3.12 Pollution Group: No comments received.

## **5. POLICIES:**

### **5.1 Hackney Unitary Development Plan 1995**

E3 – Development Outside Defined Employment Areas  
EQ1 - Development Requirements  
H03 - Other sites for housing  
TR19 - Planning Standards

### **5.2 Other Relevant Planning Policies**

SPG1 - New Residential Development  
SPG11 - Access For People With Disabilities  
SPD - Affordable Housing

SPD - Planning Contributions

### **5.3 London Plan Policies**

2A.1 - Sustainability Criteria  
3A.1 - Increasing London's Supply of Housing  
3A.2 - Borough Housing Targets  
3A.5 - Housing Choice  
3A.7 - Large residential developments  
3A.8 - Definition of Affordable Housing  
3A.9 - Affordable Housing Targets  
3A.10 - Negotiating Affordable Housing in Residential and Mix-used Schemes  
3A.17 - Addressing the Needs of London's Diverse Population  
3C.1 - Integrating Transport and Development  
3C.2 - Matching Development to Transport Capacity  
3C.3 - Sustainable Transport in London  
4A.3 - Sustainable Design and Construction  
4A.22 - Spatial policies for waste management  
4A.7 - Renewable energy  
4B.1 - Design principles for a compact city  
4B.3 - Enhancing the quality of the public realm  
4B.5 - Creating an inclusive environment  
4B.6 - Safety and Security  
4B.8 - Respect local context and communities  
5C.1 - Strategic Priorities for North East London

### **5.4 National Guidance and Other Relevant Planning Policies**

PPS1 - Creating Sustainable Communities  
PPS3 - Housing  
PPS9 - Biodiversity and Geological Conservation  
PPG13 - Transport  
PPS22 - Renewable energy

## **6. OFFICERS COMMENT:**

### **6.1 Proposal**

- 6.1.1 Permission is sought to demolish the existing multi storey building on site consisting of existing industrial floorspace (Use Class B8, approx. 900 sq.m).
- 6.1.2 The scheme involves the erection of a part four storey, part six storey building (on the junction of Evelyn Walk and Wenlock Street) consisting of 22 residential units (10 x 1 bed, 5 x 2 bed, 5 x 3 bed and

2 x 4 bed).

### **6.1.3 Considerations**

The main considerations relevant to this application are:

- The principle of the use;
- Design and appearance of the proposed development;
- Sustainability;
- Traffic and transport considerations;
- Site contamination;
- Daylight to ground floor and basement units;
- Potential for overlooking;
- Consideration of representations;
- Planning Contributions.

Each of these considerations is discussed in turn below.

## **6.2 Principle of Use**

- 6.2.1 This scheme follows an application granted in 2005 for purely residential use for which the principle of the loss of commercial floor space was accepted. Therefore, in land use terms the principle is acceptable. Furthermore, the inspector stated that the site was suited to residential use in the previously dismissed appeal for a similar scheme on the application site (2007/2732).

### Housing Provision

- 6.2.2 The residential element would accommodate a mix of 22 units consisting of ten one bed units, five two bed units, five three bed units and two four bed units. This unit mix is considered acceptable and the number of family sized accommodation (three and four bed) is welcomed in seeking to address the known need for family housing illustrated by the Council's Housing Needs Survey. Two of the proposed ground floor family units will be disabled and have access to an on site disabled car parking space.
- 6.2.3 The proposal includes balconies, roof terraces and ground floor and basement courtyards. The basement courtyard to the four bed unit 1 is considered to be acceptable. Since the previous refusal stating that basement courtyards would receive little light, the current scheme has addressed the concerns of the inspector. Notably, only this basement courtyard remains and has been enlarged to allow more light into it with others raised to ground level. These provisions for onsite amenity are considered acceptable.

- 6.2.4 All of the accommodation complies with the Council's residential standards within SPG1 (New Residential Development). The residential units are proposed to be built to Lifetime Homes standards.
- 6.2.5 The proposal would provide 58.5% (by habitable room) and 54.5% (by unit) of the residential component for affordable housing, brought forward by Islington Shoreditch Housing Association (ISHA). This quantum is above the required 50% as stipulated in the London Plan and is therefore welcomed. The layout and mix of tenures is considered acceptable.

	Market Sale	Shared Ownership	Social Rented	Totals
1 Bed	5	2	3	10
2 Bed	3	1	1	5
3 Bed	2	1	2	5
4 Bed	0	0	2	2
Totals	10	4	8	22

### **6.3 Design and Appearance**

- 6.3.1 The subject site is located in the heart of an area surrounded by large scale residential buildings. The overall design, massing and scale of four and six storey elements fits in with the development typology occurring in the immediate locality.
- 6.3.2 The proposal has been reviewed by the Council's Sustainability and Design team who originally held concerns over the treatment of the ground floor and its appearance on the streetscene. Since then, amendments have been negotiated (date stamped 15<sup>th</sup> October 2008) improving the elevation and boundary treatments and internal quality of basement and ground floor units.
- 6.3.3 Specific improvements include the contrast and range of complimentary materials. The Wenlock Street elevation uses a combination of boundary treatments with a widened entranceway to provide a definite frontage to the building. This main entrance is further defined through the four storey render clad element on this elevation punctuated with fenestration that follows a similar form across the elevation and highlighted by orange anodized metal panels.
- 6.3.4 The Evelyn Walk elevation has been improved by providing two entrances to the building, increasing activity along this side entrance.

Car parking is located along this frontage for the accessible ground floor units including some patio and garden spaces. Differing materials, again with a three storey render element with orange anodized metal panels giving definition to this frontage.

6.3.5 The building will be formed from:

- White render;
- Horizontal timber cladding;
- Vertical timber cladding;
- Brick – London Stock reclaimed from existing building;
- Opaque glass;
- Clear glass;
- Anodised metal panels – orange;
- Zinc cladding panels – charcoal grey;
- Aluminium window frames – grey;
- Concrete formed out of coarse timber formwork painted dark grey;
- Steel railings.

A condition of consent is recommended requiring that samples of the above be submitted to the Council for approval prior to construction commencing on site should the application be approved.

6.3.6 Recommended conditions of consent pertain to sustainability, materials and boundary treatments.

6.3.7 At ground level, the private amenity areas for units U3 and U4 abut directly to the disabled car parking spaces associated with these units. To ensure these areas of private amenity and car parking are provided and secured in an acceptable manner, a condition of consent is recommended requiring full details of these areas, should permission be granted.

#### **6.4 Daylight to Ground Floor and Basement Units**

6.4.2 The previously refused scheme consisted of a similar development with more basement level patios. It was deemed by the inspector that these areas would receive little light and there was a concern that some of the ground floor and basement units would also struggle to receive adequate levels of light, hence the dismissal of the appeal.

6.4.3 Subsequent to the appeal decision, the design of the proposal has evolved to create more space around the only basement patio and more distance between habitable room windows and fixtures to allow more light penetration. The result of this, as depicted by the

supporting report and light test completed by BVP Limited, suggests that all basement and ground floor patios and habitable rooms obtain an adequate level of light in accordance with nationally recognized Building Research Establishment (BRE) standards. Therefore, the current scheme is considered acceptable and would provide an adequate level of light within habitable rooms and basement patios.

## **6.5 Sustainability**

- 6.5.1 The planning application form states that the units will be constructed to lifetime homes standards with the Council's policies expecting that the development will be to a 'Very Good' Eco Homes rating (equivalent of Level 3 Code of Sustainable Homes). The emerging LDF Core Strategy prefers new residential developments to achieve a level 4 rating. These matters will be addressed via a Section 106 agreement requiring that best endeavours are used in providing up to level 4 and that all units are built to lifetime homes standards.
- 6.5.2 The proposal provides a green roof to the majority of roof area (not covered by photovoltaic panels). A condition is recommend requiring details of this roof showing construction methodologies be submitted to the Council prior to construction occurring on site.

## **6.6 Site Contamination**

- 6.6.1 The previous refused application had no desk top study regarding potential contamination on the site and this was reinforced by the Environment Agency (EA) objecting on these grounds. Since then, the applicant has submitted the scheme to the EA with a desk top study. The EA suggest that suitable conditions of consent would mitigate any risk of contamination. This is further reinforced by the inspector of the appeal commenting that a condition would have been sufficient and it should not have been refused on this basis.
- 6.6.2 Therefore, should the proposal be granted planning permission, it is considered appropriate to place a condition on the consent requiring that should contamination be found on the application site, all site works shall cease and a remediation strategy shall be submitted and approved by the Council then implemented prior to any works commencing on site.

## **6.7 Traffic and Transport Considerations**

- 6.7.1 The Council's Transportation Team have viewed the proposal and provided comments. They consider that the proposed development will not impact unduly on the borough's transport infrastructure

providing that recommended conditions, s106 heads of terms, and mitigation measures are agreed pertaining to the following:

- The development remains a car free development;
- Fund for any highways works are secured;
- Funds for sustainable transport initiatives are secured;
- SCH8 – Parking for people with disabilities;
- SCH10 – Secure bicycle parking;
- SCH14 – Closure of existing access;
- SCH15 – Access only as approved.

6.7.2 The two disabled car parking spaces are considered acceptable. The site is located within a PTAL area of 5, and the provision of no other car parking spaces on-site is considered satisfactory in this location. The site is accessible by other more sustainable forms of travel. Therefore, the proposal is considered to be acceptable in transport terms.

6.7.3 The development is 'car free'. The Council's Transportation Officer recommends that a s106 requirement restricting residents' parking permits and securing a sum of £7,260.00 for sustainable transport initiatives. Should the application be granted, these are recommended as s106 requirements.

6.7.4 The Council's Highways Officer has also recommended securing a sum of £29,600.00 for upgrading works required to facilitate the development. Should the application be granted, this is recommended as a s106 requirement.

## **6.8 Potential for Overlooking**

6.8.1 The application site fronts onto Evelyn Walk and Wenlock Street. All fenestration along these two street facades is considered to assist passive surveillance of the public realm with separation distances (of over approximately 15 metres) between the proposed building and other buildings opposite to the north and west on neighbouring sites considered acceptable within an urban environment.

6.8.2 The proposed eastern wall that abuts the existing depot is a flank wall and thus no overlooking would occur.

6.8.3 The proposed southern elevation is in essence a flank wall with some recessed bedrooms recessed seven metres within the site. These windows would have outlook onto the flank wall of the six storey building at 55-90 Wenlock Court with a separation distance of approximately 10 metres. Outlook from these windows to the south-

east is considered to be acceptable due to separation distances within an urban environment.

## **6.9 Consideration of Representatives**

6.9.1 Representations have raised the following issues (in italic font). A response to each is followed directly below.

6.9.2 *Does not fit in with surrounding built form/landscape;*

6.9.3 The Council's Sustainability and Design Team consider the massing, scale and appearance of the development to be acceptable with a well designed contemporary building welcomed. Furthermore, notwithstanding the previous appeal where the inspector considered a similar massing and height acceptable, surrounding residential blocks consist of 6 to 10 storeys. Overall, the proposed building is considered to sit well on the application site.

6.9.4 *Increase in noise in the area;*

6.9.5 Any potential noise increase through the provision of 22 residential units on the site is considered to be indiscernible if not less to noise created through the use of the site as commercial floorspace. There are environmental standards relating to noise that would control the level of noise on the site and ensure a level of amenity is provided for which falls outside the remit of the Planning Authority.

6.9.6 *Too high for the location;*

6.9.7 See 6.6.3 above.

6.9.8 *Too many flats in the area;*

6.9.9 The provision of housing within London is in accord with London Plan policy with the proposal providing in excess of the minimum affordable housing requirements. The proposed scheme is therefore welcomed.

6.9.10 *Strain on existing services;*

6.9.11 The application will be subject to a s106 agreement should it be granted planning permission. Contributions will be sought for education, open space and healthcare with monies spent on local services in accordance with the Council's SPD on Planning Contributions.



6.9.12 *Will block out light to Sylvia Court;*

6.9.13 Sylvia Court is the housing estate that is opposite the development on Wenlock Street. The existing building on this neighbouring site faces directly south and is approximately 15m from the proposed building on the application site. The distance alone is considered to provide adequate separation between these two buildings. Furthermore, the same type of building with regard to height and scale was accepted by the inspector in the previous appeal on site with the Council's Sustainability and Design Team also accepting the proposed height and massing.

6.9.14 *Extra car parking demand created by the new residential units;*

6.9.15 The proposal is located within a CPZ and will therefore be car free. This will be secured via a s106 agreement. Furthermore, contributions for sustainable transport will also be sought.

6.9.16 *Increased potential for crimes;*

6.9.17 The proposed building makes better the situation on a prominent corner site. More windows overlooking the public realm are provided as opposed to the many blank walls and section of walls on the existing industrial building that will enhance the overall surveillance of the area.

## **6.10 Planning Contributions**

6.10.1 The proposal meets the trigger to provide contributions under the Planning Contributions Supplementary Planning Document (PCSPD).

6.10.2 In accordance with the SPD, the provision of open space, healthcare, education, library and sustainable transportation financial contributions are sought.

6.10.3 Other heads of terms that are as standard are found within Recommendation B below.

## **7.0 CONCLUSION**

7.1.1 Planning permission is sought for the redevelopment of the site at 50 Wenlock Street, London N1 7QN. The proposal involves the demolition of the existing commercial building and the erection of a part four storey part six storey building on the junction of Wenlock Street and Evelyn Walk to facilitate a residential development

consisting of 22 residential units (10 x one bed, 5 x two bed, 5 x three bed and 2 x four bed).

- 7.2 The proposal will provide 58.5% (by habitable room) and 54.5% (by unit) of residential units for affordable housing, brought forward by Islington Shoreditch Housing Association.
- 7.3 Overall, for the reasons discussed above, the proposed development is considered to accord with national, strategic and Unitary Development Plan Policies. Accordingly, approval is recommended subject to conditions and the signing of a Section 106 legal agreement.

## **8 RECOMMENDATION A:**

### **8.1 That permission be GRANTED, subject to the following conditions:**

#### **8.1.1 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.

#### **8.1.2 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.

#### **8.1.3 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.

#### **8.1.4 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.

#### **8.1.5 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.

#### **8.1.6 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.

#### **8.1.7 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.

#### **8.1.8 SCH10 - Cycle spaces**

Provision for at least 50 cycles spaces are to be provided securely on site. 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.

#### **8.1.9 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.

#### **8.1.10 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.

#### **8.1.11 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  $L_{Aeq Tr}$ , 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  $L_{AF90}$ .

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

**8.1.12 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.

**8.1.13 NSC - Ecological roofs**

Full details of a biodiverse, substrate-based (75mm minimum depth) extensive '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, to provide undisturbed refuges for wildlife, to promote sustainable urban drainage and to enhance the performance and efficiency of the proposed building.

**8.1.14 CLS1 - Contaminated Land Condition**

Before any remediation work, enabling works or development commences at the site a Desk Study report including full details of Site Reconnaissance, and a report containing full details of Site Investigation and Risk Assessment works completed for the site shall be produced to the satisfaction of and approved in writing by the Pollution Section.

**8.1.15 NSC - Car Parking and Private Amenity Space**

Full details of the screening to the car parking and amenity areas of ground floor Unit 3 and Unit 4 of the hereby approved scheme 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 the on-site amenity areas provided for the two ground floor units (U3 and U4) are maintained as outdoor amenity space and not used as additional car parking.

**RECOMMENDATION B:**

- 9.2 That the above recommendation be subject to the applicant, the landowners and their mortgagees entering into a deed of planning**

**obligation by means of a Section 106 Agreement of the Town and Country Planning Act 1990 (as amended), in order to secure the following matters to the satisfaction of the Corporate Director of Neighbourhoods and Regeneration and the Secretary and Solicitor to the Council:**

- 9.2.1 Securing 54.5% of units (58.5% by habitable room) as affordable housing with a tenure mix of 8 units social rented and 4 units shared ownership.
- 9.2.2 Contribution of £47,683.80 towards education.
- 9.2.3 Contribution of £3103.90 towards libraries.
- 9.2.4 Contribution of £920.04 towards open space.
- 9.2.5 The signing of a Section 278 legal agreement under the Highways Act for works to the public highway and securing of £29,600.00 to fund these works.
- 9.2.6 The provision of a Green Travel Plan to all residents and commercial lease holder/employees on occupation of the site.
- 9.2.7 Commitment to the Council's local labour and construction initiatives (25% on site employment).
- 9.2.8 No occupation of the Open Market Dwellings until all the affordable units have been transferred to the approved RSL.
- 9.2.9 10% reduction in carbon emissions through the use of renewable energy sources and use of low energy technology.
- 9.2.10 Considerate Contractor Scheme – the applicant to carry out all works in keeping with the National Considerate Contractor Scheme
- 9.2.11 Achievement of a minimum Level 3 under the Code for Sustainable Homes with best endeavours to achieve Level 4.
- 9.2.12 No change of architect or changes to the design as a result of value engineering measures after planning approval has been secured.
- 9.2.13 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.
- 9.2.14 Car free development. No car parking permits for residents.
- 9.2.15 Sustainable transport contribution to the amount of £7260.00. (Calculated at £330 per residential unit).
- 9.2.16 All residential units are to be built to Lifetime Homes Standards.
- 9.2.17 Contribution of £106,683.00 towards Healthcare.

## **10. 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
- TR19 - Planning Standards

## **11. 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.

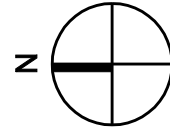
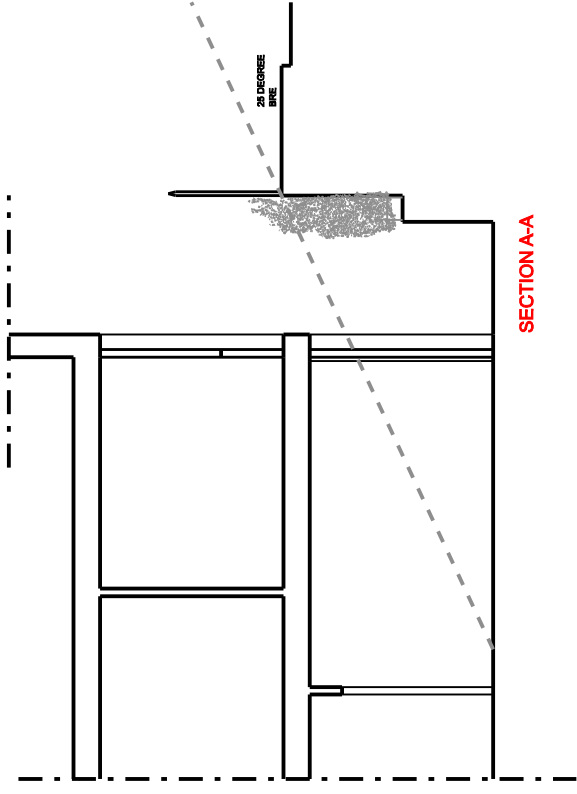
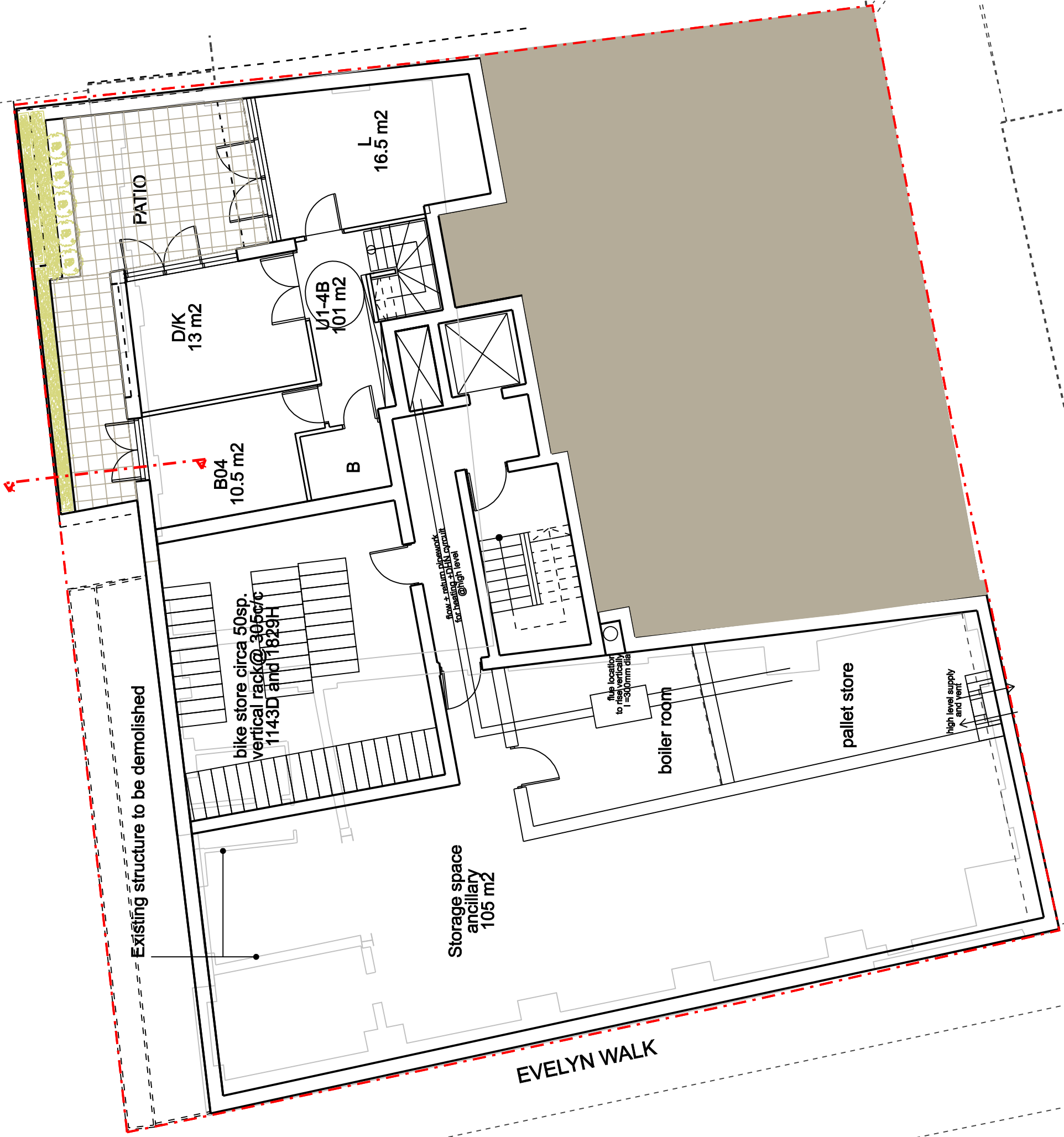
Signed..... Date: 27 October 2007

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

NO.	BACKGROUND PAPERS	NAME/DESIGNATION AND TELEPHONE EXTENSION OF ORIGINAL COPY	LOCATION CONTACT OFFICER
1.	Hackney UDP and the London Plan	Anthony Traub (ext. 7219)	263 Mare Street, E8 3HT



WENLOCK STREET



REV. D 07.10.2008 - U1 Plan ammended  
 REV. C 01.10.2008 - U1 Plan ammended  
 REV. B 18.07.2008 - Revised to achieve 20% of renewable energy  
 REV. A 21.05.2008 - REVISED TO PLANNERS COMMENTS

<b>GML Architects</b>	
40 Featherstone Street London EC1Y 8RE	Tel 020 7490 4299 Fax 020 7490 4084 info@gmlarchitects.co.uk
50 WENLOCK STREET HACKNEY LONDON, N1	MARCH 2008
PROPOSED BASEMENT FLOOR PLAN	3245 / P1 D

1:100@A3

This page is intentionally left blank

WENLOCK STREET

Contour of the existing building which to be demolished

GROUND FLOOR REVISION 01.04.08

1.5m RAILING FENCE

1.5 m high railing fence



Contour of the existing building which to be demolished

New Access to Proposed Disable bays

600 mm deep lightwell for pallets supply

10 MT

WENLOCK COURT NOS 55-90 (6 STOREY)

REV. E 07.10.2008 - U1 AMENDED  
 REV. D 02.10.2008 - ELEVATION TO U2 AMENDED  
 REV. C 18.09.2008 - PLANTER HEIGHT REDUCED,  
 RAILING FENCE ADDED  
 REV. B 18.07.2008 - Revised to achieve 20% of renewable energy  
 REV. A 21.05.2008 - REVISED TO PLANNERS COMMENTS

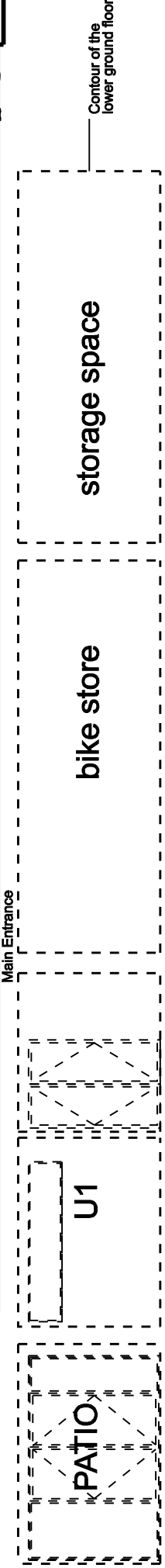
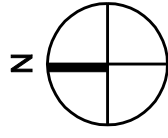
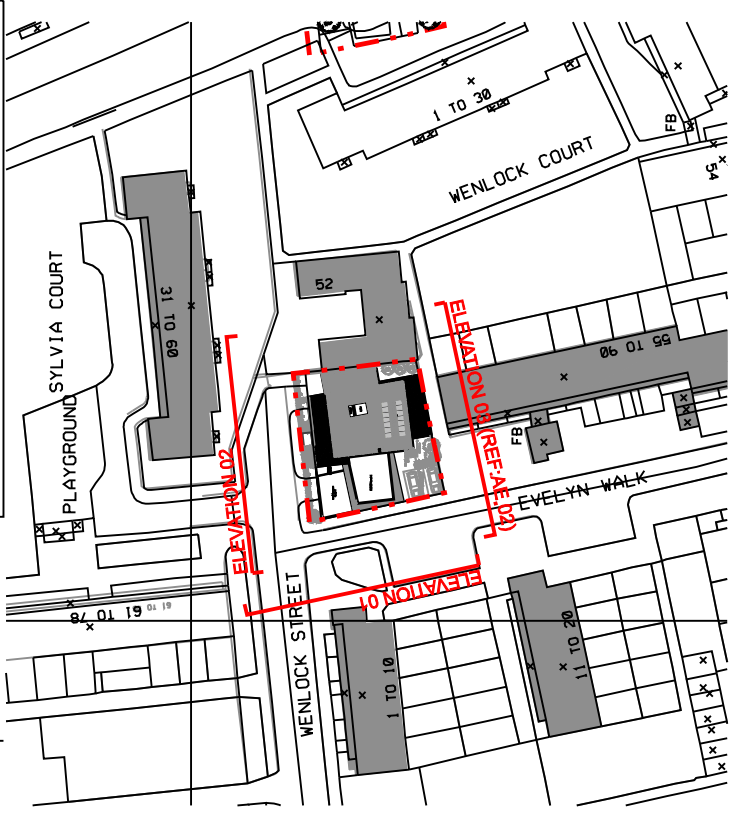
**G M L Architects**  
 40 Featherstone Street  
 London EC1Y 8RE  
 Tel 020 7490 4299  
 Fax 020 7490 4084  
 info@gmlarchitects.co.uk

50 WENLOCK STREET  
 HACKNEY  
 LONDON, N1  
 MARCH 2008  
 1:100@A3

PROPOSED GROUND FLOOR PLAN 3245 / P2 E

This page is intentionally left blank

ALWAYS CHECK DIMENSIONS ON SITE. DO NOT SCALE.



REV. C 07.10.2008 - PLANTERS/RAILING FENCE AMENDED  
 REV. B 18.09.2008 - PLANTER HEIGHT REDUCED,  
 RAILING FENCE ADDED  
 REV. A 21.05.2008 - REVISED TO PLANNERS COMMENTS

<b>G M L Architects</b>	
40 Featherstone Street London EC1Y 8RE	Tel 020 7490 4299 Fax 020 7490 4084 info@gmlarchitects.co.uk
50 WENLOCK STREET HACKNEY LONDON, N1	MARCH 2008
PROPOSED NORTH ELEVATION + KEY PLAN	1:100@A3 3245 / P7 C

PROPOSED ELEVATION 02 - NORTH - WENLOCK STREET

Existing adjoining building

This page is intentionally left blank





IMAGE 1- CORNER VIEW



IMAGE 2- ENTRANCE VIEW

REV. C 07.10.2008 - REVISED TO PLANNERS COMMENTS  
REV. B 01.10.2008 - REVISED TO PLANNERS COMMENTS  
REV. A 21.05.2008 - REVISED TO PLANNERS COMMENTS

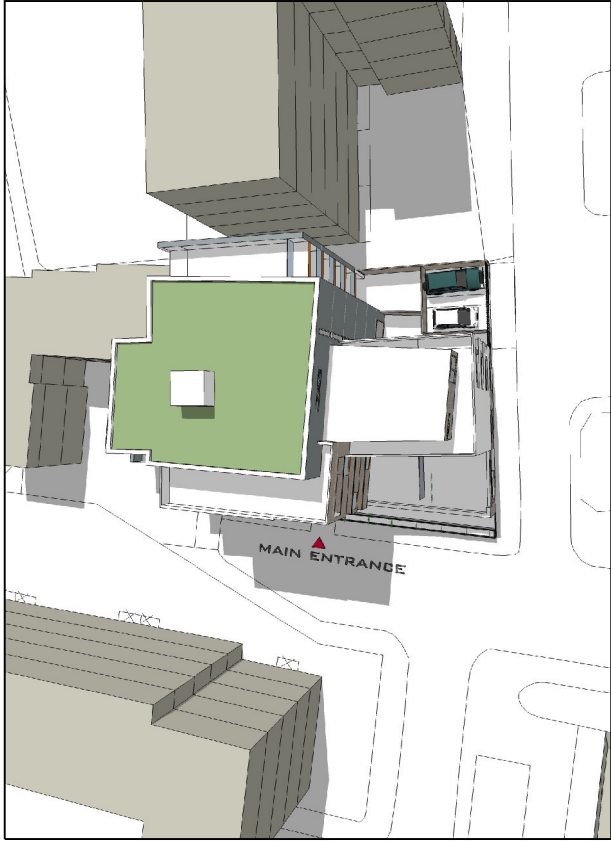
**GML Architects**  
40 Featherstone Street  
London EC1Y 8RE  
Tel (020) 7490 4289  
Fax (020) 7490 4084  
info@gmlarchitects.co.uk

50 WENLOCK STREET  
HACKNEY  
LONDON, N1  
MARCH 2008  
NTS

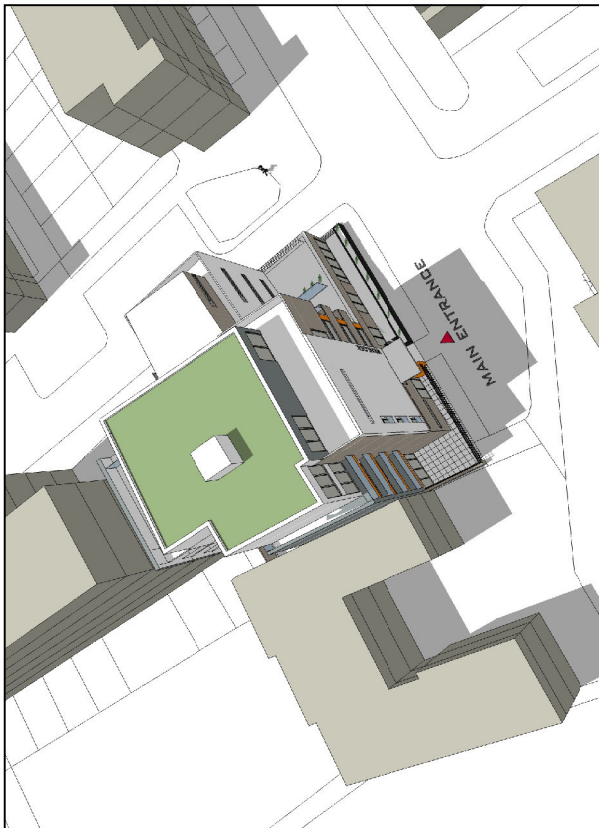
PROPOSED IMAGES SHEET 1 3245 / P18 C

This page is intentionally left blank

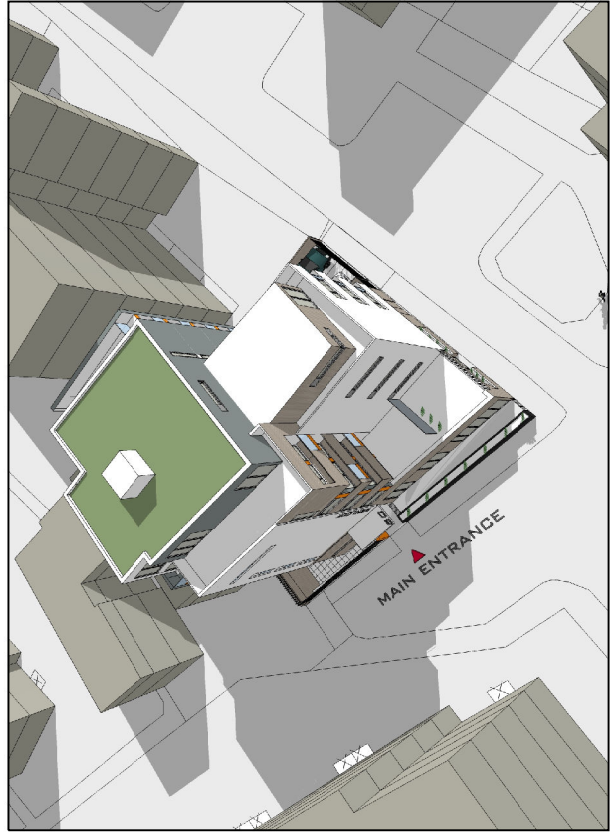




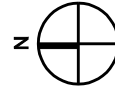
AERIAL VIEW2



AERIAL VIEW1



AERIAL VIEW3



REV. C, 07.10.2008 - REVISED TO PLANNERS COMMENTS  
REV. B, 01.10.2008 - REVISED TO PLANNERS COMMENTS  
REV. A, 21.05.2008 - REVISED TO PLANNERS COMMENTS

**GML Architects**  
40 Featherstone Street  
London EC1Y 8RE  
Tel: (020) 7490 4289  
Fax: (020) 7490 4084  
info@gmlarchitects.co.uk

50 WENLOCK STREET  
HACKNEY  
LONDON, N1  
MARCH 2008  
NTS

PROPOSED IMAGES SHEET 2 3245 / P17 C

This page is intentionally left blank

 **Planning Sub Committee 05/11/2008**

<p><b>ADDRESS:</b> Olympics and Paralympics site – Hackney and adjoining Boroughs: Land between River Lea Navigation, A12 East Cross Route, River Lea and Silverlink railway line, Homerton, London, E9</p>	
<p><b>WARD:</b> Planning Delivery Zone 6</p>	<p><b>REPORT AUTHOR:</b> Anthony Traub</p>
<p><b>APPLICATION NUMBER (ODA):</b> 08/90276/FUMODA</p> <p><b>APPLICATION NUMBER (LB Hackney):</b> 2008/2458</p> <p><b>DRAWING NUMBERS:</b>            1007-VEP-PLN-A-DSP-0010            1007-VEP-PLN-A-DSP-0011            1007-VEP-PLN-A-DSP-0012            1007-VEL-PLN-A-DGA-0100            1007-VEL-PLN-A-DGA-0101            1007-VEL-PLN-A-DGA-0102            1007-VEL-PLN-A-DGA-0103            1007-VEL-PLN-A-DGA-0104            1007-VEL-PLN-A-DGA-0105            1007-VEL-PLN-A-DGA-0110            1007-VEL-PLN-A-DGA-0111            1007-VEL-PLN-A-DGA-0112            1007-VEL-PLN-A-DGA-0113            1007-VEL-PLN-A-DGA-0114            1007-VEL-PLN-A-DGA-0115            1007-VEL-SEC-A-DSE-0300            1007-VEL-SEC-A-DSE-0310            1007-VEL-SEC-A-DSE-0350            1007-VEL-SEC-A-DSE-0351            1007-VEL-SEC-A-DSE-0352            1007-VEL-ELE-A-DEL-0400</p>	<p><b>VALID DATE:</b> 11/07/2008</p>

<p>1007-VEL-ELE-A-DEL-0401  1007-VEL-ELE-A-DEL-0410  1007-VEL-ELE-A-DEL-0411  1007-BMX-PLN-A-DDI-0800  1007-BMX-PLN-A-DDI-0802  1007-BMX-SEC-A-DDI-0803  1007-VEP-ARE-A-REP-0900  1007-VEP-ARE-A-REP-0901  1007-VEP-ARE-A-REP-0902  1007-VEP-ARE-A-REP-0903  1007-VEP-ARE-A-REP-0904  1007-VEP-ARE-A-REP-0905  1007-VEP-ARE-A-REP-0907  1007-VEP-PLN-L-DSP-0210  1007-VEP-PLN-L-DSP-0220  1007-VEP-PLN-L-DSP-0230</p> <p><u>Documents:</u>  Planning, Design and Access Statement, Flood Risk Assessment, Inclusive Access Statement, Access and Accessibility Statement.</p>	
<p><b>APPLICANT:</b>  <u>Olympic Delivery Authority</u></p> <p>One Churchill Place  23<sup>rd</sup> Floor  Canary Wharf  London  E14 5LN</p>	<p><b>AGENT:</b>  None submitted.</p>
<p><b>PROPOSAL IN BRIEF:</b> Observations to the Olympic Development Authority (ODA) regarding:</p> <ul style="list-style-type: none"> <li>• Planning permission for Velodrome and BMX venue and associated</li> </ul>	

- 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.

**RECOMMENDATION SUMMARY:**

The London Borough of Hackney (LBH) objects to the proposal and in particular several matters relating to the legacy configuration of the venue, cycle tracks and potential future fixtures impacting on the overall visual amenity, accessibility and circulation within the Olympic Park.

**1.0 SUMMARY OF PLANNING CONSIDERATIONS**

**Introduction**

- 1.1 This application has been submitted to the Planning Decisions Team of the Olympic Delivery Authority (ODA). Since December 2006, the ODA has been the determining authority for planning applications and enforcement matters within the area by virtue of powers granted by the Olympic and Paralympic Games Act 2006. The London Borough of Hackney, together with the London Boroughs of Tower Hamlets, Newham, Waltham Forest and Greenwich are statutory consultees.
- 1.2 The application has been referred to LBH as part of the ODA's consultation process.
- 1.3 This report provides comments and analysis of the application in respect to its potential impacts on the London Borough of Hackney and provides specific observations from the Council's internal consultees.

**2.0 PLANNING CONTEXT & HISTORY**

- 2.1 On the 28<sup>th</sup> September 2007, Outline Planning Permission

(Ref:07/90010/OUMODA) was granted for the development in connection with the 2012 Olympic and Paralympic Games and subsequent Legacy Transformation. This planning permission allowed for the development of the Olympic Park and the associated venues and facilities.

### **3.0 THE SITE**

3.1 The Velo Park site is located with Planning Delivery Zone (PDZ) 6 of the Olympic Park and is bounded by the A12 to the north, Temple Mills Lane to the east, the River Lea to the west and the Channel Tunnel Rail Link to the South.

## **4. PROPOSAL**

4.1 The application covers the following:

### **Olympic and Paralympic Games Mode: Planning Permission is sought for:**

- Earthworks and ground formation of 2m contours;
- Construction of a covered sports, leisure and entertainment venue for cycling within Class D2 (Velodrome) including telecoms antenna;
- Construction of Front of House and Back of House areas for the Velodrome and BMX venue involving hard surfaces and covered areas for use during the Olympic and Paralympic Games phases;
- Configuration of earthworks for construction of an uncovered sports, leisure and entertainment venue for BMX with Class D2 (BMX venue) and spectator facilities for use during the Olympic and Paralympic Games phases;
- Construction of spectator support areas (SS2 and SS3) involving hard surfaces and covered areas for use during the Olympic and Paralympic Games phases together with ancillary facilities;
- Construction of underpass numbered C01 including deck and substructure;
- Erection of perimeter enclosures for the built facilities; and
- The layout of open space, circulation areas and pedestrian routes for use during the Olympic and Paralympic Games phases.

### **Outline Planning Permission is sought for:**

- Construction of temporary BMX spectator stands; and

- BMX starting gates.

**Legacy Transformation Mode: Planning Permission is sought for:**

- Erection of perimeter enclosures for the built facilities;
- Engineering earthworks in association with the reconfiguration of levels and laying out to provide public open space;
- Dismantling and reconfiguration of hard surfaces and covered areas to provide concourse for use within the Velodrome and BMX venues;
- Alterations to a covered sports, leisure and entertainment venue for cycling within Class D2 (Velodrome);
- Alterations to underpass C01;
- Alterations to engineering earthworks in association with the reconfiguration of contours and relaying of BMX track and spectator facilities; and
- Construction of Velodrome and BMX car parking.

## **5. INTERNAL CONSULTATIONS**

**5.1 Sustainability and Design** – No comments received. To be reported at committee.

**5.2 Highways and Transportation** – No comments received. To be reported at committee.

**5.3 Pollution** - No objection to the application.

**5.4 Crime Prevention Officer** – No comments received.

**5.5 Landscape and Tree Officer** – Objects to several matters relating to the Legacy layout of the Velo Park (comment below under 7.3.2).

**5.6 Policy** – No comments received.

**5.7 Waste** – No comments received.

## **6. POLICY FRAMEWORK**

## **Hackney Unitary Development Plan 1995**

EQ1:	Development Requirements
EQ9:	Development and the River Lee Navigation Floodplain
EQ21:	Metropolitan Open Land
EQ30:	Areas of special landscape character
EQ31	Trees
EQ40:	Noise Control
EQ41	Development Close to Existing Sources of Noise
EQ42:	Air Pollution
EQ43:	Development of Contaminated Land
EQ44:	Water Pollution
EQ46:	Recycling Facilities
EQ48	Designing out Crime
E6	Retention of Sites and Premises within Defined Employment Areas
E8	Employment Uses and Nuisance
E14:	Access and Facilities for People with Disabilities
E18	Planning Standards
TR19:	Planning Standards
OS1:	Enhancing Metropolitan Open Land
OS2:	Open Spaces and Parks
OS3:	Loss of Open Spaces and Parks
OS4:	Protection of Character of Open Spaces and Parks Green Chains and Links
OS6:	Sports grounds and Playing Fields
OS7:	Recreational Footpaths, Towing Paths, Cycleways and
OS9:	Bridleways
OS13	Access and Use of Water Areas
OS14	Areas of Nature Conversation
OS16	Development and Areas of Nature Conservation Importance



OS17: Wildlife Habitats

ACE1: New Arts, Culture and Entertainment Development  
Promoting the Development of Arts, Cultural and  
ACE2: Entertainment Facilities  
ACE4 Art and Art Space

### **Other Hackney Planning Policies**

Lower Lea Valley Joint Area Action Plan (Hackney Wick SPG)

Core Theme A: A Water City

Core Theme B: Thriving Centres

Core Theme C: Neighbourhood & Communities

Core Theme D: A Working Valley

Core Theme E: A Connected Valley

Core Theme F: A Sustainable & Enduring Legacy

Core Theme G: Reaping the Benefits of the Olympic  
Investment

### **London Plan Policies**

Policy 3C.2 Matching Development to Transport Capacity

Policy 3B.10 Development of sustainable tourism including the Olympic &  
Paralympic Games (Proposed Alteration to London Plan)

Policy 3D.7 Realising the value of open space

Policy 3D.9 Metropolitan Open Land

Policy 3D.12 Biodiversity & Nature Conservation

Policy 4A.1 Waste Strategic Policy Targets

Policy 4A.6 Improving Air Quality

Policy 4A.7 Energy Efficiency and Renewable Energy

Policy 4A.9 Providing for Renewable Energy

Policy 4A.10 Supporting the Provision of Renewable Energy

Policy 4A.11 Water supplies

Policy 4A.12 Water Quality

Policy 4A.16 Bringing Contaminated land back into beneficial use

Policy 4B.1	Design Principles for a compact city
Policy 4B.2	Promoting world class architecture and design
Policy 4B.3	Maximising the potential of sites
Policy 4B.4	Enhancing the Quality of the Public realm
Policy 4B.5	Creating an inclusive environment
Policy 4B.6	Sustainable Design and construction
Policy 4B.7	Respect Local context and communities
Policy 4B.8	Tall buildings, location
Policy 4B9	Large scale buildings, design and impact
Policy 4B.14	Archaeology
Policy 4C.1	The strategic importance of the blue ribbon network
Policy 4C.2	Context for sustainable growth
Policy 4C.3	The natural value of the blue ribbon network
Policy 4C.8	Sustainable Drainage
Policy 4C.12	Sustainable growth priorities for the blue ribbon network
Policy 4C.14	Freight uses on the blue ribbon network
Policy 4C.17	Increasing access alongside and to the blue ribbon network
Policy 4C.20	Design Starting from the water

OA Framework Lower Lea Valley Opportunity Area Planning Framework

### **National Planning Guidance**

PPS1	Sustainable Development
PPG4	Industrial and Commercial Development
PPS9	Biodiversity & Geological Conservation
PPG13	Transport
PPG16	Archaeology & Planning
PPG17	Planning for Open Space, Sport and Recreation
PPS22	Renewable Energy
PPS23	Planning & Pollution Control
PPG24	Planning and Noise
PPG25	Development and Flood Risk

## **7. COMMENTS**

## **Introduction**

- 7.1 The 2012 Olympic and Paralympic Games and the Legacy proposals will have major implications for the local and wider environment. They will benefit the quality of life for residents and businesses in the Borough. The Olympic Games are warmly welcomed by Hackney for the contribution they will make to the regeneration in East London.
- 7.2 The Velodrome and associated cycle tracks will provide a new piece of leisure facility within the wider Olympic site and the configuration of this facility will influence how the Olympic Park itself is accessed, particularly from Hackney.

## **Council Consultee Comments**

- 7.3 The London Borough of Hackney makes the following comments with regards to the application:

### **7.3.1 Highways and Transportation**

No comments received to date. To be presented at committee.

### **7.3.2 Landscape and Tree Officer**

Comments from the Council's Landscape and Tree Officer state:

- The crossing of the River Lea by the BMX and road circuit cycle tracks compromises 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 .
- Direct physical and visual access to the river Lea are central to the character and amenity value of the adjacent parkland.
- This portion of the site 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
- Although sectional drawings show how manipulation of the land form could reduce the visual impact of the road circuit 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'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.
- The BMX track would further occupy parts of the west bank of the River Lea and effectively sterilise an even greater area of parkland. Safe and relaxed movement between both west and east as well as north and south would be greatly reduced whether crossing an unfenced or fenced cycle circuit.

### 7.3.3

#### **Sustainability and Design**

Comments from the Council's Design Officer state:

- The Olympic Park is a long (north-south) and narrow (east-west) site. The Velodrome site is located at the north-east corner and will be the main attraction for the northern part of the Olympic Park. There is great concern about the usage of the public space in this area during Games Mode as the main stadium and most of the entrances are located in the south of the park. Therefore, accessible and active public open space around this 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.
- During the Games, there will be four controlled access points into the Olympic park and the primary transfer for spectators is a north-south linear concourse. Three of the four access points and the main stadium are located in the southern part of the park. The Velodrome will be the landmark building in the northern part. Therefore, the public open spaces at the west entrance of the venue should become a movement node, connecting the riverside space and providing various activities to attract people.
- The existing proposal shows that the road circuit and the mountain bike zone will break the connection between the riverside and the west Velodrome entrance square. This will reduce a lot of potential activities in the open spaces at the west entrance as a movement node, and will make it more difficult to attract people to walk to the north part of the park.
- The road circuit and the mountain bike zone should not occupy both sides of the river. This destroys the integrity of the parkland. People should be able to access the riverside more easily from the Velodrome site, and enjoy the spectacle of outdoor cycling activities (road cycling, mountain biking, and/or other activities) from the other side of the river.
- During the legacy period, the Velodrome's south square will be an important 'entrance' since it connects the Velodrome with the urban activities in the south

and Olympic Parkland to the east. It is an advantage to the narrow east-west shape that the park can be easily accessed by the east-west linkages, and continuous activities can be created from the east to the west. However, the east-west linkages around the Velodrome in Legacy Mode are not clearly defined.

## 8.0 Conclusion

The London Borough of Hackney (LBH) objects to the following matters with regard to the proposal:

- The crossing of the River Lea by the BMX and road circuit cycle tracks compromises 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 BMX track would further occupy parts of the west bank of the River Lea and effectively sterilise an even greater area of parkland. Safe and relaxed movement between both west and east as well as north and south would be greatly reduced whether crossing an unfenced or fenced cycle circuit.

The LBH raises the following observations with regard to the proposal:

- Direct physical and visual access to the river Lea are central to the character and amenity value of the adjacent parkland.
- This portion of the site 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.
- Although sectional drawings show how manipulation of the land form could reduce the visual impact of the road circuit 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 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.

## **10.0 RECOMMENDATIONS**

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

10.2.1 The LBH objects to the crossing of the River Lea by the BMX and road circuit cycle tracks. In doing so there will be compromises 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;

10.2.2 The LBH objects to the location of the BMX track as it would further occupy parts of the west bank of the River Lea and effectively sterilise and even greater area of parkland and restricting movement between both west and east as well as north and south.

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

10.2.1 Direct physical and visual access to the river Lea are central to the character and amenity value of the adjacent parkland.

10.2.2 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.

10.2.3 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.

- 10.2.4 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.
- 10.2.5 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.
- 10.2.6 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.
- 10.2.7 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 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.
- 10.2.8 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.
- 10.2.9 East-west linkages around the Velodrome in Legacy Mode are not clearly defined.

**Signed .....** **Date: 27 October 2007**

**SUE FOSTER**  
**ASSISTANT DIRECTOR OF PLANNING AND REGENERATION**

	BACKGROUND PAPERS	NAME/DESIGNATION AND TELEPHONE EXTENSION OF ORIGINAL COPY	LOCATION CONTACT OFFICER
1.	Hackney UDP	Anthony Traub	Ground Floor, 263 Mare Street, Hackney E8 3HT.
2.	London Plan		
3	Lower Lea Valley Joint Area Action Plan and Opportunity Area Planning Framework	020 8356 7219	
4.	Lower Lea Valley Opportunity Area Planning Framework		



Drawn	Checked	Approved
Scale (A3)	Date	Status
1:200	08/09/2008	SZ
Purpose of Drawing	Planning Application	Rev.
		04

Project Title: Velodrome  
Drawing Title: VEL-ODROME  
PLAN  
SOUTH & WEST ELEVATIONS  
Prepared by: Hopkins Architects  
On behalf of the ODA

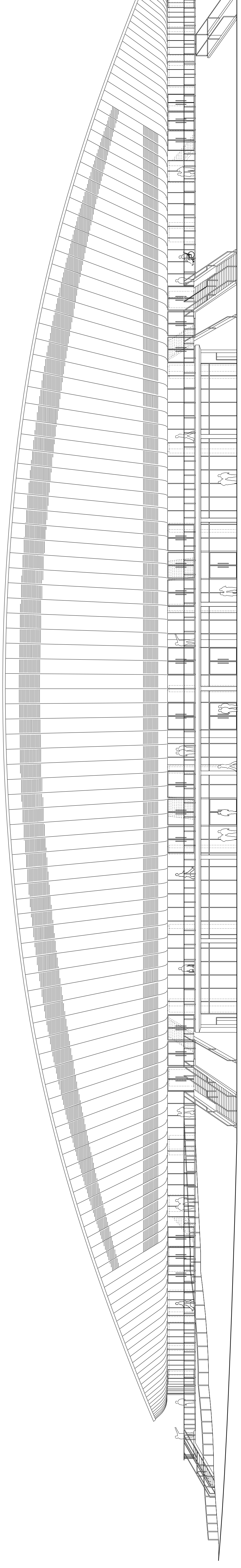
Rev	Description	Drawn (Date)	Date
04	Planning Application		13/09/2008

In addition to the Author's / Archt's typically associated with the type of work referred to in this drawing, you are also responsible for the following information:

Construction: 04  
04  
04

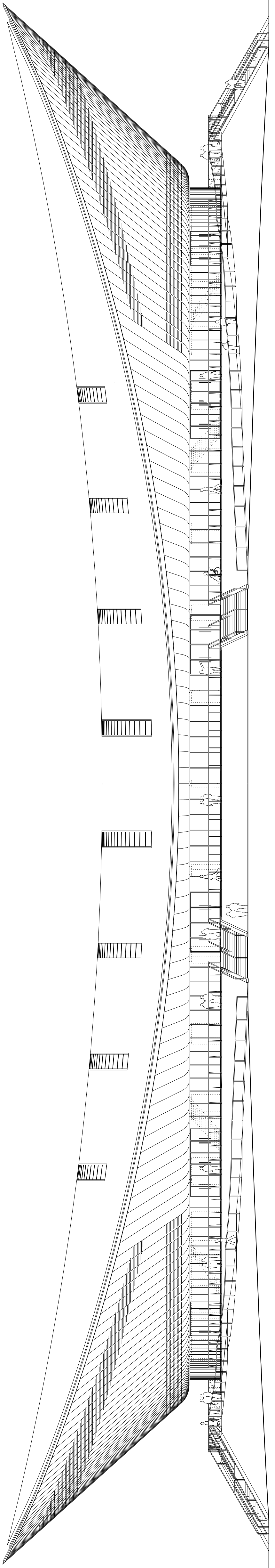
Discrepancy / Conflict: 04  
04  
04

For information only: Use, changes and dimensions are the Author's responsibility. All dimensions and levels shall be confirmed by a competent contractor. If a discrepancy is identified, all works will be carried out by a competent contractor. All dimensions and levels shall be confirmed by a competent contractor. All dimensions and levels shall be confirmed by a competent contractor.



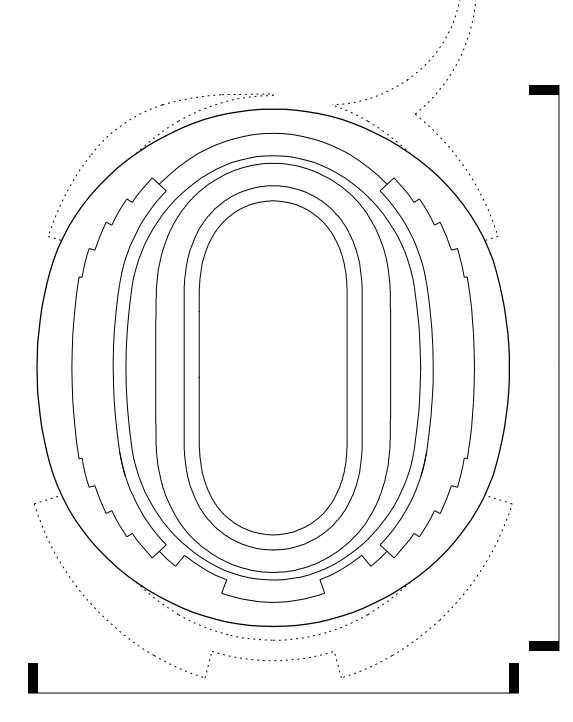
SOUTH ELEVATION

\*1:2000 A3 Sheet  
\*1:2000 Construction  
\*1:2000 Dimensions



WEST ELEVATION

\*1:2000 A3 Sheet  
\*1:2000 Construction  
\*1:2000 Dimensions



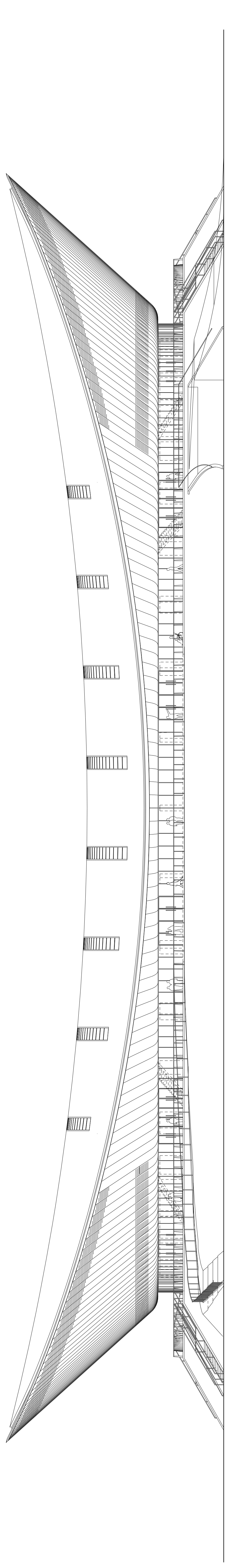
Scale at 1:200  
0 1 2 5 10m

LANDSCAPE SHOWN FOR CONTEXTUAL PURPOSES ONLY - NOT FOR APPROVAL.  
USE OF THE ROOMS, THE FURNITURE AND SEATING LAYOUTS SHOWN FOR CONTEXTUAL PURPOSES ONLY - NOT FOR APPROVAL.

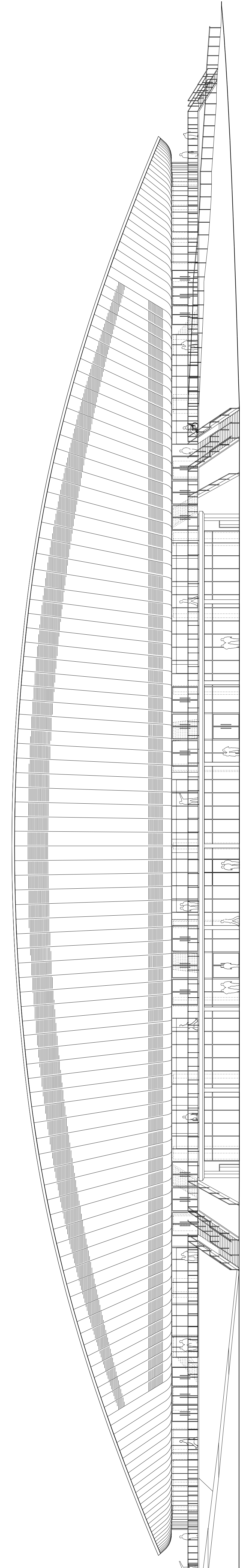
Notes:  
Do not scale this drawing.

Copyright © Hopkins Architects 2008. All rights reserved. Copies for personal use only. This drawing is the property of Hopkins Architects. It is not to be used, reproduced, copied, or disseminated in any form without the written consent of Hopkins Architects. Hopkins Architects is not responsible for any errors or omissions in this drawing. Hopkins Architects is not responsible for any claims or damages arising from the use of this drawing.

This page is intentionally left blank



EAST ELEVATION



NORTH ELEVATION

1:2000 US Survey  
1:2000 Ordnance Survey  
1:2000 Ordnance Survey

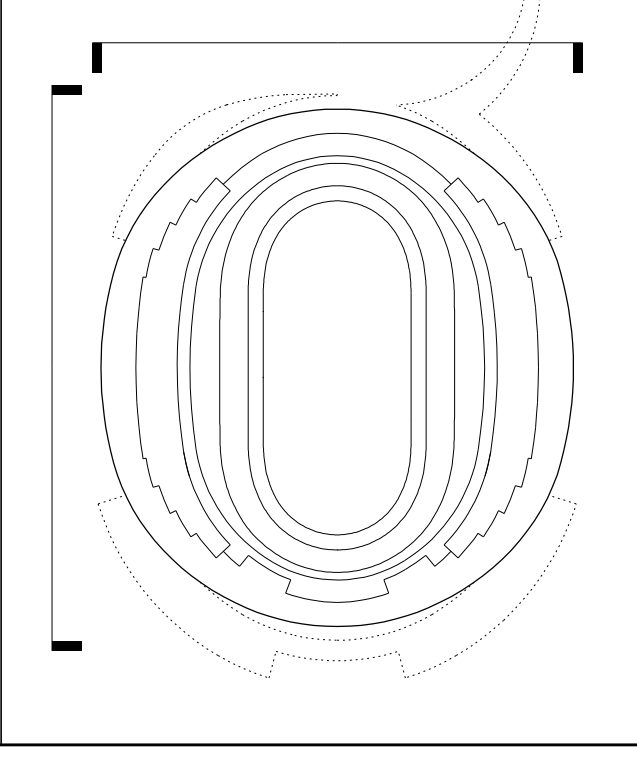
1:2000 US Survey  
1:2000 Ordnance Survey  
1:2000 Ordnance Survey

LANDSCAPE SHOWN FOR CONTEXTUAL PURPOSES ONLY - NOT FOR APPROVAL. USE OF THE ROOMS, THE FURNITURE AND SEATING LAYOUTS SHOWN FOR CONTEXTUAL PURPOSES ONLY - NOT FOR APPROVAL.

Scale at 1:200  
0 1 2 5 10m

Do not scale this drawing.

Notes:  
Copyright © Hopkins Architects, 2008. All rights reserved. Copies of drawings, reports, or other documents are the property of Hopkins Architects. No part of this drawing, report, or other document may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of Hopkins Architects. This drawing, report, or other document is the property of Hopkins Architects and is loaned to you for your use only. It is not to be used for any other purpose. All drawings, reports, or other documents are the property of Hopkins Architects and are to be used only for the purpose for which they were prepared. All drawings, reports, or other documents are the property of Hopkins Architects and are to be used only for the purpose for which they were prepared.



This page is intentionally left blank

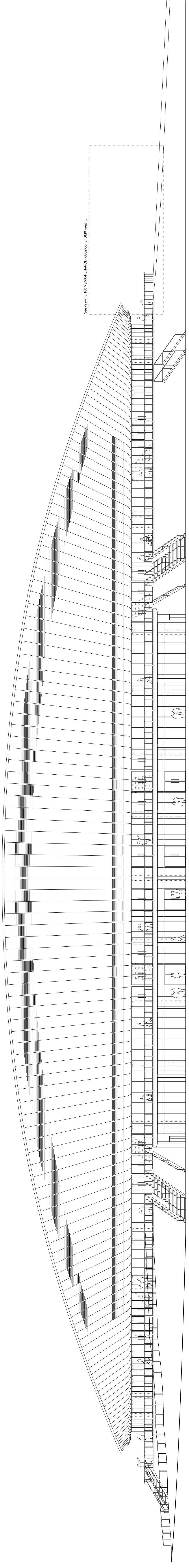
FOR APPROVAL

VEL-HAL-6-ELE-DR-A-6-D66-0410  
Document Identification: VEL | A | DEL | 0410  
Architect: Hopkins Architects  
Client: On behalf of the ODA

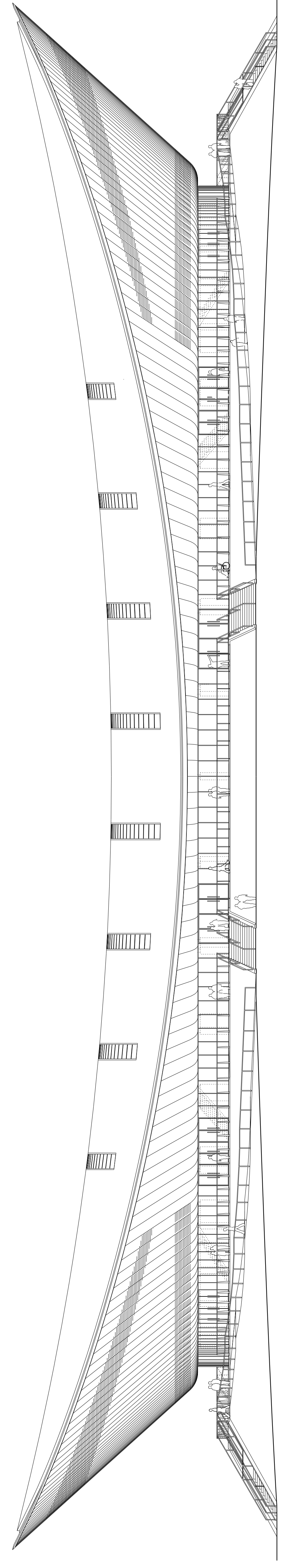
Drawing No.	04
Planning Application	
Date	08/09/2008
Scale (A3)	1:200
Author	
Checked	Approved
Status	SZ

Project Title: Velodrome  
 Drawing Title: VELODROME OLYMPIC VELOCIPEDIC SOUTH & WEST ELEVATIONS  
 Prepared by: Hopkins Architects  
 On behalf of the ODA

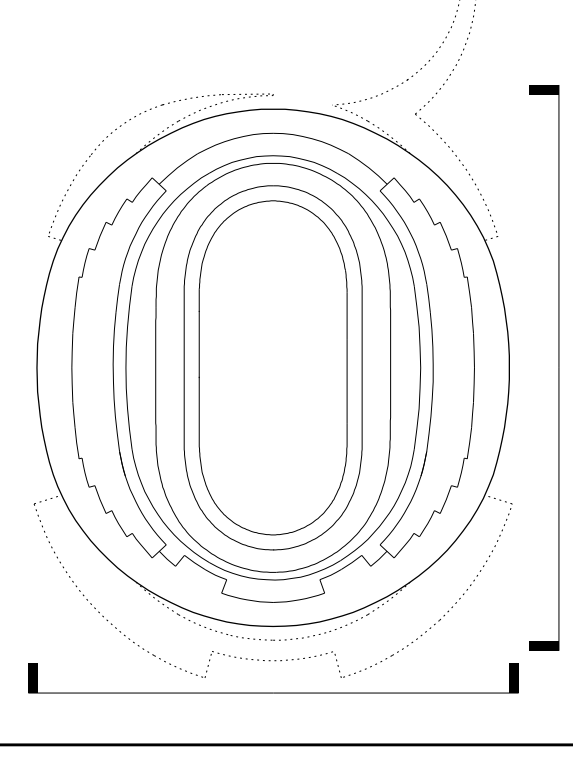
Construction: 04  
 Discrepancy: 04  
 For approval only. Use, changes and amendments are the responsibility of the Architect. All works will be carried out by a competent contractor. All works shall be carried out in accordance with the approved tender documents. All works shall be carried out in accordance with the approved tender documents.



SOUTH ELEVATION



WEST ELEVATION



Scale at 1:200  
0 1 2 5 10m

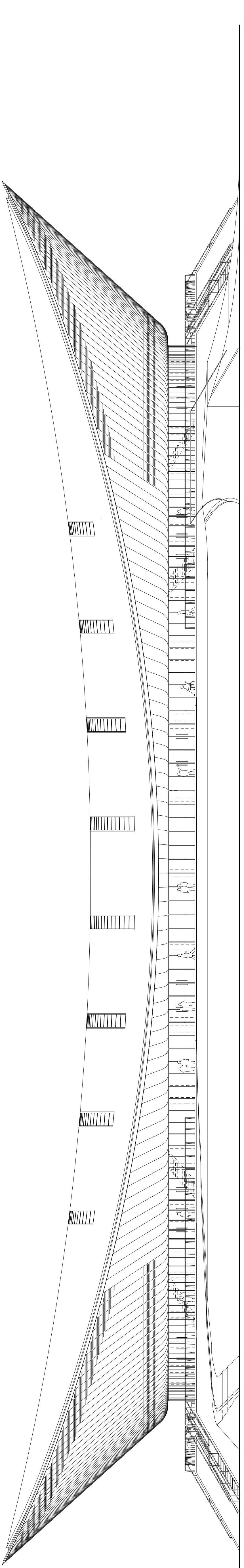
LANDSCAPE SHOWN FOR CONTEXTUAL PURPOSES ONLY - NOT FOR APPROVAL. USE OF THE ROOMS, THE FURNITURE AND SEATING LAYOUTS SHOWN FOR CONTEXTUAL PURPOSES ONLY - NOT FOR APPROVAL.

Notes:  
Do not scale this drawing.

Copyright © Hopkins Architects 2008. All rights reserved. Copies of drawings may be made for personal or internal use only. No part of this drawing may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of Hopkins Architects. This drawing is the property of Hopkins Architects and is loaned to you for your use only. It is not to be used for any other purpose without the prior written permission of Hopkins Architects.

This page is intentionally left blank





EAST ELEVATION



NORTH ELEVATION

This page is intentionally left blank



Do not scale this drawing.

Notes:

LANDSCAPE SHOWN FOR CONTEXTUAL PURPOSES ONLY - NOT FOR APPROVAL. USE OF THE ROOMS, THE FURNITURE AND SEATING LAYOUTS SHOWN FOR CONTEXTUAL PURPOSES ONLY - NOT FOR APPROVAL.

**R|V|W**  
ARCHITECTS

CYCLE TRACK DESIGN  
1000 S. WASHINGTON ST.  
STANFORD, CA 94305-5080  
TEL: 415.763.6661 EMAIL: INFO@RVWARCH.COM

APPLICATION PLANNING BOUNDARY

PLANNING PERMISSION

PLANNING PERMISSION - BMX TRACK EARTHWORKS

PLANNING PERMISSION - CAR PARK

OUTLINE PERMISSION - BOUNDARY FOR BMX START GATE BUILDING

PLANNING PERMISSION - EARTHWORKS

CONTEXTUAL ONLY

NO.	REVISION	DATE	BY	CHKD.
1	ISSUED FOR PERMITTING	14/12/2017	RVW	RVW

Prepared by:  
Hopkins Architects  
On behalf of the ODA

Project Title: Velopark

Drawing Title: Velodrome, BMX, and immediate environs. Drawing showing extent of application in Legacy Mode

Client: Velopark

Scale: 1:1000

Date: 14/12/2017

Sheet No: 03

Sheet Count: 03

Project No: VEP-HAL-6-PLN-DR-A-6-D56-0013

Author: RVW

Checker: RVW

Approver: RVW



CONTEXTUAL

FILENAME: S:\FILENAME PLOT DATE: S:\PLOT DATE PLOT TIME: S:\PLOT TIME

100



This page is intentionally left blank



Rev	Description	Drawn	Checked	Date
01	Prepared for Approval			13/03/2025

Prepared by  
Hopkins Architects  
On behalf of the ODA

Project File  
Velpark

Application Site Boundary

Scale at 1:1000  
0 5 10 20 50m

Do not scale this drawing.

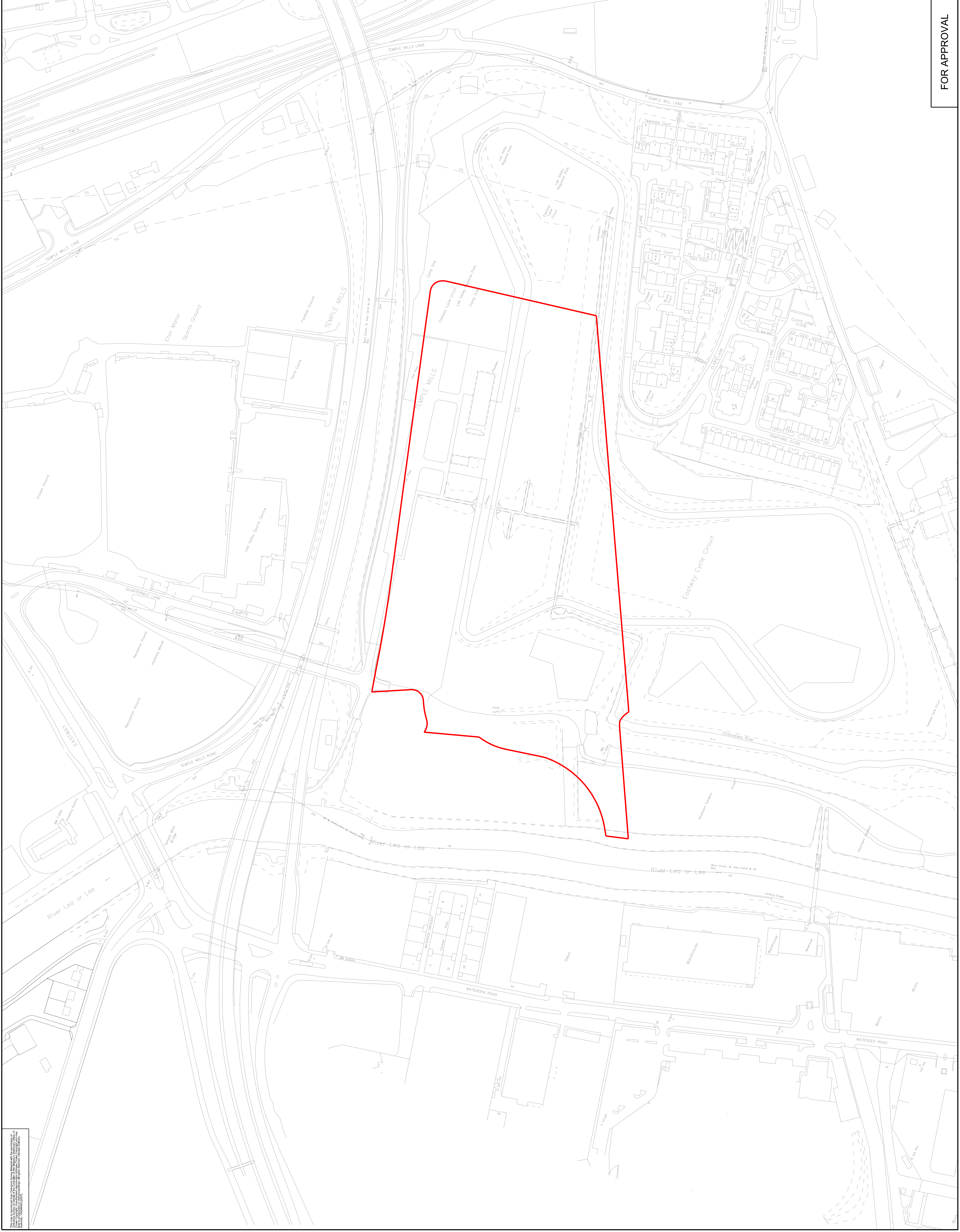
Notes:  
Do not scale this drawing.

LANDSCAPE SHOWN FOR CONTEXTUAL PURPOSES ONLY - NOT FOR APPROVAL. USE OF THE ROOMS, THE FURNITURE AND SEATING LAYOUTS SHOWN FOR CONTEXTUAL PURPOSES ONLY - NOT FOR APPROVAL.

LEGEND  
Application site boundary

NOTE: Most recent GIS not representative of existing site

Copyright © 2025 Hopkins Architects. All rights reserved. This drawing is the property of Hopkins Architects and is not to be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of Hopkins Architects. The ODA shall have the right to use this drawing for the purposes of the ODA's development plan for the Velpark site.



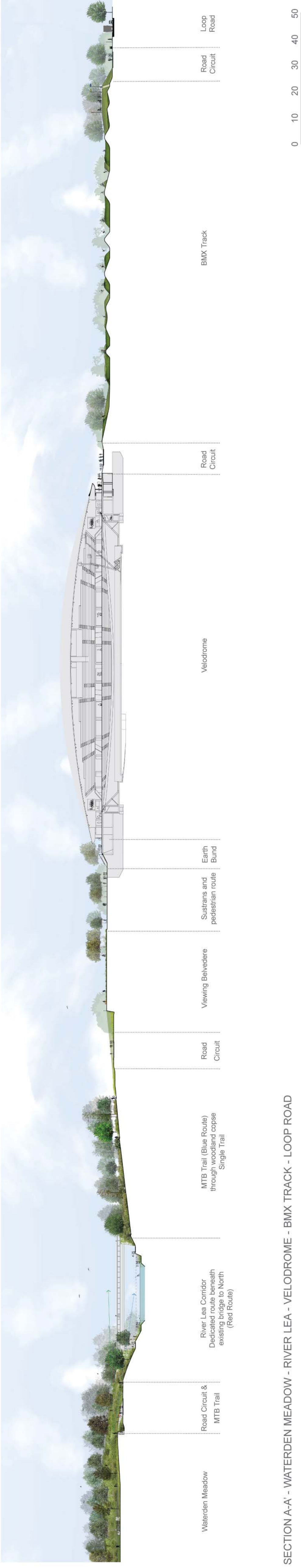
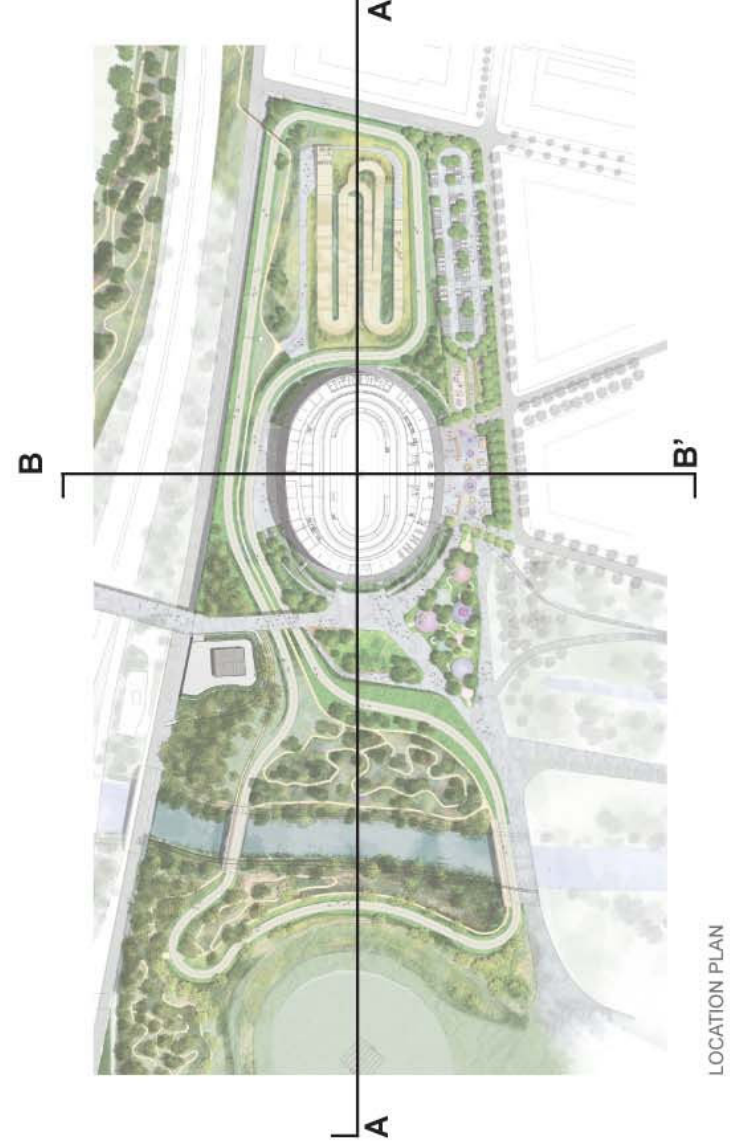


This page is intentionally left blank

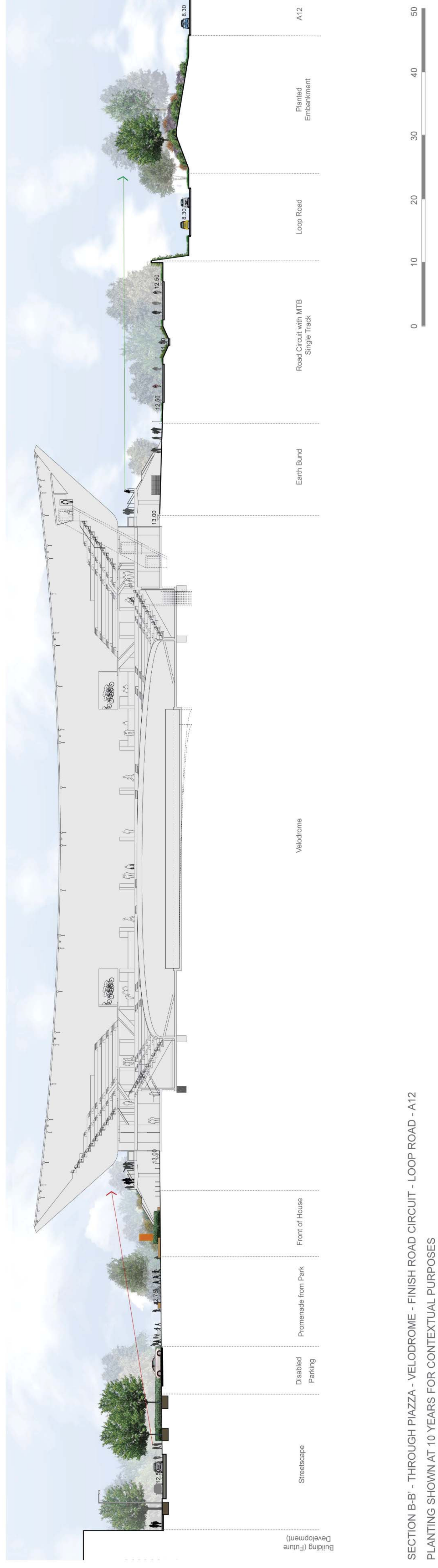


Copyright: Olympic Delivery Authority (ODA) 2007. All rights reserved. Except as permitted by the Copyright, Designs and Patents Act 1988, no part of this document may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, electronic, mechanical, by photocopying, recording, or otherwise, without the prior written permission of the ODA. The ODA shall have no liability for any loss or damage, including consequential loss or damage, or for any delay or interruption of any kind, arising from reliance on or use of this document or the information contained in it.

Do not scale this drawing.



SECTION A-A - WATERDEN MEADOW - RIVER LEA - VELODROME - BMX TRACK - LOOP ROAD  
PLANTING SHOWN AT 10 YEARS FOR CONTEXTUAL PURPOSES



SECTION B-B - THROUGH PIAZZA - VELODROME - FINISH ROAD CIRCUIT - LOOP ROAD - A12  
PLANTING SHOWN AT 10 YEARS FOR CONTEXTUAL PURPOSES

Rev	PLANNING APPLICATION Description	MF	AH	Drawn	CHK'd	Date
04						12/09/2008

In addition to the hazards / risks normally associated with the types of work detailed on this drawing, note the following risks and information:

Construction	Cl. Chll.
Dismantling / Demolition (Future)	Di. Chll.

For information relating to Use, Cleaning and Maintenance see the Health and Safety File. It is assumed that all works will be carried out by a competent contractor working, where appropriate, to an approved method statement.

Prepared by  
GRANT ASSOCIATES  
On behalf of the ODA

Project Title  
VELOPARK

Drawing Title  
Velodrome, BMX and Immediate Environs  
LEGACY  
CONTEXTUAL SECTIONS AA' & BB'

Drawn	HJ	Checked	Approved	MF
Scale (A1)	NTS	Date	14/08/2008	Status
Purpose of Drawing		Rev.	04	Ver.

Document Identification:  
Contract No. 1007 | VEP | SEC | L | DSE | 0110 | Sheet No. 0110

CONTEXTUAL



This page is intentionally left blank



<b>ADDRESS:</b> 357-359 Kingsland Road, London, E8 4DR	
<b>WARD:</b> De Beauvoir	<b>REPORT AUTHOR:</b> Rokos Frangos
<b>APPLICATION NUMBER:</b> 2008/0622 (Full Planning Permission) 2008/0740 (Conservation Area Consent)	<b>VALID DATE:</b> 15/05/2008
<b>DRAWING NUMBERS:</b> P01, P03, A01, A02b, A03a, A04 to A07, S01a, S02a, S04 P101 to P109, E01A to E03A, A10, A11, C001 to C007, E01a, E02, E03, E04 (May 2008), E04 (July 2008)*, E05, SK01, SK02  Planning Statement, Design and Access Statement, Sustainability Report, Geo-Environmental Desk Study Report, Transport Statement  *The dates on these application drawings are provided in order to distinguish two different drawings that share the same drawing number.	
<b>APPLICANT:</b> Blue Chip Trading Ltd and Orland Ltd c/o agent	<b>AGENT:</b> Nicholas Taylor and Associates 19-23 White Lion Street London N1 9PD
<b>PROPOSAL:</b> 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.	
<b>POST-SUBMISSION REVISIONS:</b> 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 twenty-six to thirteen; increase in number of cycle parking spaces from twenty to fifty-six.	
<b>RECOMMENDATION SUMMARY:</b> <b>Grant conditional planning permission, subject to Section 106 legal agreement; grant conservation area consent.</b>	

**ANALYSIS INFORMATION**
**ZONING DESIGNATION:** (Yes) (No)

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

<b>LAND USE DETAILS:</b>	Use Class	Use Description	Floorspace
<b>Existing</b>	B1	Light industrial	140 sqm
	D1	Theatre workshop space	211 sqm
<b>Proposed</b>	C1	Hotel	10,588 sqm
	D1	Theatre workshop space or alternative cultural use within the same use class	211 sqm

<b>PARKING DETAILS:</b>	Parking Spaces (General)	Parking Spaces (Disabled)	Bicycle storage
<b>Existing</b>	17	0	0
<b>Proposed</b>	10	3	56

**CASE OFFICER'S REPORT**
**1. SITE DESCRIPTION**

- 1.1 The application site is a triangular piece of land bounded by Kingsland Road to the east, Enfield Road to the west and the Metropolitan Business Centre (a former hospital converted to small business units and hostel accommodation) to the north. This prominent corner site, on the eastern edge of De Beauvoir Town, consists of cleared land that is currently used as a car park, with the exception of three structures: a single-storey building at the southern corner of the triangle, formerly occupied by a joinery and currently used for storage; a two-storey building on the western side of the site used by the Quicksilver Theatre company as a workshop (i.e. a space for administration, rehearsals and storage), and adjacent to this, a chimney stack. All three of these structures date from the 1950s, when the hospital was extended. It is not definitively known what the cleared land currently used as a car park formerly consisted of, although it is reasonable to assume that it too formed part of – or complemented – the hospital, which closed in 1975.
- 1.2 The surrounding area is largely residential in nature, although Kingsland Road itself is characterised by more of a mix of uses, particularly to the south, where recent mixed-use development predominates. Nearby De Beauvoir Square comprises distinctive Victorian single-family dwellinghouses on three of its four sides. On the eastern side of the square, and north of the Metropolitan Business Centre, lies a strip of postwar council housing, opposite which are ground-floor



units within the A1 to A3 use classes. To the west of the application site, the opposite side of Enfield Road comprises Allied Court, a recently completed development of flats that was approved in 2004 (application ref. 2002/0470). To the east, on the opposite side of Kingsland Road, lies a terrace of three-storey Grade II-listed townhouses dating from the early nineteenth century.

- 1.3 The site's location on Kingsland Road means easy access to frequent, twenty-four-hour bus services to central London, other parts of the borough and beyond. The application site is 200 metres (approximately two minutes' walk) from Haggerston station on the London Overground, due to open in 2010. The site currently has a Public Transport Accessibility Level (PTAL) rating of 3 ('moderate'), which will rise once Haggerston station has opened.

## **2. CONSERVATION IMPLICATIONS**

- 2.1 The site is located in the Kingsland Conservation Area. No statutory listed buildings are affected by the proposal, although the locally-listed Metropolitan Business Centre is situated adjacent to the application site.

## **3. HISTORY**

- 3.1 28/10/2003: Planning application refused for the erection of parts eight-, seven-, six- and five-storey buildings to create ninety flats, a 300-sqm doctor's surgery, a 1200-sqm gym and thirty-seven car spaces (ref. SOUTH/860/00/FP). (Note: this planning application did not show up in the planning history sought by the developer's agent; this is because the application site is given as the Metropolitan Business Centre. However, given the description of the development, it is assumed that the proposal was for the application site currently under consideration).

## **4. CONSULTATIONS**

- 4.1 Date statutory consultation period started: 15/05/2008
- 4.2 Date statutory consultation period ended: 16/06/2008
- 4.3 Site notice: Yes
- 4.4 Press advert: Yes

### **4.5 Neighbours**

154 surrounding occupiers have been consulted by personal letter. Sixteen letters of objection, one letter of support and one letter of 'concern' have been received. The objections are based on the following grounds:

- The proposed development is excessively tall, higher than the existing buildings, 'possibly intrusive' and 'out of keeping with the early Victorian architecture of the area'
- Building the hotel right up to its boundary will create a 'terraced' and dark 'tunnel' effect in the area
- Parking and traffic concerns
- Chimney 'is very old and adds great character to the street', is an 'icon' within Dalston/Haggerston. 'There is a lovely characteristic chimney there, will you take it down for that cardboard and plastic hotel?'
- Noise pollution arising from construction activity
- Overshadowing, loss of natural light
- 'A motel come travel Lodge type building (*sic*)... will bring down the tone of the area... Are we going to tarnish the area with a Travel Lodge?'
- Width of pavement does not allow for tree-planting around the site
- Concerns over impact on overall streetscape
- Proposed use not suitable for residential area
- Hotel is likely to have an adverse effect on crime
- Overlooking to flat; loss of privacy.

#### **4.6 Statutory consultees**

- 4.6.1 Transport for London (TfL): Further to subsequent discussion with Hackney Council's Traffic and Transport team and the developer's agent, TfL confirms that the proposal, as revised in light of TfL's comments (in connection with car parking provision and coach pick-up/drop-off) would not result in an unacceptable impact to the Transport for London Road Network (A10 Kingsland Road), subject to relevant planning conditions and obligations, as recommended by TfL. TfL would require the developer to enter into a Section 278 agreement for any highway works required on Kingsland Road.
- 4.6.2 Thames Water: No response received.
- 4.6.3 London Fire and Emergency Planning Authority (LFEPA): No response received.
- 4.6.4 English Heritage: No comment; the application should be determined in accordance with national and local policy guidance, and on the basis of the Council's specialist conservation advice.

#### **4.7 Local consultees**

- 4.7.1 Renaisi (Invest in Hackney): Invest in Hackney support this planning application. Hotels have been identified by Invest in Hackney as a target sector to encourage into the area, as they provide good entry-level job opportunities for local residents. The provision of hotel facilities in this area will help to accommodate the anticipated increase in tourism in east London and help make Hackney the centre of this growth. The development will help to provide for business tourists and establish Hackney as the City-fringe destination of choice

for business people. Furthermore, development in this location, just north of the Regent's Canal, will help to improve the immediate area. By complementing the regeneration of the Kingsland Basin and making use of the East London Line extension, it will also help to encourage commercial usage along Kingsland Road and improve Dalston's reputation as a viable business destination. The in-house restaurant and bar are also to be encouraged, as the existing provision in the area is limited and will be largely unappealing to the hotel's anticipated clientele. Invest in Hackney believe that this is a good location for a hotel and agree with the assertion in the planning statement that the development complies with category C within policy ACE7 (Hotel Development), i.e. sites that have good public transport links and which are not located in predominantly residential areas.

4.7.2 Quicksilver Theatre: Having looked at the plans we are disappointed to see that the space designated for Quicksilver's use does not actually fulfil the requirements we asked for. We asked for 3500 square feet and a minimum ceiling height of five metres; the [proposed] space is 2023 square feet and the ceiling height is less than five metres. We asked for disabled access and disabled toilet and shower facilities but there are none. Neither do the plans reflect what we discussed with the architect with regard to the entrance area. This is a ramp area in the public domain. I am a local resident and know the area well. In an area such as Dalston this ramp will generate security issues – there are a number of unsavoury characters on the streets who look for odd corners that are out of view to do their drug deals and other anti-social activities. The ramp area will also fill with rubbish blown from the street, especially on a Saturday when the Waste street market (*sic*) takes place. We asked for the space to be glassed over and included in the theatre workshop. This has been ignored. Ultimately we need the space to be in a turnkey condition so that we can go in on day one and start using the premises for our charitable objects (*sic*).

4.7.3 Kingsland Conservation Area Advisory Committee (CAAC): Due to the lack of information from the Council regarding this most significant application the Committee can only strongly object on the basis of the information received, which is totally inadequate. We would like this omission to be brought to the attention of the leader of the Conservation Team as it renders our participation in the planning process to be completely impossible. (Note: substantial further details were provided subsequent to these comments, both to the Council and Kingsland CAAC. However, no further comments have been received from Kingsland CAAC.)

## **4.8 Other Council departments**

4.8.1 Urban Design and Conservation: Since a pre-application meeting was held with the architects, the design has evolved to take into consideration comments made about the elevational treatment and the corner feature of the building. These changes are considered positive and, given the general good level of design throughout the scheme, we recommend that this application be approved.

The existing buildings on site don't make a positive contribution to the character or the setting of the conservation area. The height of the proposed building is considered sensitive to adjacent buildings and well articulated: it steps from seven storeys on Kingsland Road to five with a sixth setback along Enfield Road to respond to adjoining properties to the west of the site. This is considered a reasonable approach, as Kingsland Road is a wide carriageway, and surrounding buildings display a similar height. It is also considered that the proposed massing will complete the urban block and provide a sense of enclosure that is currently missing. The accentuation of the corner element creates a visual focus along Kingsland Road and emphasises the location of the intersection with Enfield Road. The entrances to the building are direct, legible, and the internal ground-floor layout is clear and rational. The upper storeys do not raise any concern. The principle of extremely simple vertical lines in the composition of the elevation is accepted. The solid-to-void ratio throughout is satisfactory.

However, as with any other scheme, this proposal needs to demonstrate its commitment to high-quality detailing in order to guarantee the integrity of the design. Given the simplicity of the lines, this becomes particularly relevant here, and we are not convinced by the details provided that this will be achieved. We therefore recommend that all materials, cladding, roof, parapets, glazing are conditioned. In summary, the design is felt to be appropriate and to respond well to the Conservation Area Appraisal urban guidelines.

4.8.2 Highways: No response received.

4.8.3 Traffic & Transport: Traffic and Transportation considers the proposal to be acceptable subject to planning conditions. The proposal will not impact unduly on the borough's transport infrastructure and will assist in sustainable development. The site is located in an area of good transport accessibility, which will be further enhanced by the completion of the East London Line Extension, with Haggerston Station located within 200 metres of the site.

4.8.4 Waste: At least double the waste capacity is needed than indicated on the plans, as well as provision for recycling. It is suggested that they provide a waste strategy plan.

4.8.5 Policy: No response received.

## **5. POLICIES**

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

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

## **5.2 Supplementary Planning Guidance (SPG)**

- SPG 6 - Hotels
- SPG11 - Access For People With Disabilities
- SPG12 - Conservation

## **5.3 Local Development Framework (LDF)**

- SPD - Planning Contributions Supplementary Planning Document (2006)

## **5.4 London Plan (Consolidated with Alterations since 2004)**

- 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

## **5.5 National Planning Policies**

- PPS1 - Creating Sustainable Communities
- PPG13 - Transport
- PPG15 - Planning and the Historic Environment

## **6. COMMENT**

Conservation area consent is sought to demolish all remaining structures on-site and full planning permission is sought to erect, in their place, 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, together with a 211-square-metre theatre workshop space on the lower ground floor, beneath a soft- and hard-landscaped courtyard.

Vehicular access will be from Enfield Road, with a traffic-light-controlled ramp descending to the basement car park. Hotel servicing will take place from a ground-floor-level off-street loading area, accessed from Enfield Road, and incorporated within the curtilage of the hotel. The main entrance will be on Kingsland Road, as will the (separate) entrance to the theatre workshop space. The restaurant and bar (including a 'banquet area') will occupy the part of the ground floor that is situated at the corner of Enfield Road and Kingsland Road. The hotel's conference space will comprise six meeting rooms, of which two are on the ground floor, with the remaining four at lower-ground-floor level.

With regard to an identified end-user, the applicant has been speaking to a number of different three-star operators, and it is intended that the hotel will form a part of one of these chains' portfolios.

## **Considerations**

The main considerations relevant to this application are:

- 6.1 The principle of the development
- 6.2 Design and conservation considerations
- 6.3 Potential impact on the amenity of adjoining residents
- 6.4 Traffic and transport considerations
- 6.5 Consideration of objections

Each of these considerations is discussed in turn below.

### **6.1 The principle of the development**

- 6.1.1 The proposed development comprises a new use (use class C1) for the application site, which is largely vacant. The site's former use (prior to clearance) is not definitively known, although it is thought to have formed part of the now-defunct hospital whose surviving buildings have been converted to form the Metropolitan Business Centre. As such, the main consideration pertains to the loss of the surviving structures on site.
- 6.1.2 The proposal would involve the loss of 140 square metres of space within use class B1 (currently used for storage space). Although the Council usually resists the loss of space within use class B1, in this instance its loss is mitigated by the size and nature of the particular use being proposed; it is considered that the proposed hotel will generate more employment than the B1 space being lost.
- 6.1.3 The proposal would also involve the demolition of the building that currently accommodates theatre workshop space for the Quicksilver Theatre company, an educational charity producing plays, workshops, exhibitions, installations, recordings, and other theatre-related activities. The retention of 'arts, culture and entertainment buildings' is covered by policy ACE3 in the Hackney UDP (1995), which states that the Council 'will normally resist the loss of an arts, culture and entertainment facility unless it is satisfied that an adequate replacement will be made'. The proposed development includes replacement theatre workshop space equivalent to the amount being lost (211 square metres).
- 6.1.4 Whilst it would be both logical and desirable for the Quicksilver Theatre company to become the occupier of the proposed theatre workshop space,



planning policy does not make any provision for the local planning authority to secure the use of the space for a particular and defined end-user. However, the Section 106 legal agreement will reserve the D1 classification of the space for cultural uses with that class, so that other arts organisations can use the space should the Quicksilver Theatre company be unwilling or unable to do so (see paragraph 8.2.7 of this report).

- 6.1.5 Furthermore, the developer has responded to Council concerns that the new theatre workshop space may be let at too high a rate for arts organisations to afford, by agreeing to apply a fifteen per cent discount on the rent for the first five years – a rate that will already be lower than if the space were in a use class other than D1, as the rent will be set by benchmarking against other arts, culture and community uses. The proposal is therefore considered compliant with saved policy ACE3 (Retention of Arts, Culture and Entertainment Buildings) in the Hackney UDP (1995).
- 6.1.6 The main saved policy in the Hackney UDP (1995) applicable to the proposal is saved policy ACE7 (Hotel Development), which provides a basis for the Council to support the application, by stating that the Council ‘will favourably consider hotel development... on sites having good public transport links which are not located in predominantly residential areas.’ It is considered that the proposed development complies with this policy, as the application site has good public transport links that comprise proximity to four bus routes using Kingsland Road and one future Overground station. Although residential use exists in the vicinity of the application site, it is considered that this does not constitute the predominant use along Kingsland Road itself, which in every other regard is considered to be a suitable location for a hotel.
- 6.1.7 The existing structures on site have no architectural or historic merit, and accordingly enjoy no statutory protection. This includes the chimney, which was constructed as recently as the 1950s. Accordingly, their demolition is considered acceptable.
- 6.1.8 Overall, there is no policy basis that precludes the construction of a hotel, ancillary facilities and theatre workshop space on this site, and it is considered that the proposal is acceptable in principle.

## **6.2 Design and conservation considerations**

- 6.2.1 Before commencing consideration of the design and appearance of the proposed development, the application site’s designation as part of a conservation area requires the local planning authority to assess proposals to demolish any building in the conservation area against the criteria set out in Planning Policy Guidance (PPG) 15: Planning and the Historic Environment, which indicates that the general presumption should be in favour of retaining buildings that make a positive contribution to the character and appearance of a conservation area. The criteria are, in essence, the condition of the building and the cost of its repair and maintenance in relation to its importance and the value



derived from its continued use; the adequacy of efforts to retain the building in use, and the merits of alternative proposals for the site.

- 6.2.2 It is considered that the existing structures on the application site meet two of these tests for demolition, in that the condition of the buildings is poor and the cost of repair and maintenance would be disproportionate to the importance and value that would be derived from their continued use; and that the aesthetic merits of the proposed development – to be discussed in the paragraphs that follow – outweigh those of the existing buildings. Furthermore, it is considered that the existing buildings do not make a positive contribution to the character and appearance of the conservation area, on account of their lack of architectural merit and period detail, their inappropriately diminutive scale, and their general state of deteriorating repair. The demolition of these buildings is therefore considered acceptable.
- 6.2.3 The proposed development is expressed in a contemporary vernacular style, with vertical bands of brickwork alternating with bands of aluminium powder-coated glazing interspersed with timber panels in a now-familiar ‘random’ pattern. The corner of the building and the junction with the Metropolitan Business Centre comprise larger expanses of the glazing and timber panels. The building is at its highest at the corner of Kingsland and Enfield Roads; the building steps down along Enfield Road, with the top storey set back part-way along the elevation and then the sixth storey set back also. The top storey is set back for most of the Kingsland Road elevation.
- 6.2.4 The size, scale and massing of the proposed building correspond with those of the Metropolitan Business Centre and of recent residential and mixed-use schemes on Enfield Road and further south along Kingsland Road, and are considered appropriate to the proposed development’s context. The heights of surrounding buildings range from five to six storeys, many with more generous floor-to-ceiling heights than most contemporary buildings feature. The height of the proposed building is marginally less than the Metropolitan Business Centre next door; the Metropolitan Business Centre and Allied Court to the west provide a height range within which the proposed new building sits comfortably.
- 6.2.5 In terms of detailed design, the solid-to-void ratio (i.e. the proportion of wall to windows) is considered to be sufficiently balanced and contributes to the acceptability of the overall design. The materials palette is familiar and can be seen on new developments elsewhere in the borough. It will be imperative to ensure that high-quality materials are used and properly fixed, to avoid a premature deterioration in the development’s appearance. In addition to the standard condition requiring the submission of materials to the local planning authority for approval, an additional condition is recommended, requiring the applicant to ensure that the proposed timber cladding is properly pre-treated, in order to prevent the weather-related discolouration that can be seen on the timber cladding on other new developments further down Kingsland Road.
- 6.2.6 In terms of sustainability criteria, the developer’s consulting engineers have indicated that the proposed building is capable of attaining a BREEAM (Building Research Establishment Environmental Assessment Method) rating of ‘very

good'. By use of energy efficiency options such as increasing thermal insulation, installation of heat recovery vents, use of drainpipe heat recovery, low-energy lighting and lighting control, the development will (according to the submitted Sustainability Report) 'aim to achieve [a] 45 per cent reduction in carbon emission[s]'. The applicant proposes to meet the target of generating ten per cent of the hotel's energy needs from on-site renewable energy by way of installing solar thermal collectors for hot water on the roof. It is recommended that this be secured with the attachment of a suitably worded condition to any planning approval granted. Rainwater harvesting isn't proposed, although this too can be secured by condition.

- 6.2.7 With regard to external space, the main body of the hotel wraps around a courtyard, where greenery and trees – of a yet-to-be-defined number – are proposed. Given that this courtyard is situated immediately above the theatre workshop space and the ramp to the basement car park, doubts have been raised as to whether there is sufficient ground depth to be able to accommodate the roots of the trees shown. It is therefore recommended that any courtyard trees shown on the plans be regarded as strictly indicative, and that a condition be attached to any approval, requiring the submission of a realistic and fully detailed landscaping plan for this space.
- 6.2.8 Overall, it is considered that the design of the proposal is acceptable and would enhance the character and appearance of the conservation area, thereby complying with planning policies saved in the Hackney UDP (1995) as well as those in the London Plan (Consolidated with Alterations since 2004), and PPG15.

### **6.3 Potential impact on the amenity of adjoining residents**

- 6.3.1 The closest residential property with windows from habitable rooms facing onto the application site is Allied Court, on the opposite side of Enfield Road, from which the distance is approximately eighteen metres – a standard distance between residential buildings on opposite sides of the street in an urban setting. This distance is sufficient for there not to be any significant impact on the amenity of neighbouring occupiers by way of overlooking. Furthermore, a 'front to front' distance of eighteen metres is typical for recently approved development in the area, and already exists at the De Beauvoir Square end of Enfield Road: Oscar Faber Place, a residential building on the corner of Enfield Road and St Peter's Way, with which the proposed hotel building will be aligned.
- 6.3.2 The distance between the hotel's east elevation and properties on the opposite side of Kingsland Road is even greater: thirty-two metres at the narrowest, increasing to thirty-seven metres due to the crescent shape of the listed terrace opposite.
- 6.3.3 A daylight and sunlight report has been submitted that demonstrates a negligible difference in the amount of natural light available to properties in Allied Court.

- 6.3.4 It is therefore considered that the proposal will not result in any significant risk to the amenity of adjoining occupiers by way of overlooking, loss of daylight, sunlight, overshadowing, increased sense of enclosure or loss of privacy. Overall, the proposed development is considered to be acceptable with regard to amenity and complies with relevant policies in the Hackney UDP (1995) and the London Plan (Consolidated with Alterations since 2004).

#### **6.4 Traffic and transport considerations**

- 6.4.1 Thirteen car parking spaces are proposed in the basement, to be accessed by way of a ramp from street level. This number has been reduced from the twenty-six spaces originally proposed, at the behest of the Council's Traffic and Transport team. Three of these spaces are reserved for disabled users and another three for 'operational services'. With the revisions requested by the Council having been implemented, the parking provision is now considered to be acceptable by the Council's Traffic and Transport team.
- 6.4.2 TfL (Transport for London) have confirmed their approval of the use of the existing loading bay adjacent to the site in Kingsland Road as a pick-up/set-down space for coaches and taxis, and TfL is satisfied that the use of the loading bay as a coach pick-up/set-down will not unduly impact the operation of the bus lane and Kingsland Road.
- 6.4.3 The development complies with the Council's requirements for the provision of disabled parking spaces, by providing three off-street disabled parking spaces.
- 6.4.4 A total of fifty-six cycle parking spaces is proposed. This number was increased from the twenty-six spaces originally proposed at the behest of the Council's Traffic and Transport team, which is now satisfied with the level of cycle parking provision.
- 6.4.5 Overall it is not anticipated that the proposed development will have a detrimental impact upon circulation and parking in the vicinity, and overall there are no traffic and transport issues with the proposed development that constitute grounds for concern or refusal.

#### **6.5 Consideration of objections**

- 6.5.1 Excessive height, possibly intrusive' height, 'out of keeping with the early Victorian architecture of the area'

As discussed in paragraph 6.2.4 of this report, the height of the proposed development is considered accordant with prevailing building heights in the vicinity and appropriate in its own right to a major artery in an urban context. As discussed in paragraph 6.2.5 of this report, the design of the proposed building, whilst contemporary, is considered to be of a good standard and complements the overall mix of styles that surround the proposed development. Whilst it could be said that any contemporary building could be considered 'out of keeping' in

an area containing a number of period buildings, it should be noted that it is Council policy to encourage contemporary architecture and to resist 'faux'-traditional or pastiche, emulative architecture that some might consider more in keeping with a historic environment. Furthermore, the proposed development is very much in keeping with other recent development in the area.

6.5.2 Building the hotel right up to its boundary will create a 'terraced' and dark 'tunnel' effect in the area

The proposed building is in fact set back from its boundary by narrow strips of landscaping, resulting in its continuing the building lines established by Oscar Faber Place (on Enfield Road) and the Metropolitan Business Centre (on Kingsland Road). The distance between the proposed development and the building on the opposite side of Enfield Road, Allied Court, will be eighteen metres, which is a distance that already exists between Allied Court and Oscar Faber Place and which is a standard distance between facing elevations in an urban context. A dark 'tunnel' effect is therefore considered to be unlikely, whilst a 'terraced' effect is, from a streetscape point of view, not necessarily deemed an undesirable aspiration.

6.5.3 Parking and traffic concerns

As discussed in section 6.4 of this report, both TfL and the Council's Traffic and Transport team have assessed the potential impact of the proposed development on traffic and parking in the area and have concluded that the proposal will not unduly affect either.

6.5.4 Proposal involves removal of 'historic' chimney

The chimney dates from the 1950s and is of no architectural or historic interest. It is considered that the overall benefit that would be derived from the proposed development far outweighs that derived from the retention of the chimney.

6.5.5 Overshadowing, loss of light to adjacent properties

As discussed in section 6.3 of this report, no material impact on the level of natural light available to residents of adjoining properties is considered to arise from the proposed development, the height, scale and alignment of which correspond with the buildings to either side of it on both Kingsland and Enfield Roads.

6.5.6 Noise pollution arising from construction activity

This is not a material planning consideration and as such the objection is not considered to constitute sufficient grounds for refusal of the application. However, an informative is routinely added to planning approvals reminding applicants that contractors are obliged to adhere to regulations governing hours of building work.

6.5.7 'Travelodge'-type hotel will 'bring down the tone of the area'

Local planning authorities' powers to consider which use class is suitable for a particular site, in planning terms, do not extend to being able to sub-divide use classes further according to the exact nature of the end-user or its intended market. The Council has no statutory means by which it may select, suggest, recommend or condition which type of hotel, or which particular chain, the proposed development is reserved for, nor to consider the 'bringing down the tone of an area' by any given chain (or others similar to it) as a material planning consideration.

6.5.8 Width of pavement does not allow for tree-planting around the site

Tree-planting on the pavements surrounding the application site does not form part of the planning application under consideration, and falls under the remit of TfL (for Kingsland Road) and the Council's Streetscene service (for Enfield Road).

6.5.9 Concerns over impact on overall streetscape

It is considered that, far from having a detrimental impact on the overall streetscape, the proposed development will in fact greatly improve the streetscape by extending the adjacent lines of buildings to complete the urban block, which is considered preferable to the current state of the application site as a gap in the streetscape. The proposed development will help to enclose Enfield Road in particular, at a scale that corresponds with existing buildings along the street.

6.5.10 Proposed use not suitable for residential area

As discussed in paragraph 6.1.6, it is considered that the overall mix of uses along Kingsland Road, and its good transport connections, make the application site a suitable location for a hotel.

6.5.11 Hotel is likely to have an adverse effect on crime

The objector concerned has not given any reason why they consider it likely that a hotel will have an adverse effect on crime. Unless specific security issues are identified with a building or parts of a building, local planning authorities cannot accept any suggestion that a particular use is intrinsically crime-generating as a material consideration sufficient to warrant refusal on that basis.

6.5.12 Overlooking to flat; loss of privacy

As discussed in section 6.3 of this report, it is considered that the proposed development will not have any material impact on the privacy of neighbouring occupiers. The distance between the proposed development and this particular objector's address is over thirty metres, which is considered to be a generous 'front to front' distance in an urban setting.

6.5.13 Theatre workshop space doesn't conform to Quicksilver Theatre company's requirements

With regard to the requirements set out by the Quicksilver Theatre company to both the developer and planning officers, it is considered that a request for larger premises (325 square metres) than the company currently occupies (211 square metres), is unreasonable. However, the developer's agent has confirmed that the proposed theatre workshop space would have full disabled access, including a lift and a wheelchair-accessible toilet. Furthermore, the developer has agreed to amend the plans so that the floor-to-ceiling height of the theatre workshop space will be five metres high, and to increase the theatre workshop space so that it matches the space in the company's existing facility (211 square metres), for which the applicant agreed to give up one of the lower-ground-floor hotel meeting rooms.

Notwithstanding the above, however, it should be borne in mind that the developer is not obliged to see that the space is tailored to a specific end-user's exacting requirements. In planning policy terms, the developer is only obliged to satisfy the Council that adequate replacement space for the current facility has been proposed, and the Council may be satisfied that this is the case without every one of a particular end-user's individual requirements having been met.

Furthermore, as discussed in paragraph 6.1.4 of this report, policy ACE3 in the Hackney UDP makes no provision for the Council as local planning authority to secure the space for use by Quicksilver Theatre company. However, the developer has agreed to apply a fifteen per cent discount on the rent of the space for the first five years, in order to make the space more affordable to Quicksilver and similar organisations.

**7. CONCLUSION**

- 7.1 The proposed development is considered compliant with pertinent policies saved in the Hackney UDP (1995) and the London Plan (Consolidated with Alterations since 2004). Accordingly, the granting of planning permission is recommended.

**8. RECOMMENDATION**

**RECOMMENDATION A:**

- 8.1 That conservation area consent and planning permission be GRANTED, the latter subject to the following conditions:**

**8.1.1 SCB0 – Development in accordance with plans**

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



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

**8.1.2 SCB1 – Commencement within three years**

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

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

**8.1.3 SCM6 – Materials to be approved**

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.

**8.1.4 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.

**8.1.5 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.



**8.1.6 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.

**8.1.7 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.

**8.1.8 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.

**8.1.9 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.

**8.1.10 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.

**8.1.11 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.

**8.1.12 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.

**8.1.13 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.

**8.1.14 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.

**8.1.15 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.

**8.1.16 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.

**8.1.17 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.

**RECOMMENDATION B:**

**8.2 That the above recommendation be subject to the applicant, the landowners and their mortgagees entering into a deed of planning obligation by means of a Section 106 Agreement of the Town and Country Planning Act 1990 (as amended), in order to secure the following matters to the satisfaction of the Assistant Director of Planning and Regeneration and the Secretary and Solicitor to the Council:**

8.2.1 Payment by the landowner/developer of £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).)

8.2.2 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).)

8.2.3 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.)

- 8.2.4 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.
- 8.2.5 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.
- 8.2.6 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.
- 8.2.7 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.

### **RECOMMENDATION C**

- 8.3 **That in the event of the Section 106 agreement referred to in Recommendation B not being completed by 19 December 2008, the Head of Regulatory Services be given the authority to refuse the application for the following reasons:**
  - 8.3.1 The proposed development, in the absence of a legal agreement for securing the theatre workshop space, would fail to satisfy the Council that adequate replacement was being made for an existing on-site arts, culture or entertainment use and would therefore be contrary to policy ACE3 of the Hackney UDP (1995).

### **9. REASONS FOR APPROVAL**

- 9.1 The following policies contained in the Hackney Unitary Development Plan (1995) are relevant to the approved development/use and were considered by this Council in reaching the decision to grant planning permission: EQ1 - Development Requirements; 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.

- 9.2 The following policies in the London Plan (Consolidated with Alterations since 2004) are relevant to the approved development/use and were considered by this Council in reaching the decision to grant planning permission: 2A.1 - Sustainability criteria; 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.

## 10. INFORMATIVES

The following Informatives should be added:

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

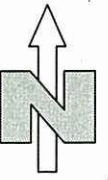
NSI.4 This decision notice is accompanied by a Section 106 legal agreement. It shall be implemented in full accordance with the details of that agreement.

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

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

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





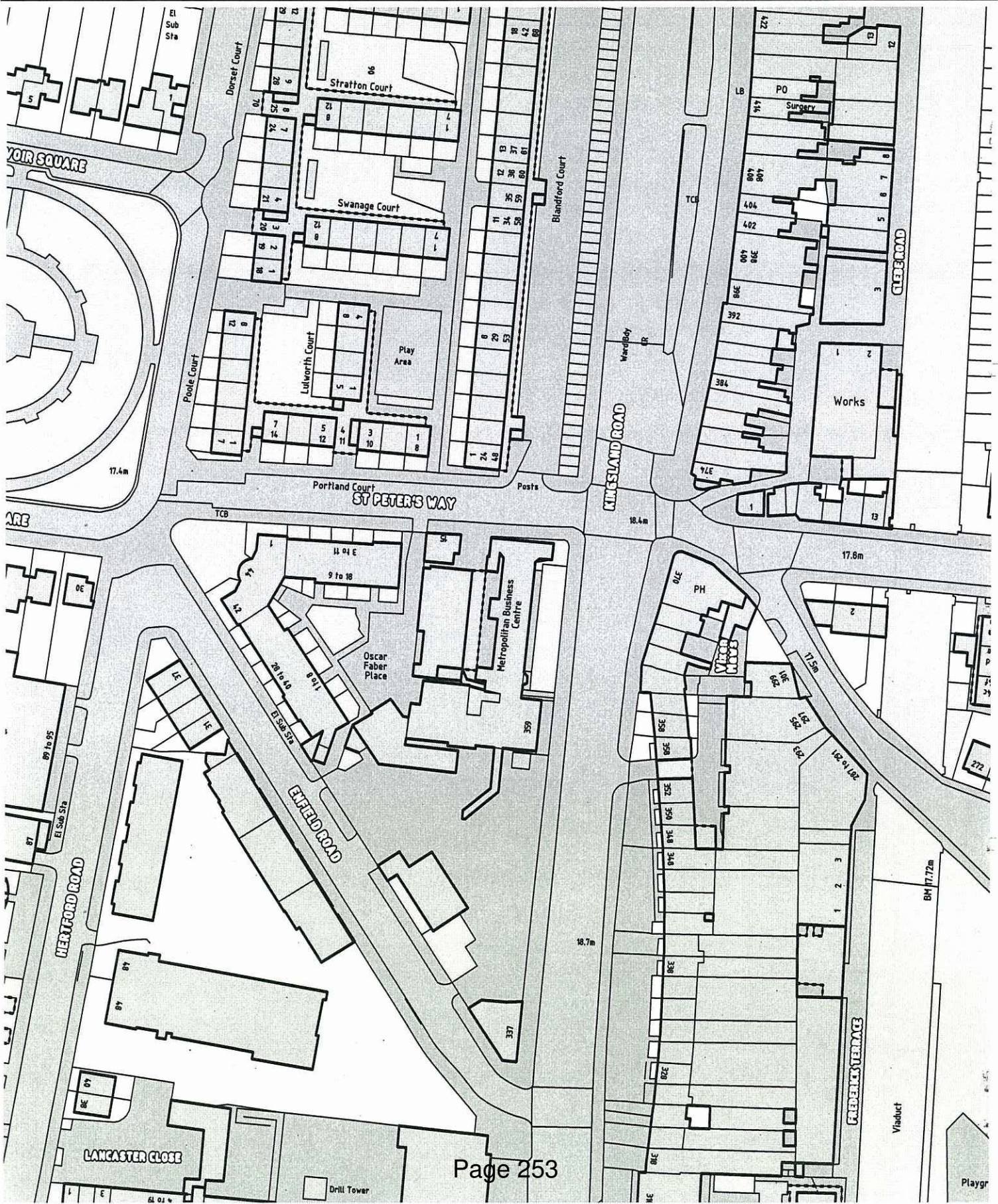
Date: 27/10/2008

Title:

Scale 1:1250

Prepared by : Technical Support Team

This material has been reproduced from Ordnance Survey digital map data with the permission of the controller of Her Majesty's stationery Office, © Crown Copyright.





This page is intentionally left blank

ST PETERS WAY

OSCAR FABER PLACE

No 30-44 Enfield Road

METROPOLITAN BUSINESS CENTRE

No 25 Enfield Road (Allied Court)

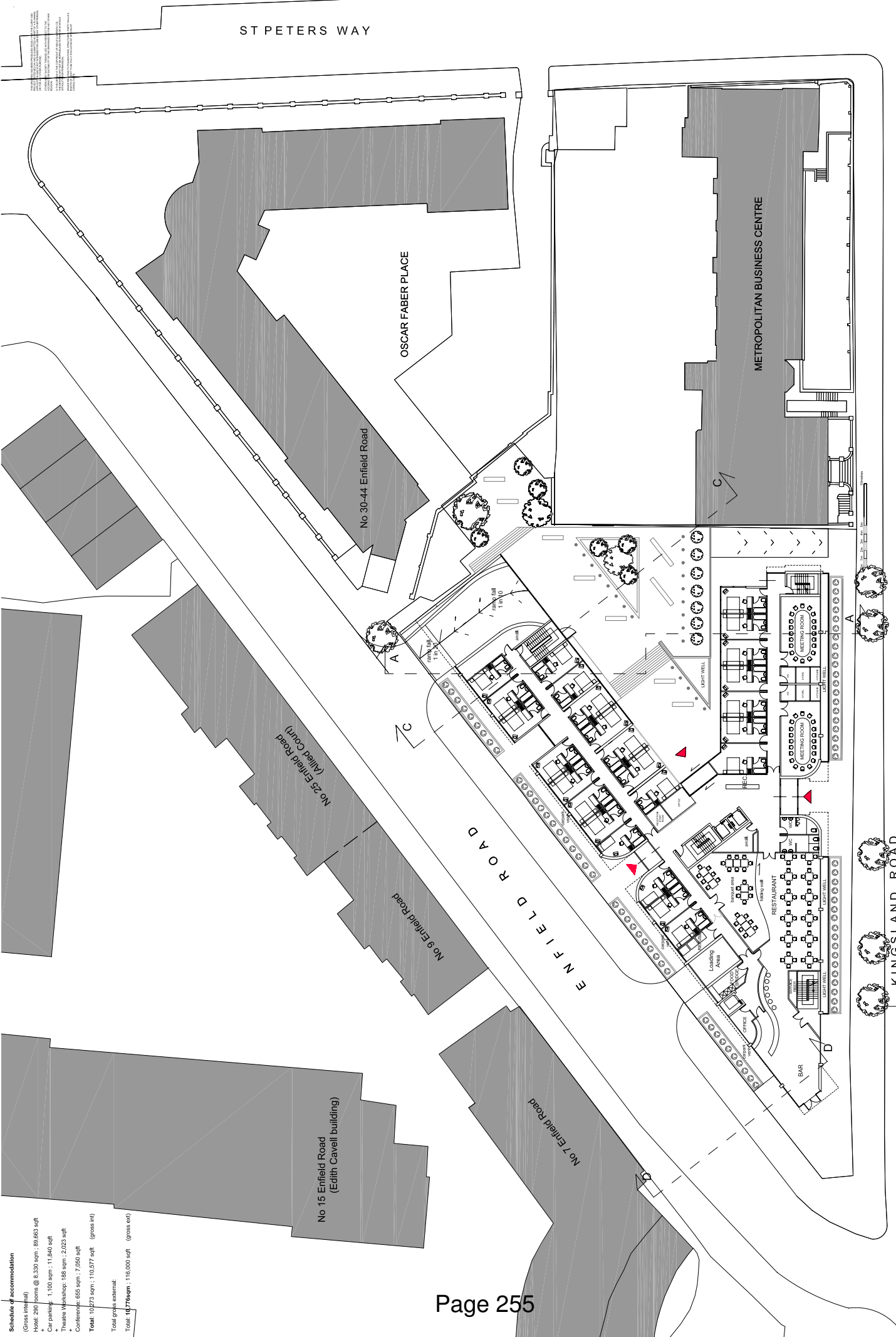
No 9 Enfield Road

No 15 Enfield Road (Edith Cavell building)

No 7 Enfield Road

ENFIELD ROAD

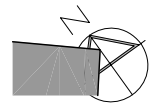
KINGSLAND ROAD



**Schedule of accommodation**  
(Gross internal)

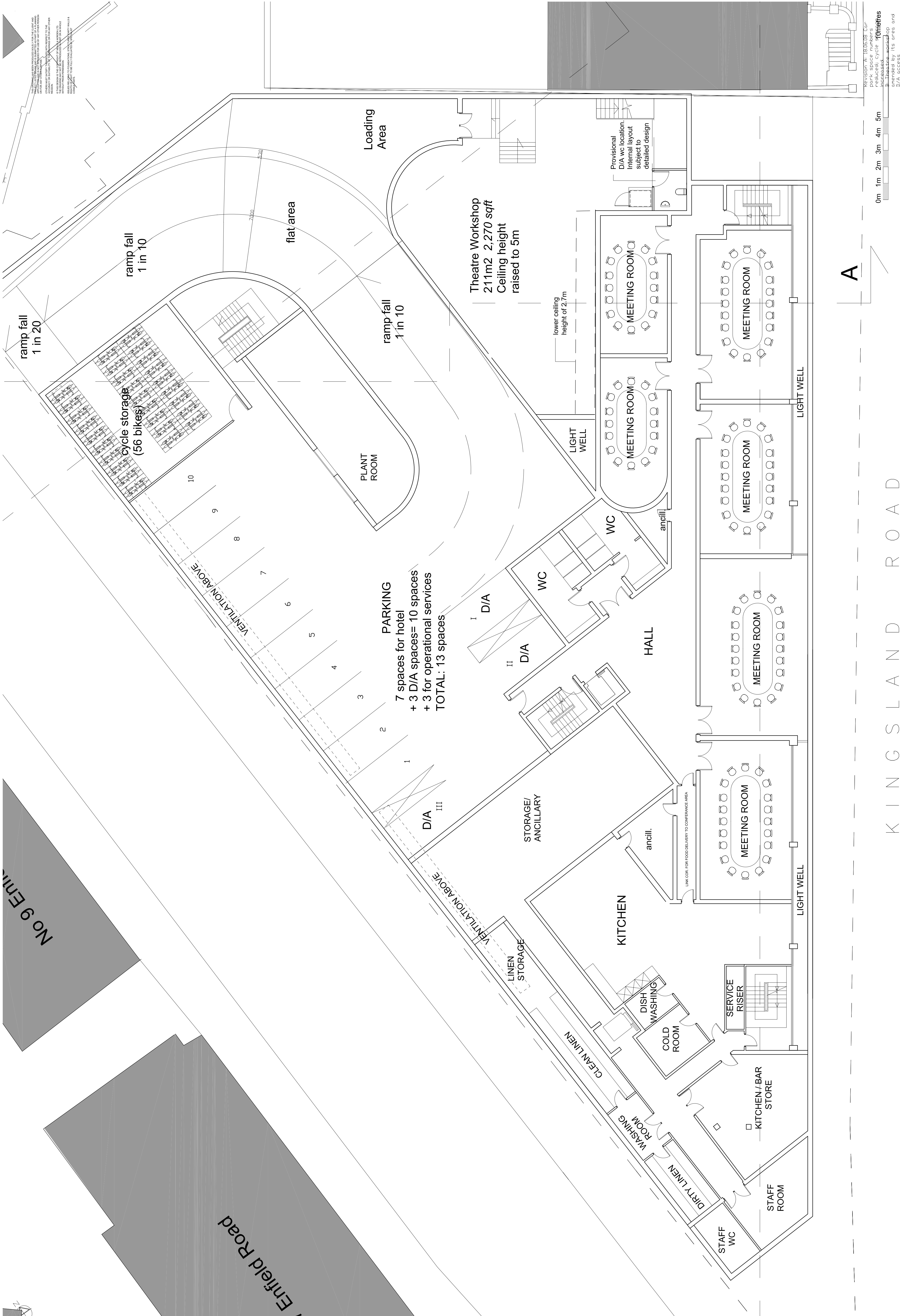
Hotel	250	beds @ 8,330 sqm	89,663	sqft
Car park	1,100	sqm	11,840	sqft
Theatre Workshop	188	sqm	2,023	sqft
Conference	655	sqm	7,050	sqft
<b>Total</b>	<b>10,273</b>	<b>sqm</b>	<b>110,577</b>	<b>sqft (gross int)</b>
<b>Total gross external:</b>				
<b>Total</b>	<b>14,776</b>	<b>sqm</b>	<b>116,000</b>	<b>sqft (gross ext)</b>

This page is intentionally left blank



No 9 Enfield Road

Enfield Road



ramp fall 1 in 20

ramp fall 1 in 10

ramp fall 1 in 10

cycle storage (56 bikes)

flat area

Loading Area

Theatre Workshop 211m2 2,270 sqft Ceiling height raised to 5m

Provisional D/A wc location. Internal layout subject to detailed design

lower ceiling height of 2.7m

PARKING  
7 spaces for hotel  
+ 3 D/A spaces= 10 spaces  
+ 3 for operational services  
TOTAL: 13 spaces

I D/A

II D/A

D/A III

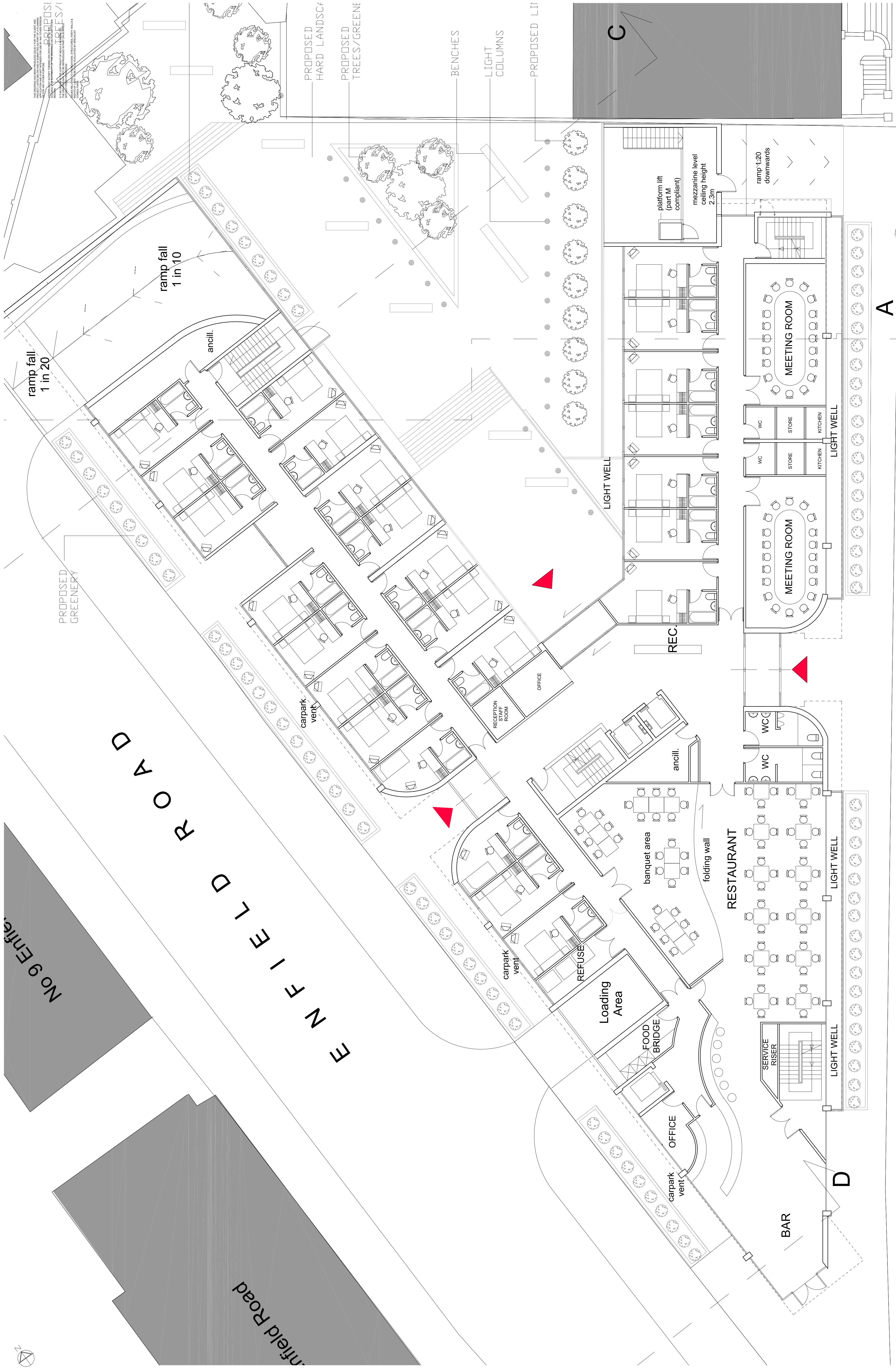
0m 1m 2m 3m 4m 5m

REVISION TO TENDER FOR park space numbers reduced, cycle storage increased, meeting room amended by its area and D/A access

K I N G S L A N D R O A D  
LOWER GROUND FLOOR PLAN

This page is intentionally left blank





No 9 Entrance

FIELD ROAD

PROPOSED HARD LANDSCAPE  
 PROPOSED TREES/GREENERY  
 BENCHES  
 LIGHT COLUMNS  
 PROPOSED LIT

ramp fall 1 in 10

ramp fall 1 in 20

ancill.

carpark vent

OFFICE

RECEPTION STAFF ROOM

LIGHT WELL

REC.

platform lift (part M compliant)

mezzanine level ceiling height 2.3m

ramp 1:20 downwards

MEETING ROOM

MEETING ROOM

WC

STORE

KITCHEN

LIGHT WELL

REFUSE

Loading Area

FOOD BRIDGE

OFFICE

carpark vent

ancill.

banquet area

RESTAURANT

WC

WCC

LIGHT WELL

SERVICE RISER

LIGHT WELL

BAR

D

0m 1m 2m 3m 4m 5m 10metres

A

KINGS LAND ROAD

D

D

Revision A: 28th July, Theatre workshop amended, Height of trees, proposed and D/A access incorporated.

48204 1:100 @ A1

JULY 2008

GROUND FLOOR PLAN

Neale+Norden Limited



This page is intentionally left blank





0m 1m 2m 3m 4m 5m  
10metres

KINGSLAND ROAD

1ST TO 4TH FLOOR PLAN

48204  
1:100 @ A1

MARCH 2008

No 9 Entr.

FIELD ROAD

Field Road

C

B

A

suite

suite

void

ancill.

ancill.

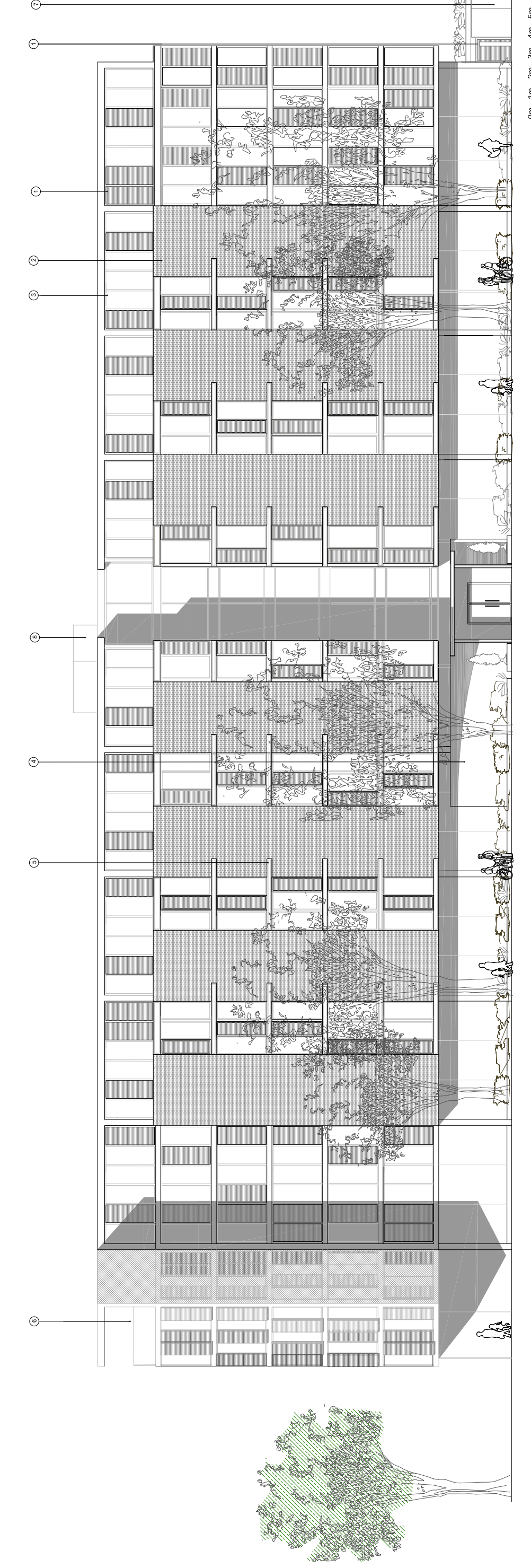
SERVICE RISER



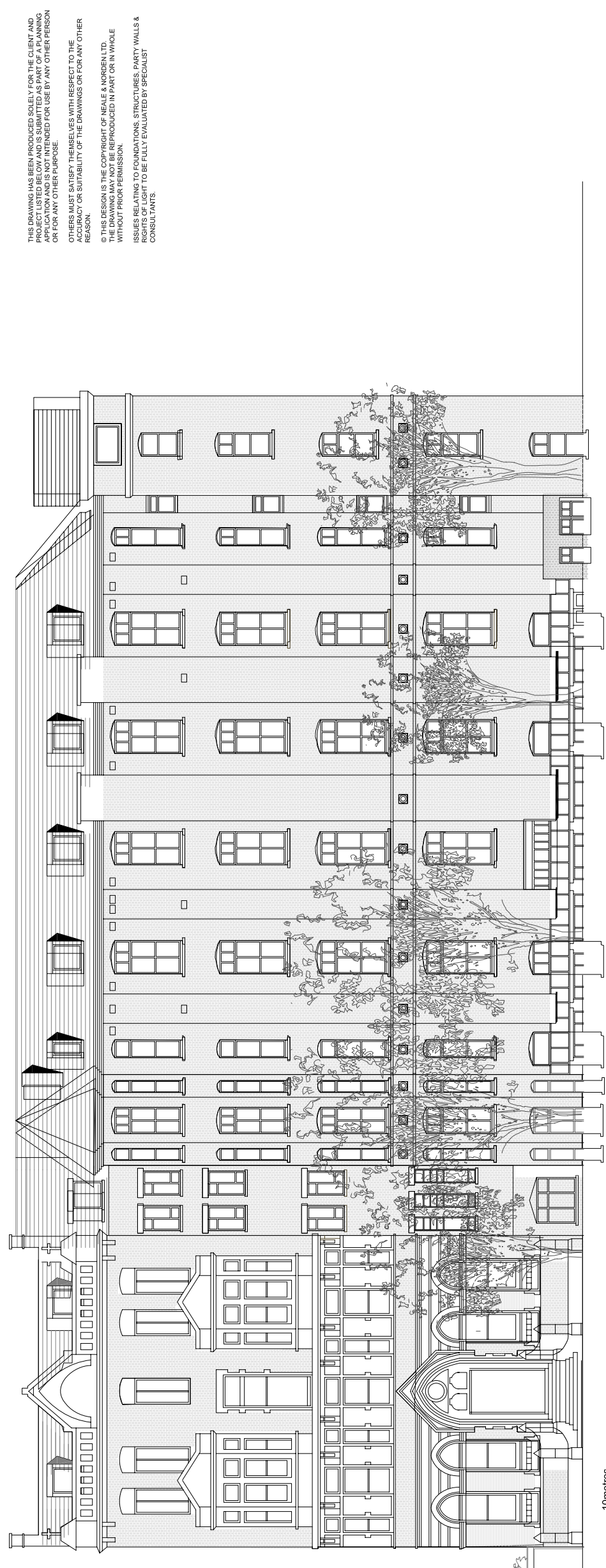
This page is intentionally left blank



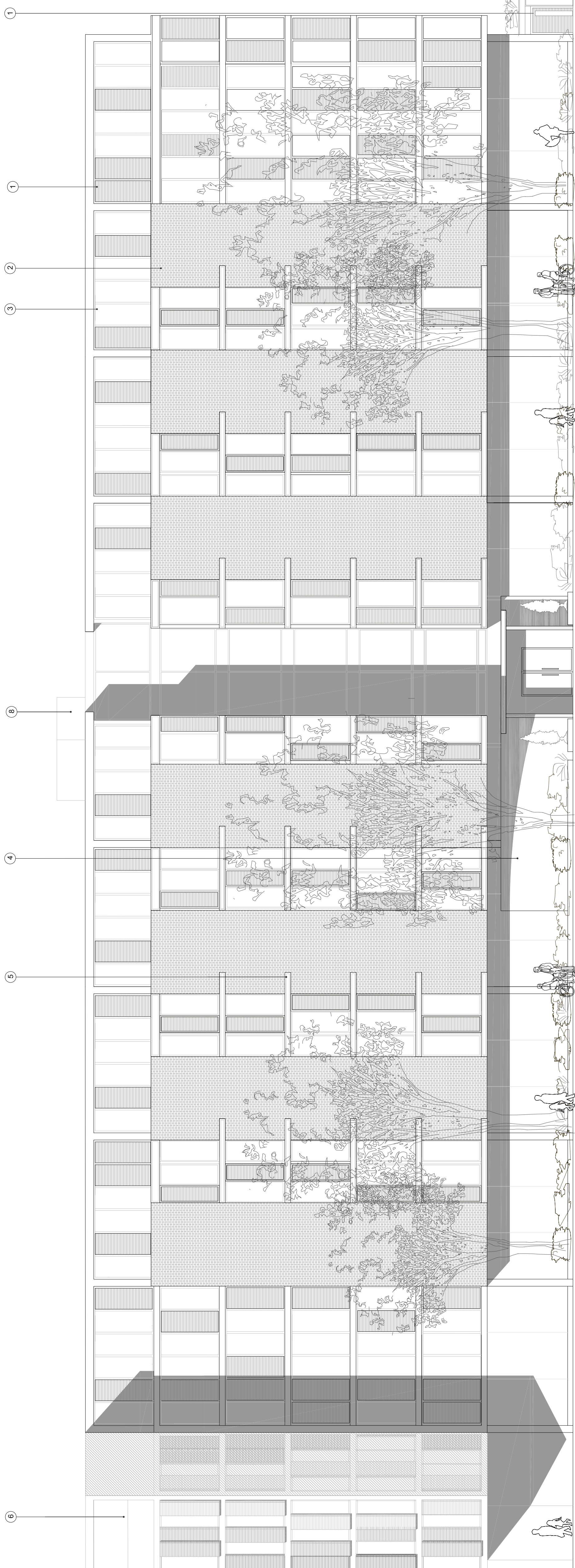
- Materials:
- 1. Stone/wood timber panel
- 2. Brick cladding London stock
- 3. Brick cladding grey concrete
- 4. Frame
- 5. Steel section with light box
- 6. Dark siled balcony
- 7. Dark siled balcony
- 8. Frame glazing



**KINGSLAND ROAD ELEVATION 1:200**



PROJEKT ARCHITECTS AND ASSOCIATES IS AN EQUAL OPPORTUNITY EMPLOYER AND ENCOURAGES DIVERSITY IN THE WORKPLACE. WE ARE COMMITTED TO THE WELL-BEING OF OUR STAFF AND OUR COMMUNITY. WE ARE ALSO COMMITTED TO THE WELL-BEING OF OUR PLANET AND TO THE WELL-BEING OF OUR COUNTRY. WE ARE COMMITTED TO THE WELL-BEING OF OUR PLANET AND TO THE WELL-BEING OF OUR COUNTRY. WE ARE COMMITTED TO THE WELL-BEING OF OUR PLANET AND TO THE WELL-BEING OF OUR COUNTRY.



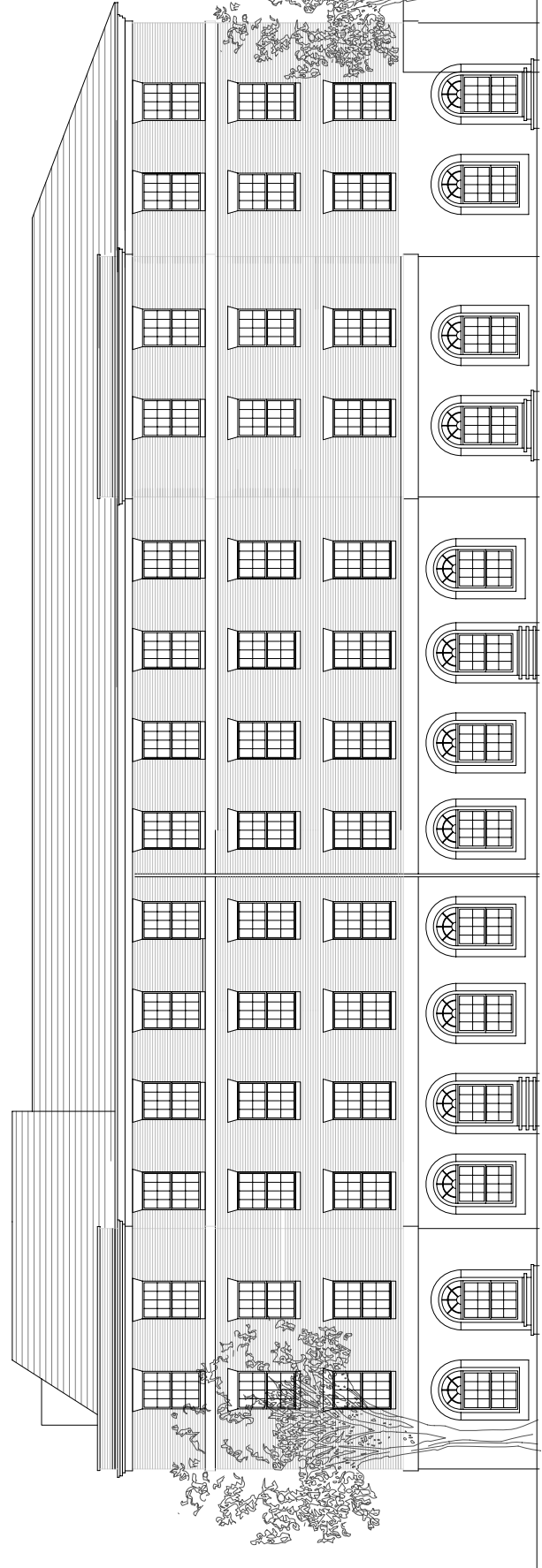
**KINGSLAND ROAD ELEVATION 1:100**

K I N G S L A N D R O A D

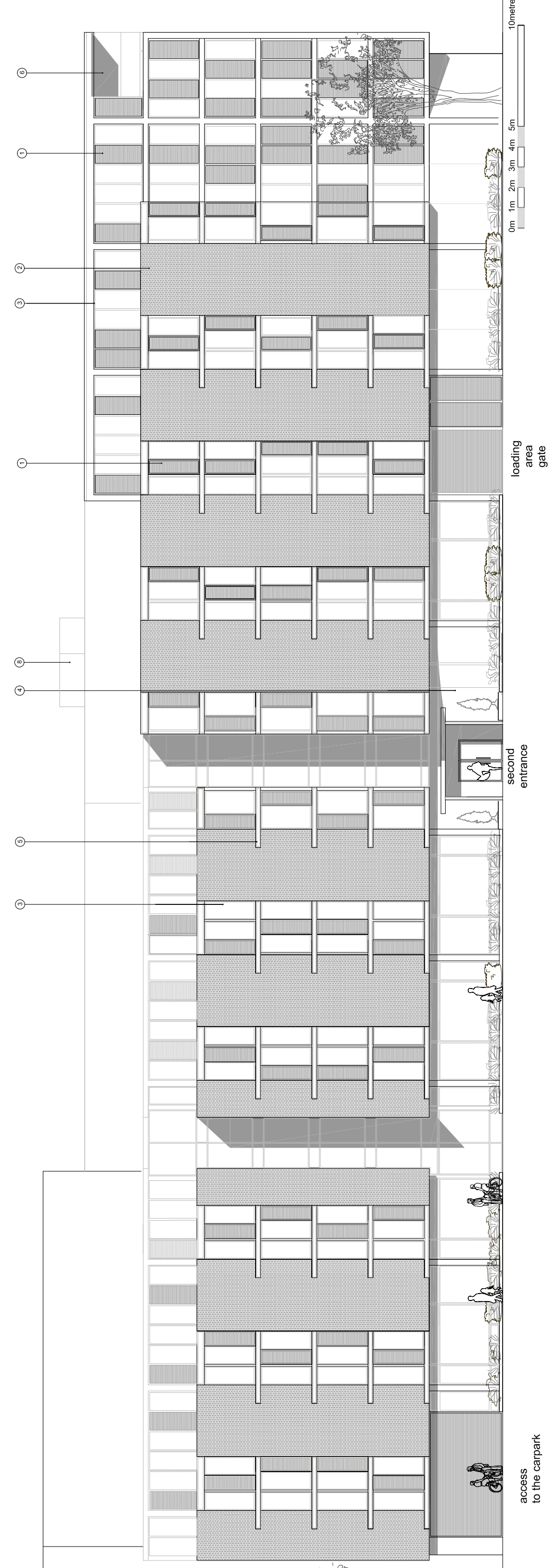


This page is intentionally left blank

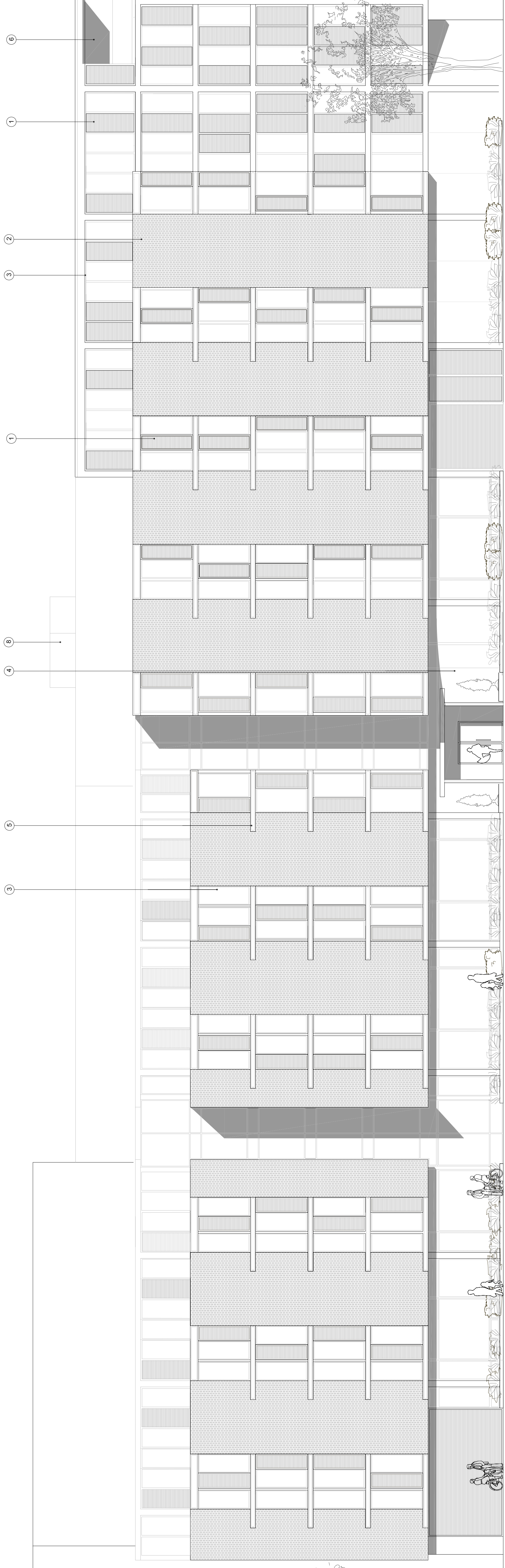
- Materials:
- 1. Rosewood timber panel
- 2. Brick cladding London stock
- 3. Brick cladding grey London
- 4. Frame
- 5. Steel section with light box
- 6. Dark siled balcony
- 7. Dark siled balcony
- 8. Lift over run



ENFIELD ROAD ELEVATION 1:200



PROVIDED FOR INFORMATION ONLY. THE ARCHITECT'S RESPONSIBILITY IS LIMITED TO THE DESIGN OF THE BUILDING AND ITS STRUCTURE. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS. THE ARCHITECT'S LIABILITY IS LIMITED TO THE DESIGN OF THE BUILDING AND ITS STRUCTURE. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS. THE ARCHITECT'S LIABILITY IS LIMITED TO THE DESIGN OF THE BUILDING AND ITS STRUCTURE. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.



access to the carpark

second entrance

loading area gate

0m 1m 2m 3m 4m 5m 10metres

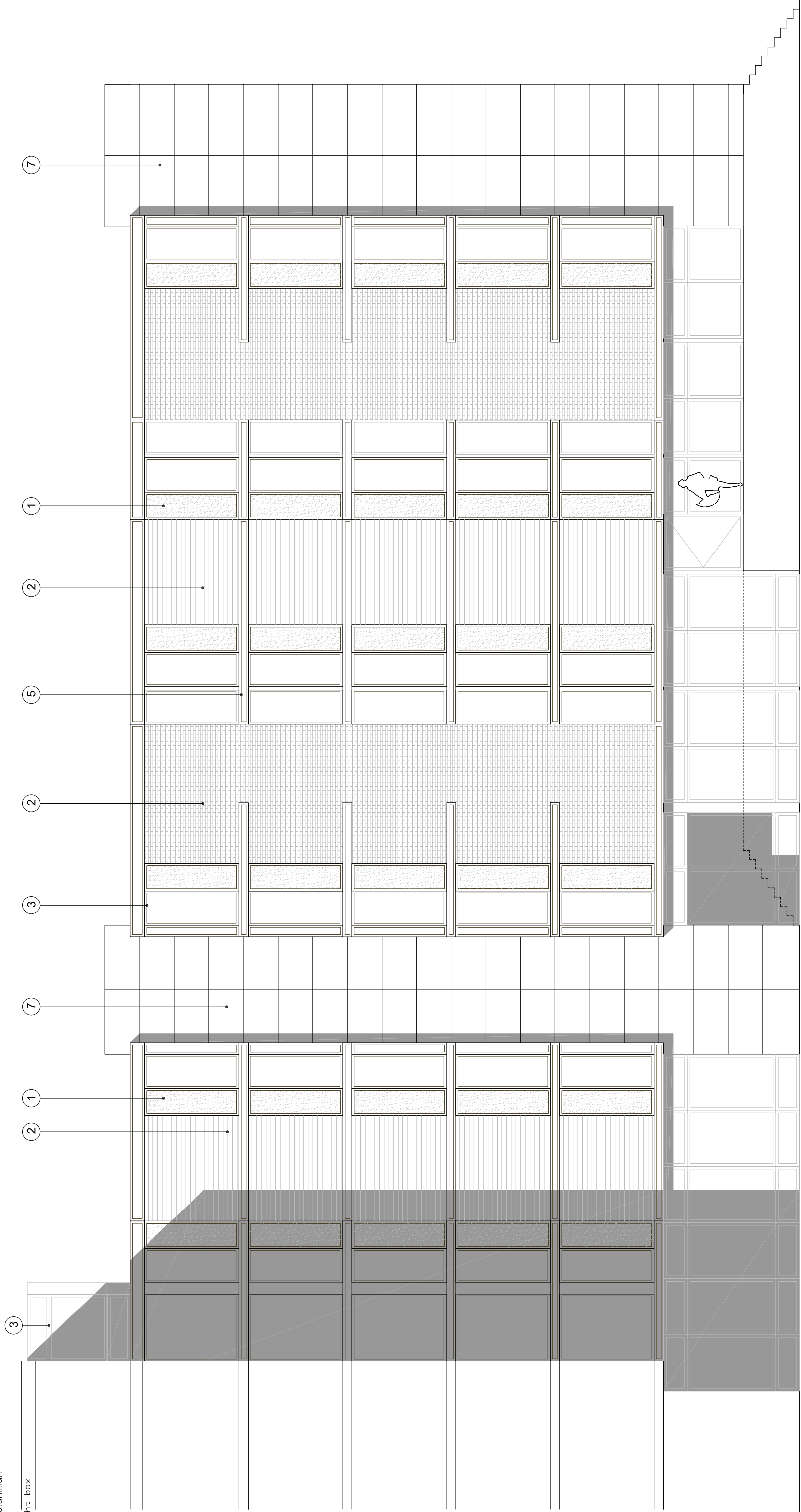
ENFIELD ROAD ELEVATION 1:100

K I N G S L A N D R O A D

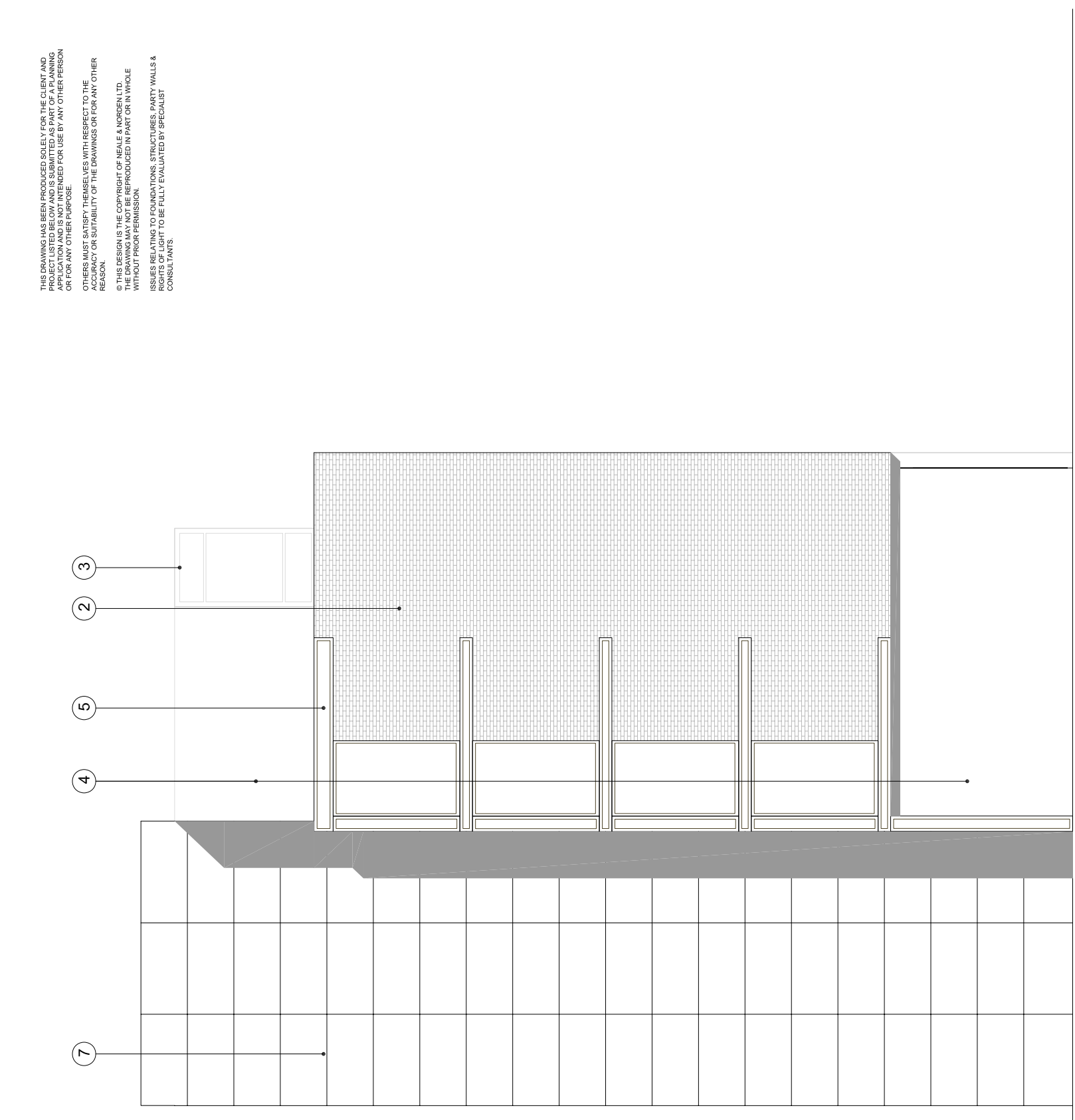
This page is intentionally left blank



- 1. Metalins
- 2. Sliver steel
- 3. Brick Cladding, London stock
- 4. Powder coated grey aluminum
- 5. Bronze
- 6. Bronze section with light box
- 7. Bronze section with light box
- 8. Bronze section with light box
- 9. Bronze section with light box
- 10. Bronze section with light box
- 11. Bronze section with light box
- 12. Bronze section with light box
- 13. Bronze section with light box
- 14. Bronze section with light box
- 15. Bronze section with light box
- 16. Bronze section with light box
- 17. Bronze section with light box
- 18. Bronze section with light box
- 19. Bronze section with light box
- 20. Bronze section with light box
- 21. Bronze section with light box
- 22. Bronze section with light box
- 23. Bronze section with light box
- 24. Bronze section with light box
- 25. Bronze section with light box
- 26. Bronze section with light box
- 27. Bronze section with light box
- 28. Bronze section with light box
- 29. Bronze section with light box
- 30. Bronze section with light box
- 31. Bronze section with light box
- 32. Bronze section with light box
- 33. Bronze section with light box
- 34. Bronze section with light box
- 35. Bronze section with light box
- 36. Bronze section with light box
- 37. Bronze section with light box
- 38. Bronze section with light box
- 39. Bronze section with light box
- 40. Bronze section with light box
- 41. Bronze section with light box
- 42. Bronze section with light box
- 43. Bronze section with light box
- 44. Bronze section with light box
- 45. Bronze section with light box
- 46. Bronze section with light box
- 47. Bronze section with light box
- 48. Bronze section with light box
- 49. Bronze section with light box
- 50. Bronze section with light box
- 51. Bronze section with light box
- 52. Bronze section with light box
- 53. Bronze section with light box
- 54. Bronze section with light box
- 55. Bronze section with light box
- 56. Bronze section with light box
- 57. Bronze section with light box
- 58. Bronze section with light box
- 59. Bronze section with light box
- 60. Bronze section with light box
- 61. Bronze section with light box
- 62. Bronze section with light box
- 63. Bronze section with light box
- 64. Bronze section with light box
- 65. Bronze section with light box
- 66. Bronze section with light box
- 67. Bronze section with light box
- 68. Bronze section with light box
- 69. Bronze section with light box
- 70. Bronze section with light box
- 71. Bronze section with light box
- 72. Bronze section with light box
- 73. Bronze section with light box
- 74. Bronze section with light box
- 75. Bronze section with light box
- 76. Bronze section with light box
- 77. Bronze section with light box
- 78. Bronze section with light box
- 79. Bronze section with light box
- 80. Bronze section with light box
- 81. Bronze section with light box
- 82. Bronze section with light box
- 83. Bronze section with light box
- 84. Bronze section with light box
- 85. Bronze section with light box
- 86. Bronze section with light box
- 87. Bronze section with light box
- 88. Bronze section with light box
- 89. Bronze section with light box
- 90. Bronze section with light box
- 91. Bronze section with light box
- 92. Bronze section with light box
- 93. Bronze section with light box
- 94. Bronze section with light box
- 95. Bronze section with light box
- 96. Bronze section with light box
- 97. Bronze section with light box
- 98. Bronze section with light box
- 99. Bronze section with light box
- 100. Bronze section with light box

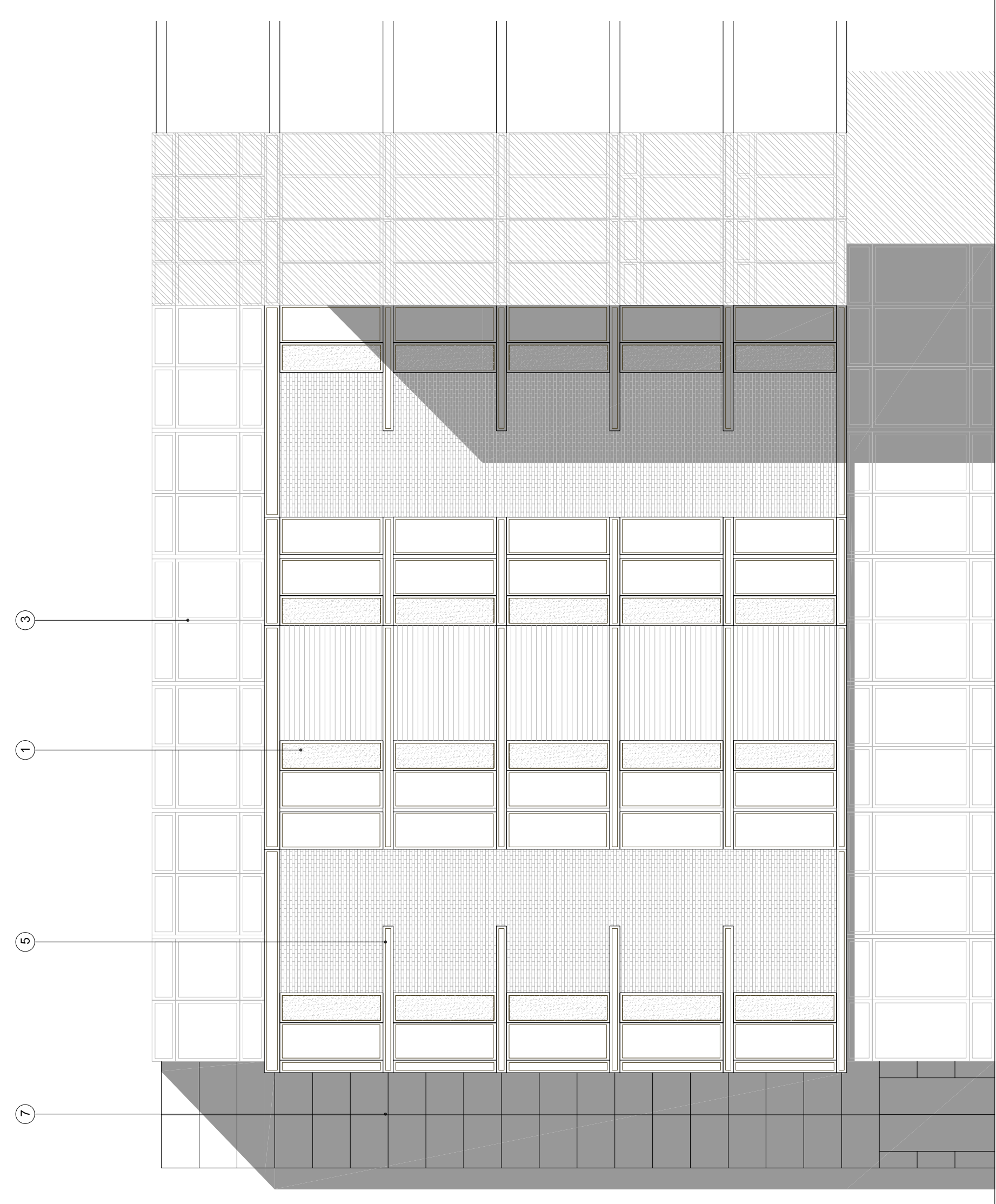


ENFIELD ROAD WING'S REAR ELEVATION

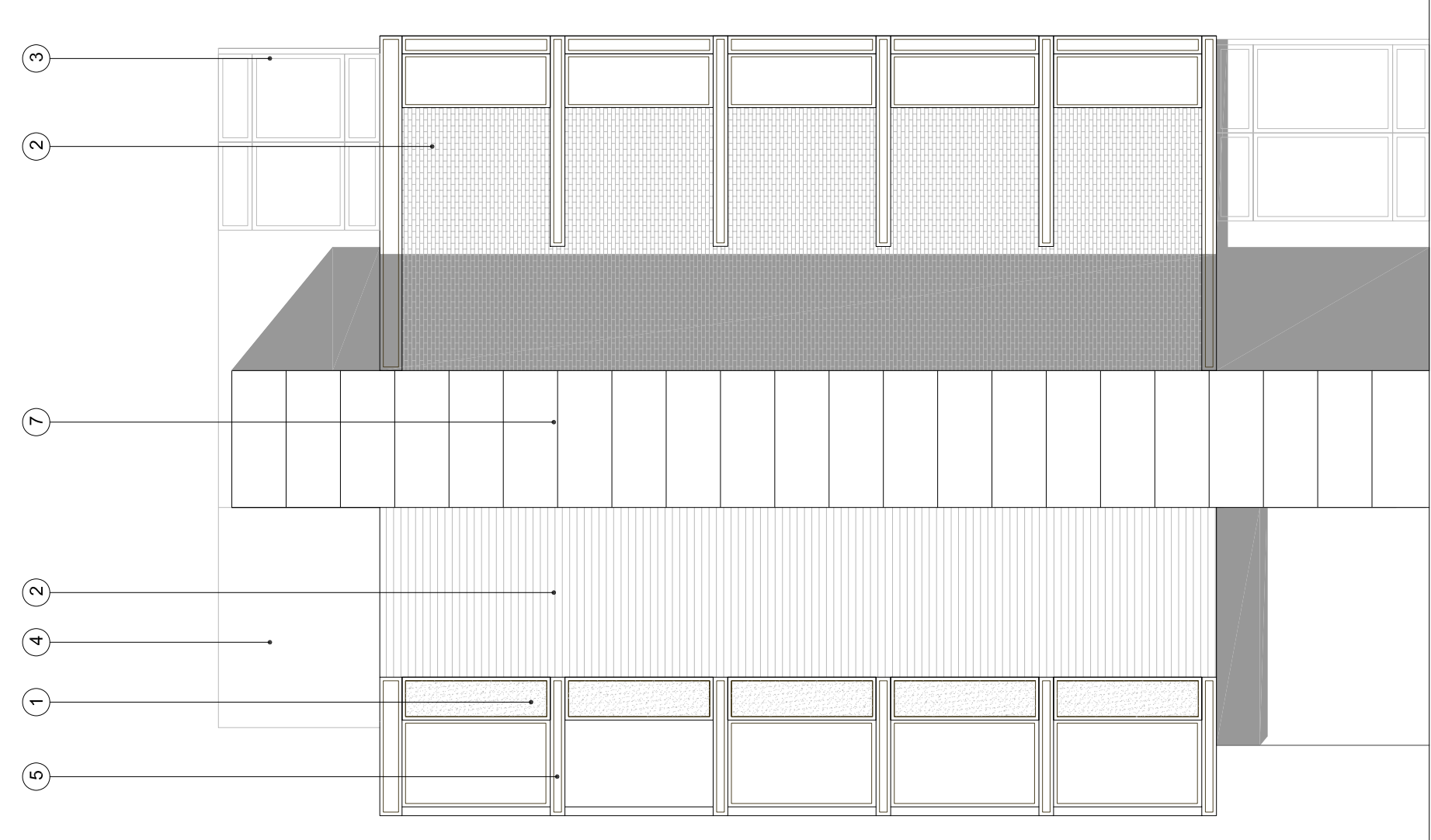
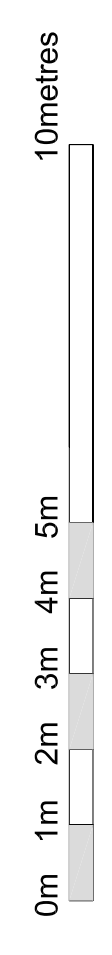


ENFIELD ROAD WING'S SIDE ELEVATION

NEALE + NORDEN ARCHITECTS  
 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000



KINGSLAND ROAD WING'S REAR ELEVATION



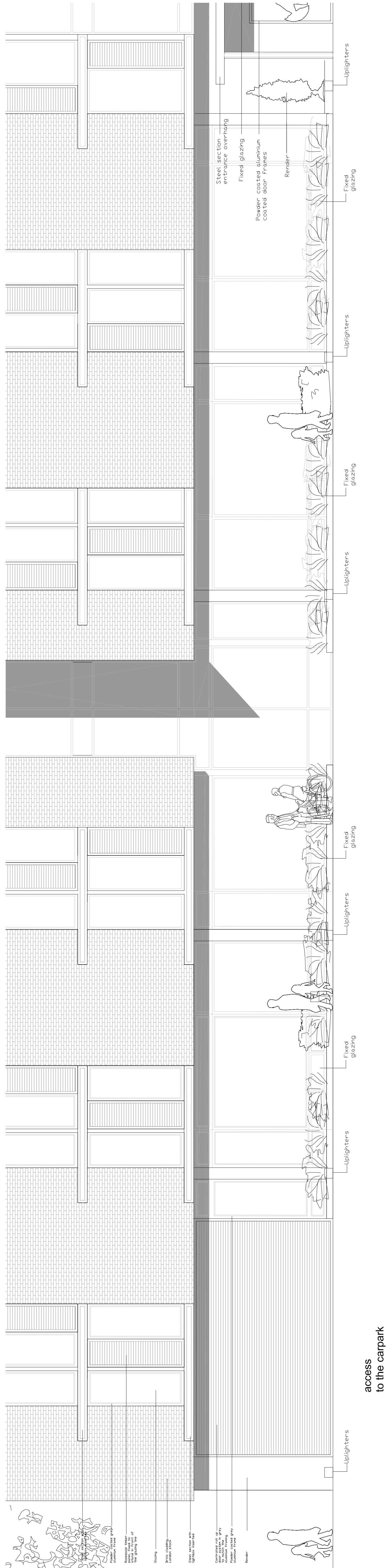
KINGSLAND ROAD WING'S SIDE ELEVATION

K I N G S L A N D R O A D

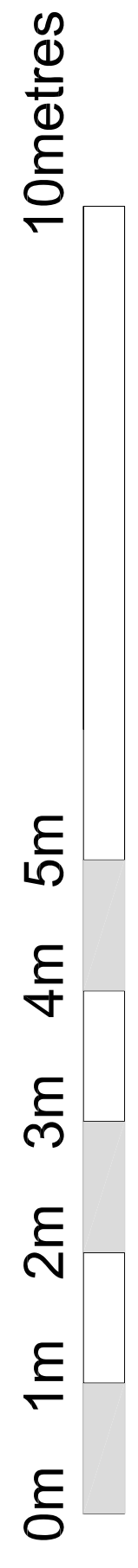
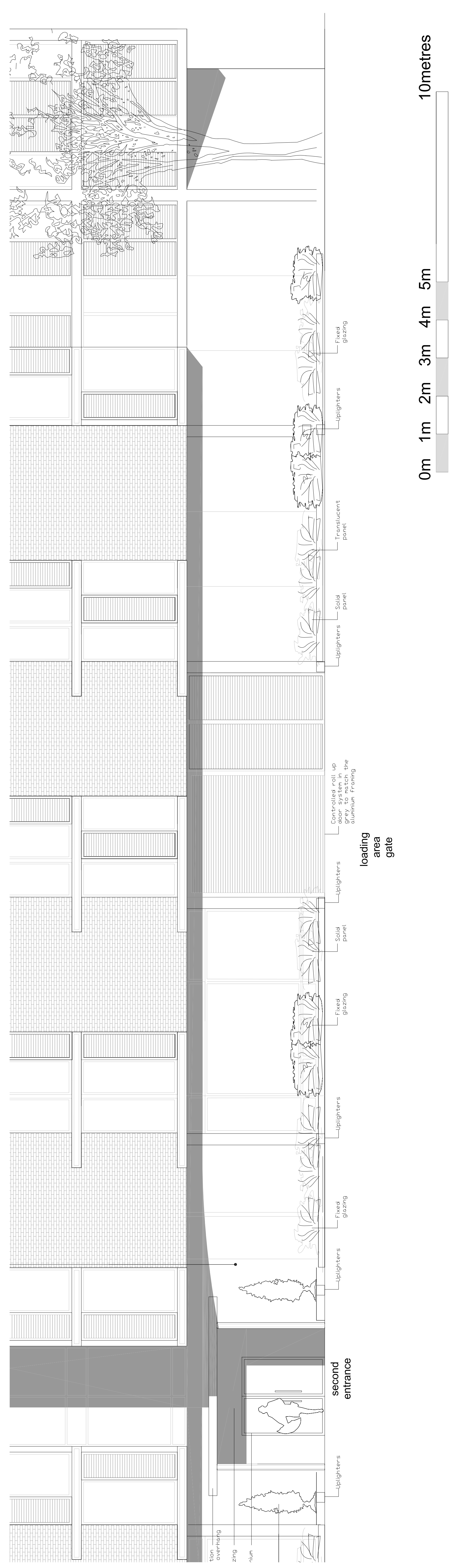


This page is intentionally left blank

THIS DRAWING HAS BEEN PREPARED SOLELY FOR THE ARCHITECT AND SHOULD NOT BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN CONSENT OF NEALE+NORDEN. NEALE+NORDEN SHALL NOT BE RESPONSIBLE FOR ANY DAMAGE TO THE PROPERTY OR PERSONS ARISING FROM THE USE OF THIS DRAWING. THE DRAWING IS THE PROPERTY OF NEALE+NORDEN AND WILL BE DESTROYED OR RECYCLED AT THE END OF THE PROJECT. THIS DRAWING IS NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN CONSENT OF NEALE+NORDEN.



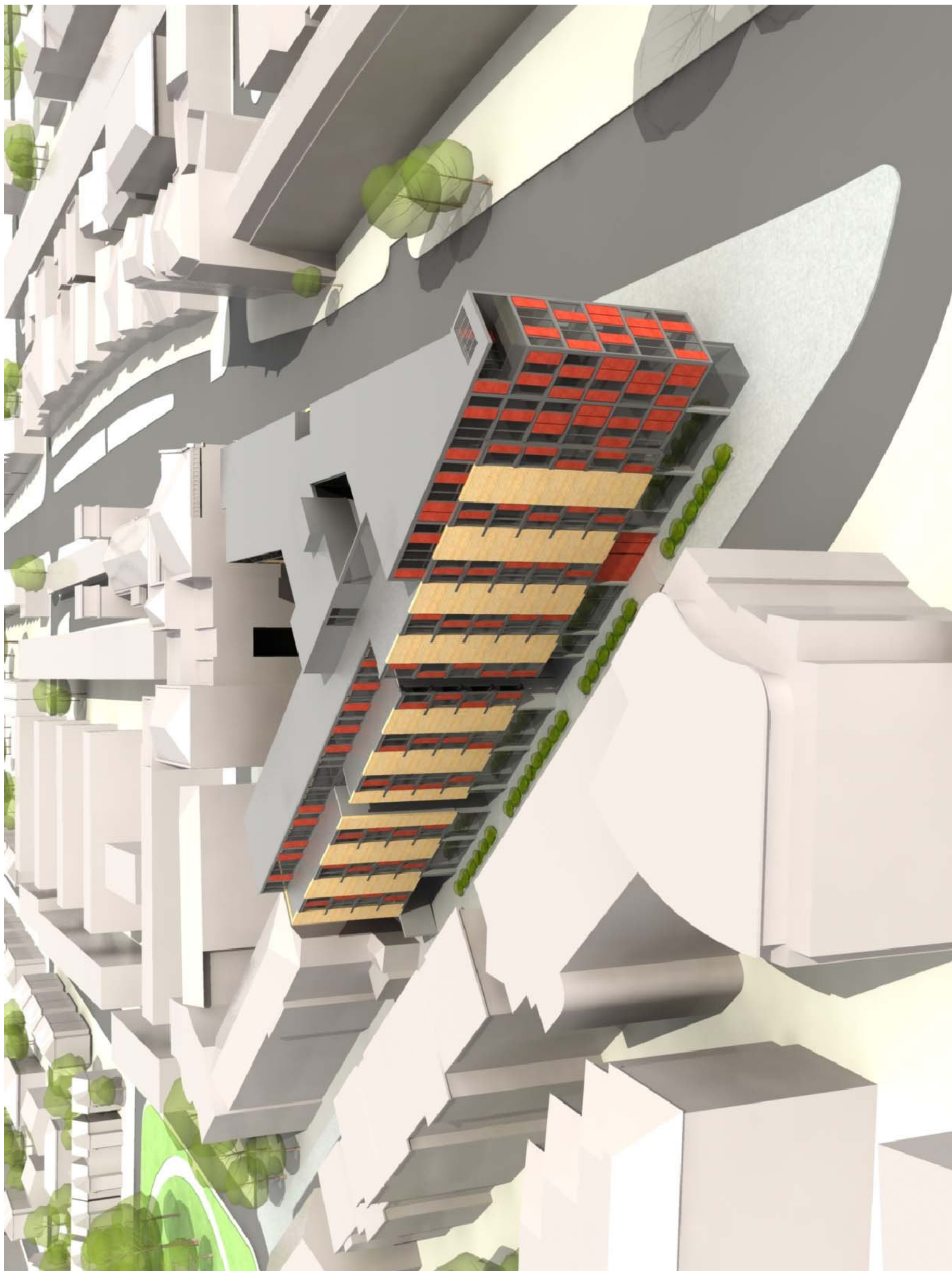
access to the carpark



K I N G S L A N D R O A D

This page is intentionally left blank

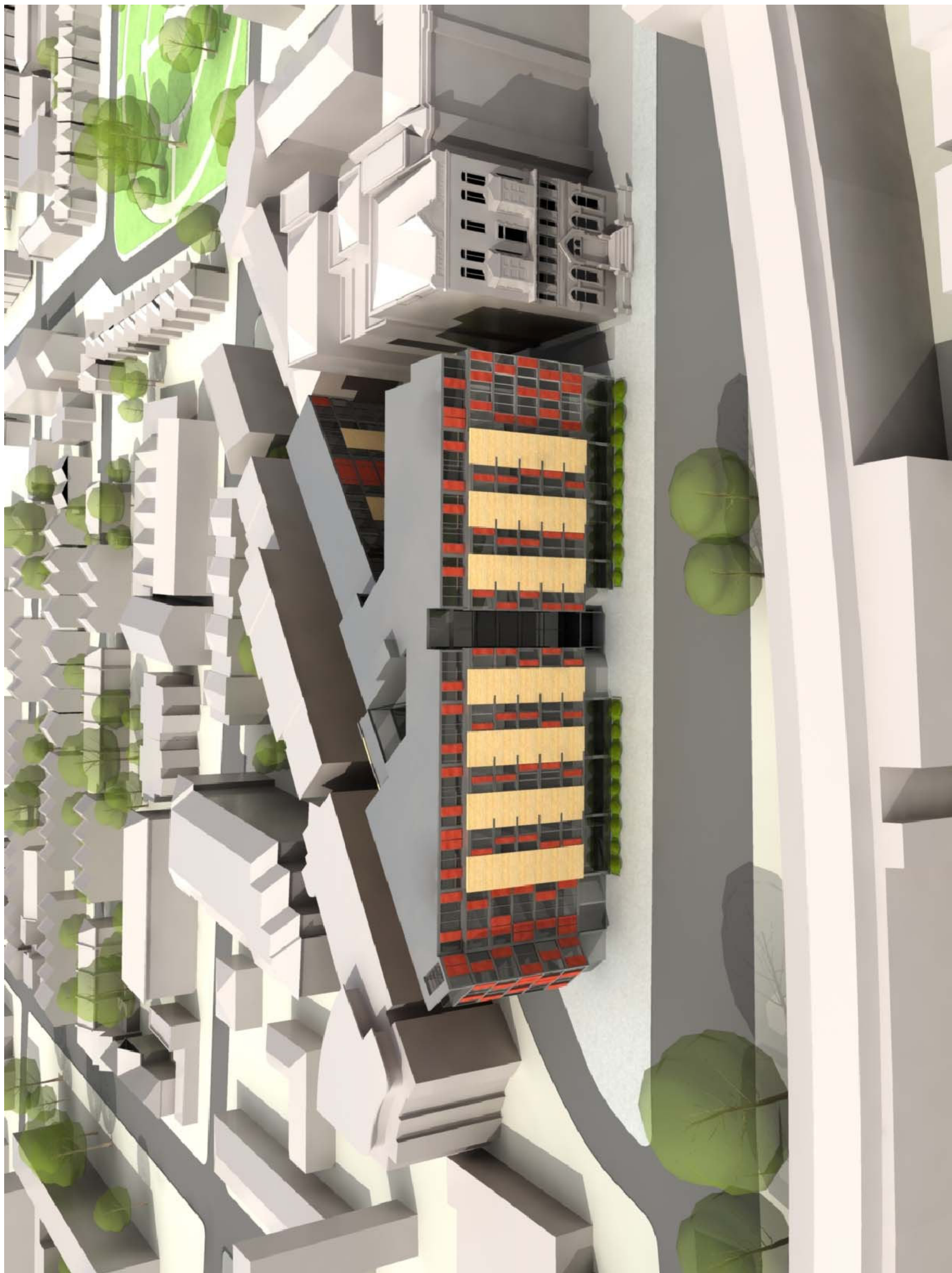
PROJECTIONS AND RENDERINGS ARE NOT TO BE USED FOR CONSTRUCTION OR FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN APPROVAL OF THE ARCHITECT. THE ARCHITECT ASSUMES NO LIABILITY FOR ANY DAMAGE TO PERSONS OR PROPERTY CAUSED BY THE USE OF THESE RENDERINGS. THE ARCHITECT'S OFFICE IS NOT RESPONSIBLE FOR THE ACCURACY OF ANY INFORMATION PROVIDED BY OTHER SOURCES. THE ARCHITECT'S OFFICE IS NOT RESPONSIBLE FOR THE ACCURACY OF ANY INFORMATION PROVIDED BY OTHER SOURCES. THE ARCHITECT'S OFFICE IS NOT RESPONSIBLE FOR THE ACCURACY OF ANY INFORMATION PROVIDED BY OTHER SOURCES.



This page is intentionally left blank



PROJECTIONS AND RENDERINGS ARE NOT TO BE USED FOR CONSTRUCTION OR AS A BASIS FOR ANY OTHER DECISIONS. THE ARCHITECT ASSUMES NO LIABILITY FOR ANY ERRORS OR OMISSIONS IN THIS DOCUMENT. THE ARCHITECT'S LIABILITY IS LIMITED TO THE DESIGN AND CONSTRUCTION OF THE PROJECT. THE ARCHITECT'S LIABILITY IS LIMITED TO THE DESIGN AND CONSTRUCTION OF THE PROJECT. THE ARCHITECT'S LIABILITY IS LIMITED TO THE DESIGN AND CONSTRUCTION OF THE PROJECT.



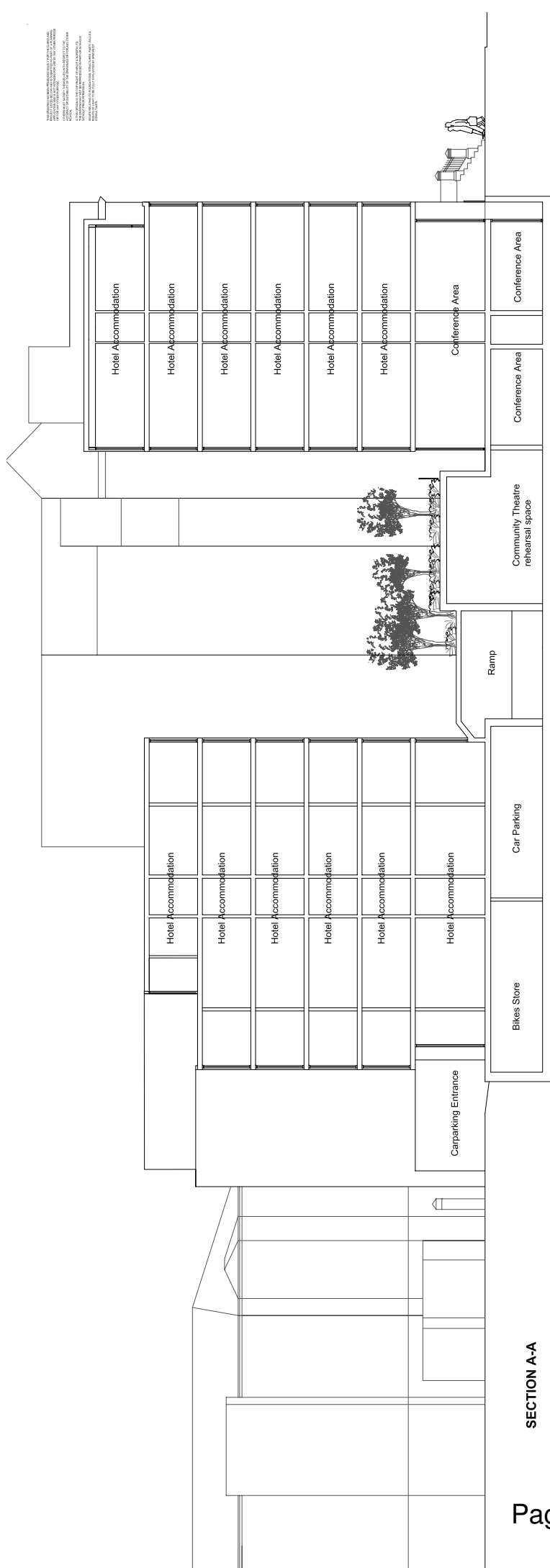
K I N G I S L A N D R O A D

AERIAL VIEW FROM SOUTH



This page is intentionally left blank

ALL RIGHTS RESERVED. NO PART OF THIS DOCUMENT IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT.



SECTION A-A

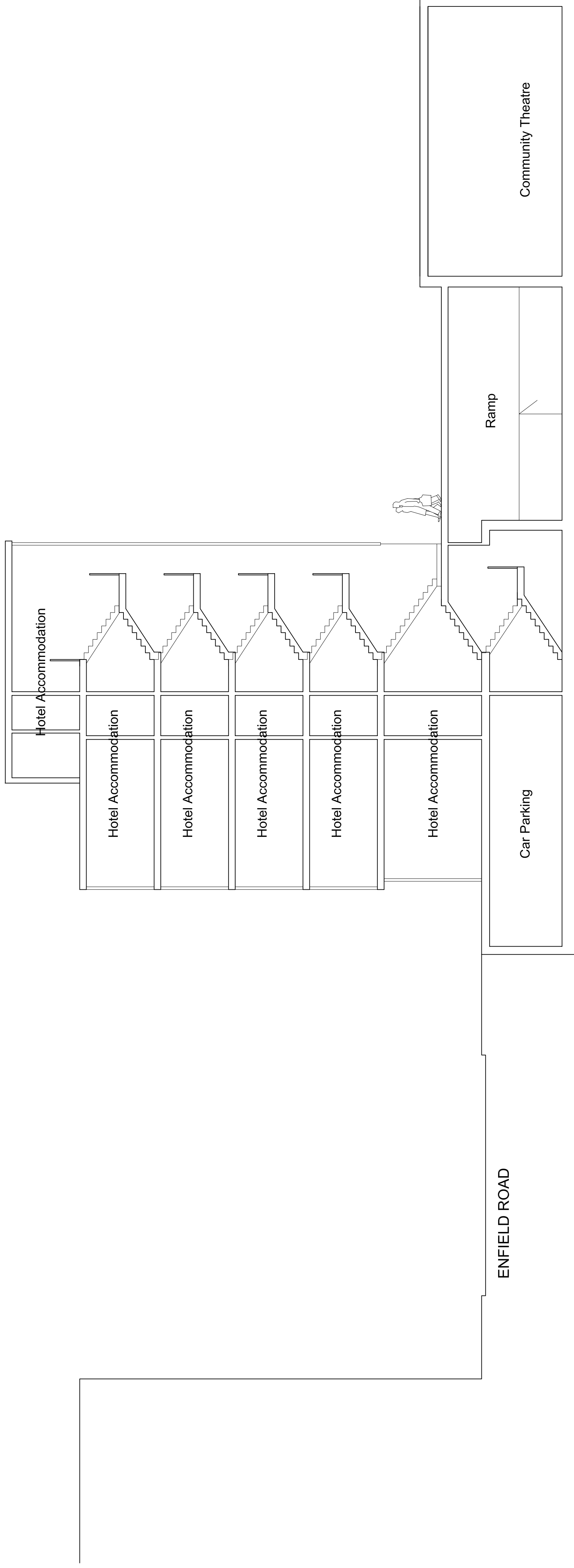


SECTION B-B

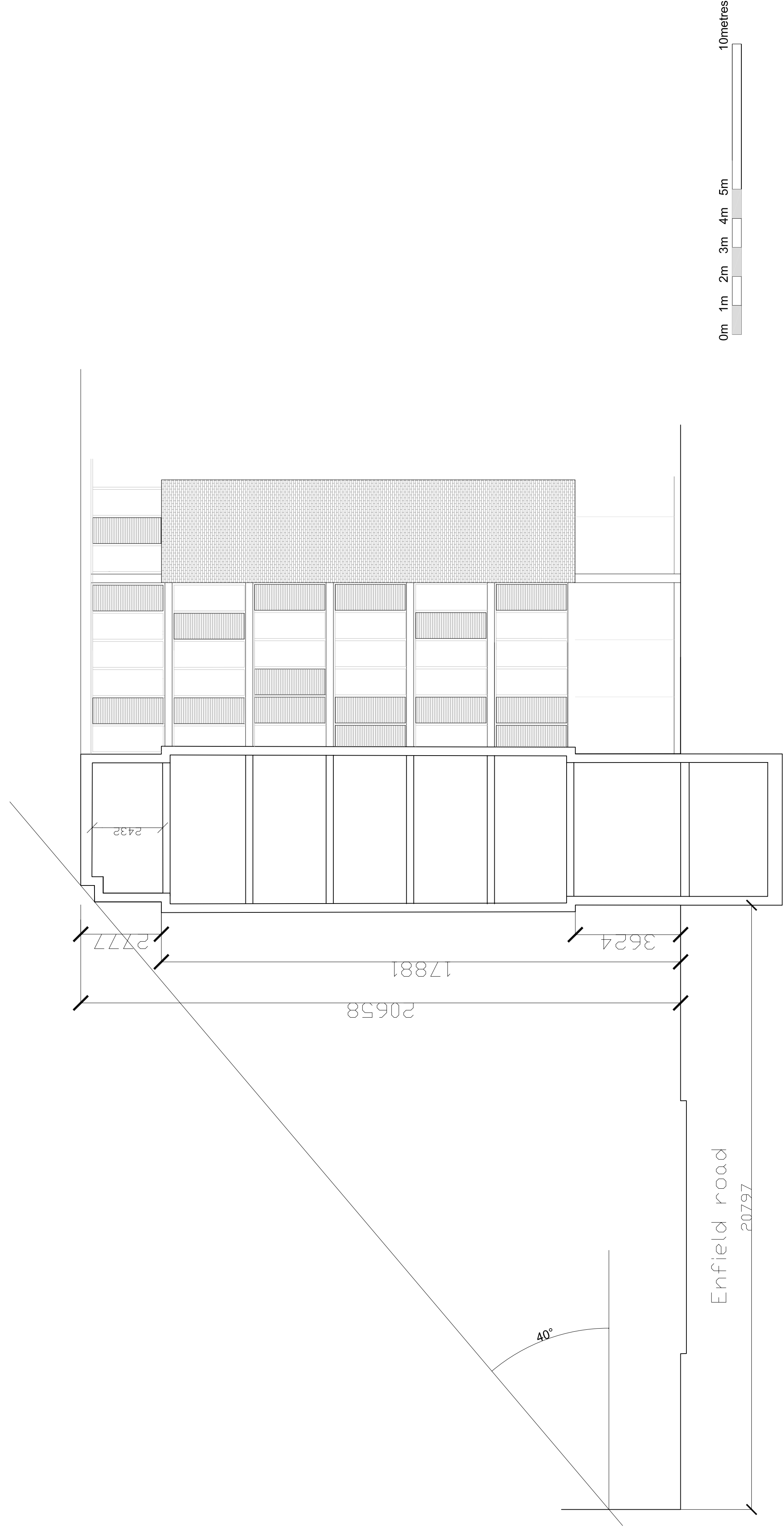
K I N G S L A N D R O A D

This page is intentionally left blank

THESE PLANS HAVE BEEN PREPARED BY NEALE+NORDEN FOR THE CLIENT AND TO THE BEST OF OUR KNOWLEDGE AND BELIEF THEY COMPLY WITH ALL APPLICABLE REGULATIONS AND STANDARDS. NEALE+NORDEN ACCEPTS NO LIABILITY FOR THE ACCURACY OR COMPLETENESS OF THE INFORMATION PROVIDED HEREIN. IT IS THE RESPONSIBILITY OF THE CLIENT TO OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AUTHORITIES. NEALE+NORDEN IS NOT RESPONSIBLE FOR ANY CONSEQUENCES ARISING FROM THE USE OF THESE PLANS.



SECTION C-C

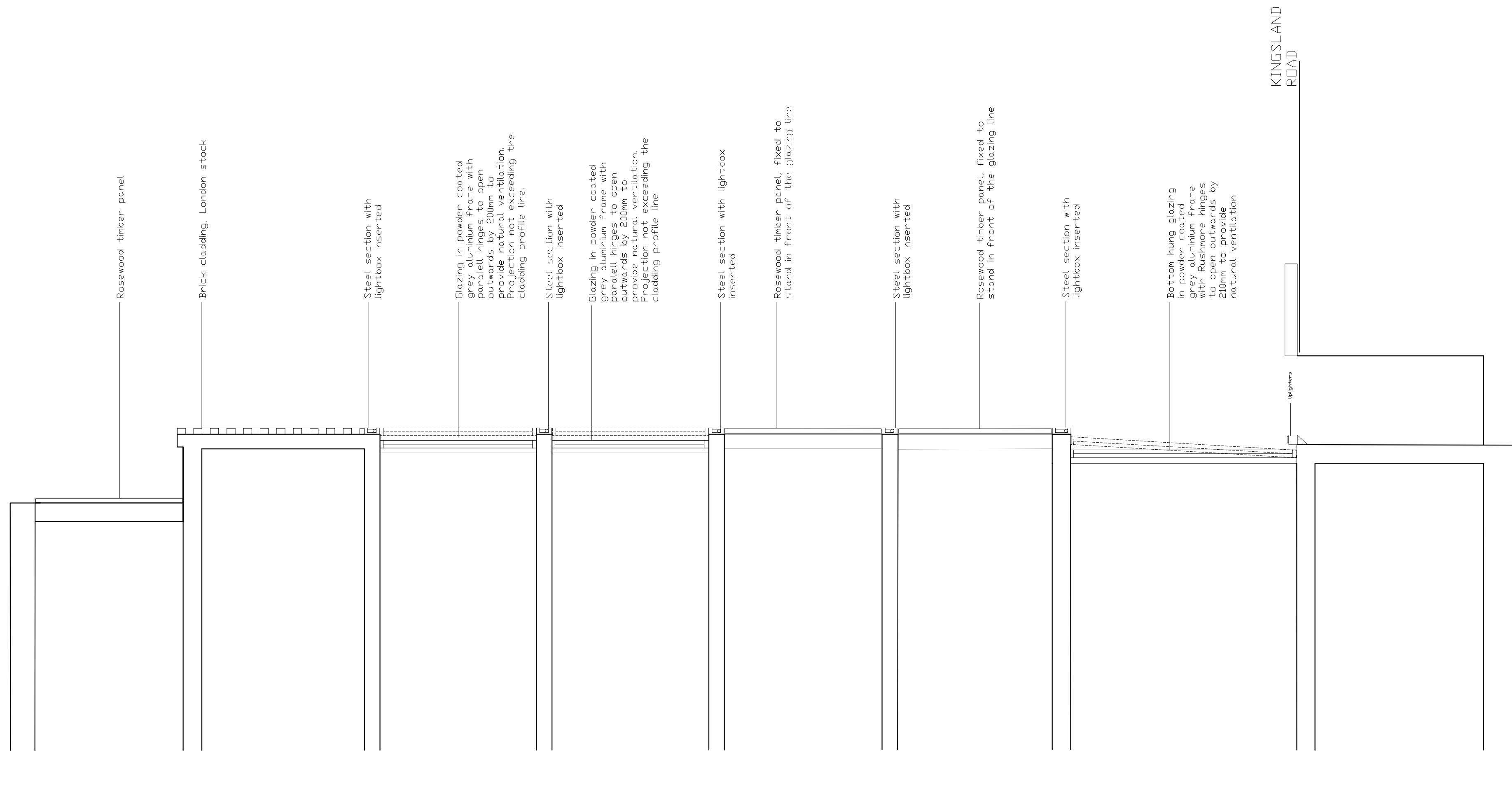


SECTION D-D

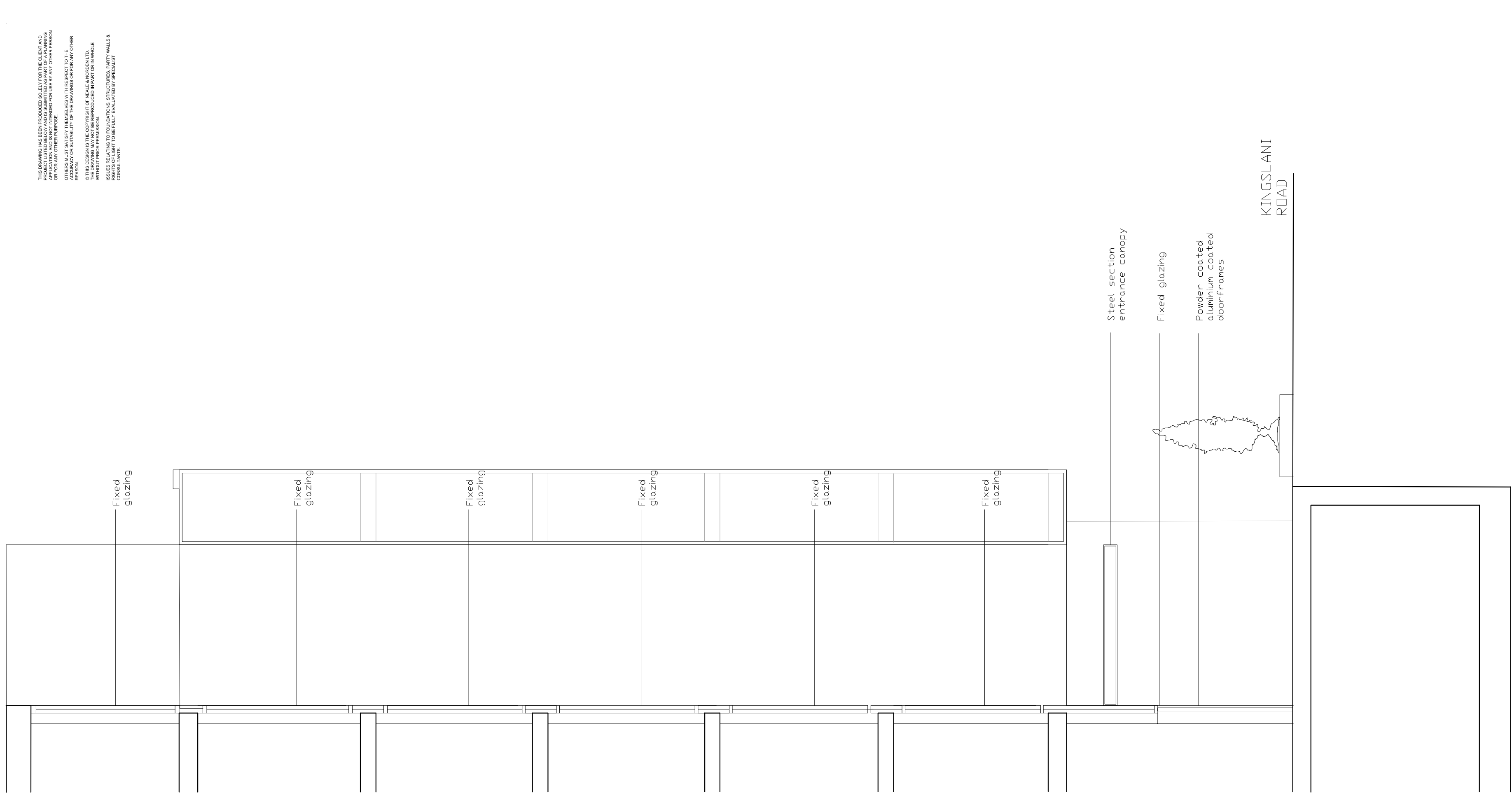
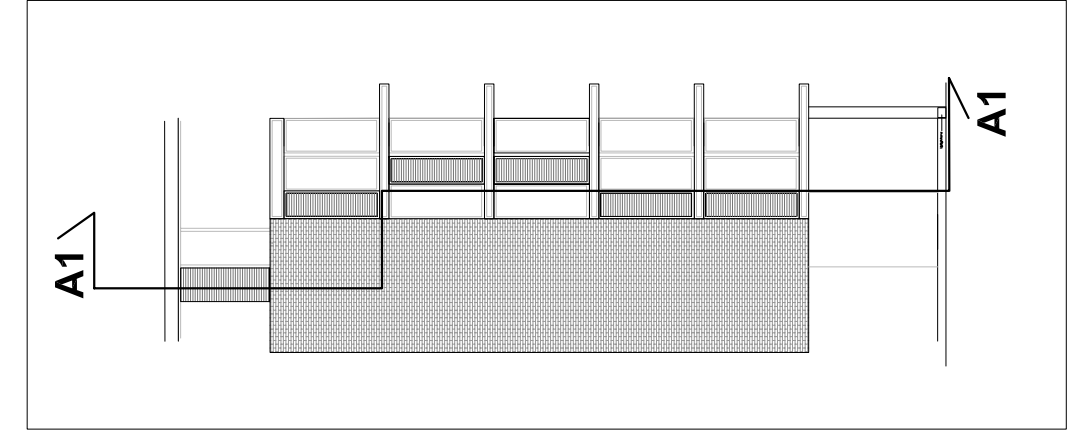
Revision A: 28th July, theatre workshop  
Ceiling height raised by 0.75m to  
5metres.

K I N G S L A N D R O A D

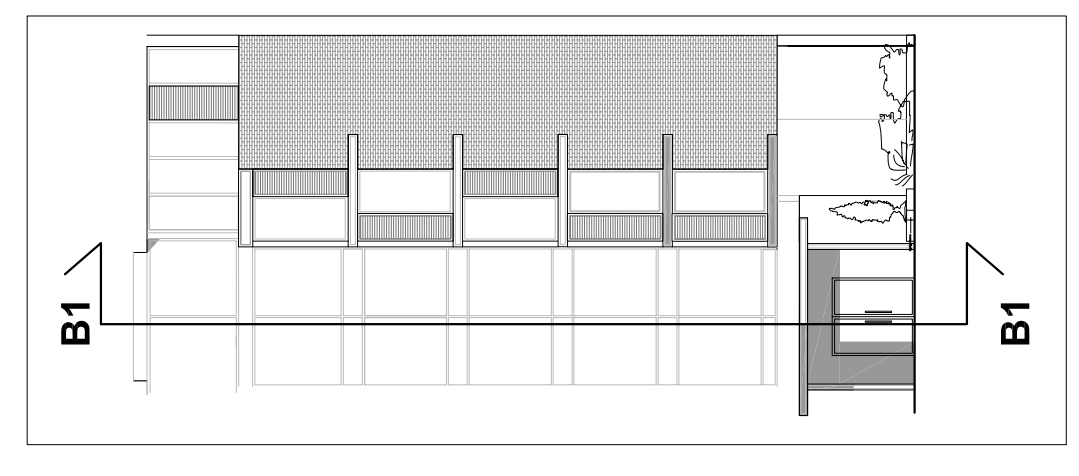
This page is intentionally left blank



Section A1-A1



Section B1-B1



K I N G S L A N D R O A D

THESE DRAWINGS HAVE BEEN PREPARED BY NEALE+NORDEN LIMITED AND TO THE BEST OF OUR KNOWLEDGE AND BELIEF THEY COMPLY WITH ALL APPLICABLE REGULATIONS AND STANDARDS. NEALE+NORDEN LIMITED ACCEPTS NO LIABILITY FOR THE ACCURACY OR COMPLETENESS OF THE INFORMATION CONTAINED THEREIN. IT IS THE RESPONSIBILITY OF THE CLIENT TO OBTAIN ALL NECESSARY INFORMATION AND TO CHECK THE INFORMATION PROVIDED BY THE CLIENT. NEALE+NORDEN LIMITED SHALL NOT BE RESPONSIBLE FOR ANY LOSS OR DAMAGE TO ANYTHING SHOWN OR REFERRED TO IN THESE DRAWINGS.



This page is intentionally left blank

**Site Photos – 357-359 Kingsland Road (refs 2008/0622 and 2008/0740)**



View towards Kingsland Road from Enfield Road



Application site and Enfield Road from opposite side of Kingsland Road





Application site at corner of Kingsland Road and Enfield Road



Former joinery building at corner of the application site





Application site looking northwards



Application site in relation to the Metropolitan Business Centre





Front elevation of Metropolitan Business Centre; application site to the left



Quicksilver Theatre's current premises, at the western side of the site





View from application site southwards down Kingsland Road



Listed terrace on Kingsland Road, opposite application site



This page is intentionally left blank



<b>ADDRESS:</b> Travellers Site, Homerton Road, London E9	
<b>WARD:</b> Kings Park	<b>REPORT AUTHOR:</b> Adam Flynn
<b>APPLICATION NUMBER:</b> 2008/0490  <b>DRAWING NUMBER:</b> CS023908/GA/3101, HOM-H2 Planning Statement	<b>VALID DATE:</b> 14/07/2008
<b>APPLICANT:</b> London Development Agency C/o Agent	<b>AGENT:</b> R C. Bean Capita Symonds Ltd. Buchanan House 24-30 Holborn London, EC1N 2LX
<b>PROPOSAL:</b> Section 73 application for variation to Condition 14 (pitch occupation by no more than 2 caravans, one of 6.1m x 3.1m and one of 10.7m x 3.7m (excluding tow bars) and up to 3 vehicles) of planning permission reference 2007/1408.	
<b>RECOMMENDATION SUMMARY:</b> <b>Grant planning permission to vary Condition 14.</b>	

### ANALYSIS INFORMATION

ZONING DESIGNINATION: (Yes) (No)

	(Yes)	(No)
CPZ		X
Conservation Area		X
Listed Building (Statutory)		X
Listed Building (Local)		X
DEA		X

<b>LAND USE DETAILS:</b>	Use Class	Use Description	Floorspace sqm
<b>Existing</b>	Sui Generis	Caravan pitches and associated amenity block units	242m <sup>2</sup>
<b>Proposed</b>	No Change		

<b>PARKING DETAILS:</b>	Parking Spaces (General/Disabled)
<b>Existing</b>	21
<b>Proposed</b>	No change

**CASE OFFICER'S REPORT**

**1. SITE CONTEXT**

- 1.1 The application site, the former Hackney Marsh Depot, is situated to the north of Homerton Road and is now established as a Travellers Site with 7 pitches. The current designation of the site is Metropolitan Open Land.
- 1.2 The site area is 0.78 ha, (a third of which accommodates the Travellers' site, and the remainder is landscaped). The site is an irregular shape with the southern boundary marked by Homerton Road.
- 1.3 Access to the site is currently gained from the south directly off Homerton Road. To the north and west of the Depot site is Hackney Marshes. To the east of the site is the River Lea, and beyond this is a recreation ground.
- 1.4 The site is well served by buses with a total of four bus services that are accessible within approximately 800 m walk of the site. All four routes (Nos 236, 276, 308 and W15) travel along Homerton Road, with two of the services calling at the bus stops located close to the proposed site entrance. Mainline rail services are accessible at Hackney Wick Station, which is located at Wallis Road, approximately 1.6 km to the south of the site.
- 1.5 The application site is within close proximity to the existing traveller's site at Waterden Crescent, which will enable the residents to continue to use shops, services, schools and other facilities that they currently have access to.
- 1.6 The site falls within a designated flood plain. The Strategic Flood Risk Assessment carried out as part of the Lower Lea Valley Regeneration project indicates the site falls within Flood Zones 2 and 3.

**2. CONSERVATION IMPLICATIONS**

- 2.1 The property is not located within a Conservation Area.

**3. HISTORY**

- 3.1 27/09/2007: Ref. 2007/1408 - Planning permission granted for the demolition of existing buildings and the erection of a permanent Gypsy and Travellers Site to accommodate seven pitches with permanent ancillary amenity blocks, access, car parking, landscaping and new entrance to depot. (Resubmission of approved planning application 2006/3212).
- 3.2 15/05/2007: Ref. 2006/3212 – Planning permission granted for the demolition of existing depot storage building and removal of trees and erection of a permanent Gypsy and Traveller's site to accommodate a total of seven pitches along with associated ancillary amenity blocks, new access road, parking and pedestrian strips, landscaping and refuse storage.

**4. CONSULTATIONS**

4.1 Date Statutory Consultation Period Started: 21/07/2008

4.2 Date Statutory Consultation Period Ended: 11/08/2008

4.3 Site Notice: Yes

4.4 Press Advert: Yes

4.5 Letters were sent to 17 adjacent occupiers. No letters of objection were received.

**4.6 Local Groups**

4.6.1 Hackney Marsh Users Group  
No representation received.

4.6.2 London Fire & Emergency  
No comment.

4.6.3 The Learning Trust  
No representation received.

4.6.4 London Gypsy and Traveller Unit  
Detail reason for application, which is to allow the family of an elderly traveller to live on site to provide her with care.

4.6.5 Hackney Homes  
No objections as proposal does not contravene fire regulations.

**4.7 Statutory Consultees**

4.7.1 British Waterways  
State site does not fall within consultation zone and have no comments.

4.7.2 London Borough of Tower Hamlets  
No representation received.

4.7.3 Olympic Delivery Authority  
No representation received.

4.7.4 Environment Agency  
State did not impose condition and have no comments.

4.7.5 Thames Gateway Development Corporation  
No representation received.

4.7.6 Natural England  
No representation received.

4.7.7 Government Office for London  
No representation received.

**4.8 Other Council Departments**

4.8.1 Parks and Amenities  
No representation received.

4.8.2 Conservation and Design  
No representation received.

4.8.3 Highways & Transportation  
No representation received.

4.8.4 Pollution  
No objections.

**5. POLICIES**

**5.1 Hackney Unitary Development Plan (UDP) (1995)**  
EQ1 Development Requirements  
EQ21 Metropolitan Open Land  
EQ48 Designing Out Crime  
E14 Access and Facilities for People with Disabilities

**5.2 London Plan (2004)**  
3A.14 London's Travellers and Gypsies  
3D.10 Metropolitan Open Land  
4B.1 Design Principles for a Compact City  
4B.3 Enhancing the quality of the public realm  
4B.8 Respect local context and communities

**5.3 National Planning Policies**  
PPS1 – Delivering Sustainable Development  
PPS3 – Housing  
PPG13 – Transport  
Circular 01/06: Planning for Gypsy and Traveller Caravan Sites

**6. COMMENT**

6.1 An application for the development of the site to provide a Gypsy and Traveller site comprising 7 pitches to include permanent ancillary amenity blocks, access, parking and landscaping, and the creation of a new access to the Hackney Marshes Depot site, was submitted to the Council on behalf of the LDA in November 2006 (ref: 2006/3212). The development of this site is intended to accommodate some of the residents from the Waterden Crescent Travellers' site to be displaced by the development of the Olympic and Legacy proposals, which was considered at the Olympic and Legacy CPO (Compulsory Purchase Order) Inquiry, and identified as one of the preferred locations for a new site.

- 6.2 The Planning Sub-Committee resolved to grant planning permission to a further planning permission on 31/07/2007 to allow some modifications to the previously approved scheme.
- 6.3 The planning consent was granted subject to a number of conditions, of which Condition 14 was varied from that of the original 2006/3212 application to allow a larger unit on Pitch H1 for a disabled child. Condition 14 of the decision notice currently reads as follows:

*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.*

*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).*

The reason given for applying this condition was:

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

- 6.4 The requirement to vary condition 14 has arisen due to the need to cater for the requirements of an elderly family member at Pitch H2, Mrs Maughan, who suffers from a number of serious health problems. A statement supporting the application from the London Gypsy and Traveller Unit states that ‘Travellers have a strong emphasis on the importance of extended family and believe that elderly or disabled members of their community should remain within the community and be cared for by family members.’
- 6.5 Mrs Maughan is cared for by her children, and relies on the care and support of her children who have taken to staying on her pitch in a second caravan for several month periods. Her children wish to continue caring for her, but wish to have their own family living with them also. They currently live in the smaller unit on Mrs Maughan’s pitch, but these are not considered large enough to accommodate a separate family. As such, permission is required to allow a marginally larger unit on the site to allow her children and their families to live on the site on a rotating basis to continue to provide her with care and support.
- 6.6 Although the positions of the caravans on individual plots are not fixed, the location of the amenity block largely determines the siting of the caravans, whether this comprises of a residential mobile home and touring caravan, as shown on the ‘typical pitch dimensions’ included on the approved layout plan



(measuring 6.1 x 3.1 metres and 10.7 x 3.7 metres), or a marginally larger unit (a 8.6 x 3.1 metres unit instead of a 6.1 x 3.1 metres unit), as shown on the layout plan that accompanies this application. When considering the visual appearance of a caravan on Pitch H2 that is 2.5 metres longer than that permitted, the difference between the two is minimal. The larger unit will only be partially visible from the rear of the site, and will be screened by landscaping. Due to this and the minimal size increase, it is considered that the impact of the change would be negligible.

## **7. CONCLUSION**

- 7.1 Having reviewed the reasoning behind the imposition of the condition, it is concluded that the visible appearance of built development that would occur with the stationing of a 2.5 metre longer unit on Pitch H2 will not be detrimental to the visual amenity of the area and adjoining MOL. In addition to this, the special accommodation requirement of the family in question due to the needs of their elderly family member are a material consideration in this case, and in this instance, are considered to outweigh any judgement of a minor degree of additional impact to the visual amenity of the adjoining MOL.

## **8. RECOMMENDATION**

- 8.1 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.*

*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.*

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

**9. 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, EQ21 Metropolitan Open Land, EQ48 Designing Out Crime, E14 Access and Facilities for People with Disabilities.

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: 3A.14 London's Travellers and Gypsies, 3D.10 Metropolitan Open Land, 4B.1 Design Principles for a Compact City, 4B.3 Enhancing the quality of the public realm, 4B.8 Respect local context and communities.

**10. INFORMATIVES**

The following Informatives should be added:

- NSI Conditions 1-13 of planning permission reference 2007/1408 are still valid and must be complied with.
- NSI To comply with fire regulations, caravans on adjoining pitches must be kept a minimum of 6 metres apart.
- 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.33 Landscaping

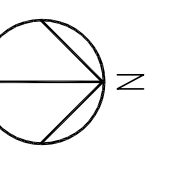
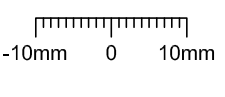
**Signed..... Date.....**

**Fiona Fletcher Smith  
DIRECTOR, NEIGHBOURHOODS & REGENERATION**

NO.	BACKGROUND PAPERS	NAME/DESIGNATION AND TELEPHONE EXTENSION OF ORIGINAL COPY	LOCATION CONTACT OFFICER
1.	Hackney UDP (1995) and the London Plan (2004)	Adam Flynn (020 8356 8442)	263 Mare Street, London E8 3HT

This page is intentionally left blank





SURVEY STATIONS			
NAME	EAST	NORTH	LEVEL
BW01	537175.99	185590.08	6.20
BW02	537197.52	185576.29	6.32

REV	DR	CH	PA	DATE	REV	DR	CH	PA	DATE
A	TH	KD	AH	07/08					
B	TH	GC	AH	19/09					
C	TH	GC	AH	18/10/07					
D	TH	GC	AH	18/10/07					
E	TH	GC	AH	18/02/08					
F	TH	GC	AH	18/03/08					



- NOTES
1. THE ENGINEERED LAYOUT SHOWN IS BASED UPON THOMAS MUNIERO ARCHITECT DRAWING, REF HOW 77/06. DISABLED ACCESS RAMP HAS BEEN ENGINEERED TO SUIT WITH EXISTING GROUND LEVELS. FOOTPATH WIDTH HAS BEEN INCREASED TO PROVIDE DISABLED ACCESS REQUIREMENT.
  2. THE PITCH SIZES SHOWN ARE AS TAKEN FROM THOMAS MUNIERO ARCHITECT DRAWING, REF HOW 77/06, AND BASED UPON 225mm THICK BRICKWORK WALLS.
  3. THE TOPOGRAPHICAL SURVEY IS AS RECEIVED FROM HARRISON GROUP.
  4. ALL DIMENSIONS ARE IN METRES UNLESS STATED OTHERWISE.
  5. THIS DRG IS TO BE READ IN CONJUNCTION WITH ALL OTHER 3100 SERIES DRAWINGS.
  6. AMENITY BUILDINGS TO BE PROVIDED BY OTHERS.
  7. CARAVANS TO BE PROVIDED BY OCCUPANTS.
  8. EARTH EMBANKMENTS ARE INDICATIVE - REFER TO LANDSCAPING PLAN.
  9. POSITION OF PROPOSED SUB STATION TO BE CONFIRMED.

- KEY:
- PITCH NUMBERS
  - PROPOSED WALL
  - PROPOSED GULLY
  - PROPOSED EARTH SLOPE
  - PROPOSED GULLY
  - PROPOSED LAMP COLUMN
  - PROPOSED FENCE
  - PROPOSED GATE
  - PROPOSED BOUNDARY
  - PROPOSED LAMP COLUMN
  - PROPOSED GATE

**TRAVELLER SITES RELOCATION**

**HOMERTON ROAD  
GENERAL ARRANGEMENT**

DRAWN BY	CHECKED BY	PASSED BY	DATE	SCALE	ISSUE STATUS
TH	KD	AH	JUL 07	1:250	CONSTRUCTION

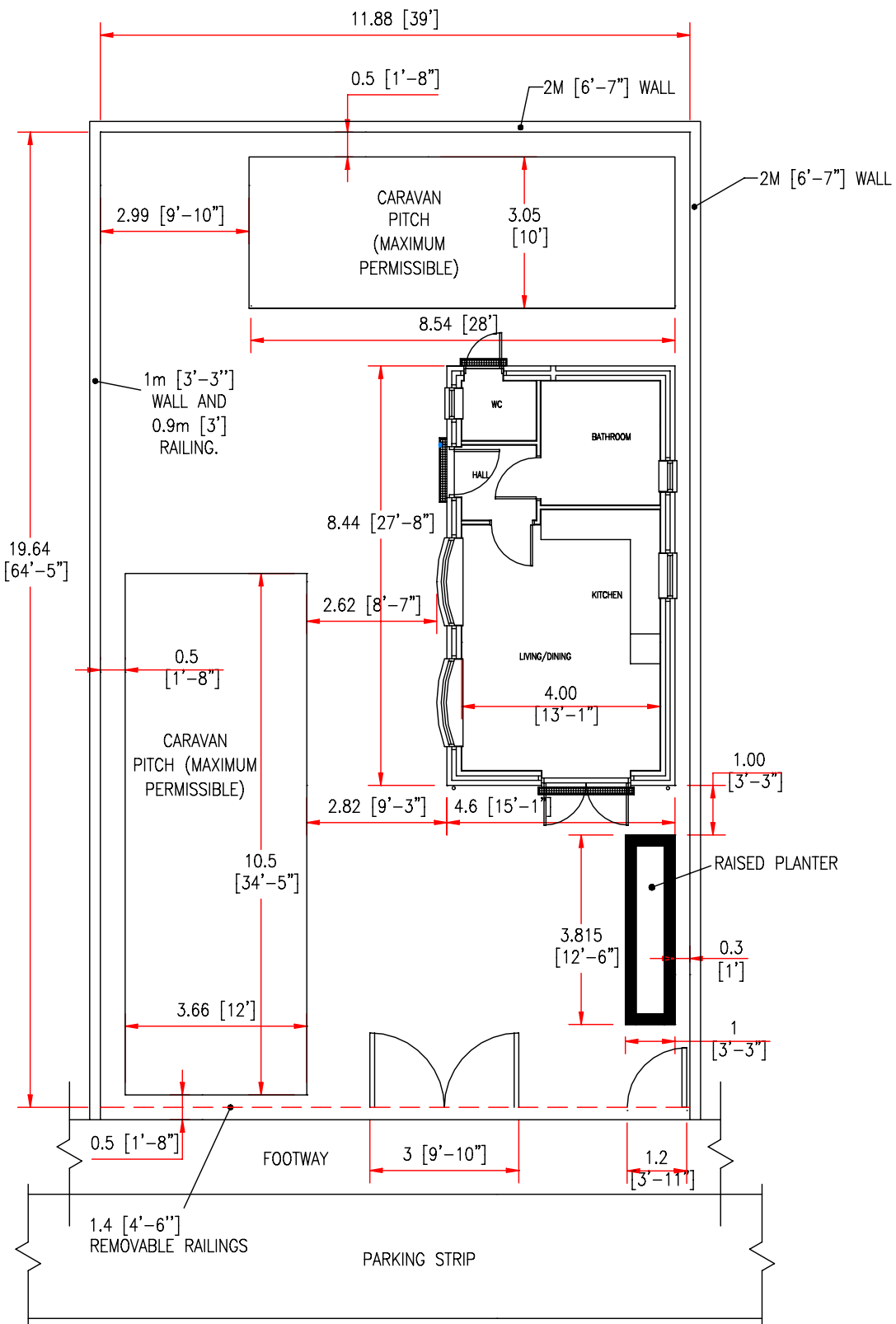
**LONDON DEVELOPMENT AGENCY**

**CAPITA SYMONDS**

Capita Symonds House, Wood Street,  
 East Grinstead, West Sussex RH19 1JU  
 Tel: +44 (0)1342 327161 Fax: +44 (0)1342 319927

DRAWING NUMBER **CS023908/GA/3101** REV. **F**

This page is intentionally left blank



-10mm 0 10mm  
 10mm  
 0  
 -10mm

NOTE THE PROPERTY OF THIS DRAWING AND DESIGN IS VESTED IN CAPITA SYMONDS LIMITED AND MUST NOT BE COPIED OR REPRODUCED IN ANY WAY WITHOUT THEIR WRITTEN CONSENT

## TRAVELLER SITES RELOCATION



## HOMERTON ROAD AMENITY PITCH LAYOUT H2

# CAPITA SYMONDS

Capita Symonds House, Wood Street,  
 East Grinstead, West Sussex RH19 1UU  
 Tel: +44 (0)1342 327161 Fax: +44 (0)1342 315927

DESIGNED BY	DRAWN BY	CHECKED BY	PASSED BY	SCALES @ A4 SIZE	ISSUE STATUS
WK	TH	WK		1:125	CONSTRUCTION
DATE	DATE	DATE	DATE		

DRAWING NUMBER	REV.
HOM-H2	A

CAD FILE NAME :  
 CTB FILE NAME :  
 PLOTTED DATE :



This page is intentionally left blank

REPORT OF ASSISTANT DIRECTOR OF REGENERATION AND PLANNING		
<b>PLANNING SUB-COMMITTEE</b>  October 2008	<b>Classification INFORMATION</b>	<b>Enclosures</b>  <b>APPEAL SUMMARY</b> April 2008
	<b>Ward(s) Affected</b> ALL	

**1. SUMMARY**

Attached for Members' information is a report summarising all Planning Inspectorate appeal decisions received for the month of April 2008.

**2. RECOMMENDATION**

That the attached schedule be received for Members' information.

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

**FIONA FLETCHER-SMITH**  
**CORPORATE DIRECTOR, NEIGHBOURHOODS AND REGENERATION**

Report Originating Officer: Franziska Lang (ph: 0208 356 8291)

**Background Papers**

The following documents have been relied upon in the preparation of this report:

Description of Document	Location	Date
MVM Panorama Planning System and PINS on-line case search	263 Mare Street, E8	September 08

**MONTHLY APPEAL DECISION INFORMATION BULLETIN**

**SUMMARY INFORMATION FOR THE MONTH OF APRIL 2008**

**Statistics for all Planning and Enforcement Appeals**

Planning (Including Listed Building, Conservation Area Consents and Adverts)		Enforcement	
Number of appeals received:	23	Number of appeals received:	1
Number of appeals withdrawn:	0	Number of appeals withdrawn:	0
Number of appeals decided:	6	Number of appeals decided:	3
• Dismissed	5	• Dismissed	2
• Allowed	1	• Allowed	0
• Split	0	• Split	1
Number of cost applications made	2	Number of cost applications made	1

**Best Value Performance Indicator (BVPI) 204 Statistics**

**Number of appeals forming BVPI statistic: 5** (Refer to note below for explanation)

	BVPI 204 April 2008 (S.78 Determined)	BVPI target 2008/2009	BVPI since 1 <sup>st</sup> April 2008
<b>Number of Appeals Dismissed</b>	4/5 (80%)	62.0%	4/5 (80%)
<b>Number of Appeals Allowed</b>	1/5 (20%)	38.0%	1/5 (20%)
<b>Number of Appeals with Split Decision</b>	0/5 (0%)	Forms part of the 'Allowed' statistic above	N/A

**Note:**

Planning appeals for the purposes of the BVPI statistic includes appeals on planning applications where the Council has refused planning permission. It does not include planning appeals against conditions or non-determinations. The calculation also excludes all other application types of appeal, e.g. Advertisement Appeals, Enforcement Appeals and Lawful Development Certificate appeals. A partially allowed appeal must be counted as an allowed appeal (Extract from Best Value Performance Indicators by Audit Commission).

1. **Site Address: 35 Craven Walk, London N16 6BS**

**Application and Appeal Reference: 2007/1750 & APP/U5360/A/07/2059728**

**Inspectors Ruling: DISMISSED**

**Development Description:** Erection of a single storey rear extension

**Type of Appeal:** Written representations appeal against the Council's refusal of planning permission

**Key Policies/ Material Considerations:** PPS 1 – requirement for 'good design'

**Inspector Considerations and Key Issues:** Effect of the extension on the character and appearance of the area and of the host building

**Brief Assessment:** The Inspector considered that an extension of such depth would be disproportionate to the original house and unsympathetic to its design. Together with the existing extension at an adjacent property, it would form an incongruous and visually unattractive intrusion into the domestic surroundings and significantly reduce the rear garden area. Similar extensions in the surroundings highlighted by the appellant did not convince the Inspector that a further such extension should be allowed as he considered that the continued construction of numerous large extensions within the rear garden areas would result in over-development having an adverse effect on the living conditions of occupiers.

**Implications:** No new implications

2. **Site Address: 69-71 Lordship Road, London N16 0QX**

**Application and Appeal Reference: 2004/0732/ENF**

**Inspectors Ruling: DISMISSED**

**Development Description:** Unauthorised retention of a single storey portable building contrary to Condition 1 of planning permission reference NORTH/594/96/FP.

**Type of Appeal:** Hearing appeal against an enforcement notice served by the Council on 26 June 2007. The appeal was made on Ground (a) – That planning permission should be granted for what is alleged in the notice, and Ground (g) – That the period of compliance stated in the notice is too short.

**Key Policies/ Material Considerations:** PPG15 – Historic Environment, UDP Policies EQ1 & EQ12.

**Inspector Considerations and Key Issues:** Whether or not the subject development detracts from the established pattern of surrounding development; and whether it would preserve the setting of the adjacent Lordship Park Conservation Area.

**Brief Assessment:** In terms of Ground (a) the Inspector considered that the 'portacabin' is substantial in volume and, as it stands slightly forward of the adjacent synagogue building, is a noticeable feature in the street scene. Despite the appellants' claim that the building is screened by trees along the site frontage, the Inspector was of the opinion that it can be seen from the other side of Lordship Road some 135m south of the site. The Inspector considered that the building had no architectural merit and that its size, form and style presented an uncomfortable contrast to its surroundings. The Inspector concluded that the building was therein contrary to parts (a), (b), (c) and (d) of UDP policy EQ1. The Inspector further considered that the mass, form and general appearance of the building presents a stark contrast which fails to reflect the traditional form, style and design of the houses in the adjacent conservation area; and that the building severely detracts from the setting of and views into the conservation area contrary to PPG15 and UDP Policy EQ12. The appeal under Ground (a) therefore failed. The appeal under Ground (g) was also unsuccessful, as the appellant sought an extension from 3 months to 12 months. The Inspector agreed that 3 months was too short to find suitable replacement accommodation and extended the period to 6 months. There was also an application for costs by the appellant, stating that the

Council had acted unreasonably by serving the enforcement notice; introducing an additional reason for refusal (Policy EQ12) at a late stage; and failing to renew an extant planning permission without good reason. The inspector considered that the late reply by the Council to pre-application advice on a redevelopment proposal for the site was a matter detached from its decision to take enforcement action in relation to failure to comply with a condition imposed on a temporary planning permission. In terms of the late introduction of Policy EQ12, the Inspector considered that this had no real bearing on the outcome of the appeal as he had a duty to consider the proposal's impact on the Conservation Area under national guidance (in this case PPG15) anyway. Accordingly there was no award of costs.

**Implications:** This decision implies that development proposals that have not advanced beyond the pre-application stage do not prevent the Council from taking appropriate enforcement action.

**3. Site Address: 50 Lynmouth Road, London N16 6XL**

**Application and Appeal Reference: 2006/1567 and APP/U5360/A/07/2037906**

**Inspectors Ruling: DISMISSED**

**Development Description:** Loft conversion

**Type of Appeal:** Inquiry appeal of Council's refusal of planning permission

**Key Policies/ Material Considerations:** UDP Policy EQ1 and SPG2 – Residential Extensions, London Plan, PPS1 – Sustainable Development, SPD Residential Extensions and Alterations, PPS12 – Local Development Frameworks.

**Inspector Considerations and Key Issues:** The effect of the development on the character and appearance of the dwelling and surrounding area.

**Brief Assessment:** The Inspector observed that the proposed dormer appeared as a box-like addition of a crude design subsuming much of the attractive front gable and being unsympathetic to the character and design of the original house; as well as disrupting the uniformity and rhythm of the terrace and being visually intrusive to the street scene. Accordingly he concluded that the proposal was contrary to UDP policy EQ1 and SPG2 – Residential Conversions, Extensions and Alterations. The Inspector was not swayed by arguments put forward by the appellant that related to precedent, emerging policy and personal circumstances. Accordingly the appeal was dismissed. There was an application for costs by the Council on the basis that the appellant had failed to comply with the proper inquiry procedure and that an inquiry was an unnecessary and expensive procedure for this type of small-scale development. However the application for costs failed, with the Inspector stressing the appellants' right to choose the procedure.

**Implications:** No new implications

**4. Site Address: 52 Cazenove Road, London N16 6BJ**

**Application and Appeal Reference: 2007/0061 & APP/U5360/A/07/2054228**

**Inspectors Ruling: ALLOWED**

**Development Description:** Rear extension to a single family dwelling

**Type of Appeal:** Hearing appeal against Council's refusal to grant planning permission.

**Key Policies/ Material Considerations:** UDP Policy EQ1

**Inspector Considerations and Key Issues:** The effect of the development on the character and appearance of the host building and its surroundings and its effect on the occupiers of 50 Cazenove Road.

**Brief Assessment:** The Inspector considered that there would be very limited views of the proposed extension from the public realm and that the extension would not represent a disproportionate addition to the existing building. The adjacent property was not considered affected as the room that would suffer loss of light is served by a second window which faces

south. Accordingly the Inspector did not consider that that property was adversely affected by the proposal.

**Implications:** No new implications

5. **Site Address: 70-72 Cazenove Road, London N16 6AA**

**Application and Appeal Reference: 2006/0263/ENF & APP/U5360/C/07/2049620**

**Inspectors Ruling: DISMISSED**

**Development Description:** Without planning permission, the installation of matching barrel-vaulted canopies at the front of the property.

**Type of Appeal:** Hearing appeal against Council's enforcement notice; - the appeal was made under Ground (a) – that planning permission should be granted for what is alleged in the notice; and Ground (f) – that the steps required by the notice to rectify the breach are excessive.

**Key Policies/ Material Considerations:** UDP Policy EQ1

**Inspector Considerations and Key Issues:** The effect of the development on the character and appearance of the building and the surrounding area.

**Brief Assessment:** The Inspector considered that the canopies have little affinity with the host building; that they fail to respect its overall architectural composition; and that their adverse visual impact is accentuated by their barrel vaulted roof profile and overall depth, the extensive use of polycarbonate sheeting in their construction, and by their prominence above the raised podium. He noted that they seriously disrupt the overall form and rhythm of the terrace and appear incongruous within the street scene, contrary to Policy EQ1. The ground (a) appeal therefore failed. The ground (f) appeal also failed because the Inspector was not convinced by the appellant's arguments that use of alternative materials on the canopies would overcome the harm identified. In any case, no proposed alternative materials or design plans were submitted by the appellant for the Inspector to consider.

**Implications:** No new implications

6. **Site Address: 70-72 Cazenove Road, London N16 6AA**

**Application and Appeal Reference: 2006/2875 & APP/U5360/A/07/2039383**

**Inspectors Ruling: DISMISSED**

**Development Description:** Retrospective submission for the erection of barrel vaulted roof canopies (2 No) to entrance steps to main elevation and erection of lean-to metal frame to rear elevation.

**Type of Appeal:** Hearing appeal against the Council's refusal of planning permission – which was subsequently linked to the enforcement appeal discussed at 4 above.

**Key Policies/ Material Considerations:** UDP Policy EQ1

**Inspector Considerations and Key Issues:** The effect of the development on the character and appearance of the building and the surrounding area.

**Brief Assessment:** See discussion of the Ground (a) appeal at 4 above.

7. **Site Address: 7/7A Shepherdess Place, London N1 7LJ**

**Application and Appeal Reference: 2007/1226 & APP/U5360/A/08/2063169**

**Inspectors Ruling: DISMISSED**

**Development Description:** Conversion of ground floor areas from B1 to residential with the



retention of B1 areas to lower ground floor with the inclusion of a porter/caretaker office.

**Type of Appeal:** Written representations appeal against the Council's refusal of planning permission.

**Key Policies/ Material Considerations:** Within Defined Employment Area, Policy 3B.1 of the London Plan.

**Inspector Considerations and Key Issues:** Whether a loss of employment generating floorspace is acceptable in this location.

**Brief Assessment:** The Inspector was not satisfied from the evidence presented by the appellant that every reasonable effort had been made over the last six years to dispose of the leasehold/freehold interest in the premises at a realistic rent/price reflecting its condition and location. Accordingly she was unable to conclude that there is no demand for the employment generating floorspace. The proposal would therefore be contrary to London Plan policy 3B.1.

**Implications:** No new implications.

8. **Site Address: 22 Leweston Place, London, N16 6RH**

**Application and Appeal Reference: 2007/1724 & APP/U5360/A/07/2057801**

**Inspectors Ruling: DISMISSED**

**Development Description:** First floor rear extension and second floor front, side and rear dormer extension.

**Type of Appeal:** Written representations appeal against the Council's refusal of planning permission.

**Key Policies/ Material Considerations:** UDP Policy EQ1, SPD – residential Extensions & Alterations.

**Inspector Considerations and Key Issues:** The effect of the proposal on the character appearance of the property and surrounding area.

**Brief Assessment:** The Inspector considered that a number of dormer extensions have been constructed in the surrounding area. However the proposed extension would be one of the largest. It would fail to meet the requirements of Policy EQ1 of the UDP.

**Implications:** No new implications.

9. **Site Address: Nelson House, 362-364 Old Street, London EC1V 9LT**

**Application and Appeal Reference: 2007/1840 & APP/U5360/H/07/1202327**

**Inspectors Ruling: DISMISSED**

**Development Description:** Temporary (10 months) display, during refurbishment works, of an externally illuminated, scaffold-mounted, open-weave mesh (banner) advertisement, within a replica façade.

**Type of Appeal:** Hearing appeal against the Council's refusal to grant express advertisement consent.

**Key Policies/ Material Considerations:** Amenity & Road Safety

**Inspector Considerations and Key Issues:** The effect of the proposal on the amenity of the surrounding area, including the South Shoreditch Conservation Area and the setting of nearby listed buildings.

**Brief Assessment:** The Inspector considered that the display, even for a temporary period, would unduly obtrude into the street scene, spoil the setting of the nearby listed buildings and harm the character and appearance of the conservation area. There was also a related costs application by the appellant. However, no costs were awarded.

**Implications:** No new implications.

<b>REPORT OF ASSISTANT DIRECTOR OF REGENERATION AND PLANNING</b>		
<b>PLANNING SUB-COMMITTEE</b>	<b>Classification INFORMATION</b>	<b>Enclosures</b>
	<b>Ward(s) Affected</b> <b>ALL</b>	<b>APPEAL SUMMARY</b> <b>May 2008</b>
<b>October 2008</b>		

**1. SUMMARY**

Attached for Members' information is a report summarising all Planning Inspectorate appeal decisions received for the month of May 2008.

**2. RECOMMENDATION**

That the attached schedule be received for Members' information.

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

**FIONA FLETCHER-SMITH**  
**CORPORATE DIRECTOR, NEIGHBOURHOODS AND REGENERATION**

Report Originating Officer: Franziska Lang (ph: 0208 356 8291)

**Background Papers**

The following documents have been relied upon in the preparation of this report:

<b>Description of Document</b>	<b>Location</b>	<b>Date</b>
MVM Panorama Planning System and PINS on-line case search	263 Mare Street, E8	September 08

**MONTHLY APPEAL DECISION INFORMATION BULLETIN**

**SUMMARY INFORMATION FOR THE MONTH OF MAY 2008**

**Statistics for all Planning and Enforcement Appeals**

Planning (Including Listed Building, Conservation Area Consents and Adverts)		Enforcement	
Number of appeals received:	10	Number of appeals received:	5
Number of appeals withdrawn:	1	Number of appeals withdrawn:	0
Number of appeals decided:	7	Number of appeals decided:	2
• Dismissed	2	• Dismissed	2
• Allowed	4	• Allowed	0
• Split	1	• Split	0
Number of cost applications made	0	Number of cost applications made	0

**Best Value Performance Indicator (BVPI) 204 Statistics**

Number of appeals forming BVPI statistic: 7 (Refer to note below for explanation)

	BVPI 204 May 2008 (S.78 Determined)	BVPI target 2008/2009	BVPI since 1 <sup>st</sup> April 2008
Number of Appeals Dismissed	2/7 (28.6%)	62.0%	6/12 (50%)
Number of Appeals Allowed	4/7 (57.1%)	38.0%	6/12 (50%)
Number of Appeals with Split Decision	1/7 (14.3%)	Forms part of the 'Allowed' statistic above	

**Note:**

Planning appeals for the purposes of the BVPI statistic includes appeals on planning applications where the Council has refused planning permission. It does not include planning appeals against conditions or non-determinations. The calculation also excludes all other application types of appeal, e.g. Advertisement Appeals, Enforcement Appeals and Lawful Development Certificate appeals. A partially allowed appeal must be counted as an allowed appeal (Extract from Best Value Performance Indicators by Audit Commission).

1. **Site Address: Unit 18a and adjacent space at Kingsland Shopping Centre, Kingsland High Street, London E8 2LX**  
**Application and Appeal Reference: 2007/1293 & APP/U5360/A/07/2054901**

**Inspectors Ruling: ALLOWED**

**Development Description:** Removal of all internal walls, fixtures and fittings at first floor level to create open plan retail space, changing use to A1. Removal of internal walls at ground floor level to the extent shown and removal of existing stairs. Provision of new stairs in new location and external elevation changes.

**Type of Appeal:** Hearing appeal against the Council's refusal of planning permission.

**Key Policies/ Material Considerations:** PPS1 and Planning and Access for Disabled People: A good practice guide.

**Inspector Considerations and Key Issues:** The effect of the proposal on the vitality and viability of the Kingsland Shopping Centre together with the implications for social inclusivity.

**Brief Assessment:** The Inspector explored the background of the original planning permission for the Kingsland Shopping Centre which included a condition requiring provision of replacement toilet facilities to be made available prior to closure of the Stanborough Passage toilets. However the condition did not include any stipulation that they thereafter be kept available. The appellants put their case that the toilets within the mall were provided at their own volition about 5 years ago. The Inspector found that these toilets were not in fact public toilets and that therefore there was no onus on the appellant to ensure re-provision of these facilities. In addition, the Inspector found that alternative facilities were available within a number of the units within the mall, in the mall car park and on nearby Ridley Street. Accordingly no group was particularly disadvantaged and therefore there were no social exclusion implications. Accordingly the appeal was allowed.

**Implications:** No new implications

2. **Site Address: 332-334 Old Street, London EC1V 9DR**  
**Application and Appeal Reference: 2006/0120/ENF & APP/U5360/C/07/2051318**

**Inspectors Ruling: DISMISSED**

**Development Description:** Without planning permission, the use of the premises for retail (A1) purposes.

**Type of Appeal:** Public inquiry appeal against an enforcement notice served by the Council on 15 June 2007. The appeal was made on Ground (a) – That planning permission should be granted for what is alleged in the notice, and Ground (d) – that the material change of use occurred more than 10 years before the notice was issued.

**Key Policies/ Material Considerations:** Council's emerging LDF, the Atkins Report, South Shoreditch Supplementary Planning Document, PPS1, PPG4, relevant London Plan Policies.

**Inspector Considerations and Key Issues:** Whether or not the change of use would result in harmful loss of suitable employment generating floor space within a Defined Employment Area.

**Brief Assessment:** In terms of Ground (a) the Inspector considered that the change of use to retail would be contrary to the aims of the Defined Employment Area, the supporting aims of the adopted South Shoreditch SPD and the relevant London Plan policies. In terms of Ground (d) there was insufficient evidence to convince the Inspector that the change of use to retail had occurred more than ten years ago.

**Implications:** The Council relied heavily on the evidence base in the Atkins Report which basically states that all existing employment areas should be retained and protected within the emerging LDF. In that regard this forms a useful decision to quote in future appeal cases concerning loss of employment floorspace.

3. **Site Address: 94 Green Lanes, London N16 9EJ**

**Application and Appeal Reference: 2007/1170 & APP/U5360/A/07/2057180**

**Inspectors Ruling: DISMISSED**

**Development Description:** Building of a rear garage – kitchen and office for the kitchen as ancillary to the restaurant and retain the use of the ground floor and second floor as a restaurant.

**Type of Appeal:** Hearing appeal against the Council's refusal of planning permission.

**Key Policies/ Material Considerations:** UDP Policy EQ1

**Inspector Considerations and Key Issues:** The effect of the development on the character and appearance of the area and the living conditions of neighbouring residents.

**Brief Assessment:** The Inspector considered that there would be an adverse impact on the living conditions of neighbours due to noise and disturbance. This would arise due to the separation between the garage and the restaurant and as staff would have to exit one building and enter the other on a regular basis in order to cater for the restaurant. The Inspector did not consider that the proposal would harm the character and appearance of the area. Overall, the appeal was dismissed due to the resultant noise and disturbance.

**Implications:** No new implications

4. **Site Address: 297A Green Lanes, London N4 2ES**

**Application and Appeal Reference: 2007/1744 & APP/U5360/A/08/2065104**

**Inspectors Ruling: SPLIT DECISION**

**Development Description:** Mansard roof addition and single story rear extension

**Type of Appeal:** Written representations appeal against Council's refusal of planning permission.

**Key Policies/ Material Considerations:** UDP Policy EQ1, PPS1 and PPS3.

**Inspector Considerations and Key Issues:** The effect of the development on the character and appearance of the existing building and the surrounding area.

**Brief Assessment:** The Inspector considered that the proposed mansard roof extension would increase the overall height of the existing dwelling. The mansard extension would dominate the property and fail to integrate with the locality. The Inspector considered that the proposed rear extension would be acceptable and therefore the appeal was allowed in part.

**Implications:** No new implications

5. **Site Address: 66 Durley Road, London N16 5JS**

**Application and Appeal Reference: 2007/1009 & APP/U5360/A/08/2065386**

**Inspectors Ruling: DISMISSED**

**Development Description:** Single-storey extension at rear ground floor level and installation of a roof light in the roof of the existing ground floor rear extension.

**Type of Appeal:** Written representations appeal against Council's refusal of planning permission.

**Key Policies/ Material Considerations:** UDP Policy EQ1

**Inspector Considerations and Key Issues:** The effect of the development on the character and appearance of the building.

**Brief Assessment:** The Inspector considered that the differences in design and the lack of integration with the host building would be detrimental to the character and appearance of the host building.

**Implications:** No new implications

6. **Site Address: 61 Queens Drive, London N4 2BG**  
**Application and Appeal Reference: 2007/1501 & APP/U5360/A/07/2062078**

**Inspectors Ruling: DISMISSED**

**Development Description:** Conversion of a single family dwelling into 1 No 3 bedrooms self-contained flat and 3 No 2 bedrooms self contained flats.

**Type of Appeal:** Written representations appeal against Council's refusal of planning permission.

**Key Policies/ Material Considerations:** UDP Policy HO12

**Inspector Considerations and Key Issues:** Whether the proposal would provide accommodation suitable for occupation by a larger family.

**Brief Assessment:** The Inspector felt that the proposed lower ground floor flat would be of a sufficient size to accommodate a family of six people. She noted that although the text accompanying policy HO12 refers to the need to maintain accommodation for large households of eight or more people, it also stated that the policy would be reviewed to ensure it continues to meet local housing needs. However no such review has taken place since 1995 so the Inspector considered that there was insufficient supporting information to assume that the need for 8 person+ households was still the same.

**Implications:** No new implications

7. **Site Address: 218 Haggerston Road, London E8 4HT**  
**Application and Appeal Reference: 2004/0182/ENF & APP/U5360/C/07/2051185**

**Inspectors Ruling: DISMISSED**

**Development Description:** Without planning permission, the unauthorised change of use to a restaurant.

**Type of Appeal:** Public inquiry appeal against an enforcement notice served by the Council on 25 May 2007. The appeal was made on grounds (a) – that planning permission should be granted and (d) – that the use is immune from enforcement action.

**Key Policies/ Material Considerations:** N/A

**Inspector Considerations and Key Issues:** Whether the change of use to a restaurant occurred more than 10 years prior to the date of the notice.

**Brief Assessment:** The Inspector considered that the evidence did not prove that the premises had been used as a restaurant (Use Class A3) for at least ten years.

**Implications:** No new implications.

8. **Site Address: 87 Riverside Close, Clapton, London E5 9SS**  
**Application and Appeal Reference: 2007/1028 & APP/U5360/A/08/2064871**

**Inspectors Ruling: ALLOWED**

**Development Description:** Removal of the existing bay window to provide a balcony, including new metal balustrading, terrace and new doors.

**Type of Appeal:** Written representations appeal against the Council's refusal of planning permission.

**Key Policies/ Material Considerations:** UDP Policy EQ1

**Inspector Considerations and Key Issues:** The effect of the proposal on the character appearance of the building in which the flat is located and the living conditions of adjacent



residents with regard to privacy, noise and disturbance.

**Brief Assessment:** The Inspector considered that the proposed balcony would be similar to other such existing balconies at the site. It would respect the visual integrity and established scale of the building and would therefore comply with Policy EQ1.

**Implications:** No new implications.

9. **Site Address: Nelson House, 87 Red Square, Carysfort Road, London N16 9AG**

**Application and Appeal Reference: 2006/3391 7 APP/U5360/A/07/2055105**

<b>Inspectors Ruling: ALLOWED</b>
-----------------------------------

**Development Description:** Change of use from live/work to C3 residential.

**Type of Appeal:** Hearing appeal against the Council's refusal to grant planning permission.

**Key Policies/ Material Considerations:** UDP Policies EQ1 and HO20

**Inspector Considerations and Key Issues:** Whether the standard of accommodation provided within the residential unit would be satisfactory for any occupiers with particular regard to light, ventilation and outlook.

**Brief Assessment:** The Inspector considered that there was sufficient light and ventilation and that the standard of accommodation within the unit was satisfactory.

**Implications:** No new implications.

<b>REPORT OF ASSISTANT DIRECTOR OF REGENERATION AND PLANNING</b>		
<b>PLANNING SUB-COMMITTEE</b>	<b>Classification INFORMATION</b>	<b>Enclosures</b>
	<b>Ward(s) Affected</b> <b>ALL</b>	<b>APPEAL SUMMARY</b> <b>June 2008</b>
<b>October 2008</b>		

**1. SUMMARY**

Attached for Members' information is a report summarising all Planning Inspectorate appeal decisions received for the month of June 2008.

**2. RECOMMENDATION**

That the attached schedule be received for Members' information.

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

**FIONA FLETCHER-SMITH**  
**CORPORATE DIRECTOR, NEIGHBOURHOODS AND REGENERATION**

Report Originating Officer: Franziska Lang (ph: 0208 356 8291)

**Background Papers**

The following documents have been relied upon in the preparation of this report:

<b>Description of Document</b>	<b>Location</b>	<b>Date</b>
MVM Panorama Planning System and PINS on-line case search	263 Mare Street, E8	September 08

**MONTHLY APPEAL DECISION INFORMATION BULLETIN**

**SUMMARY INFORMATION FOR THE MONTH OF JUNE 2008**

**Statistics for all Planning and Enforcement Appeals**

Planning (Including Listed Building, Conservation Area Consents and Adverts)		Enforcement	
Number of appeals received:	7	Number of appeals received:	4
Number of appeals withdrawn:	0	Number of appeals withdrawn:	0
Number of appeals decided:	5	Number of appeals decided:	4
• Dismissed	5	• Dismissed	3
• Allowed	0	• Allowed	1
• Split	0	• Split	0
Number of cost applications made	0	Number of cost applications made	0

**Best Value Performance Indicator (BVPI) 204 Statistics**

**Number of appeals forming BVPI statistic: 3** (Refer to note below for explanation)

	BVPI 204 June 2008 (S.78 Determined)	BVPI target 2008/2009	BVPI since 1 <sup>st</sup> April 2008
<b>Number of Appeals Dismissed</b>	3/3 (100%)	62.0%	9/15 (60%)
<b>Number of Appeals Allowed</b>	0/3 (0%)	38.0%	6/15 (40%)
<b>Number of Appeals with Split Decision</b>	0/3 (0%)	Forms part of the 'Allowed' statistic above	

**Note:**

Planning appeals for the purposes of the BVPI statistic includes appeals on planning applications where the Council has refused planning permission. It does not include planning appeals against conditions or non-determinations. The calculation also excludes all other application types of appeal, e.g. Advertisement Appeals, Enforcement Appeals and Lawful Development Certificate appeals. A partially allowed appeal must be counted as an allowed appeal (Extract from Best Value Performance Indicators by Audit Commission).

**1. Site Address: 31 East Bank, London N16 5QS**

**Application and Appeal Reference: 2005/0333/ENF & APP/U5360/C/07/2056424**

**Inspectors Ruling: DISMISSED**

**Development Description:** Without planning permission, the erection of a ground floor single storey rear extension.

**Type of Appeal:** Public inquiry appeal against an enforcement notice served by the Council on 15 August 2007. The appeal is made under Ground (a) – That planning permission should be granted for what is alleged in the notice, Ground (c) – That there has been no breach in planning control, Ground (f) – that the steps set out in the notice to rectify the breach are excessive, and Ground (g) – that the period of compliance is too short.

**Key Policies/ Material Considerations:** PPS1 and Planning and Access for Disabled People: A good practice guide.

**Inspector Considerations and Key Issues:** The effect of the proposal on the character and appearance of the premises and on the amenity of neighbours.

**Brief Assessment:** In terms of the Ground (a) appeal the Inspector considered that there was no harm to the character and appearance of the building but that the structure did seriously harm the amenities of neighbours. In terms of the Ground (c) appeal, the Inspector held that the erection of the appeal scheme resulted in the volume of the original dwelling being enlarged by more than 50 cubic metres and also by more than 10%. Accordingly the development was not permitted development and the appeal failed on this ground also.

**Implications:** No new implications

**2. Site Address: 332-334 Old Street, London EC1V 9DR**

**Application and Appeal Reference: 2006/0120/ENF & APP/U5360/C/07/2051318**

**Inspectors Ruling: DISMISSED**

**Development Description:** Without planning permission, the use of the premises for retail (A1) purposes.

**Type of Appeal:** Public inquiry appeal against an enforcement notice served by the Council on 15 June 2007. The appeal was made on Ground (a) – That planning permission should be granted for what is alleged in the notice, and Ground (d) – that the material change of use occurred more than 10 years before the notice was issued.

**Key Policies/ Material Considerations:** Council's emerging LDF, the Atkins Report, South Shoreditch Supplementary Planning Document, PPS1, PPG4, relevant London Plan Policies.

**Inspector Considerations and Key Issues:** Whether or not the change of use would result in harmful loss of suitable employment generating floor space within a Defined Employment Area.

**Brief Assessment:** In terms of Ground (a) the Inspector considered that the change of use to retail would be contrary to the aims of the Defined Employment Area, the supporting aims of the adopted South Shoreditch SPD and the relevant London Plan policies. In terms of Ground (d) there was insufficient evidence to convince the Inspector that the change of use to retail had occurred more than ten years ago.

**Implications:** The Council relied heavily on the evidence base in the Atkins Report which basically states that all existing employment areas should be retained and protected within the emerging LDF. In that regard this forms a useful decision to quote in future appeal cases concerning loss of employment floorspace.

**3. Site Address: 16 Leabourne Road, Stamford Hill, London N16 6TA**

**Application and Appeal Reference: 2007/0704 & APP/U5360/A/07/2059588**

**Inspectors Ruling: DISMISSED**

**Development Description:** Erection of front and rear dormers to form loft extension.

**Type of Appeal:** Hearing appeal against the Council's refusal of planning permission.

**Key Policies/ Material Considerations:** UDP Policy EQ1

**Inspector Considerations and Key Issues:** The effect of the development on the character and appearance of the existing dwelling and the street scene of the locality.

**Brief Assessment:** The Inspector acknowledged that there had been a substantial number of extensions within the street which were similar to that proposed. However, he considered these existing extensions to be unsightly, particularly where they cover the entire width of each side of the roof. Details of appeals allowing similar extensions were presented by the appellant. However, the Inspector agreed with the Council that the examples of similar loft extensions which fill the whole width of the roof are unacceptable in design terms. The Inspector held that due to the excessive bulk and scale of the proposal, it fails to respect the integrity of the existing roof and completely alters the character of the existing dwelling, contrary to UDP Policy EQ1. With regards to the personal circumstances of the appellant, the Inspector said that such circumstances were transitory whilst the proposal put forward would be permanent if approved. In this case the personal circumstances were not such as to outweigh the planning considerations.

**Implications:** The reference to the transitory nature of the personal circumstances of the appellant as quoted in this decision may be useful in future appeal cases.

**4. Site Address: 32 Lingwood Road, London E5 9BN**

**Application and Appeal Reference: 2006/0220/ENF & APP/U5360/C/07/2049227**

**Inspectors Ruling: DISMISSED**

**Development Description:** Without planning permission, the erection of a front dormer and a rear dormer across the full width of the roof of the existing building on the land, the erection of a basement, ground and first floor rear extension to the existing building on the land and the erection of a rear facing balcony at roof level of the building on the land.

**Type of Appeal:** Public inquiry appeal against the Council's enforcement notice issued on 5 June 2007. The appeal was made on Ground (b) – that the breach alleged in the notice has not occurred as a matter of fact, and Ground (c) – that there has not been a breach of planning control.

**Key Policies/ Material Considerations:** N/A

**Inspector Considerations and Key Issues:** Whether the grounds of appeal can be substantiated.

**Brief Assessment:** In terms of Ground (b), the Inspector noted on his site visit that the three elements of the breach of planning control alleged in the notice had occurred as a matter of fact. Accordingly the appeal on this ground failed. In terms of the Ground (c) appeal, the Inspector considered that the works allowed under planning permission 2003/1679 had not been implemented in accordance with the approved plans. Accordingly they were not allowed by that permission. No claim was made by the appellant that the development at the property constituted permitted development. Accordingly the appeal under this ground failed as well.

**Implications:** No new implications

**5&6 Site Address: 2 Kersley Road, London N16 0NP**

**Application and Appeal Reference: 2005/1698 & APP/U5360/X/07/2053261 (Appeal A)  
& APP/U5360/C/07/2053263 (Appeal B)**

**Inspectors Ruling: APPEAL A DISMISSED, APPEAL B DISMISSED IN PART**

**Development Description:** Appeal A: Certificate of Lawful Use was sought for use of the ground and first floor of the property as a house in multiple occupation; Appeal B: Without planning permission, the conversion of the property to form three flats.

**Type of Appeal:** Appeal A: Public inquiry appeal against the Council's refusal of a Certificate of Lawful Use. Appeal B: Public inquiry appeal against the Council's enforcement notice issued on 4 July 2007. The appeal was made on Ground (b) – that the breach alleged in the notice has not occurred as a matter of fact, and Ground (c) – that there has not been a breach of planning control, Ground (d) – that the breach identified in the notice is immune from enforcement action, Ground (e) – that the notice was not properly served on everyone with an interest in the land and Ground (f) – that the steps set out in the notice to rectify the breach are excessive.

**Key Policies/ Material Considerations:** N/A

**Inspector Considerations and Key Issues:** Whether the grounds of appeal can be substantiated.

**Brief Assessment:** The Inspector dismissed Appeal A on the basis that insufficient evidence was presented to convince the Inspector, on the balance of probability, that the property had been used as an HMO for at least 10 years. In terms of Appeal B, the Inspector considered that Ground (e) was incorrectly pleaded and Appeal B therefore failed in that regard. The Inspector considered Grounds (b), (c) and (d) together. The Inspector found, as a matter of fact and degree, that the property was not being used as an HMO but as three separate flats. In terms of the Ground (d) appeal then the Inspector noted that the relevant period to be considered for the use to be immune from enforcement action was four years. Insufficient evidence was provided by the appellant to convince the Inspector that the change of use took place at least four years prior to the serving of the notice. In terms of Grounds (f), the Inspector accepted that the steps in the notice were excessive as they required the removal of all kitchens and bathrooms, which would not enable the building to revert to its former use as a single family dwelling house. The Inspector allowed an extension in the period of compliance from 3 to 6 months and therefore the appeal under ground (g) was also successful.

**Implications:** No new implications

**7. Site Address: 293 Hoxton Street, London N1 5JX**

**Application and Appeal Reference: 2004/0443/ENF & APP/U5360/C/07/2051454**

<b>Inspectors Ruling: DISMISSED</b>
-------------------------------------

**Development Description:** Without planning permission, the unauthorised construction of an extension, including 2 metal roller-shutters, to the front wall of the retail premises.

**Type of Appeal:** Public inquiry appeal against the Council's enforcement notice issued on 26 June 2007. The appeal was made on Ground (a) – that planning permission should be granted for what is alleged in the notice, and Ground (d) – that the breach identified in the notice is immune from enforcement action.

**Key Policies/ Material Considerations:** PPS1, UDP Policies EQ1, EQ12 and London Plan Policies 4B.1 and 4B.11.

**Inspector Considerations and Key Issues:** In terms of the Ground (a) appeal, this is the effect of the development on the character and appearance of the building and the surrounding area, including its effect on the setting of the Hoxton Street Conservation Area and the Parish Church of St Anne, Hoxton with St Columbia, which is a Grade II Listed Building.

**Brief Assessment:** The Inspector considered the Ground (d) appeal first and found that the evidence presented by the appellant was not sufficiently precise or unambiguous to establish on the balance of probability that the extension was substantially completed before 26 June 2003. In terms of the Ground (a) appeal the Inspector found that the roller shutters and front extension did not affect the setting of the nearby listed building but that they were incongruous and visually harmful.

**Implications:** No new implications



8. **Site Address: 2-16 Phipp Street, London EC2A 4NU**

**Application and Appeal Reference: 2007/2099 & APP/U5360/A/08/2067539**

**Inspectors Ruling: DISMISSED**

**Development Description:** Erection of a new four-storey plus basement building to provide 1,536sqm of Class B1 accommodation and 11 residential units.

**Type of Appeal:** Hearing appeal against the Council's refusal of planning permission.

**Key Policies/ Material Considerations:** PPS3, London Plan Policies 3A.9 and 3A.11, SPD 'Affordable Housing',

**Inspector Considerations and Key Issues:** Whether the proposal would accord with national and local policies relating to affordable housing and whether there are any material considerations that would outweigh any conflict with affordable housing policies.

**Brief Assessment:** The appellants set out that a previously approved scheme (ref.2004.2539) should be regarded as a fall-back position. It is noted that no affordable housing was required to be provided by the Council in the 2004 scheme. On site, the Inspector found that what had been built was more consistent with the appeal scheme than the scheme permitted in 2004. Accordingly he considered that the 2004 scheme did not represent a realistic fall-back position. The Inspector concluded that the proposal would fail to comply with adviCe in PPS3 and with London Plan policies relating to the provision of affordable housing.

**Implications:** No new implications.

9&10 **Site Address: 42 Lower Clapton Road, London E5 0PD (The Lord Cecil Public House)**

**Application and Appeal Reference: 2007/1866 & APP/U5360/A/08/2070410 (Appeal A)**

**& 2007/1868& APP/U5360/E/08/2070412 (Appeal B)**

**Inspectors Ruling: BOTH APPEALS DISMISSED**

**Development Description:** Appeal A: Demolition of existing public house and erection of part 3-storey part 5-storey building plus basement to provide three 4-bed houses, one 3-bed maisonette, one 2-bed maisonette and 11 flats comprising six 1-bed flats, four 2-bed flats and one 3-bed flat and 143sqm of commercial retail A1/A2. Appeal B: Demolition of entire building.

**Type of Appeal:** Appeal A: Written representations appeal against the Council's refusal of planning permission. Appeal B: Written representations appeal against the Council's refusal of Conservation Area Consent.

**Key Policies/ Material Considerations:** Clapton Square Conservation Area Appraisal, PPG15, London Plan Policy 4B.1, UDP Policies EQ1, EQ12 and EQ13.

**Inspector Considerations and Key Issues:** In both appeals, the main issues were the effect of the proposals on the character and appearance of the Clapton Square Conservation Area, having regard to the duty under Section 72(1) of the Planning (listed buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

**Brief Assessment:** Whilst the Inspector acknowledged that several alterations and modifications had been made to the building over time, in his view they did not undermine the quality of the building to the extent that it no longer has an important role in the Conservation Area. The Inspector considered that the building is an important component of the street scape and therefore makes a positive contribution to the character and appearance of the Conservation Area. The Inspector considered that, despite evidence of vandalism, squatters, fire damage, missing roof tiles and general decay no sound case had been made to demonstrate that restoration is unviable. Furthermore, no clear evidence was provided to demonstrate the extent of marketing of the property for alternative uses. Whilst the Inspector was satisfied with the design solution offered by the proposed re-build, he did heed advice in PPG15 which states that the architectural merits of

proposed replacement buildings should not in themselves justify demolition other than in exceptional cases. The Inspector did not consider that the provision of affordable housing in the replacement scheme provided exceptional circumstances in this case. Accordingly both appeals were dismissed.

**Implications:** No new implications.

This page is intentionally left blank

<b>REPORT OF ASSISTANT DIRECTOR OF REGENERATION AND PLANNING</b>		
<b>PLANNING SUB-COMMITTEE</b>	<b>Classification INFORMATION</b>	<b>Enclosures</b>
	<b>Ward(s) Affected</b>	<b>APPEAL SUMMARY</b>
<b>October 2008</b>	<b>ALL</b>	<b>July 2008</b>

**1. SUMMARY**

Attached for Members' information is a report summarising all Planning Inspectorate appeal decisions received for the month of July 2008.

**2. RECOMMENDATION**

That the attached schedule be received for Members' information.

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

**FIONA FLETCHER-SMITH**  
**CORPORATE DIRECTOR, NEIGHBOURHOODS AND REGENERATION**

Report Originating Officer: Franziska Lang (ph: 0208 356 8291)

**Background Papers**

The following documents have been relied upon in the preparation of this report:

<b>Description of Document</b>	<b>Location</b>	<b>Date</b>
MVM Panorama Planning System and PINS on-line case search	263 Mare Street, E8	September 08

**MONTHLY APPEAL DECISION INFORMATION BULLETIN**

**SUMMARY INFORMATION FOR THE MONTH OF JULY 2008**

**Statistics for all Planning and Enforcement Appeals**

Planning (Including Listed Building, Conservation Area Consents and Adverts)		Enforcement	
Number of appeals received:	11	Number of appeals received:	5
Number of appeals withdrawn:	0	Number of appeals withdrawn:	0
Number of appeals decided:	6	Number of appeals decided:	3
• Dismissed	3	• Dismissed	2
• Allowed	3	• Allowed	1
• Split	0	• Split	0
Number of cost applications made	0	Number of cost applications made	0

**Best Value Performance Indicator (BVPI) 204 Statistics**

**Number of appeals forming BVPI statistic: 4** (Refer to note below for explanation)

	BVPI 204 July 2008 (S.78 Determined)	BVPI target 2008/2009	BVPI since 1 <sup>st</sup> April 2008
Number of Appeals Dismissed	3/4 (75%)	62.0%	12/19 (63.2%)
Number of Appeals Allowed	1/4 (25%)	38.0%	7/19 (36.8%)
Number of Appeals with Split Decision	0/4 (0%)	Forms part of the 'Allowed' statistic above	

**Note:**

Planning appeals for the purposes of the BVPI statistic includes appeals on planning applications where the Council has refused planning permission. It does not include planning appeals against conditions or non-determinations. The calculation also excludes all other application types of appeal, e.g. Advertisement Appeals, Enforcement Appeals and Lawful Development Certificate appeals. A partially allowed appeal must be counted as an allowed appeal (Extract from Best Value Performance Indicators by Audit Commission).

1. **Site Address: 7 Albion Parade, London N16 9LD**  
**Application and Appeal Reference: 2007/3083 & APP/U5360/H/08/1202813**

**Inspectors Ruling: ALLOWED**

**Development Description:** Internally illuminated, double-sided, free-standing display unit.

**Type of Appeal:** Written representations appeal against the Council's refusal to grant express consent.

**Key Policies/ Material Considerations:** N/A

**Inspector Considerations and Key Issues:** Whether the unit in its position on the forecourt causes a partial obstruction to the adjacent entrances and compromises the security of residents entering and exiting the adjacent doorways at night.

**Brief Assessment:** The Inspector did not agree with the Council that the sign would obstruct the coming and goings of local residents.

**Implications:** No new implications

2. **Site Address: 19 Hackney Road, London E2 7NX**  
**Application and Appeal Reference: 2004/1479/ENF & APP/U5360/C/07/2055965**

**Inspectors Ruling: ALLOWED**

**Development Description:** Without planning permission, the unauthorised material change of use of the premises from use as a shop [A1] to a mixed use as residential accommodation [first & second floor] and as restaurant/café and as an outlet for hot food takeaways [A3 and A5].

**Type of Appeal:** Public inquiry appeal against an enforcement notice served by the Council on 20 August 2007. The appeal was made on Ground (a) – That planning permission should be granted for what is alleged in the notice, and Ground (d) – that the material change of use occurred more than 10 years before the notice was issued.

**Key Policies/ Material Considerations:** Not cited

**Inspector Considerations and Key Issues:** Not given

**Brief Assessment:** In terms of Ground (a) the Inspector considered that the proposed use as a restaurant and hot food takeaway would not have a detrimental impact on neighbours and would preserve the character and appearance of the Kingsland Conservation Area. Therefore the appeal was allowed. In terms of Ground (d), the Inspector held that insufficient evidence was submitted to demonstrate a continuous ten year period of use. Accordingly that ground was not successful.

**Implications:** No new implications.

3. **Site Address: 1 Cricketfield Road, London E5 8NR**  
**Application and Appeal Reference: 2007/1374 & APP/U5360/A/08/2066245**

**Inspectors Ruling: DISMISSED**

**Development Description:** Creation of nine new flats above existing ground floor workshop adapted for access to upper floors.

**Type of Appeal:** Written representations appeal against the Council's refusal of planning permission.

**Key Policies/ Material Considerations:** UDP Policy EQ1

**Inspector Considerations and Key Issues:** The effect of the development on the living conditions of neighbouring residential occupiers with particular reference to daylight and outlook.

**Brief Assessment:** The Inspector determined that of two previous appeal decisions (one allowed,



one refused) for a similar proposal he afforded more weight to a decision which was dismissed based on the impact on neighbour's amenities. The bulk and mass created by the proposed development would further reduce the daylight to neighbouring garden areas contrary to UDP Policy EQ1.

**Implications:** No new implications.

**4. Site Address: Flat B, 23 Albion Road, Stoke Newington, London N16 9PP**

**Application and Appeal Reference: 2007/1759 & APP/U5360/A/08/2068404**

**Inspectors Ruling: DISMISSED**

**Development Description:** Replace three wooden vertical sliding sash windows at the front of the first floor flat with double glazed units of exactly the same design and dimensions, but in white uPVC.

**Type of Appeal:** Written representations appeal against the Council's refusal of planning permission.

**Key Policies/ Material Considerations:** UDP Policy EQ1 and London Plan Policy 4B.1

**Inspector Considerations and Key Issues:** The effect of the proposed windows on the character and appearance of the subject building and the surrounding area.

**Brief Assessment:** The Inspector considered that the building makes an important contribution to the Albion Road street scene. The architectural integrity would be eroded by the proposal. The Inspector acknowledged that the area was not a Conservation Area but that it nonetheless contained terraces of decent traditional dwellings. He identified that existing uPVC window replacements have had a negative effect on the character and appearance of the area. Accordingly the appeal was dismissed.

**Implications:** No new implications

**5. Site Address: 3 Filey Avenue, London N16 6NU**

**Application and Appeal Reference: APP/U5360/C/07/2054740 (Appeal A) & APP/U5360/C/07/2056412 (Appeal B)**

**Inspectors Ruling: ALLOWED**

**Development Description:** Without planning permission, the construction of a single-storey extension at the rear of the property.

**Type of Appeal:** Public inquiry appeals against the Council's enforcement notice issued on 16 August 2007. The appeal was made on Ground (a) – That planning permission should be granted for what is alleged in the notice, Ground (c) – that there has not been a breach of planning control, Ground (d) – that the breach identified in the notice is immune from enforcement action, Ground (f) – that the steps set out in the notice to rectify the breach are excessive, and Ground (g) – that the period for compliance is too short.

**Key Policies/ Material Considerations:** N/A

**Inspector Considerations and Key Issues:** Whether the grounds of appeal can be substantiated.

**Brief Assessment:** At the inquiry it was put forward that the extension was permitted development as the extension is exactly 10% of the cubic content of the original dwellinghouse. Accordingly the appeal under ground (c) was successful and the other grounds did not fall to be considered.

**Implications:** It is essential for enforcement officers to take accurate measurements of unauthorised extensions in order to determine whether permitted development rights apply.

**6. Site Address: 9 Appold Street, London EC2A 2AP**

**Application and Appeal Reference: 2007/2160 & APP/U5360/A/08/2067514**

**Inspectors Ruling: ALLOWED**

**Development Description:** Change of use from A1 retail unit to restaurant/bar (A3 and A4) involving erection of single-storey front extension.

**Type of Appeal:** Written representations appeal against Council's refusal of planning permission.

**Key Policies/ Material Considerations:** UDP Policy EQ1 and London Plan Policy 4B.1

**Inspector Considerations and Key Issues:** The effect of the proposal on the character and appearance of the area.

**Brief Assessment:** The Inspector considered that by virtue of its single-storey height, limited forward extension of the existing building line, uncomplicated design and use of compatible materials the proposal would be in harmony with the scale, massing, rhythm and design of the existing building.

**Implications:** No new implications

7. **Site Address: Units A, B, C, E, F, G and H Enterprise House, Tudor Grove, London E9 7QL**

**Application and Appeal Reference: 2007/2621 & APP/U5360/X/08/2071726**

**Inspectors Ruling: ALLOWED**

**Development Description:** Use as seven self-contained residential flats (Use Class C3).

**Type of Appeal:** Public inquiry appeal against the Council's refusal of a Certificate of Lawful Use.

**Key Policies/ Material Considerations:** N/A

**Inspector Considerations and Key Issues:** None cited.

**Brief Assessment:** Sufficient evidence was submitted by the appellant to satisfy the Inspector that each of the seven flats concerned had been continuously occupied as a separate dwelling for a period of at least four years ending with the date of the LDC application. Accordingly the Inspector issued a Certificate of Lawful Use for the use.

**Implications:** No new implications.

8. **Site Address: Labamba Fashion and Textiles, 217a Lower Clapton Road, London E5 8EG**

**Application and Appeal Reference: 2007/1760 & APP/U5360/A/08/2069491**

**Inspectors Ruling: DISMISSED**

**Development Description:** Installation of an ATM to the existing front elevation of the building.

**Type of Appeal:** Written representations appeal against the Council's refusal of planning permission.

**Key Policies/ Material Considerations:** UDP Policies EQ48.

**Inspector Considerations and Key Issues:** Whether or not the proposal would be likely to lead to an increase in crime or fear of crime and anti-social behaviour in the area.

**Brief Assessment:** Given representations from local residents that the ATM vestibule was being slept in and frequently used as a toilet, the Inspector considered that it is likely that the proposal would lead to an increase in anti-social behaviour in the vicinity of the appeal site and that this would have a harmful impact on the living conditions of the occupier of apartments above the ATM premises.

**Implications:** No new implications.

This page is intentionally left blank

<b>REPORT OF ASSISTANT DIRECTOR OF REGENERATION AND PLANNING</b>		
<b>PLANNING SUB-COMMITTEE</b>	<b>Classification INFORMATION</b>	<b>Enclosures</b>
	<b>Ward(s) Affected</b>	<b>APPEAL SUMMARY</b>
<b>October 2008</b>	<b>ALL</b>	<b>August 2008</b>

**1. SUMMARY**

Attached for Members' information is a report summarising all Planning Inspectorate appeal decisions received for the month of August 2008.

**2. RECOMMENDATION**

That the attached schedule be received for Members' information.

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

**FIONA FLETCHER-SMITH**  
**CORPORATE DIRECTOR, NEIGHBOURHOODS AND REGENERATION**

Report Originating Officer: Franziska Lang (ph: 0208 356 8291)

**Background Papers**

The following documents have been relied upon in the preparation of this report:

<b>Description of Document</b>	<b>Location</b>	<b>Date</b>
MVM Panorama Planning System and PINS on-line case search	263 Mare Street, E8	September 08

**MONTHLY APPEAL DECISION INFORMATION BULLETIN**

**SUMMARY INFORMATION FOR THE MONTH OF AUGUST 2008**

**Statistics for all Planning and Enforcement Appeals**

Planning (Including Listed Building, Conservation Area Consents and Adverts)		Enforcement	
Number of appeals received:	11	Number of appeals received:	1
Number of appeals withdrawn:	1	Number of appeals withdrawn:	0
Number of appeals decided:	7	Number of appeals decided:	3
• Dismissed	4	• Dismissed	0
• Allowed	3	• Allowed	3
• Split	0	• Split	0
Number of cost applications made	3	Number of cost applications made	0

**Best Value Performance Indicator (BVPI) 204 Statistics**

Number of appeals forming BVPI statistic: 4 (Refer to note below for explanation)

	BVPI 204 August 2008 (S.78 Determined)	BVPI target 2008/2009	BVPI since 1 <sup>st</sup> April 2008
Number of Appeals Dismissed	3/4 (75%)	62.0%	15/23 (65.2%)
Number of Appeals Allowed	1/4 (25%)	38.0%	8/23 (34.8%)
Number of Appeals with Split Decision	0/4 (0%)	Forms part of the 'Allowed' statistic above	

**Note:**

Planning appeals for the purposes of the BVPI statistic includes appeals on planning applications where the Council has refused planning permission. It does not include planning appeals against conditions or non-determinations. The calculation also excludes all other application types of appeal, e.g. Advertisement Appeals, Enforcement Appeals and Lawful Development Certificate appeals. A partially allowed appeal must be counted as an allowed appeal (Extract from Best Value Performance Indicators by Audit Commission).

**1. Site Address: 50 Wenlock Street, London N1 7QW**

**Application and Appeal Reference: 2007/2732 & APP/U5360/A/08/2076060**

**Inspectors Ruling: DISMISSED**

**Development Description:** Demolition of existing building and the erection of a 6-storey building to comprise 22 residential units with associated parking (2 spaces) and landscaping.

**Type of Appeal:** Written representations appeal against the Council's refusal to grant express consent.

**Key Policies/ Material Considerations:** UDP Policies EQ1, Ho3 and TR19, London Plan Policies 3C.23 and 4B.1.

**Inspector Considerations and Key Issues:** the effect of the proposed development on the character and appearance of the area, the living conditions of future occupiers, highway and pedestrian safety, the water environment and health with particular reference to contamination.

**Brief Assessment:** In terms of the effect on character and appearance, the Inspector considered that the building would not have a sufficiently active frontage with relatively featureless ground floor elevational treatment. Accordingly the Inspector decided that the proposed development would have a materially harmful effect on the character and appearance of the area. In terms of living conditions of future occupiers, the Inspector held that the private amenity spaces, due to their sunken position and the proximity of adjacent existing buildings, would be gloomy and unattractive spaces. In addition the Inspector was not satisfied that all the habitable rooms at basement level and the rooms next to the ground floor amenity space next to the building at 52 Wenlock Street would receive adequate sunlight and daylight. In terms of proposed disabled parking provision, the Inspector concluded that the location of this on the highway would not have an adverse effect on pedestrian safety. The Inspector was satisfied that there were no evident contamination issues as further advice to that effect was received by the appellant from the Environment Agency after the planning application had been determined.

**Implications:** No new implications

**2. Site Address: 70-74 Stoke Newington Road, London N16 7XB**

**Application and Appeal Reference: 2007/0544 & APP/U5360/A/08/2065573**

**Inspectors Ruling: ALLOWED**

**Development Description:** Variation of Condition 4 (opening hours) attached to planning permission ref: 2001/0469 for the use of the ground floor unit as a bakery and grocery shop. The appellants are seeking 24hour opening of the grocery shop.

**Type of Appeal:** Section 73a appeal for the development of land without complying with a condition subject to which a previous planning permission was granted.

**Key Policies/ Material Considerations:** UDP Policies EQ1 and EQ40

**Inspector Considerations and Key Issues:** The effect of the proposed variation on the living conditions of neighbouring residents with particular reference to noise and disturbance.

**Brief Assessment:** The Inspector noted on his site visit that there are a number of supermarkets, restaurants, car hire and other premises in the vicinity which are open 24 hours. The Inspector also noted that there was no record of noise complaints about the property over the last seven years. Whilst acknowledging that the premises were not located in a designated town centre the Inspector concluded that in this particular case the continuing 24 hour use of the premises as a grocery shop would be compatible with the nature of the area and would not cause unacceptable noise and disturbance to people living nearby.

**Implications:** No new implications.

**3& 4 Site Address: Land at Wilmer Business Park, Wilmer Place, London N16 0LW**



**Application and Appeal Reference: 2006/0464/ENF & APP/U5360/C/08/2063701 (Appeal A) and APP/U5360/C/08/2063803**

**Inspectors Ruling: ALLOWED**

**Development Description:** Without planning permission, change of use of part of an industrial (B1) premises to twenty one (21) self-contained residential flats (Appeal A); and without planning permission, change of use of part of industrial (B1) premises (Units 5A, 5C, 7F and 7i) to four (4) live-work units (Appeal B).

**Type of Appeal:** Written representations appeals against two enforcement notices served by the Council on 5 December 2007 and 7 December 2007 respectively. The appeals were made under Ground (e) – that the notices were incorrectly served and Ground (g) – that the period for compliance is too short.

**Key Policies/ Material Considerations:** N/A

**Inspector Considerations and Key Issues:** Whether the grounds of appeal are substantive.

**Brief Assessment:** The Inspector determined that the notices were defectively served resulting in prejudice to the interests of the owners of the premises. Accordingly the Inspector quashed the notices, noting that this did not affect the Council's ability to serve further notices under the second bite provisions of S171B(4)(b) of the Act. As the appeals on Ground (e) were successful, the appeals under Ground (g) did not need to be determined.

**Implications:** No new implications.

**5. Site Address: 3a Chelmer Road, London E9 6AY**

**Application and Appeal Reference: 2006/2784 & APP/U5360/A/08/2062451**

**Inspectors Ruling: ALLOWED**

**Development Description:** Erection of a part one-, part two-storey building to provide a 10 bed space residential care home (Use Class C2) together with 3 car parking spaces and landscaping.

**Type of Appeal:** Hearing appeal against the Council's non-determination of an application for planning permission.

**Key Policies/ Material Considerations:** UDP Policies EQ1 and HO17

**Inspector Considerations and Key Issues:** Whether the proposal would materially harm the living conditions of neighbours.

**Brief Assessment:** The Inspector did not accept the Council's argument that residents of the care home would be more likely to look out of windows. Furthermore he considered that the adjacent property did not currently enjoy a high level of privacy, and that the proposed building would not appear overbearing from the rear of this property. He concluded that the proposal would not materially harm neighbour's living conditions. A costs application was made against the Council for having failed to determine the application within the prescribed time frame and for giving unclear and spurious reasons for refusal. The application was successful.

**Implications:** No new implications

**6&7 Site Address: 57-63 Kingsland Road, London E2 8AG**

**Application and Appeal Reference: 2007/2802 & APP/U5360/A/08/2068175 (Appeal A)**

**AND 2007/2806 & APP/U5360/E/08/206929 (Appeal B)**

**Inspectors Ruling: DISMISSED**

**Development Description:** Demolition of No.'s 57-63 & 67-71 Kingsland Road and the

redevelopment of the site to provide a total of 85no. residential units (27 x studio; 13 x 1-bed; 17 x 2-bed; 20 x 3-bed, 7 x 4-bed, 1 x 5-bed) with replacement commercial units fronting on to Kingsland Road, associated landscaping and storage (Appeal A); and demolition of 57-63 & 67-71 Kingsland Road (Appeal B).

**Type of Appeal:** Public inquiry appeals against the Council's non-determination of an application for planning permission (Appeal A); and against Council's refusal to grant conservation area consent (Appeal B).

**Key Policies/ Material Considerations:** Circular 05/2005 'Planning Obligations', UDP Policy EQ12.

**Inspector Considerations and Key Issues:** Appeal A: Whether the proposal would make appropriate provisions for educational facilities and whether it would include appropriate provision for affordable housing. Appeal B: Whether the proposed demolition would preserve or enhance the character or appearance of the Kingsland Road Conservation Area.

**Brief Assessment:** In terms of provision of education facilities, the Inspector concluded that, at the present time and for the immediate future, there appears to be capacity within the primary schools in the school planning area (SPA12) within which the appeal site is located. In addition he noted that from the Learning Trust's evidence it appeared that there was capacity in secondary schools within the Borough as a whole. On the issue of education contributions the Inspector concluded that the contribution sought by the Council did not pass the tests set out in Circular 05/2005, in particular that there was not a clear audit trail between the contribution sought and the infrastructure to be provided; and that therefore no contribution could be sought at all. In terms of affordable housing provision, the Inspector agreed with the Council that the drafting of the appellant's heads of terms was flawed in that it included a number of exemption which threw into serious doubt the enforceability of the agreement in terms of provision of affordable housing. The Inspector concluded on this matter that the undertaking did not adequately secure the interest of the Council in the control and enforcement of the proposed development in terms of the provision of affordable housing. In terms of Appeal B the Inspector considered that the demolition of the existing buildings, without a potential acceptable replacement, scheme would be seriously damaging to the look of the Conservation Area in conflict with UDP Policy EQ12. It is noted that both parties lodged applications for costs. The appellant was granted a partial award of costs whilst the Council's application failed.

**Implications:** This decision has serious implication for the charging of education contributions as the Council's existing SPD was afforded no weight by the Inspector. However, the decision also affirms the Councils approach to securing affordable housing in ensuring that such provision is enforceable.

8. **Site Address: 193a Mare Street, London E8 3QE**

**Application and Appeal Reference: 2006/0154/ENF & APP/U5360/C/08/2069922**

<b>Inspectors Ruling: ALLOWED</b>
-----------------------------------

**Development Description:** Without planning permission, the installation of 3 air-conditioning units to the roof of the ground floor rear extension of the premises in the approximate position marked with blue lines on the attached location plan.

**Type of Appeal:** Written representations appeal against an enforcement notice served by the Council on 18 January 2008.

**Key Policies/ Material Considerations:** UDP Policy EQ1 and EQ40, BS4142.

**Inspector Considerations and Key Issues:** The effect of the proposal on the setting of the adjoining listed building, on the character and appearance of the Mare Street Conservation Area and on the residential amenities of the occupiers of flats above the appeal premises.

**Brief Assessment:** The Inspector considered that provided that a 1.5m high screening wall was erected to raise the height of the existing wall between the appeal premises and the adjacent listed building, then the air conditioning units would no longer be visible. In terms of the noise impact of the units, the Inspector considered that the noise presently emitted by the units was unacceptable and had an adverse impact on the amenities of neighbours. However the appellant had submitted

an acoustic report including a number of recommendations to reduce the noise emitted to an acceptable level in line with British Standard BS 4142. The Inspector concluded that provided these recommendations were followed the units would be acceptable. He imposed conditions to this effect.

**Implications:** No new implications

**9. Site Address: 25 Martaban Road, London N16 5SJ**

**Application and Appeal Reference: 2007/1409 7 APP/U5360/A/08/2066690**

**Inspectors Ruling: ALLOWED**

**Development Description:** Second floor roof extension to create a three-bedroom flat with minor changes at first floor.

**Type of Appeal:** hearing appeal against the Council's refusal of planning permission.

**Key Policies/ Material Considerations:** UDP Policy EQ1 and London Plan Policy 4B.1.

**Inspector Considerations and Key Issues:** the effect of the proposed extension on the character and appearance of the existing building and the surrounding locality.

**Brief Assessment:** The Inspector considered that the proposed extension was appropriate to the existing building which is of plain design of 1930's origin. The Inspector concluded that the relatively low extension would not detract from the quality of the adjacent Victorian terraces nor that it would have an adverse effect on neighbours in terms of loss of light.

**Implications:** No new implications.

**10. Site Address: Former Lesney Toys Factory, Homerton Road, London E9 5TR**

**Application and Appeal Reference: 2007/1083 & APP/U5360/A/07/2059530**

**Inspectors Ruling: DISMISSED**

**Development Description:** Clearance of the site and the erection of part 4-, part 15-storey mixed use building to provide 3657 sqm of new commercial floorspace, including 49 affordable artist studios, falling within Use Classes A1, A2, A3, B1, B8, D1 and/or D2 together with 222 new homes including affordable provision and bicycle parking, refuse/recycling facilities and access.

**Type of Appeal:** Public inquiry appeal against Council's non-determination of an application of planning permission. It is noted that this appeal was called in to be determined by the Secretary of State on the basis that the appeal raises policy issues relating to residential development of 150 or more dwellings on more than 5 hectares of land which would significantly impact on the Government's objective to secure a better balance between housing demand and supply and create high quality, sustainable, mixed and inclusive communities.

**Key Policies/ Material Considerations:** PPS1, PPS3, PPg4, PPS 25 and PPG13, the London Plan 2008, UDP, Atkins Employment Study.

**Inspector Considerations and Key Issues:** The main issues in this case were whether the proposal was in accordance with the development plan, whether the proposal would act as a catalyst for further regeneration in the locality, whether there would be an unacceptable loss in employment floorspace, whether the design of the proposed buildings would be appropriate in the locality, whether the proposal would provide an appropriate proportion of affordable housing and a suitable dwelling size mix, whether there would be any adverse effect on residential amenity, and whether there is a flood risk at the site.

**Brief Assessment:** In view of the fact that the site is within a Defined Employment Area, the Inspector considered that the approach of 'no net loss' of employment floor space was justified and he agreed with the finding of the Atkins Report that the transfer of industrial sites to alternative uses should be carefully managed and strongly restricted. However, the Inspector also considered that the 'no net loss' policy should not be followed in an inflexible manner and that it was unlikely

that a redevelopment scheme for employment purposes would achieve such an objective. The Inspector based that opinion on the assumption that any redevelopment scheme to modern standards and solely or mainly for Class B employment uses would be likely to be of single storey construction and offer a limited amount of floorspace. Overall, the Inspector considered that material considerations such as the poor quality of the existing building, vacant space elsewhere and the state of the local market outweighed the thrust of the provisions of the development plan to protect the site for employment purposes. In terms of design, the Inspector did not agree with the Council that a tower building in this location would be inappropriate. Instead he considered the building would provide a landmark, would accord with national and local policies promoting good design, and would take the opportunities available for improving the character and quality of the area. In terms of the proposed housing, the Inspector concluded that across the board the appeal scheme fell short of both local policy and London Plan requirements in terms of the provision of family-sized accommodation. Whilst the scheme should provide 67 of such units, only 19 were proposed. The Inspector also considered the unit size mix for the different types of housing proposed. The proposal did not meet the target of 42% of 4-bedroom units for the proposed social housing. In terms of intermediate housing, no 4-bedroom units were proposed at all. In terms of the provision of affordable housing, the Inspector did not accept that the proposed provision of 40% was sufficient, despite claims by the appellant that the Council had accepted a lower proportion in other schemes and that there was already a substantial amount of affordable housing in the surrounding area. The appeal therefore failed on the basis of housing mix and tenure.

**Implications:** No new implications.

This page is intentionally left blank