



# PLANNING SUB - COMMITTEE

Wednesday, 7th January, 2009

at 6.30 pm

Council Chamber, Hackney Town Hall, Mare  
Street, London E8 1EA

**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

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# AGENDA

## Wednesday, 7th January, 2009

### 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 Special Meeting - 19 November 2008		(Pages 1 - 38)
5. Minutes of the previous meeting - 3 December 2008		(Pages 39 - 82)
6. 1-29 Lyme Grove House, Lyme Grove, Loddiges Road, London	Victoria	(Pages 83 - 106)
7. 2-4 Sharon Gardens, London, E9 7RX	Victoria	(Pages 107 - 128)
8. Berkeley Homes Ltd - Old School Site, Woodberry Grove, N4	New River	(Pages 129 - 132)
9. 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		(Pages 133 - 144)
10. St Joseph's Convent, Mare Street, E8 4SA	Victoria	(Pages 145 - 156)
11. Skinners Academy, Woodberry Grove, Finsbury Park, London, N4 1SN	New River	(Pages 157 - 182)
12. Former Redruth Library site, corner of Redruth Road and Victoria Park Road, London, E9 7JS	Victoria	(Pages 183 - 204)
13. Sounds Good Multimedia, 21-23 Sedgwick Street, London, E9 6HH	Chatham	(Pages 205 - 224)
14. Land adjacent to and Flat 8 Londesborough House, Londesborough Road, London, N16 8RN	Clissold	(Pages 225 - 250)



## 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:

- relates to an interest that you have already registered on the Register of Interests;
- relates to an interest that should be registered but you have not yet done so; or
- 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:

- 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**
- 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:**

- you need only declare your interest if you address the meeting; and**
- 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 Corporate Director of Legal and Democratic Services, 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/)

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

WEDNESDAY, 19TH NOVEMBER, 2008

**Councillors Present:**

**Councillor Vincent Stops in the Chair**

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

**Apologies:**

**None**

**Officers in Attendance**

**John McRory (Team Leader, Major Applications), Gillian Nicks (Deputy Team Leader, Major Applications Team), Femi Nwanze (Planning Applications Unit Manager), Ray Rogers (Urban Design and Conservation Manager), Scott Schimanski (Team Leader, Area Team), Anthony Traub (Senior Planner, Major Team), John Tsang, Graham Loveland (Interim Head of Regulatory Services), Sue Foster (Assistant Director of Regeneration and Planning), John Kaimakamis (Senior Planning Officer, Rosemary Lansdowne (Principal Solicitor), Emma Perry (Democratic Services Officer) and David Rees (Democratic Services Manager)**

**1     APOLOGIES FOR ABSENCE**

- 1.1     There were no apologies for absence received.
- 1.2     An apology for lateness was received from Councillor Desmond.

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

- 2.1     The order of business remained as per the agenda.

**3     DECLARATIONS OF INTEREST**

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



**4 MINUTES OF THE MEETING HELD ON 16 OCTOBER 2008**

- 4.1 The Chair took the opportunity to thank Sue Foster (Assistant Director Neighbourhoods and Regeneration), on behalf of the Sub-Committee, for all of her hard work during her six years at Hackney, as she would shortly be leaving the Council. During that time she had made a number of significant improvements to the Planning Service. She had taken the service from one that in 2002 could not even report its own statistics and was under Government directions to one that is performing well or improving in most areas and exemplary in others. The establishment of the Hackney Design Awards and Design Review Panels now means expectations of good design is accepted by embedded across the council and with developers and their architects.
- 4.2 **RESOLVED** – that the minutes of the meeting held on 16 October 2008 be APPROVED as a true and accurate record, subject to the following amendment:
- Paragraph 3.1 should read – Members that had met Matthew Evans, agent, on previous Members' Site Tours, declared a personal, non-prejudicial interest in Item 6 – St Mary's Old Church.

**5 191 EVERING ROAD, LONDON, 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 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.

**Post-Submission Revisions:** Slight amendments to the submitted drawings were received on 7 November 2008. These drawings illustrate minor alterations to the proposed front elevation and proposed floor plans which amended internal floor levels (the addition of 3 internal steps).

- 5.1 The Planning Officer introduced the report, as set out in the agenda. He referred to the addendum which detailed the amended plans and also advised the Sub-Committee that the drawing numbers shown on page 65 of the agenda should be replaced with the following amended drawing numbers:
- 191eve/1/01 Rev B
  - 191eve/1/02 Rev A
  - 191eve/2/01 Rev C
  - 191eve/2/02 Rev B
  - 191eve/2/03 Rev A
- 5.2 Bob Wilson spoke in objection to the scheme, his comments are summarised as follows:
- 16 residents had signed a petition objecting to the scheme.
  - Referred to page 70 of the agenda, as he was still not satisfied with the responses given to their representations.
  - The plans were still not accurate.
  - Believe that the applicant will still use the roof space for a balcony.

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- There was originally a garage in the basement, which had now replaced with 4 windows, which is out of keeping with the character of the surrounding properties, with the majority having 3 windows.
- The existing long extension to the rear of the property had been erected without planning permission and caused a problem with overlooking, due to it being used as a roof terrace.
- Issue of stacking, as the kitchen was in between a bedroom above and below.
- Impaired mobility, as a result of additional stairs being added, due to the ground floor being raised. The property originally had level access.

5.3 Jay Patel spoke in support of the scheme, his comments are summarised as follows:

- The resident at 193 Evering Road is not in objection to the scheme and feels that the materials proposed are in keeping with neighbouring properties. The only objection made was that they believed there should be one less bedroom on the ground floor.
- The only inaccuracies in the drawings related to the bay window which had now been rectified.
- The single storey rear extension and roof terrace have been in situ for over 10 years, therefore the works fall within permitted development. The roof terrace had also been reduced in order to reduce the amount of overlooking to the neighbouring property.
- It is not possible to make the property fully accessible on the ground floor, due to the difference in ground level between the front and back of the property.
- The 4 windows in the basement design originated from the Council's Design Team.

5.4 The Chair wished to clarify whether if a structure was in situ for more than 10 years it effectively had planning permission and the Planning Officer confirmed that this was the case.

5.5 In response to a question from the Chair regarding whether the dormer was visible from the side of the property, the Planning Officer confirmed that it was located at the rear of the property.

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

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

**RESOLVED that:-**

<b>Planning Permission be GRANTED, subject to the following conditions:</b>
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**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. 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.

**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.

**6      151 CHURCH WALK, LONDON, N16 9JU**

Erection of a four storey building to accommodate 1 x two bedroom house, 1 x three bedroom house, 1 x one bedroom flat and a 1 two bedroom flat, together with roof terraces at first, second and third floors, associated landscaping and provision for refuse storage and bicycle parking.

**Amendments:** Privacy screening to terraces and additional bicycle storage provided.

- 6.1      The Planning Officer introduced the report, as set out in the agenda.
- 6.2      Paul Treloar spoke in objection to the scheme and his comments are summarised as follows:
  - Lived in his property for over 10 years.
  - Since the small business had departed the site had become derelict. He was keen to see the area developed but was concerned with the development proposed.
  - A number of applications had already been refused on the site, due to height, scale and bulk of the development.
  - The proposed development is too oppressive and overbearing and there will be overlooking to neighbouring properties.

- The property is too high, at 4 storeys.
- He and other residents had not had any contact with the contractors.

6.3 David Mikhail spoke in support of the scheme and his comments are summarised as follows:

- The site was currently a problem and the proposed development would significantly improve this area of Church Walk.
- They had taken into consideration feedback from previous refusals and incorporated these into the new proposal.
- The property was only 4 storeys at one corner of the building.
- The ground level has been stepped down by 2m, which has improved the level of daylight/sunlight to neighbouring properties.
- Highly ecological site – highly insulated, rain water harvesting, green roof where available and the whole building was recyclable.
- Intention to build something of quality.

6.4 The Chair referred to the application submitted in 2001 which originally had 2 storeys and wished to know why four storeys was now deemed appropriate. The Planning Officer stated that the 2 storey section of the building was located nearest Clissold Road and that the 4 storey section was located furthest away from the nearest properties. He added that the existing 3m high wall had now been reduced to 2m, which will also have a positive impact on the daylight/sunlight for neighbouring properties.

6.5 In response to a question regarding daylight/sunlight, it was confirmed that a daylight/sunlight report had been submitted which specifically considered the potential impact upon the ground floor Flat 2, No.8 Clissold Road and Flat 3, 6-12 Clissold Road. This report confirmed that the level of daylight/sunlight was well within BRE guidelines.

6.6 Councillor Smith queried whether the development was too small to request a Section 106 contribution for items such as CCTV and better lighting, as there were concerns with anti-social behaviour in the area. The Interim Head of Regulatory Services stated that this development was on the margin and it would be unusual to request a S106 contribution on a small scale development such as this.

6.7 The Chair referred to the streetlamps and whether these could be placed on the proposed building, in order to help de-clutter the area. The applicant welcomed this proposal, in principle. The Chair requested that this be added as an additional Informative. This was **AGREED**.

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

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

**RESOLVED that:-**

<b>Planning Permission be GRANTED, subject to the following conditions:</b>
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**1. SCBN1 –Commencement within three years**

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

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

**2. SCB0 – Development only in accordance with submitted plans**

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

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

**3. SCM2 - Materials to be approved**

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

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

**4. 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. 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.

**6. Non-standard – Roof Material**

Notwithstanding the details shown on the plans, full details, including samples, of the roof material to be used on the external surface of the building shall be submitted to and approved by the Local Planning Authority, in writing, before any work commences on site. The proposed roof shall be constructed using pre-weathered material or be of an agreed patination that has been demonstrated to create minimal glare to adjacent properties. The development shall not be carried out otherwise than in accordance with the details thus approved.

REASON: To protect the living conditions to the occupants of neighbouring properties.

**7. SCG10 – Soil Contamination Survey/Treatment**

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.

**8. 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 2.4m 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.

**INFORMATIVES**

The following Informatives should be added:

- SI.1 Building Control
- SI.3 Sanitary, Ventilation and Drainage Arrangements
- SI.6 Control of Pollution (Clean Air, Noise, etc.)
- SI.7 Hours of Building Works
- SI.27 Regulatory Reform (Fire Safety) Order 2005
- 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.

NSI.2 An existing vehicular crossover is proposed to be deleted as part of this application and 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 they adjoin the site boundaries.

The Highways and Engineering Team, Environment Services Division, 263 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.

### **Street Lighting**

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

### **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.1 – Increasing London's Supply of Housing; 3A.2 – Borough Housing Targets; 3A.3 – Maximising the Potential of Sites; 3A.5 – Housing Choice; 4B.1 - Design principles for a compact city; 4B.4 - Enhancing the quality of the public realm.

## **7 39 NORTHCHURCH ROAD, LONDON, N1**

**Proposal (A):** Removal of rear extension and erection of part one, part two storey rear extension (full planning permission).

**Proposal (B):** Removal of rear extension and erection of part one, part two storey rear extension together with internal alterations comprising lowering of attic ceiling to create a shower room and internal alterations to create a bathroom at ground floor level.

- 7.1 The Chair wished to clarify whether any of the members knew Tim Sylvester (Assistant Director Finance), as he was the applicant. The planning Members confirmed that they did not know Tim Sylvester and had not had previous dealings with him.
- 7.2 The Planning Officer introduced the report, as set out in the agenda. The Chair asked the Urban Design & Conservation Manager to clarify the issue surrounding English Heritage and whether they should have been consulted, especially as the applicant was a Council employee.

- 7.3 The Urban Design & Conservation Manager clarified the guidance for notifications of applications to English Heritage relating to Grade II listed buildings, relevant to the application:-
- Applications for planning permission involving demolition (in whole or part) or material alteration of any listed building.
  - Applications which affect the character or appearance of a conservation area exceeding 1000sqm or higher than 20m.
- 7.4 The Urban Design & Conservation Manager stated that in his opinion the proposal did not fall within the guidance, as the works proposed did not involve the demolition of a principal external wall or a substantial part of the interior and therefore English Heritage did not need to be consulted.
- 7.5 David Smith spoke in objection to the scheme, his comments are summarised as follows:
- Circulated copies of photos to Members illustrating his argument.
  - Huge issue with the planning process, as information was not readily available. Felt to be even more of an issue as the applicant was a Council employee.
  - Architectural drawings are inaccurate and misleading.
  - Proposed development would dramatically alter the historic character of the De Beauvoir area.
  - Properties 37-63 Northchurch Road are listed buildings and form a group of properties. English Heritage states that this group of buildings must remain in character with each other.
  - Wished to know why English Heritage had not been consulted.
  - Been informed that the CAAC had been requested to withdraw their objection to the proposal.
  - Appears that the application was fast-tracked, with last minute amendments and no visit from the Conservation Team.
- 7.6 The Chair expressed his disappointment at the poor quality of the drawings provided, considering the architectural importance of the building and wished to clarify with the Planning Officer that they were satisfied the drawings accurately reflected the proposal and that a member of the Conservation Team had previously visited the site.
- 7.7 The Planning Officer stated that they were satisfied that the drawings were clear and accurately reflected the proposal and confirmed that a member of the Conservation Design Team had previously visited the site.
- 7.8 In response to the Chair, the Planning Applications Unit Manager also confirmed that she was satisfied from an enforcement point of view that the drawings were sufficiently clear and accurate to permit the Council to take enforcement action should the back extension be built above the front existing railings and be viewed from the front of the property. She added that the conservation design team were very thorough and that they would have raised objections if they were not completely satisfied with the scheme.
- 7.9 Councillor Hanson wished to clarify the issue surrounding the Conservation Area Advisory Committee (CAAC), raised by the objector. The objector stated that he had received a call from CAAC stating that they had been approached by the case officer

to withdraw their objection. The Planning Officer was not aware of this communication and would investigate the matter.

- 7.10 The Chair asked the Urban Design & Conservation Manager his view on the rear of the property and whether it would be unsymmetrical. The Urban Design & Conservation Manager stated that a conservation design officer had visited the site and although they had raised concerns about the rear of the property being unsymmetrical with neighbouring properties, they were satisfied that the extension could not be seen from the front steps of the property. This had been achieved by dropping the level of the bathroom on the ground floor. He added that the conservation team did not object to the scheme because, in this case, the extension was not harmful to the front view of the property.
- 7.11 Members wished to clarify the height of the new bathroom at the rear of the property. The Planning Officer referred to the drawings and informed Members that the level had been dropped in order to provide the bathroom with the required ceiling height and also to ensure that it was not visible from the front of the building.
- 7.12 In response to two questions from Councillor Desmond regarding materials and why the plans were not readily available, the Planning Officer stated that the materials were conditioned and that he was not aware of the issue of plans not being readily available and would follow this matter up with the case officer.
- 7.13 Members again stressed the importance of the extension not being able to be seen from the front of the building.

**Unanimously RESOLVED that:-**

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

**1. 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.

**2. 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.

**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



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.

<b>B) Listed building consent be GRANTED, subject to the following conditions:</b>
--

**1. SCB1N – 3 years**

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

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

**2. 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.

**3. SCL8B – Demolition as part of Redevelopment Only**

The demolition works hereby permitted shall not be carried out otherwise than as part of the completion of development for which planning permission ref 2008/1190 was granted on 05/11/2008 and such demolition and development shall be carried out without interruption and in complete accordance with the plans referred to in this consent and any subsequent approval of details.

REASON: As empowered by Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to maintain the character and the appearance of the De Beauvoir Conservation Area and the special architectural and historic interest of this listed building.

**4. SCL6 – Original Features**

All existing ornamental features including chimney pieces, plasterwork, architraves, panelling, doors and staircase balustrade shall remain undisturbed in their existing position and shall be fully protected during the course of works on site, unless specifically authorised otherwise on the drawings hereby approved.

REASON: To ensure that those features which contribute to the special architectural and historic interest of the building are retained.

## **REASONS FOR APPROVAL**

The following policies contained in the Hackney Unitary Development Plan (1995) and the London Plan 2008 are relevant to the approved development 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 a Conservation Areas); EQ14 (Alterations and Extensions of Buildings in Conservation Areas); EQ16 (Protection of Listed Buildings) and EQ17 (Alteration to Listed Buildings) and 4B.1 – 'Design Principles for a Compact City'.

## **INFORMATIVES**

The following Informative should be added:

- SI.1 Building Control
- SI.3 Sanitary, Ventilation and Drainage Arrangements
- SI.7 Hours of Building Works

### **8 LAND TO THE WEST OF BEECHWOOD ROAD, SOUTH OF DALSTON LANE, EAST OF ROSEBERRY PLACE AND NORTH OF TRINITY PRIMARY SCHOOL, DALSTON, LONDON, E8 3DE**

Section 73 application for the variation of the wording of conditions 3 (ground surface treatment), 4 (boundary walls), 5 (details to be approved), 6 (lighting & balcony details), 7 (soft and hard landscaping public realm design details), 10 (highway boundary details), 19 (details of public realm hard and soft landscaping), 20 (detail of non public realm hard and soft landscaping), 21 (landscape management plan), 24 (cycle storage), 29 (artefact details), 30 (safe by design), 37 (phasing plan), 39 (contaminated land study) of planning permission 2007/1803 dated 27/02/2008: Section 73 application for the variation of condition 3 (ground surface treatment), 4 (boundary walls), 5 (details to be approved), 6 (modifications), 7 (signage), 12 (roof plant enclosures), 17 (shop fronts), 18 (landscaping public realm), 19 (landscaping excluding public realm), 20 (landscape management plan), 21 (waste, recycling enclosures), 23 (cycle stands), 28 (artefact details), 29 (certificate of compliance to safe by design) and 35 (restricted delivery hours) of planning permission dated 9/11/2006 (ref: 2006/0886 for Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (SI 1999 No.293): Environmental Statement accompanying a planning application for the redevelopment of the site through the erection of two blocks being part 8, part 10 and part 19 storey buildings for the purposes of a mixed use development comprising a total of 244 residential units (81x1bed, 82 x 2 bed, 59 x 3 bed, 16 x 4 bed and 6 x 6 bed); 1711sqm of class A1 (Retail), A2 (Financial and Professional services), A3 (Restaurant/Café), A4 (Drinking Establishments) floor space; 424sqm of B1/D1 floor space (workshop, studio, community); 3168sqm of D1 floor space (Library and Archive); 4900sqm public open space; 65 car parking spaces, 62 cycle spaces for public use; new site access points, relocation to taxi stands from Roseberry Place to Dalston Lane; The proposal includes the demolition of all existing building on the subject site (amended description).

**NOTE TO MEMBERS:** The application was granted conditional planning permission subject to the signing of a S106 Legal Agreement at Planning Sub-Committee in August 2008.

This resolution followed the prior approval of application reference 2007/1803 to vary application 2006/0886 for which the discharge of a number of conditions had been sort, as reported to Members in August. The Council having the freehold of the site, are required to seek Cabinet consent to enter the Section 106; this was considered by Cabinet towards the end of October. In the meantime, conditions to the 2007 application have been discharged. The purpose of this note is to update members in relation to the progress of the development in consideration of the details that have been dealt with under condition and that consequently no longer require submission for discharge but rather to be included within the schedule of approved drawings and documents attached to a new consent.

- 8.1 The Planning Officer introduced the report, as set out in the agenda. The Planning Officer ran through each of the conditions in-turn, detailed on pages 146-149 of the agenda.
- 8.2 There being no questions from Members, the Chair moved to the vote.

**Unanimously RESOLVED that:-**

<b>A) Planning permission be GRANTED, subject to the following conditions:</b>
--

**1. SCB1 – Commencement within three years**

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

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

**2. 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 the Local Planning Authority, in writing, prior to implementation. The development shall not be carried out otherwise than in accordance with the details thus approved.

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

**3. SCM4 – Ground Surface Treatment**

Full details of all ground surface treatments to the site shall be submitted to the Local Planning Authority within one month of the date of this permission and approved in writing by the Local Planning Authority prior to the commencement of the works associated with the ground surface treatments. 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.

**4. SCM5 – Boundary Walls**

Full details including materials of all boundary walls, screening and enclosures shall be submitted to the Local Planning Authority within one month of the date of this permission and approved in writing by the Local Planning Authority prior to the commencement of the works associated with boundary walls, screening and enclosures. 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.

**5. SM7 – Details to be approved 1**

Detailed drawings (at least at 1:50 scale) including modifications to the following matters must be submitted to the Local Planning Authority within one month of the date of this permission and approved in writing by the Local Planning Authority prior to the commencement of the works associated with these items. The development shall not be carried out otherwise than in accordance with the details thus approved.

- a. Glazing;
- b. winter gardens and balconies

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

**6. SCM7 – Details to be approved 2**

Detailed drawings (at least at 1:50 scale) of the proposed development showing the matters set out below must be submitted to the Local Planning Authority within one month of the date of this permission and approved by the Local Planning Authority, in writing, prior to the commencement of the works associated with these items. The development shall not be carried out otherwise than in accordance with the details thus approved:

- a. All proposed louvers;
- b. Part elevation drawings;
- c. External 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.

**7. SCM7 – Details to be approved 3**

Detailed drawings (at least at 1:50 scale) of the proposed development showing the matters set out below must be submitted to the Local Planning Authority within one month of the date of this permission and approved in writing by the Local Planning Authority prior to the commencement of the works associated with the external lighting scheme. The development shall not be carried out otherwise than in accordance with the details thus approved.

- a). External lighting;

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. SCM11 - Modifications**

Detailed drawings showing further design and consideration of soft and hard landscaping, layout, street furniture and useable area of the public realm shall be submitted to the Local Planning Authority within one month of the date of this permission and approved in writing by the Local Planning Authority, following consultation with the GLA's Architecture and Urbanism Unit, prior to the commencement of the works associated with the soft and hard landscaping, layout, street furniture and useable area of the public realm. This part of the development shall be completed in accordance with the modification(s) thus approved.

REASON: The proposed landscaping requires further, detailed consideration to ensure an acceptable form of development.

**9. NSC1 - Signage**

Prior to occupation of the first phase of development full details of the signage, including site signs and signs on buildings must be submitted to and approved by the Local Planning Authority before any work associated with signage is commenced. The development should not be carried out otherwise than in accordance with the details thus approved.

REASON: To assist in directing members of the public around the site and ensure a consistency in design.

**10. NSC2 – Car Parking details**

Detailed drawings 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:

b. details of new access routes/routes

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

**11. NSC3 - Site boundary**

A detailed drawing to show a clear demarcation must be provided to distinguish the boundary of the site from the Public Highway within one month of the date of this permission.

REASON: To ensure that the amenity of the public highways is protected and that the development does not encroach upon it.

**12. SCM9 – No extraneous pipe work**

No soil stacks, soil vent pipes, flues, ductwork or any other pipe work 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.



**13. SCD1 – Level Access (units and shops)**

A level access shall be provided to all ground floor units hereby approved before the use is first commenced of that unit.

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

**14. SCI4 – Roof plant enclosures**

Full details of all roof plant enclosures (as shown on the approved drawings) shall be submitted to and approved in writing by the Local Planning

REASON: To safeguard the appearance of the property.

**15. SCH3 – Parking within site**

No parking of vehicles arriving at or departing from the premises shall take place otherwise than within the cartilage of the premises.

REASON: To assist in ensuring that the public highway is available for the safe and convenient passage of vehicles and pedestrians.

**16. SCH5 – Provision of parking, turning and unloading facilities**

No individual phase of the development hereby approved shall be occupied until the accommodation for car parking, turning and loading/unloading associated with that phase has been provided in accordance with the approved plans and phasing strategy, and such accommodation shall be retained permanently for use by the occupiers and/or persons.

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 car parking for residents, users and/or persons calling at the premises.

**17. SCH9 – Marking of parking/ service areas**

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

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

**18. SCS1 – Details of Shopfront**

Details of the proposed shop fronts on drawings of a suitable scale, together with materials used shall be submitted to and approved by the Local Planning Authority, in writing, before any work is commenced on that part of the development. The development shall not be carried out otherwise than in accordance with the details thus approved.

REASON: To ensure that the design of the shop front is not detrimental to the appearance of the building.

**19. NSC4 – Landscaping of public realm**

Full details of both hard and soft landscaping works associated with the public realm within the scheme shall be submitted in writing to the Local Planning Authority within one month of the date of this permission and approved in writing prior to the commencement of the works associated with the details thus approved following consultation with the GLA's Architecture and Urbanism Unit. Soft landscape works shall include: a planting plan; a schedule of plants noting species, type of stock, numbers of trees and shrubs to be included; and details of areas to be grass seeded or turfed. Hard landscape works shall include details of ramps, steps, railings, lighting, vehicular and pedestrian circulation areas, street furniture, the water feature, proposed drainage system and details of the location of a tree with associated plaque dedicated to the victims of the New Cross fire tragedy. All hard and soft landscaping works associated with the public open space shall be carried out in accordance with the approved details. The works shall be implemented in accordance with the approved phasing plan and shall be carried out within a period of twelve months from the date on which the development commences or the first planting season following completion of the relevant phase.

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

**20. NSC5 – Landscaping excluding Public Realm**

Full details of both the hard and soft landscaping works associated with the scheme excluding the public realm, balconies and winter gardens shall be submitted to the Local Planning Authority within one month of the date of this permission and approved in writing by the Local Planning Authority prior to the commencement of the works associated with the details thus approved following consultation with the GLA's Architecture and Urbanism Unit. These details shall include: surface materials, steps, railings, balustrades, bat boxes and or bricks, green and brown roofs, ramps and planting plans including a schedule of plants noting species and type of stock. All hard and soft landscaping works associated with the residential terraces shall be carried out in accordance with the approved details. The works shall be carried out in the first planting season following completion of the relevant phase of development as set out in the approved phasing plan.

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.

**21. NSC6 – Landscape management plan**

A landscape management plan (including long term design objectives, management responsibilities and maintenance schedules) for all landscaped areas, shall be submitted to the Local Planning Authority within one month of the date of this permission or as otherwise agreed in writing and approved in writing by the Local Planning Authority prior to the first occupation of the development. All works specified in the approved Landscape Management Plan shall be carried out within a period of twelve months from the date on which the development of the site commences or the first planting 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.

**22. NSC9 – Cycle Stands**

Full details of the on site provision for all cycle stands to have secure storage shall be submitted to the Local Planning Authority within one month of the date of this permission and approved by the Local Planning Authority in writing prior to the commencement of works for the details thus approved or the first occupation of the development, whichever is earlier. The approved details shall be implemented before first occupation and the development shall not be carried out otherwise than in accordance with the details thus approved.

REASON: In order to ensure that a safe and secure provision for cycle storage is located conveniently for use by cyclists.

**23. NSC10 – Environment Agency**

Details of surface water drainage and source control measures shall be submitted to and approved in writing by the Local Planning Authority before development commences, after consultation with the Environment Agency.

REASON: To prevent an increased risk of flooding, to improve water quality and to provide improved amenity and wildlife habitat.

**24. NSC13 – English Heritage**

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

REASON: Significant archaeological remains may survive on the site. The planning authority wishes to secure the provision of archaeological investigation and the subsequent recording of the remains prior to development, in accordance with the guidance and model condition set out in PPG15.

**25. NSC14 – Artefact details**

Details of the type of any artefacts from the original buildings which have been identified by the Museum of London in accordance with a condition attached to the planning permission for the demolition of the existing buildings at this site and details of their future display within the site shall be submitted to the Local Planning Authority within one month of the date of this permission or as otherwise agreed in writing and approved in writing by the Local Planning Authority prior to commencement of those works.

REASON: In the interests of preserving a link with the social and cultural history of the site.

**26. NSC15 – Certificate of Compliance to Secured by Design**

The development shall achieve a Certificate of Compliance to Secure by Design or alternatively achieve Secure by Design standards to the satisfaction of the Metropolitan Police, details of which, to include consultation with the

police during the construction period, shall be provided in writing to the Local Planning Authority within one month of the completion date.

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

**27. NSC16 – Residential space standards**

The internal layout of all residential units shall comply with unit size standards outlined in Supplementary Planning Guidance No.1 and Policy H09 (4 bed units).

REASON: To ensure a reasonable standard of internal amenity for future occupiers.

**28. NSC18 – Communal Heating System**

Details of the communal heating system shall be submitted to and approved by the Local Planning Authority. The details shall demonstrate that all users within the development will be connected to the communal heating system. The development shall not be carried out otherwise than in accordance with the details thus approved.

REASON: In the interests of sustainable design and energy saving.

**29. NSC19 – Code of Construction practice**

No development shall commence until a code of construction practice has been submitted and approved by the Local Planning Authority. The code of construction practise shall provide a control framework that the developer, contractors and sub-contractors will employ: to control on site working conditions; in relation to site fencing/site security; to minimise construction noise impact on surrounding properties likely to be adversely affected by construction activities; to provide details of traffic routes to be used by construction vehicles. The development shall not be carried out otherwise than in accordance with the details thus approved.

REASON: To avoid serious harm upon members of the public.

**30. NSC20 – Renewable Energy**

Details of the scheme to achieve no less than 10% reliance on renewable energy sources shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The development shall not be carried out otherwise than in accordance with the details thus approved.

REASON: To ensure that the development provides an acceptable amount of onsite renewable energy.

**31. NSC21 – Restricted delivery hours**

Confine delivery access to the service locations, excluding the basement car park, between the following hours:

5am to 7am and 9.30am to 5.30pm Monday to Friday

9.30am to 1.30pm Saturday

No deliveries shall be made on Sundays or Public Holidays

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

**32. NSC22 – Phasing Plan**

A phasing plan showing details of the phased delivery of the scheme hereby approved shall be submitted to the Local Planning Authority within one month of the date of this permission and approved in writing by the Local Planning Authority prior to the commencement of works on the public realm works. The development shall not be carried out otherwise than in accordance with the Phasing Plan.

REASON: To ensure that the development is implemented to the satisfaction of the Local Planning Authority.

**33. NSC23 – Site clearance and nesting season**

Site clearance should be undertaken outside of the bird nesting season (generally accepted as being between March and July). If this is not possible, all the trees, scrub and buildings should be searched for the presence of nesting birds. If any are found the nests should be protected until such time as the young have fledged and left the nest. These details should be submitted to and approved in writing by the Local Planning Authority prior to the implementation of the development.

REASON: In the interest of preserving ecology on the development site.

**34. NSC24 – Contaminated Land**

Development of the site shall not begin until a contaminated land study has been submitted to the Local Planning Authority for written approval. The study will identify the extent of the contamination and the measures to be taken to avoid risk to the public and local environment when the site is developed. Details of this study should include:

- a. A desk study report documenting the history of the site;
- b. A site investigation report to investigate and identify contamination;
- c. A risk assessment of the site;
- d. Proposals for any necessary remedial works to contain, treat or remove any contamination.

Occupation of the site and development shall not commence until the measures approved in the study have been implemented.

REASON: The development proposed for this site should not expose future users or occupiers of the site, any buildings and services, or the wider environment to risks associated with the contaminants present. This condition should ensure that the contaminated land is properly treated and made safe before development to protect public health and to meet the requirements of Council policy EQ43.

**B) 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. That the landowner/developer/mortgagee shall contribute £579,325.00 for the purpose of providing education and/or training facilities for the residents of the London Borough of Hackney;
2. The signing of a Section 278 legal agreement under the Highways Act to pay the Council £508,676.00 to reinstate and improve the footway adjacent to the boundary of the site, and include if required, any 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 London Borough of Hackney estimate or payment;
3. Footway reinstatement works;
4. That the landowner/developer/mortgagee shall provide temporary and permanent public open space plus associated Bond(s) for the open space works;
5. That the landowner/developer/mortgagee shall provide a plan for the provision of a programme of public art to require the expenditure of at least £20,000.00 but no more than £25,000.00 inclusive of design and consultation costs;
6. That the landowner/developer/mortgagee shall provide a plan setting out a package of security measures to be adopted by the developer which shall include the provision of CCTV and lighting;
7. To secure the provision of Affordable Housing comprising 8 x 2 bedroom units, 18 x 3 bedroom units and 6 x 4 bedroom units as affordable intermediate housing to be created and used exclusively as Intermediate Housing and 8 x 2 bedroom units, 11 x 3 bedroom units, 6 x 4 bedroom units and 6 x 6 bedroom units as affordable rented being the units to be created and used exclusively as Social Rented Housing;
8. A travel plan shall be provided towards assisting occupiers (both residential and commercial) to achieve sustainable travel targets with the services of a Travel Plan co-ordinator;
9. The development shall be limited to 65 car parking spaces. The developer shall notify the occupants of the residential units that they shall not be able to obtain any residential parking permit, with the exception of blue badge holders;
10. That the landowner/developer/mortgagee shall endeavor to secure at least twelve per cent of the workforce for construction of the development shall be Local Labour;
11. That the landowner/developer/mortgagee shall convene a community working group monthly during the construction phase and provide a code of construction practice;
12. That the landowner/developer/mortgagee shall provide a Housing Standards Plan in accordance with Lifetime Home Standards
13. That the landowner/developer/mortgagee shall provide a Sustainable Development Plan securing the incorporation of sustainable measures in the carrying out of the development;
14. 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

### **REASONS FOR APPROVAL**

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

EQ1-Development Requirements, EQ29-Archaeological Heritage, EQ30-Areas of Special Landscape Character, EQ32-Shop fronts, EQ40-Noise Control, EQ46-Recycling Facilities, EQ48-Designing out crime, H03-Other Sites for Housing, H016-Housing for People with Disabilities, E3-Development outside Defined Employment Areas, E18-Planning Standards, TR19-Planning Standards, R1-Town Centre, R3-Development within shopping frontages, CS2- Provision of Community Facilities, AE6-Arts and Open Space, AE8-Planning Standards, 3A.1-Increasing London's Supply of Housing, 3A.2-Borough Housing Targets, 3A.4-Housing Choice, 3A.7-Affordable Housing Targets, 3A.10-Special Needs and Specialist Housing, 4B.1-Design Principles for a Compact City, 4B.2-Promoting World Class Architecture and Design, 4B.4-Enhancing the Quality of the Public Realm, 4B.7-Respect Local Context and Communities, 4B.8-Tall Buildings- Location, 4B.9-Large-scale buildings design and impact, 4B.10-London's Built Heritage, 4B.11-Heritage Conservation, PPS1-Delivering Sustainable Development, PPS3-Housing, PPS6-Planning for Town Centers: Guidance on Design and Implementation, PPG13-Transport, PPG15-Planning and the Historic Environment, Guidance on Tall Buildings 2003 (CABE/English Heritage).

### **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.28 Refuse Storage and Disposal Arrangements
- SI.33 Landscaping
- NSI Relevant Fire Legislation
- NSI Reliance upon Renewable Energy Sources shall not be less than 10% for the site and where efficiencies are possible with the above ground development on Dalston Junction, a 25% reliance upon renewable energy is recommended.
- NSI The stair riser from Roseberry Place will be required at 150mm.
- NSI The development of this site is likely to damage archaeological remnants. The applicant should therefore submit detailed proposals in the form of an archaeological project design. The design should be in accordance with the appropriate English Heritage Guidelines.
- NSI Thames Water will aim to provide customers with a minimum pressure of 10m head (approximately one bar) and a flow rate of 9 liters/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 Please note that the Architecture and Urbanism Unit of the Greater London Authority will be consulted on all Landscaping plans submitted pursuant to this permission.
- NSI This decision notice follows earlier consents: reference 2006/0886 and 2007/1083. Conditions in relation to layout and dimension of the new basement car park; visibility; waste, recycling and dustbin enclosures; waste management plan; design and method statement; Crossrail and foundations; and 25 disabled car parking spaces were originally attached to these previous consents.

However, these details were considered and subsequently discharged, the details of which are covered by the drawings/documents attached and hereby approved under this consent.

## **9 CLISSOLD PARK AND HOUSE**

**2008/1973** – Restoration of Grade II Listed Villa to bring all areas into beneficial use as a café, Function Rooms, retail and ancillary park facilities (W.C, Ranger Point) the work includes repairs & alterations to external walls, re-roofing, internal alterations creating new layout; provision of new passenger lift, kitchen/servery, W.C facilities.

**2008/1975** – Renovations to park environment including: Demolition and removal of the following: 2 No. existing toilet blocks; Aviary; 2 No. small sheds; 5 No. entrance gates. Refurbishment of: Sluice House with change of use to A1 (refreshment kiosk 25 sqm in area); and Bowling Pavilion including re-instatement of WCs. Erection of: New Aviary; new butterfly dome; 5 No. entrance gates; storage shed; 2 No. new pedestrian bridges; Extension of the “New River” water body; development of a new sports and play area including skate park. Relocation of waste storage areas to existing depot accessed from Greenway Close.

- 9.1 The Planning Officer introduced the report, as set out in the agenda. He referred to the addendum and stated that paragraph 1.4 on page 163 of the agenda should be deleted from the report. The addendum also provided a clarification of enclosures to the New River and Lakes within Clissold Park.
- 9.2 Sally Prothero (LDA), Hyder Ajmi (Project Manager, Hackney Council) and Shane Jenson (Project Manager, Hackney Council) were in attendance to answer any questions that arose.
- 9.3 In response to a query regarding the relocation of the Hackney Tennis Club, the Planning Officer explained that the tennis club currently occupies part of the ground floor of Clissold House and that the proposal was to open up the house to the public, which would include the area they currently occupy.
- 9.4 Councillor Smith raised two questions concerning the extension to the water body and the health and safety implications and also why the interpretation centre was included within the proposal.
- 9.5 Sally Prothero explained that the extension to the New River was an important feature in the park, identified at stage 1 of the project. The extension was not as extensive as originally proposed and a low fence will be installed around it for health and safety reasons. In relation to the interpretation centre, Sally Prothero stated that it was viewed as a way of getting new people to use the park. It was also an opportunity to gain new volunteers and would also be used by local schools. The centre also makes good use of the derelict bowling pavilion.
- 9.6 The Chair asked a number of questions, firstly regarding the York Stone and what was to take its place as English Heritage were not happy with this proposal. The Urban Design & Conservation Manager explained that this was an important refurbishment project in which the Council had worked closely with English Heritage and that further discussion would need to take place on the proposed materials.



- 9.7 The Chair also wished to clarify what railings were proposed for the water bodies and also why the gates to the park were deemed unsuitable. It was confirmed that the 6ft fencing around the New River was to be removed and replaced with an 18inch fence and that the railing for the other two lakes were to remain, in order to protect the wildlife.
- 9.8 The Chair asked about the officer's concerns regarding the gates. In response the Urban Design & Conservation Manager told the Sub-Committee that they had aspirations for higher quality, contemporary gates and this would be covered by condition.
- 9.9 Discussion took place on the 1 o'clock club located within the park and the possible re-location of this. Councillor Smith stated that she would strongly object to the club being re-located as it was a very well used facility within the community. It was however acknowledged by the Sub-Committee that it was currently located within an unattractive building and that any plans to move the club into a more attractive building, at the same location, would be welcomed.

**Unanimously RESOLVED that:-**

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

**1. SCBO – In accordance with plans**

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

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

**2. SCB1N - Commencement within three years**

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

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

**3. SCM2 - Materials to be approved**

Details, including samples, of all materials to be used on the external surfaces of any building on site 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. SCD2 - Provision of access and facilities**

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

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

**5. SCT1 - Landscaping**

A landscaping scheme illustrated on detailed drawings shall be submitted to and approved by the Local Planning Authority, in writing, before any works to the park environment commences. The landscaping scheme shall consist of but is not limited to:

- a) Details of all fencing and enclosures within the park;
- b) Details of all new fixtures within the park (i.e. benches, bins);
- c) Details and methodologies for the planting of trees throughout the park environment including species, type of stock, number of trees and shrubs and any new areas to be grass seeded and/or turf.

All tree planting in accordance with the landscaping 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, 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.

**6. NSC – Tree Works**

- a) All tree works are to be done in accordance with the British Standard Recommendations for Tree works, BS 3998:1989.
- b) Climbing irons or spikes are not to be used whilst pruning trees; they may only be used for the sectional removal of trees.
- c) Pruning shall be undertaken following the principles of good arboricultural practice as stated in AAIS Arboriculture Research Note 48, Definition of the Best Pruning Position. Where aerial growth is to be removed, great care shall be taken not to leave a stub which may provide a food basis for both fresh wound parasites and decay fungi and not to cut back into or beyond the branch.
- d) Final pruning cuts should be made at a vbranch fork or at the main stem. Where the branch collar can be detected the final pruning cut should be made back to but not into the collar. When the branch collar cannot be discerned the angle of the final pruning cut should be a mirror image of the angle formed by the branch bark ridge. The final cut wound surface shall be smooth and sound and the cut should have been performed in one continuous cutting operation or movement without damaging surrounding tissues.
- e) All arisings are to be removed from site, which is to be left neatr and tidy as found.
- f) Care must be taken that the fround next to retained trees does not become compacted as a result of tree sugery operations. No vehicles or equipment such as tractors, timber lorries, cranes or excavators shall be

driven or parked beneath the crowns of any trees to be retained as this could cause soil compaction and consequent root death.

REASON: To ensure all tree works are carried out to an acceptable standard.

**7. NSC – Pollution Control**

i) The rating level of the noise emitted from the proposed compactor and park vehicles used in loading the compactor located within the existing northern depot 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 BS 4142:1997.

ii) Development shall not commence until details of a scheme complying with the above noise level has 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 amenities of the adjoining premises and the area generally.

**8. NSC – Hours of Operation for Waste Compactor**

The proposed waste compactor shall only be operated, loaded and unloaded between the hours of:

7:30am – 6:00pm : Monday to Friday

10:00am – 6:00pm : Saturdays and Sundays

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

**9. NSC – Vehicular Movements**

All vehicular/truck movements to load and unload the compactor located within the northern depot shall be made wholly within the application site. Details of turning circles shall be submitted to and approved in writing by the Local Planning Authority before the compactor is first used.

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

**10. NSC - Wheel washing facilities**

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

REASON: In the interest of highway safety.

**11. NSC – Demolition Method Statement**

Full details including a structural engineer's drawings and/or method statement indicating the proposed method or ensuring the safety and stability of the building fabric throughout the period of demolition (at lower ground level to

Clissold House) shall be submitted to and approved in writing by the Local Planning Authority on advice from English Heritage prior to the commencement of any building works to Clissold House.

REASON: To ensure all care is taken during partial demolitions to Clissold House.

**12. NSC – Clissold House – Room G7**

Full details and method statement of the removal of brick divisions and stone shelves in room G7 of Clissold House, together with design, layout and fit-out of the proposed kitchen shall be submitted to and approved in writing by the Local Planning Authority on advice from English Heritage prior to the commencement of any building works to Clissold House.

REASON: To ensure all care is taken during partial demolitions to Clissold House and that any fit-out is sympathetic to the historic fabric of Clissold House.

**13. NSC – Clissold House – Glazing Detail**

Full details of replacement glazing at the lower level of Clissold House shall be submitted to and approved in writing by the Local Planning Authority on advice from English Heritage prior to the commencement of any building works to Clissold House.

REASON: To ensure all materials are sympathetic to the historic fabric of Clissold House.

**14. SCL2 – Works to match existing**

All new works, and works of making good to the retained fabric, whether internal or external, shall be finished to match the original work with regard to the methods used and to material, colour, texture and profile, and in the case of brickwork, facebond and pointing.

REASON: To ensure that the special architectural and historic interest of this building is safeguarded / and that the proposal does not detract from the character and appearance of the area / this part of the conservation area.

**15. SCL3 – Details to Match Existing**

- i) The new joinery work shall match exactly the materials, dimensions and profiles of existing original work, except where otherwise shown in the drawings hereby approved.
- ii) All new external rainwater and soil pipes shall be formed in metal and painted black.
- iii) All new partitions shall be scribed around the existing ornamental plaster mouldings.

REASON: To ensure that the works approved are carried out in a satisfactory manner which safeguards the special historic and/or architectural interest of the building. To ensure that the special architectural and historic interest of this building is safeguarded / and that the proposal does not detract from the character and appearance of the area / this part of the conservation area.

**16. SCL4 – Brickwork to be approved**

Sample panels of brickwork, indicating the colour, texture, facebond and pointing shall be resubmitted to and approved by the Local Planning Authority before the relevant parts of the work are commenced.

REASON: In order that the works approved are carried out in a satisfactory manner which safeguards the special historic and architectural interest of the building.

**17. SCL6B – Original features to be retained**

All existing ornamental features including chimney pieces, plasterwork, architraves, panelling, doors, staircase balustrading shall remain undisturbed in their existing position and shall be fully protected during the course of works on site, unless specifically authorised otherwise on the drawings hereby approved.

REASON: To ensure that those features which contribute to the special architectural and historic interest of the building are retained.

**18. 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 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.

**19. SCD1 - Level access**

A level access shall be provided to all ground floor areas 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.

**20. 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.

**21. 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.

**22. 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 on advice from English Heritage, in writing, before the commencement of works on Clissold Hosue, 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 park users 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.

**23. NSC – Roof Balustrade to Clissold House**

Notwithstanding the information depicted on plans 455A D-06 Rev A, 455A D-07 Rev A, 455A D-08 Rev A, and 455A D-09 Rev A, full details of the safety balustrade on the roof of Clissold House shall be submitted to and approved in writing by the Local Planning Authority, on advice from English Heritage, prior to the commencement of any building works to Clissold House.

REASON: To ensure any new elements added to Clissold House do not detract from the historical fabric of the Listed Building.

**24. NSC – Landscaping Immediately Surrounding Clissold House**

Notwithstanding the information shown on the submitted plans, full details of the hard landscaping treatment in the immediate vicinity of Clissold House shall be submitted to and approved in writing by the Local Planning Authority on advice from English Heritage prior to the commencement of any building works to Clissold House.

REASON: To ensure the setting of Clissold House does not detract from the historical fabric of the Listed Building.

**25. NSC – Entrance Gates**

Notwithstanding the information shown on the submitted plans, full details of the five new entrance gates shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any building works to the entrances to Clissold Park.

REASON: To ensure any new curtilage treatment to Clissold Park enhances the Clissold Park Conservation Area.

**26. NSC – Green Waste/Composting Unit**

Notwithstanding the information shown on the submitted plans, full details of the green waste bins and layout located next to 3 Queen Elizabeth Walk (former park keepers residence) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any building works to the entrances to Clissold Park.

REASON: To ensure the facility is presented in an acceptable manner to minimise the risk of adverse health and amenity effects.

**27. NSC – Multi Use Games Area (MUGA)**

Notwithstanding the information shown on the submitted plans, full details of the MUGA including the following matters (but not limited to):

- Play equipment;
- Surface treatments; and
- Cross-sections of earth bunds.

shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any building works to the MUGA.

REASON: To ensure the facility is presented in an acceptable manner to minimise the risk of adverse health and amenity effects.

**28. NSC – Ranger Station**

Notwithstanding the information shown on the submitted plans, full details of the Ranger Station (Rooms G27, G26, and G25 of plan 455A D-02 Rev A) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any building works on Clissold House. These details shall include, but are not limited to, cross section depicting floor to ceiling heights and floor layout of the three rooms.

REASON: To ensure an acceptable level of amenity to future workers/occupiers of the Ranger Station.

**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', EQ12 'Protection of Conservation Areas', EQ13 'Demolition in Conservation Areas', EQ16 'Protection of Listed Buildings', EQ17 'Alterations to Listed Buildings', OS2 'Open Spaces and Parks', OS4 'Protection of Character of Open Spaces and Parks', OS5 'Development Affecting Open Spaces and Parks' of the Hackney Unitary Development Plan 1995, and London Plan Policies 4B.1 'Design Principles for a Compact City', 4B.11 'London's Built Heritage', 4B.12 'Heritage Conservation'. PPG15 Planning and the Historic 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.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 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.4 The applicant is advised that it is an offence under the Wildlife and Countryside Act 1981, amended by the Countryside and Rights of Way Act 2000, to:

- Kill, injure or take any wild birds;
- Damage or destroy nests that are in use or are being built;
- Take or destroy eggs.

Car must be therefore be taken that none of these offences are committed whilst undertaking the above works. If trees or hedges are to be felled or pruned between March and August, they should first be inspected carefully for nests; if found, and the proposed works are no necessary to preserve public health or safety, felling or pruning should be delayed until young birds have flown.

NSI.5 The applicant is advised that prior to undertaking any tree works, a check should be made for any evidence of bat occupancy. This should be done either by a detailed visual inspection, or if necessary through consultation by a qualified ecologist. Should a tree be found to be supporting a bat roost, it should only be felled or pruned if necessary for safety reasons. Where tree surgery is carried out, cuts will be made as far above any likely hole or crack in the bark which has potential to support a roosting bat, and crown thinning or reduction will be minimised.

**10      112 HOMERTON HIGH STREET, LONDON, E9 6JF**

Section 73 application to vary condition 2 (Minor alterations to building) and vary condition 9 (by removing the requirement of marking of 1 parking bay for people with disability) of planning permission 2006/2589 dated 15.05.2007 (for the construction of a five-storey building consisting of 18 units (4 x 1 bed, 9 x 2 bed, 3 x 3 bed, 2 x 4 bed)



together with the provision of 353m<sup>2</sup> of retail (Class A1) floorspace at ground floor level.

- 10.1 The Planning Officer introduced the report, as set out in the agenda. The addendum circulated to Members at the meeting included a copy of a previous report to the Sub-Committee on this application.
- 10.2 Rob Grantham (Contractor) was in attendance and the Chair asked him to clarify how the drawings had changed since the previous application was approved.
- 10.3 Rob Grantham explained that the changes to the drawings were mainly as a result of determining that the site had unsupportive foundations and therefore a lightweight building had to be built instead. This was considered a minor change and the main change was a loss of the disabled parking space. He was also asked by the applicant to request a variation of the TMO within the S106 agreement and to propose a bond of £3,000 to cover the costs of the TMO.
- 10.4 In response to a question from the Chair asking why the building was now 1 metre higher than the scheme that was previously agreed, Rob Grantham explained that they had consulted the planning department and it was not viewed as a major alteration when the drawings were submitted. It was confirmed that the new drawings were submitted in November 2007. It was also identified that a different architect had been brought in since the scheme had been approved.
- 10.5 The Chair asked the Planning Officer to clarify all the changes to the scheme previously approved. The Planning Officer identified these as follows:-
  - Loss of the disabled parking bay, due to the change to the loading bay entrance.
  - Internal wall and ramp been added to the ground floor retail outlet.
  - The 18 residential units to remain. Re-arrangement of the sizing of the residential units, some smaller/larger, which all still conform to building regulations.
  - The overall height of the building is 58m higher than previously agreed.
  - Some of the windows re-aligned.
- 10.6 Members wished to clarify whether the changes identified were sufficient enough to object to. The Interim Head of Regulatory Services stated that the changes were felt to be of a marginal nature and that in his opinion any move to get the building demolished would be highly unsuccessful at appeal. He added that it was not unusual for a final building to not be identical to the agreed plans and for a different architect to be brought in at a later stage. It was a case of judgement and for the Sub-Committee to consider how significant the amendments were from the approved plans.
- 10.7 Councillor Desmond asked the contractor a number of questions regarding the safety of the building with it being a timber frame and a lightweight structure. Rob Grantham confirmed that building control had been involved from the start and that the Council's building control officers had visited the site and were happy that the structure conformed to regulations. They had also submitted design calculations for the timber frame. He added that the building would be concrete up to the first floor with a timber frame above.
- 10.8 The request for a variation of the TMO with the S106 agreement was not upheld.

- 10.9 The Sub-Committee wished to convey their concerns to Family Mosaic that the plans had been altered and that there were no representatives from either Family Mosaic or the architects in attendance at the meeting. The Chair stated that he proposed to write a letter expressing these concerns to the Housing Corporation, copying in Family Mosaic.

**Unanimously RESOLVED that:-**

**A) The proposal be APPROVED, subject to the following conditions:**

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

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

2. 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. During and after works of demolition the site shall be made secure by the erection of a suitable boundary enclosure, such as a hoarding, details of which shall be submitted to and approved in writing by the Local Planning Authority before the commencement of any works. In addition, the site at all times shall be maintained in an orderly and tidy condition.

REASON: To ensure that the site is kept in a secure and tidy condition so as to safeguard the environmental and visual amenity of the conservation area.

4. 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 people with disabilities are able to gain proper access to the development.

5. A level access shall be provided to all ground floor units/shops 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.

6. 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.

7. 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.
- a) Glass canopy at entrance to the flats;
  - b) Details of all green roofs;
  - c) Details of external cladding;
  - d) Sample of external brickwork to be submitted.

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. No external shuttering shall be installed at the approved development without the written approval of the local planning authority.

REASON: In the interests of the visual amenity of the area.

9. Detailed drawings/full particulars of the proposed development showing the matters set out below; including samples where appropriate must be submitted to and approved by the Local Planning Authority, in writing, before any work is commenced on site. The development shall not be carried out otherwise than in accordance with the details thus approved:
- a) All materials on external elevations, including doors and windows
  - b) Boundary treatment
  - c) Controlled entry system at common entrance, including audio and close circuit links
  - d) Secure doors to Cycle and Bin Storage areas
  - e) Communal area lighting
  - f) Down pipes and gutters shall be square in section and be fitted flush

REASON: In the interests of ensuring a satisfactory development at the site.

**B) That recommendation A be subject to the applicant/landowner and its mortgages entering into a Section 106 planning obligation by means of a legal agreement under section 106 of the Town and Country Planning Act 1990 (as amended) in order to secure the following matter to the satisfaction of the Assistant Director of Regeneration and Planning and the Interim Corporate Director of Legal and Democratic Services:**

- 1. The applicant/developer/landowner shall be required to enter into agreement to make provision for 100% affordable housing.
- 2. The applicant/developer/landowner shall be required to enter into agreement to make a commuted sum of £ 34,033 for educational contribution based on the formula in the SPD on Planning Contribution, 23<sup>rd</sup> August 2006.
- 3. The applicant/developer/landowner shall be required to enter into agreement to make a commuted sum of £ 2,788.50 for library contribution based on the formula in the SPD on Planning Contribution, 23<sup>rd</sup> August 2006.

4. Housing Standards – all residential units to be built to lifetime home standards and Mobility Housing standards.
5. Car Free – Retention of the development as car free and CPZ parking permits available to future residents of the site.
6. Section 278 – Highways Act The owner will be required to enter into agreement under Section 278 of the Highways Act to pay £12,000 to the Council costs to reinstate and repair the public footway as a result of the demolition and construction process and £3,000 for the cost of implementation of a traffic management order (TMO).
7. Improvement of the Public Realm due to the Development will increase the residential use at this corner site, and a request is made for £3,000 to improve the public highway for walking and cyclists at this junction and between this site and the route to the nearest bus stops.
8. Sustainable Travel Plan – The submission of a Travel Plan covering both residential and business use, including servicing of the site. The contents to be included to be agreed with the Council's Transport Officer.
9. Payment by the landowner/developer/applicant of all the Council's legal and other relevant fees, disbursement and Value Added Tax in respect of the proposed negotiations and completion of the proposed Section 106 Agreement.

**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 Fire Precautions Act 2005
- SI.28 Refuse Storage and Disposal Arrangements

**11 ANY OTHER BUSINESS WHICH IN THE OPINION OF THE CHAIR IS URGENT**

- 11.1 None.

**Duration of the meeting: 18:30 – 20:30.**

**Signed**

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**Chair of the Planning Sub-Committee**

**Contact:**

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

WEDNESDAY, 3RD DECEMBER, 2008

<b>Councillors Present:</b>	<b>Councillor Vincent Stops in the Chair</b>  Cllr Michael Desmond (Vice-Chair), Cllr Ian Sharer, Cllr Brian Bell (Substitute), Cllr Linda Smith, Cllr Joseph Stauber, Cllr Katie Hanson and Cllr Jessica Webb
<b>Apologies:</b>	Cllr Barry Buitekant
<b>Officers in Attendance</b>	Adam Flynn (Planning Officer, Major Team), Rokos Frangos (Senior Planning Officer), Rosemary Lansdowne (Principal Solicitor), Graham Loveland (Interim Head of Regulatory Services), Ron Madell (Senior Planning Officer), John McRory (Team Leader, Major Applications), Gillian Nicks (Deputy Team Leader, Major Applications Team), Femi Nwanze (Planning Applications Unit Manager), Ray Rogers (Urban Design and Conservation Manager), Scott Schimanski (Team Leader, Area Team) and Russell Smith (Planning Officer)
<b>Also in Attendance</b>	Kevin Moore (Hackney Society)

### **1     APOLOGIES FOR ABSENCE**

- 1.1     An apology for absence was received from Councillor Buitekant, with Councillor Bell in attendance as a substitute.
- 1.2     Apologies for lateness were received from Councillors Desmond and Hanson.
- 1.3     Councillor Sharer gave his apologies as he needed to leave the meeting early.

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

- 2.1     Item 13 – 2-4 Sharon Gardens was withdrawn from the agenda at the request of the Planning Officer.

### **3     DECLARATIONS OF INTEREST**

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

**4 MINUTES OF THE PREVIOUS MEETING**

- 4.1 **RESOLVED** – that the minutes of the meeting on 5 November 2008 be APPROVED as a true and accurate record.

**5 50 WENLOCK STREET, LONDON, N1 7QN**

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).

- 5.1 The Planning Officer introduced the report, as set out in the agenda. She added that the previous application did not include the provision of affordable housing and that the new scheme had been designed in-line with conservation design officers.
- 5.2 Councillor Sharer referred to the S106 agreement and the contribution of £13,250 towards healthcare and the Planning Officer explained that this figure was supported by the PCT and that this type of contribution would be seen more regularly in future.
- 5.3 Nick Makasis (architect) was in attendance to answer any questions that arose.
- 5.4 Members wished to clarify the materials to be used and the architect confirmed that the scheme would comprise pigment render, blue zinc panelling at the central unit, with timber panels at ground floor level.
- 5.5 In response to a question from the Chair regarding the perceived effectiveness of the sonar panels, it was explained that there would be 14 panels which were tremendously efficient and an alternative to a bio-mass boiler system.
- 5.6 The Chair referred to the streetlamps and whether these could be placed on the proposed building, in order to help de-clutter the area. The applicant welcomed this proposal, in principle. The Chair requested that this be added as an additional condition. This was **AGREED**.

(**Councillors Hanson and Smith did not take part in the vote, as they arrived during the discussion of the item).**

**RESOLVED that:-**

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



**1. SCBO – In accordance with plans**

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

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

**2. SCB1N - Commencement within three years**

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

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

**3. SCM2 - Materials to be approved**

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

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

**4. SCD2 - Provision of access and facilities**

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

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

**5. 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.

**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.

**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. 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 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: 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.

**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.

**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.

**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.

**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.

**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.

**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.

**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.

**16. Street lamps .....**

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

1. Securing 12 units (54.5% of the proposed 22 units and 58.5% by habitable

- room) as affordable housing to include 8 social rented units with remaining affordable units to be either social rented or intermediate housing.
2. Contribution of £47,683.80 towards education.
  3. Contribution of £3103.90 towards libraries.
  4. Contribution of £920.04 towards open space.
  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.
  6. The provision of a Green Travel Plan to all residents and commercial lease holder/employees on occupation of the site.
  7. Commitment to the Council's local labour and construction initiatives (25% on site employment).
  8. No occupation of the Open Market Dwellings until all the affordable units have been transferred to the approved RSL.
  9. 20% reduction in carbon emissions through the use of renewable energy sources and use of low energy technology.
  10. Considerate Contractor Scheme – the applicant to carry out all works in keeping with the National Considerate Contractor Scheme
  11. Achievement of a minimum Level 3 under the Code for Sustainable Homes and to use all reasonable endeavours to achieve Level 4.
  12. 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.
  13. Car free development. No car parking permits for residents.
  14. Sustainable transport contribution to the amount of £7260.00. (Calculated at £330 per residential unit).
  15. All residential units are to be built to Lifetime Homes Standards.
  16. Contribution of £13,250.00 towards Healthcare.

### **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

### **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.

**6      33-35 HOXTON SQUARE, LONDON, N1 6NN**

Erection of a part 4 storey, part 5 storey building plus basement to provide Class B1 and/or Class A1 (retail gallery on the basement and ground floor), Class B1 on part of the first and second floors and 8 residential units on the remainder of the upper floors.

- 6.1 The Planning Officer introduced the report, as set out in the agenda. A model of the scheme was displayed at the meeting for Members' information and the Planning Officer explained that the application had been slightly altered since the model had been produced, details of which were identified within the presentation.
- 6.2 The Planning Officer referred to the addendum which identified that South Shoreditch Conservation Area Advisory Committee had since made representations against the proposal, as they felt that by the nature of its scale and mass, the proposed building would have a detrimental impact on the setting and character of the conservation area. The addendum also detailed additional comments received on behalf of a neighbouring resident in Hoxton Square, with a response from the Planning Officer.
- 6.3 The addendum also detailed the following which should be added to Section 5.2 of the report:
1.      PPS1 – Sustainable Development and Climate Change;
  2.      PPS3 – Housing;
  3.      PPG4 – Industrial/Commercial;

4. PPS10 – Waste Management;
  5. PPS12 – Local Spatial Planning;
  6. PPG13 – Transport;
  7. PPG15 – Historic Environment;
  8. PPG16 – Archaeology;
  9. PPS22 – Renewable Energy; and
  10. PPG24 – Noise.
- 6.4 Steve Rankin and Dillon Lin spoke in support of the scheme, their comments are summarised as follows:
- The design has slightly changed from the original scheme submitted.
  - Building designed in consultation with Planning Officers.
  - The building is designed as a prism to ensure the required daylight/sunlight for the neighbouring properties.
  - Fresh approach which adheres to planning guidelines.
  - Disappointed with the comments made by English Heritage, as they have not recognised the varied nature of the buildings located in Hoxton Square.
- 6.5 The Chair asked for the view of the Urban Design and Conservation Manager, his comments are summarised as follows:
- Respect the views of English Heritage and he would not disagree if he was considering Shoreditch as a whole, however due to the nature of Hoxton Square and the buildings located there he took a different view.
  - Each side of Hoxton Square is unique due to the varying nature of the buildings located there.
  - Of the opinion that the proposed scheme follows the nature of the existing buildings and that Hoxton Square is the only place where this type of development could be built.
  - The building responds well at street level and it is an opportunity to make a positive contribution to the area.
- 6.5 Kevin Moore stated that people would have different views on this development, however he was of the opinion that if you were building next to a listed building you should build the best development possible and he was firmly in support of this scheme.
- 6.6 The Chair asked the Planning Officer whether granting permission would give any precedent on this site should this exceptional building not be built out. The Planning Officer assured Members that this was very much approval on its own merit and therefore would not easily provide a precedent.
- 6.7 Councillor Webb referred to the streetlamps and whether these could be placed on the proposed building, in order to help de-clutter the area. The applicant agreed, in principle, for best endeavours to be made for the streetlamps to be placed on the building. The Chair requested that this be added as part of the section 106 agreement. This was **AGREED**.
- 6.8 The Chair also asked whether rain water harvesting was being provided and the architect stated that they had submitted a sustainability report and that this

could be explored. The Chair requested that this be added as an additional condition. This was **AGREED**.

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

**RESOLVED that:-**

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

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

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

2. 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. Details including samples, of all materials to be used on the external surfaces of the building shall be submitted to and approved by the Local Planning Authority, in writing, before work on the external 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. No roof planes facing southwards or south of the highest part of the roof shall be clad in reflective materials. The details, including samples submitted for approval under condition (3) above shall incorporate all necessary information to demonstrate that no undue reflection of sunlight is likely to occur.

REASON: To ensure that no dazzle or concentrated sunlight is focussed on the enclosed courtyard and surrounding windows of the properties to the rear of the site in Hoxton Street.

5. Detailed drawings showing the following shall be submitted to and approved by the council before any work is commenced on site and the development shall be completed only in accordance with the details thus approved:
  - a) Details and representative cross-sections of windows, doors and balconies and glazing to all elevations;
  - b) Detailed design and materials of the open front basement area and railings at pavement level;
  - c) Signage planned for the building;
  - d) External landscaping of any part of the development;
  - e) Details of the location and capacity of storage facilities for refuse and waste stored for recycling from the premises.

REASON: To ensure that the external appearance of the development building is satisfactory and does not detract from the character and visual amenity of the area, and enables waste materials to be stored satisfactorily.

6. Three of the residential units hereby approved shall be constructed to conform to the Lifetime Homes standards as specified in 'Meeting Part M and designing Lifetime Homes' (published in 1999), in accordance with the submitted information, unless otherwise agreed by the Local Planning Authority.'

REASON: As proposed in the scheme, in order to ensure that a significant proportion of the dwellings are capable of use or adaptation for a wide range of future household needs, including people with disabilities.

7. 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

8. No soil stacks, soil vent pipes, flues, ductwork or any other pipework shall be fixed to either of the street frontage elevations of the building or roof planes.

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.

9. Level access shall be provided to all ground floor units or accommodation hereby approved before the use is first commenced.

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

10. 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 the following works to the public highway:

- Take up existing bitmac paving and replace with new PCC (Pre-cast Concrete).
- Take up and dispose of granite kerbs and replace with new.
- Mesh reinforced slabs 75mm thick to be used across two cross over areas
- Install tactile paving where required.
- Upgrade/installation of road markings
- Adjustments to stats covers where acceptable

11. 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 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.

12. 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.

REASON: To ensure that the development advances the principles of sustainable transport embodied in the London Plan

13. The approved mixed use housing and commercial building shall be constructed to take account of the best practice sustainable development principles embodied in the Building Research Establishment Code for Sustainable Homes and BREEAM assessment methods. Details of an independent code assessor's report (based on a submission aiming for the highest practicable level based on the submitted scheme and incorporating all relevant and readily available environmental management measures) and utilising either separate assessments or a bespoke overall assessment shall be submitted prior to any work commencing on 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 any relevant part of the development.

REASON: To ensure that the development makes a contribution to the Council's energy and resource efficiency priorities and other sustainable planning objectives, by reference to the government's Code for Sustainable Homes and/or the BREEAM accreditation scheme, as appropriate.

14. Before development commences, details of the following shall be submitted to and approved in writing by the Local Planning Authority and the approved measures implemented:

- soundproofing of premises;
- insulation of premises (including ventilation);
- extraction of fumes (for any Class A3, A4 and A5 uses);
- Details of insulation of plant/machinery before use on the non-residential parts of the building

REASON: To ensure no undue loss of amenity for nearby occupiers or prospective occupiers or prospective occupiers of the development

15. The A1/B1 Gallery use hereby permitted may only be carried out between 08:00 hours and 23:00 hours on any day, and 09.00 hours and 20.00 hours on Sundays and Bank Holidays.

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

16. Except on day(s) of collection, all refuse and waste shall be stored in sealed containers in the refuse area shown on the details required by condition (4) above, as subsequently approved.

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

17. No roof plant enclosures, machinery or other installations shall be placed upon or attached to the roof or other external surfaces of the building unless otherwise approved by the Local Planning Authority.

REASON: To safeguard the appearance of the property.

18. Internal lockable storage space shall be made available for the secure parking of 8 cycles within the building as shown on the plans hereby approved before the first occupation of the development.

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

19. The use of the basement, ground floor and non-residential part of the first floor shall be within Use Classes B1 and A1 only.

REASON: To ensure that the proposal gives the opportunity to maximise and maintain both employment and commercial floorspace within this Defined Employment Area in the Hackney USP (Saved designation).

20. The entrance doors in the Hoxton Street elevation shall open inwards clear of the public footway.

REASON: To avoid any obstruction of the public highway, in the interests of pedestrians and other highway users.

21. The eastward-facing windows of the western bedroom in flats 2 and 5 (First and Second Floor respectively), and the eastern-facing edge of the external terrace of flat 7 (Third Floor), all as annotated in red on submitted plan Nos A-SK110, 120 and 130, shall be glazed in obscured glass and so maintained thereafter.

REASON: To ensure that no direct or perceived overlooking of nearby residential accommodation takes place.

22. Streetlamps .....

23. Rain water harvesting .....

<b>B) Conservation Area Consent be GRANTED, subject to the following conditions:</b>
--

1. The development hereby permitted must be begun no later than the expiration of three years beginning with the date of this consent.

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

2. The demolition works hereby permitted shall not be carried out otherwise than as part of the completion of development for which planning permission reference 2006/3381 is granted and such demolition and development shall be carried out without interruption and in complete accordance with the plans referred to in this consent and any subsequent approval of details.

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

**C) That the above recommendations be subject to the applicant, the landowners and their mortgagees enter 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. Payment by the landowner/developer of an education contribution of money 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. - total contribution of £24,440.
2. Contributions to library facilities, amounting to £553.
3. Agreement and compliance with an implementation plan under the Considerate Contractor scheme.
4. Achievement of a car-free scheme by no entitlement to residents' parking permits in CPZ.
5. Highway re-instatement works (S278)- mainly footways and carriageway markings – total estimated cost of £38,200.
6. Measures to recruit local employment both in construction and within the completed development.
7. Training opportunities for 2 local employees during construction.
8. Completion of employment & retail uses prior to occupation of new residential.

**D) That in the event of the Section 106 agreement referred to in Recommendation B not being completed by 18 December 2008, the Interim Head of Regulatory Services be given the authority to refuse the application for the following reasons:**

- The proposed development, in the absence of a legal agreement for securing educational and library facilities contributions, would be likely to contribute to pressure and demand on the Borough's education provision contrary to policies EQ1, H03, CS2, and CS10 of the Hackney Unitary Development Plan and policy 3A.21 of the London Plan 2004.
- The proposed development, in the absence of a legal agreement for securing a commitment towards local employment and training initiatives sustainable travel initiatives/ walking and cycling/ and public transport in the area, would be

contrary to policy E15 of the Hackney Unitary Development Plan and policy 3B.11 of the London Plan 2007.

- The proposed development, in the absence of a legal agreement for securing highway reinstatement contributions and a commitment towards achievement of a car-free housing element through restriction of parking permit applications would fail to contribute to sustainable travel in an area of excellent public transport availability, contrary to policies TR6 and TR19 of the Hackney Unitary Development Plan and policy 3C.23 of the revised London Plan 2007.

### **REASONS FOR APPROVAL**

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

#### **Hackney Unitary Development Plan 1995:**

EQ1 Development Requirements  
EQ12 Protection of Conservation Areas  
EQ13 Demolition in Conservation Areas  
EQ14 Alterations & Extensions of Buildings in Conservation Areas  
EQ16 Protection of Listed Buildings  
EQ18 Setting of Listed Buildings  
EQ20 Buildings of Local Significance  
EQ29 Archaeological Heritage  
HO3 Other Sites for Housing  
TR19 Planning Standards

Proposals Map: Within the South Shoreditch Defined Employment Area (Saved designation)

South Shoreditch SPD:

Policy 1.2 Mixed uses

Policy 2.3 Retail

London Plan Policies:

3A.1 Increasing London's Supply of Housing  
3A.5 Housing Choice (Inc Lifetime Homes)  
3A.6 Quality of New Housing Provision  
3C.2 Matching Development to Transport Capacity  
3C.23 Parking Strategy  
4A.3 Sustainable Design and Construction  
4B.1 Design Principles for a Compact City  
4B.2 Promoting World-Class Architecture  
4B.5 Creating an Inclusive Environment  
4B.11 London's Built Heritage

### **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.)

- Sl.7 Hours of Building Works
- Sl.24 Naming and Numbering
- Sl.25 Disabled Person's Provisions
- Sl.27 Fire Precautions Act 2005
- Sl.28 Refuse Storage and Disposal Arrangements
- Sl.32 Consultations with TWU
- Sl.33 Landscaping

The applicants are reminded about the provisions of the Building Regulations in relation to fire precautions and access to buildings.

## **7 32-38 SCRUTTON STREET, LONDON**

Demolition of existing building and erection of 6-storey building to provide 7713sqm B1 (business), 75sqm A1 (shop) and 270sqm A3 (restaurant) plus 2 internal courtyards with ancillary car parking for 3 vehicles, cycle and refuse storage.

Conservation area consent for demolition of existing buildings.

- 7.1 The Planning Officer introduced the report, as set out in the agenda and informed Members that the demolition of the existing building was not included within the application.
- 7.2 Anthony Thistleton (architect) was in attendance to answer any questions that arose.
- 7.3 Councillor Desmond referred to the level of car parking and particularly where loading for the businesses would happen, and asked why the number of parking spaces had been reduced from 30 to 5 spaces. The architect stated that the development was located within a highly accessible area with good public transport links and that it also achieved the low parking criteria. The internal courtyard was also large enough for vehicles to turn and load.
- 7.4 Councillor Smith asked how the Planning Officer intended to stop people parking on the courtyard and the Planning Officer referred to the addendum where an additional condition had been added to ensure that parking shall only occur in the spaces shown on the plans, which was backed up in the section 106 agreement.
- 7.5 The Chair referred to the streetlamps and whether these could be placed on the proposed building, in order to help de-clutter the area. The applicant agreed, in principle, for best endeavours to be made for the streetlamps to be placed on the building. The Chair requested that this be added as part of the section 106 agreement. This was **AGREED**.
- 7.6 The Chair asked whether rain water harvesting was being provided and the architect agreed, in principle, for best endeavours to be made to provide rain water harvesting. The Chair requested that this be added as an additional condition. This was **AGREED**.

- 7.7 The Chair also asked whether the development included a green roof and the architect agreed, in principle. The Chair requested that this be added as an additional condition. This was **AGREED**.

**Unanimously RESOLVED that:-**

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

**1. SCB0 – Development in accordance with plans**

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

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

**2. SCB1 - Commencement within three years**

The development hereby permitted must be begun not later than 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**

Details of the thermal labyrinth and combined heat and power (CHP) system shall be submitted to and approved in writing by the Local Planning Authority prior to installation or commencement of operations and the systems shall be installed in accordance with such approved details.

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 London Plan, Hackney UDP and emerging Core Strategy

**5. Non standard condition**

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.

**6. 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.

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

Before the use hereby permitted first commences the 3 disabled car parking spaces shall be provide for use by the vehicles of persons with disabilities as located on drawing number 1-304-100.

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

**8. SCH10- Provision for cycles**

Secure, covered parking shall be provided for 52 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**

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 access**

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**

Adequate refuse storage shall be provided as shown on the plans hereby approved, before use of the development hereby permitted commences.

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

**13. SCS1 – Shopfront details to be approved**

Details of the proposed shopfront on drawings on a scale of 1:50, together with materials used in construction, shall be submitted to and approved by the Local Planning Authority, in writing, before any work is commenced on this part of the development. The development shall not be carried out otherwise than in accordance with the details thus approved.

REASON: To ensure that the design of the shopfront is not detrimental to the appearance of the building.

**14. SCG1 – Restricted hours of use**

The A1 use hereby permitted may only be carried out between the hours of 0800 to 2000 Mondays to Saturdays.

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

**15. SCG1 – Restricted hours of use**

The A3 use hereby permitted may only be carried out between the hours of 0630 to 17:30 Mondays to Fridays.

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

**16. NSC2 – Internal Flue**

Prior to the commencement of development, full details of the provision of an internal flue to serve the A3 use hereby approved, to terminate at roof level, shall be submitted to and approved in writing by the Local Planning Authority. 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 appearance of the building.

**17. 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 unless otherwise agreed in writing by the Local Planning Authority.

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.



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

REASON: Important archaeological remains may exist on the site. Accordingly the planning authority wishes to secure the provision of archaeological investigation and the subsequent recording of the remains prior to development, in accordance with the guidance and model condition set out in PPG 16.

- 19.** 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. Parking shall only occur in the spaces shown on the plans hereby approved, and not on any other area of the site.

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.

- 20.** Provision to allow the placement of street lighting on the proposed buildings where appropriate.
- 21.** The First Owner, Second Owner and Third Owner shall use best endeavours to provide a Rainwater Harvesting System.
- 22.** The First Owner, Second Owner and Third Owner shall use best endeavours to provide a Green Roof.

<b>Recommendation B</b>
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| <ol style="list-style-type: none"><li>1. Payment by the landowner/developer of a sustainable transport contribution of £3000 towards works to the public highway.</li><li>2. The signing of a Section 278 legal agreement under the Highways Act to pay the Council £27782.11 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.</li><li>3. Payment by the landowner/developer of a libraries contribution of £19205.37 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.</li><li>4. Payment by the landowner/developer of an open space contribution of</li></ol> |
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£7935.71 towards the supply and quality of open space in the immediate locale.

5. Commitment to the Council's local labour and construction initiatives (25% on site employment).
6. 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.
7. Achievement of a very good rating under BREEAM with best endeavours to achieve excellent.
8. 20% reduction in carbon emissions through the use of renewable energy sources and use of low energy technology.
9. Considerate Constructors Scheme – the applicant to carry out all works in keeping with the National Considerate Constructors Scheme.
10. 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.
11. The applicant is advised that they will be required to enter into a highways Section 278 legal agreement with TfL.
12. Provision to allow the placement of street lighting on the proposed buildings where appropriate.
13. Best endeavours to provide a car club.
14. The Owner shall use best endeavours to ensure that Motor Vehicles are parked only on the parking spaces provided shown coloured xxxxx on the Drawings.
15. The Owner shall procure that the restriction set out in Clause 18.28 above is included in any freehold, leasehold, option, licence or other disposal of a Commercial Unit or retail Unit to any occupant.
16. The Owner for itself and its successors in title to the Property hereby acknowledges that the provisions in Clauses 18.28 and 18.29 above will remain permanently.

**C) That in the event of the Section 106 agreement referred to in Recommendation B not being completed by 24<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 educational contributions, would be likely to contribute to pressure and demand on the Borough's education provision contrary to the provisions of Supplementary Planning Document: Planning Contributions (2006) and policy 3A.21 of the London Plan (2004).
2. 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 open space provision contrary to policies to the provisions of Supplementary Planning Document: Planning Contributions (2006) and policy 3A.21 of the London Plan (2004).

3. The proposed development, in the absence of a legal agreement for securing a sustainable transport contribution and Green Travel Plan, would be likely to contribute to pressure and demand on the Borough's highway network provision contrary to policies to the provisions of Supplementary Planning Document: Planning Contributions (2006) and policy 3A.21 of the London Plan (2004).

### **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, E12 – Office Development, EQ48 – Designing out Crime, 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.3 – Maximising the Potential of Sites, 3A.17 – Addressing the Needs of London's Diverse Population, 3B.2 – Office demand and supply, 3B.3 – Mixed use development, 3B.4 – 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.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

The development of this site is likely to damage archaeological remains. The applicant should therefore submit detailed proposals in the form of an archaeological project design. This design should be in accordance with the appropriate English Heritage guidelines.

## **8 HACKNEY HOSPITAL SITE, KENWORTHY ROAD, LONDON, E9 5TD**

Redevelopment of southern site at Hackney Hospital to provide a primary care resource centre located in a part 2, 3 and 4 storey building to contain 2 GP practices, a community dental facility and primary care function (2239 sqm), plus residential accommodation providing 48 flats (25 x 1b, 23 x 2b) in a 5 storey building with penthouse level, parking provision for 18 cars and 111 cycle spaces with associated amenity area.

(Councillor Hanson informed the Sub-Committee that she lived in the vicinity of the proposed development but did not have a personal or prejudicial interest in the application).

- 8.1 The Planning Officer introduced the report, as set out in the agenda. He explained that the design of the proposal had evolved over the course of the application and revisions had been made to address concerns regarding the design of the PCT building. Further revisions had been made to the courtyard layout to address concerns regarding the legibility of pedestrian access to the residential building. Minor revisions had also been made to the residential entrance and cycle store layout. The cycle storage provided would now be 16 spaces for the PCT building and 63 spaces for the residential building.
- 8.2 The Principal Solicitor explained that this was a linked site, as 14-16 Kenworthy Road to the north of the site had previously been approved by the Sub-Committee. A Section 106 agreement would be required for each of the sites as the developments were intrinsically linked as part of a wider development scheme for the PCT, as detailed within the addendum.
- 8.3 Steve Gilven and Paul Brand spoke in support of the scheme, their comments are summarised as follows:
- Presented at Full Council last June regarding GP services.
  - Diagnostic services being provided for the south east of Hackney.
  - The development will allow the Lee Surgery to be brought to the area.
  - The GP elements of this service will be available to local residents.
- 8.4 Councillor Smith expressed concern that the majority of affordable housing units were one bedroom, as there was a need for larger family units in the area.
- 8.5 The Planning Officer explained that there were a number of constraints that had restricted the number of larger units that could be located on the site, the main ones being that it was located adjacent to the mental health unit so there was a need for separation between the two sites and also the size of the plot was also unsuitable for larger family units. He added that the previously approved site at 14-16 Kenworthy Road did have family units.

- 8.6 Members raised concerns about the location of the proposed development in relation to the mental health unit, as they felt it did not benefit the residents or patients. Councillor Smith felt that families already lived near the mental health unit and would do so in the future even if there were two bed flats and that the Council's normal rules on mix should apply. This was supported by Councillor Webb. She added that the design should not simply have a blank wall as the solution to the location.
- 8.7 The Interim Head of Regulatory Services explained that this site offered a mix of tenure and that the wall to the rear of the site was not a solid brick wall but that it had timber elements and due to the constraints of the site the residential units faced into the square at the centre of the building.
- 8.8 The Chair asked about the transport catchment area, as he was concerned that the location did not have sufficient transport links. The applicant stated that the majority of patients using the GP services were expected to come from the local area and a recent study had identified that 98% of visitors to GP practices lived within ½ mile of the facility. He added that there was a bus link down Homerton High Street and that the site would also provide blue badge parking and drop off points.
- 8.9 In response to a question regarding why this particular site was chosen, the applicant stated that they had searched for quite a while to find a suitable site in south east Hackney, as they wanted to have a practice in the 4 quadrants of Hackney and thought that this particular site was large enough to provide all the services they required. Public consultation had also taken place which had determined that the majority of residents were broadly happy with the proposed location.
- 8.10 Councillor Desmond proposed that the item be DEFERRED to allow the applicant to go back and look at the mix of units as the Sub-Committee would be more minded to accept the scheme if larger family units were included within the residential section of the scheme. This was seconded by Councillor Webb.

**(Councillors Stauber did not take part in the vote, as he left the meeting during the discussion of the item).**

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

**RESOLVED that:-**

<b>The item be DEFERRED to allow the applicant to go back and look at the mix of units as the Sub-Committee would be more minded to accept the scheme if larger units were included within the residential section of the scheme.</b>
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**9      1-29 LYME GROVE HOUSE, LYME GROVE, LODDIGES ROAD, LONDON**

Demolition of existing buildings and the construction of a new part 3, part 8 storey building to provide 36 residential units (6 x 1 bed flats, 18 x 2 bed flats, 2 x 3 bed flats, 6 x 3 bed houses, 1 x 4 bed flat and 3 x 4 bed houses), along with 4 disabled car parking spaces and associated landscaping.

- 9.1 The Planning Officer introduced the report, as set out in the agenda.
- 9.2 Martin Sugarman and Leslie Mapp spoke in objection to the scheme, their comments are as follows:
- Recognise the need for more affordable housing in the area but strongly oppose the tower block.
  - Located on the edge of the conservation area, feels the design is unsuitable and out of character with the surrounding area.
  - Only given 3 working days notice of the meeting.
  - Previously submitted a petition which had not been taken into consideration.
  - Happy with the rest of the development but would like to see the tower block reduced to 3-4 floors.
  - The tower block would create considerable overshadowing to the neighbouring properties.
  - The report only mentioned Shakespeare House and concern was raised that at least 2 neighbouring properties had been ignored.
- 9.3 Justin Kelly and Colin Archer spoke in support of the scheme, their comments are as follows:
- There was a need for affordable housing in the area and the development addresses this need and provides a more appropriate residential mix, with no single aspect units.
  - They had already invested heavily in the adjoining buildings.
  - A number of local exhibitions were held to inform residents of the proposals and they had also been involved in pre-application discussions with planning officers since 2007.
  - The surrounding buildings are already between 6 and 10 storeys high.
  - The number of units had already been reduced from 41 to 36 and the height of the lower units had also been reduced.
- 9.4 Kevin Moore felt that the design of the proposed development was disappointing and not of a high enough standard for the surrounding area. In response, the Urban Design and Conservation Manager stated that given the setting he was of the opinion that the area could cope with the 8 storey tower proposed and that the outstanding issues from the previously withdrawn application had now been resolved.
- 9.5 Reference was made to the petition and the Planning Officer stated that the petition had been received for the previous application.
- 9.6 The Planning Officer referred Members' attention to the addendum which identified that the submitted daylight and sunlight assessment submitted also assessed the impact of the development on Pilgrims Lodge (55 Lyme Grove). It was considered that the tower portion of the development was sufficient distance from surrounding properties, including being at least 14 metres from the narrow front elevation of Pilgrims Lodge.
- 9.7 The Chair asked about the materials proposed and the Urban Design and Conservation Manager stated that the conservation team agreed with the

materials, in principle, and that the materials would be submitted, in writing, before any work commences on site.

- 9.8 The Chair asked whether rain water harvesting was being provided and the architect agreed, in principle, for best endeavours to be made to provide rain water harvesting. The Chair requested that this be added as an additional condition. This was **AGREED**.
- 9.9 Councillor Webb stated that she would like the opportunity to view other similar buildings to see how they worked, especially with regard to the family units.
- 9.10 Councillor Desmond proposed that the item be DEFERRED to allow Members to attend a site visit to view similar schemes before considering the application. This was seconded by Councillor Webb.

**(Councillors Sharer and Bell voted against the recommendation).**

**RESOLVED that:-**

**The item be DEFERRED to allow Members to attend a site visit to view similar schemes before considering the application.**

**10     3-8 AND JACK DUNNING COMMUNITY HALL, FURROW LANE, LONDON**

Demolition of existing buildings and construction of a three to six storey building comprising 41 affordable flats (8 x 1 bed, 19 x 2 bed, 7 x 3 bed, 7 x 4 bed) and the provision of a new 265m<sup>2</sup> community hall (Class D1) on ground floor, with car parking, refuse provision and landscaping.

- 10.1 The Planning Officer introduced the report, as set out in the agenda. He confirmed that the site of the Jack Dunning Community Hall was owned by the Council.
- 10.2 Karl Homerstone (applicant) spoke in support of the scheme, his comments are summarised as follows:-
- Worked in consultation with Planning Officers on the design of the development and the design benefits are detailed within the report.
  - The Jack Dunning Community Hall formed part of the proposal and the scheme is 100% affordable.
  - The RSL had just submitted an alternative S106 agreement to Planning Officers, looking at the affordable contribution and the cost of providing the community hall.
- 10.3 The Principal Solicitor wished to clarify who owned what areas of land and it was determined that the land and community hall were leased back to the Council and that the Council was the freeholder. She added that the Council cannot enter into a S106 agreement with itself.
- 10.4 The Planning Officer referred to the issue surrounding the S106 agreement and stated that the figures would need to be brought back to the Sub-Committee if

any alterations were required, which was subject to a viability report. This was **AGREED**.

10.5 In response to concerns raised by Councillor Desmond regarding graffiti, the applicant stated that the white rendered walls were set back from the street area with railings in front.

10.5 The Sub-Committee requested that the following conditions be added to the recommendation:-

- Best endeavours for street lamps to be placed on the building. This was **AGREED**.
- 1 car parking space to be allocated as a Car Share scheme. This was **AGREED**.
- The internal corridors to be a minimum of 1.45m. This was **AGREED**.
- Parking only to be permitted on the areas shown on the plans. This was **AGREED**.

**RESOLVED that:-**

<b>A) Planning permission be GRANTED, subject to the following conditions:</b>
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**1. 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. 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. 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. Details to be Approved**

Notwithstanding the materials shown on the plans hereby 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:

- The design details and materials of the composition of coloured glass panels used on community hall.
- The design details and materials of projecting box feature on Furrow Lane.
- The design details and materials of signage on Furrow lane façade and Community Hall.
- Details of all types of windows, doors and gates, balconies (including soffits and balustrades).
- Details of typical wall sections.

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. 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. Parking**

No part of the development hereby approved shall be occupied until detailed plans showing the car parking and turning areas for the development have been submitted to and approved in writing by the Local Planning Authority and such parking 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.

**7. Parking for persons with disabilities**

Before the use hereby permitted first commences the 4 accessible car parking spaces shall be provide for use by the vehicles of persons with disabilities as located on drawing number 0276 D0100 P4.

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

**8. Provision for cycles**

Secure, covered parking shall be provided for 44 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.

**9. Landscaping 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.

**10. 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.

**11. 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 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.

**12. Refuse Disposal**

Adequate refuse storage shall be provided as shown on the plans hereby approved, prior to the occupation of the development hereby permitted.

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

**13. Waste Storage**

Except on days of collection, all refuse and waste shall be stored in sealed containers in the refuse areas shown on the plans hereby approved.

REASON: In the interests of the appearance of the street and the amenity of adjoining occupiers.

**14. Level Access**

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.

**15. 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.

**16. Ecological (Green) Roof**

Full details of a bio-diverse, substrate based (75mm minimum depth) extensive brown/green roof 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 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.

**17. Noise**

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. Full details of a scheme to comply with this noise level shall be submitted to and approved by the Local Planning Authority, in writing, before construction commences.

REASON: To ensure the development does not unreasonably impact upon surrounding and future residents.

**18. Noise**

The development hereby permitted shall not be occupied until the scheme approved pursuant under Condition 17 of this permission has been implemented in its entirety. The scheme shall thereafter be maintained in perpetuity.

REASON: To ensure the development does not unreasonably impact upon surrounding and future residents.

**19. Secured by Design**

The development shall achieve a Certificate for Compliance to Secure by Design or alternatively achieve Secure by Design standards to the satisfaction of the Metropolitan Police, details of which, to include consultation with the police during the construction period, shall be provided

in writing to the Local Planning Authority within one month of the completion date.

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

**20. Construction Method Statement**

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

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

- 21.** Before any development commences, detailed plans of the proposal must be submitted to Cross London Rail Links Limited, at Portland House, Bressenden Place, London SW1E 5BH. Any amendments required as a result of such notification shall be submitted to the local planning authority for discharge.

REASON: To ensure that the proposed development does not prejudice the implementation of proposed Chelsea-Hackney Line rail project.

- 22.** 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.

- 23.** Details of a rainwater harvesting system for the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development and the system shall be installed in accordance with such details.

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 London Plan, Hackney UDP and emerging Core Strategy.

- 24.** Notwithstanding the details shown on the plans hereby approved, the corridors within the development shall be a minimum width of 1.45 metres, details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall not be carried out otherwise than in accordance with the details thus approved.

REASON: To ensure that the development provides a good quality living environment and is accessible for all.

25. No parking of any vehicles on the communal and landscaped areas (shown on the approved plan) and the freeholder to ensure that this restriction is included within all leases of all commercial and residential areas within the development.

**B) 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 100% of units as affordable housing, with a split of 54%:46% socially rented/intermediate.
2. That the provision of 100% (41 units) affordable housing be secured by Metropolitan Housing Partnership providing 22 social rented units and 19 intermediate units.
3. Payment by the landowner/developer of an education and libraries contribution of £116,322.32 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.
4. Payment by the landowner/developer of an open space contribution of £1,882.72 towards the supply and quality of open space in the immediate locale.
5. Payment by the landowner/developer of a sustainable transport contribution of £13,500.00 towards works to the public highway.
6. The signing of a Section 278 legal agreement under the Highways Act to pay the Council £56,561.94 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.
7. The community hall shall be built to shell and core level prior to occupation of the residential units.
8. The landowner/developer covenants to use all reasonable endeavours to ensure that the residential development is retained as car free with the exception of those who are medically certified disabled.
9. All residential units to be built to Lifetime Home standards.
10. Commitment to the Council's local labour and construction initiatives (25% on site employment).

11. Achievement of a level 3 rating, with all reasonable endeavours to achieve level 4, under the proposed Code for Sustainable Homes and achievement of a BREEAM 'Very Good' rating for the community hall element.
12. 20% reduction in carbon emissions over the whole site 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. At least 10% of units provided shall be wheelchair accessible.
15. Best endeavours to provide a car club parking space.
16. Provision to allow the placement of street lighting on the proposed buildings where appropriate.
17. The community hall shall be maintained as such in perpetuity.
18. 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.

**C) In the event of the Section 106 agreement referred to in Recommendation B not being completed by 24 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 Policy H03 of the Hackney Unitary Development Plan, Affordable Housing SPD (2005), Policies 3A.1, 3A.2, 3A.3, 3A.5, 3A.6, 3A.8 and 3A.9 of the London Plan, and advice contained in PPS1 and PPS3.
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 Unitary Development Plan, Planning Contributions SPD (2006), and Policy 3A.24 of the London Plan.

### **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; CS2 – Provision of Community Facilities as Part of Development Schemes; CS3 – Retention of Community Facilities; HO3 – Other sites for Housing; TR19 – Planning Standards; SPG1 New Residential Development; SPD Affordable Housing; SPD Planning Contributions.

The following policies contained in the London Plan 2004 are relevant to the approved development/use and were considered by this Council in reaching the decision to grant planning permission: 2A.1 – Sustainability Criteria; 3A.1 – Increasing London's Supply of Housing; 3A.2 – Borough Housing Targets; 3A.3 – Maximising the Potential of Sites; 3A.5 – Housing Choice; 3A.6 – Quality of New Housing Provision; 3A.8 – Definition of Affordable Housing; 3A.9 – Affordable Housing Targets; 3A.10 – Negotiating Affordable Housing; 3A.11 – Affordable Housing Thresholds; 3A.17 – Addressing the Needs of London's Diverse Population; 3A.18 – Protection and Enhancement of Social Infrastructure and Community Facilities; 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; Housing SPD 2005.

### **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 Regulatory Reform (Fire Safety) Order 2005
- SI.28 Refuse Storage and Disposal Arrangements
- SI.33 Landscaping
- NSI With regard to surface water drainage, it is the responsibility of the developer to make proper provision for drainage. Contact Thames Water, Ph. 0845 850 2777, for further information.

## **11 11-23 WESTGATE STREET, LONDON, E8 3RL**

Erection of a five-storey building to provide twenty-two flats (ten one-bedroom units, four two-bedroom units, six three-bedroom units and two four-bedroom units), 285.9 sqm commercial; floorspace (use class B1 or B2) and disabled car parking.

- 11.1 The Planning Officer introduced the report, as set out in the agenda. He referred to the addendum, which set out an additional representation received on 1 December 2008 from the head of the Ann Taylor Children's Centre and the Planning Officer's response to this.
- 11.2 Jonathan Hurd spoke in objection to the scheme, his comments are summarised as follows:-

- There is already a parking issue in the area and the new development will only add to this problem. Feels it is unrealistic to believe that the new residents will not have cars.
- The existing site is a car park which is heavily used by surrounding businesses.
- The development will adversely impact Broadway Market due to the lack of parking and loading facilities.
- There is no provision for loading bays for the new commercial units.
- Strangely shaped units being proposed.
- Feels that it doesn't meet the minimum living space required.
- Issue with noise pollution with the railway line.

11.3 Nick Makasis (architect) spoke in support of the scheme, his comments are summarised as follows:-

- This will be a car free development so residents will not be able to apply for a permit to park on the street. However, there is parking available in the surrounding area.
- Due to the unusual shape of the site it was not possible to incorporate loading bays for the commercial units, however there is a loading facility at the triangle piece of land opposite the site.
- The sound report submitted has dealt with the issue of noise generated by the railway line.
- The units will be dual aspect, with all 22 of the units having balconies. 17 of the units will also have 2 rooms accessing the balcony.

11.4 In response to a question from Councillor Desmond, the architect stated that it was his understanding that the flats would be marketed for sale.

11.5 In response to a request from the Chair the architect gave a brief explanation of the Westgate Road elevation at ground floor level and explained that the previous applications had been refused due to issues surrounding parking, which had now been resolved.

**RESOLVED that:-**

<b>A) Planning 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**

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. 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.

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

Before the use hereby permitted first commences, at least two 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. SCH10 – Secure bicycle parking**

Secure, covered parking shall be provided for thirty 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. 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.

**9. NSC3 – Non-standard condition**

The developer/landowner shall carry out a renewable energy options appraisal setting out how at least ten per cent of the proposed development's energy requirements will be provided through on-site renewable energy, to be submitted to the local planning authority and approved in writing prior to the commencement of construction of the development hereby approved. In the event that the ten per cent on-site renewable energy requirement is met by means other than the installation of solar thermal collectors on the roof, a sedum roof (or 'green roof') shall be implanted in their place.

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

**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.

**11. NSC5 – Non-standard condition**

No doors along the site frontage shall open outwards over the public footway.

REASON: In order to ensure that pedestrian safety/amenity and the access needs of pedestrians with mobility impairments are considered and maintained.

**12. NSC6 – Non-standard condition**

All windows on the facade facing the existing railway line should be non-openable, with acoustically-treated ventilation, and comply with the specification in the Noise Assessment report of October 2006 carried out by RPS.

REASON: In order to safeguard the amenity of future occupiers from excessive noise disturbance.

**13. NSC7 – Non-standard condition**

The rating level of noise emitted from external plant and equipment, where present, shall be at least 10dB below the existing background noise level. The noise levels shall be determined at the nearest noise sensitive premises. The measurements and assessments shall be made according to BS4142: 1997.

REASON: In order to safeguard the amenity of future occupiers from excessive noise disturbance.

**14. NSC8 – Non-standard condition**

The proposed development shall achieve an Ecohomes 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.

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

**15. NSC9 – Non-standard condition**

A rainwater harvesting system shall be installed and details thereof shall be submitted to the local planning authority and approved in writing prior to occupation of the building.

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

**B) 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 Corporate Director of Legal and Democratic Services:**

1. Payment by the landowner/developer of £3438.64 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 £53,237.44 as a financial contribution towards education facilities in the borough. (This sum has been calculated in accordance with the approved formula in the Planning Contributions Supplementary Planning Document (SPD) (2006), with child yield information based on the GLA 'DMAG Briefing Note' 2005/25 (updated in May 2006), using Wandsworth survey data as the best available proxy for inner London.)
3. Payment by the landowner/developer of £1,019.26 as a financial contribution towards open space in the borough. (This sum has been calculated in accordance with the approved formula in the Planning Contributions Supplementary Planning Document (SPD) (2006).)
4. The developer is required to pay, under Section 278 of the Highways Act (1980), a financial contribution (of a sum to be established by the Council's Highways department) 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.
5. 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.
6. No resident's parking permits are to be issued to occupiers of the development other than disabled badge-holders.

7. Residential units to be built to Lifetime Homes standard and comply with Code for Sustainable Homes.
8. 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.
9. Achievement of a level 3 rating under the proposed Code for Sustainable Homes all reasonable endeavours to achieve level 4.
10. Achievement of a rating of very good with all reasonable endeavours to a rating of excellent.
11. 20% reduction in carbon emissions through the use of renewable energy sources and use of low energy technology.
12. Considerate Constructors Scheme – the applicant to carry out all works in keeping with the National Considerate Constructors Scheme.
13. 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.
14. At least 10% of units provided shall be wheelchair accessible.
15. Provision to allow the placement of street lighting on the proposed buildings where appropriate.
16. Provision by the landowners/developer of seven units as affordable housing to be given over to Islington and Shoreditch Housing Association (or an alternative RSL (Registered Social Landlord) as agreed by the local planning authority), the dwelling mix to comprise one two-bedroom unit and two three-bedroom units under shared ownership tenure, and two two-bedroom units and two four-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 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 2008/0595, 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.

## **12 CLAPTON LIBRARY, NORTHWOLD ROAD, LONDON, E5 8RA**

(A) Full Planning Application (Ref: 2008/2525):

Refurbishment of existing grade II listed building together with the erection of a two storey extension above the existing battery room and to the rear of the library with a glazed link to provide a meeting room, plant room and staff office, and the installation of new glazed automatic entrance doors, we roof light and solar panels to the roof.

(B) Listed Building Consent Application (Ref: 2008/2527):

Internal and external works comprising of the demolition of part of the rear single storey pitched roof and erection of a two storey extension above the existing battery room and rear of the library with a glazed link; the installation of

new glazed automatic sliding entrance doors, entrance lobby with ramp, repair of existing rooflights to the rear, installation of a glazed screen in place of roller shutters and internal glazed door to lift area and the removal of a partition wall.

- 12.1 The Planning Officer introduced the report, as set out within the agenda.
- 12.2 Nicola Baker (Assistant Director Community Services) spoke in support of the scheme, her comments are summarised as follows:-
- This was included within the strategy for the development of libraries 2005.
  - Opportunity to regain the integrity of the building.
  - The Council had worked in consultation with the Clissold Library User Group and the scheme was also fully supported by the Cabinet Member for Community Services.
- 12.3 Steven Pidwell (architect) also spoke in support of the scheme, his comments are summarised as follows:-
- Seek to re-establish the Edwardian simplicity of the building and all of the works will compliment the existing building.
  - The suspended ceilings will be removed in order to bring back the glazed roof and also a revealing slot for ventilation.
  - The partitions will also be removed on the first floor to open up the space.
  - The battery room will be retained and a glazed plane will take the place of the existing roller shutter.
  - The new section of the building will provide solar hot water panels and rain water harvesting.
- 12.4 In response to questions from Councillor Desmond, it was explained that there would be a large illuminated sign above the door to inform people of its location and that due to the size limitations there would not be a dedicated coffee shop located within the building. It was also confirmed that there was a courtyard to the rear of the building to accommodate bins.

**RESOLVED that:-**

**A) Members be minded to APPROVE planning application ref. 2008/2525 subject to there being no adverse comments from the Government Office for London (GOL), and with 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. SCM2 – Materials to be approved**

Full details, with 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 is commenced. The development shall not be carried out otherwise than in accordance with the details thus approved.

**4. SCM7 – Details to be approved (General)**

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

1. Detailed drawings of all joinery, including doors and windows and new partitions.
2. Details of the treatment of the ceiling bulkhead in the lending library.
3. Details of the restoration of the original ceilings in the entrance stair hall and the children's' library.
4. Details of doors and windows.
5. Details of the lettering above the entrance.
6. Details of the proposed post book box.

**5. NS01 – Non-Standard**

No cleaning of the exterior of the building other than by nebulous water spray.

REASON: To prevent damage to the historic fabric of the building through abrasive cleaning techniques.

**6. NS02 – Non-Standard**

No re-pointing of the exterior of the building.

REASON: To ensure the integrity and special interest of the listed building is maintained.

**7. L3 – Details to Match Existing**

- (i) The new joinery work shall match exactly the materials, dimension and profiles of existing original work, except where otherwise shown in the drawings hereby approved.
- (ii) All new external rainwater and soil pipes shall be formed in metal and painted black.
- (iii) All new partitions shall be scribed around the existing ornamental plaster mouldings.

REASON: In order that the works approved are carried out in a satisfactory manner which safeguards the special historic and/or architectural interests of the building.

**B) The Council is minded to grant Listed Building Consent ref. 2008/2527 subject to there being no adverse comments from the Government Office for London (GOL), and with the following conditions:**

**1. SCB2 – Commencement within Three Years (LBC)**

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

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

**2. SCL5 – Details of Structural Protection**

Detailed drawings showing the method by which the existing structure is to be supported and protected during building works so as to ensure the structural ability and integrity of all the elements which are to be retained shall be submitted to and approved by the Local Planning Authority, in writing, before works commence on site.

REASON: To ensure the retention of those parts of the building which contribute to its special architectural and historic interests and to ensure they are not damaged during building works.

**3. L3 – Details to Match Existing**

- (i) The new joinery work shall match exactly the materials, dimension and profiles of existing original work, except where otherwise shown in the drawings hereby approved.
- (ii) All new external rainwater and soil pipes shall be formed in metal and painted black.
- (iv) All new partitions shall be scribed around the existing ornamental plaster mouldings.

REASON: In order that the works approved are carried out in a satisfactory manner which safeguards the special historic and/or architectural interests of the building.

**4. L6B – Original Features to be Retained (General)**

All existing ornamental features including chimney pieces, plasterwork, architraves, panelling, doors and staircases balustrading shall remain undisturbed in their existing position and shall be fully protected during the course of works on site, unless specifically authorised otherwise on the drawings hereby approved.

REASON: To ensure that those features which contribute to the special architectural and historic interests of the building are retained.

**5. NS01 – Non-Standard**

No cleaning of the exterior of the building other than by nebulous water spray.

REASON: To prevent damage to the historic fabric of the building through abrasive cleaning techniques.

**6. NS02 – Non-Standard**

No re-pointing of the exterior of the building.



REASON: To ensure the integrity and special interest of the listed building is maintained.

**7. SCM7 – Details to be approved (General)**

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

1. Detailed drawings of all joinery, including doors and windows and new partitions.
2. Details of the treatment of the ceiling bulkhead in the lending library.
3. Details of the restoration of the original ceilings in the entrance stair hall and the children's' library.
4. Details of doors and windows.
5. Details of the lettering above the entrance.
6. Details of the proposed post book box.

**INFORMATIVES**

1. Policies contained in the Hackney Unitary Development Plan:

ST1 (Strategic Policy-Appropriate Development), ST2 Strategic Policy-Local Character), ST4 Strategic Policy-Design), EQ1 (Development Requirements).

2. 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.

3. 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 way in which building works are implemented including the hours during which the work may be carried out. This Act is administered by the Council's 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.

**Listed Building Consent (Ref. 2008/2527):**

1. The Listed Building Consent is granted in conjunction with Planning Application ref. 2008/2525, and the same informatives apply.

**13     2-4 SHARON GARDENS, LONDON, E9 7RX**

Erection of two storey side extension and single storey rear extension to provide 2 x 3 bed flats, 2 x 2 bed flats and 4 x 1 bed flats.

**RESOLVED that:-**

**The item be DEFERRED, at the request of the Planning Officer, due to a technical issue.**

**Duration of the meeting:** 18.30 – 21.15

**Signed**

.....

**Chair of the Planning Sub-Committee**

**Contact:**

Emma Perry

020 8356 3338

Emma.Perry@hackney.gov.uk

<b>ADDRESS:</b> 1 - 29 Lyme Grove House, Lyme Grove, Loddiges Road, London	
<b>WARD:</b> Victoria	<b>REPORT AUTHOR:</b> Adam Flynn
<b>APPLICATION NUMBER:</b> 2008/2534  <b>DRAWING NUMBERS:</b> J06.262 / D(00)101 – D(00)124  Design & Access Statement, Arboricultural Report, Energy & Sustainability Report, Daylight/Sunlight Report, Transport Statement	<b>VALID DATE:</b> 6/10/2008
<b>APPLICANT:</b> Islington & Shoreditch Housing Ass. 102 Blackstock Road London N4 2DR	<b>AGENT:</b> BPTW Partnership Hiltons Wharf Norman Road London, SE10 9QX
<b>PROPOSAL:</b> Demolition of existing buildings and the construction of a new part 3, part 8-storey building to provide 36 residential units (6 x 1-bed, 18 x 2-bed, 8 x 3-bed, 4 x 4-bed), along with 4 disabled car parking spaces and associated landscaping.	
<b>NOTE TO MEMBERS:</b> <p>The application was reported to members of the Planning Sub-Committee on 3 December 2008. At this meeting, members DEFERED the application to allow them to carry out a visit to the site and similar schemes built by the developer. This site visit was carried out on 19 December 2008.</p> <p>The previous Officer's report and addendum are attached for member's information.</p>	
<b>RECOMMENDATION SUMMARY:</b> <b>Grant conditional planning permission subject to S106 legal agreement.</b>	

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<b>ADDRESS:</b> 1 - 29 Lyme Grove House, Lyme Grove, Loddiges Road, London	
<b>WARD:</b> Victoria	<b>REPORT AUTHOR:</b> Adam Flynn
<b>APPLICATION NUMBER:</b> 2008/2534  <b>DRAWING NUMBERS:</b> J06.262 / D(00)101 – D(00)124  Design & Access Statement, Arboricultural Report, Energy & Sustainability Report, Daylight/Sunlight Report, Transport Statement	<b>VALID DATE:</b> 6/10/2008
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<b>RECOMMENDATION SUMMARY:</b> <b>Grant conditional planning permission subject to S106 legal agreement.</b>	

**ANALYSIS INFORMATION**
**ZONING DESIGNATION:** (Yes) (No)

CPZ	Hackney Central	
Conservation Area		<i>Adjacent to Mare Street Conservation Area</i>
Listed Building (Statutory)		X
Listed Building (Local)		X
DEA		X

LAND USE DETAILS:	Use Class	Use Description	Floorspace				
Existing	C3	Residential					
Proposed	C3	Residential					
RESIDENTIAL USE DETAILS:	Residential Type	No of Bedrooms per Unit					
Type		1	2	3	4	5	
Existing	Bedsits/Flats	29	0	0	0	0	

<b>Proposed:</b>						
<b>Private</b>		0	0	0	0	0
<b>Affordable</b>		6	18	8	4	0
<b>Total</b>		<b>6</b>	<b>18</b>	<b>8</b>	<b>4</b>	<b>0</b>

<b>PARKING DETAILS:</b>	Parking Spaces (General)	Parking Spaces (Disabled)	Bicycle storage
<b>Existing</b>	0	0	0
<b>Proposed</b>	0	4	64

### **CASE OFFICER'S REPORT**

#### **1. SITE CONTEXT**

- 1.1 The site is located at the junction of Loddiges Road, Lyme Grove and St Thomas Square. The western end of the site faces onto St Thomas' Square. Lyme grove is primarily a pedestrian route linking Frampton Park Road to Loddiges Road.
- 1.2 The site currently comprises two flatted blocks, one of 2-storeys and one of 3-storeys, containing 29 flats, 17 x bedsits and 12 x 1-bed flats. There are some garages and poor quality hard standing on the northern portion of the site.
- 1.3 Along Lyme Grove there are a variety of developments ranging in height from 2-storeys (Pilgrims Lodge), to 4-storeys (Shakespeare House), and up to 10 storeys (Pitcairn House). Further east is Upcott House which is 6-storeys in height, as is Loddiges House and Capel House across the road to the south.
- 1.4 The site is adjacent to the Mare Street Conservation Area, the boundary of which runs down Lyme Grove, round the subject site, and behind Capel House to the south.

#### **2. CONSERVATION IMPLICATIONS**

- 2.1 The site is located adjacent to the Mare Street Conservation Area. The development does not impact on statutorily or locally listed buildings.

#### **3. HISTORY**

- 3.1 July 2008 – Application WITHDRAWN for the demolition of existing buildings and the construction of a new part 4 , part 8 storey building to provide 41 residential units in total (7 x 1 bed, 21 x 2 bed, 9 x 3 bed , 4 x 4 bed) comprising 51% affordable housing, 4 disabled car parking spaces and landscaping.

#### **4. CONSULTATIONS**

- 4.1 Date Statutory Consultation Period Started: 10/10/2008
- 4.2 Date Statutory Consultation Period Ended: 10/11/2008

4.3 Site Notice: Yes

4.4 Press Advert: Yes

4.5 441 individual letters were sent to adjacent occupiers. 25 letters of objection, 2 letters of support, and 2 letters neither supporting nor opposing the application were received.

The grounds of objection were as follows:

- Overshadowing, loss of light.
- Safety and security.
- Loss of privacy/overlooking.
- Parking.
- Existing building should be refurbished.
- Construction nuisance.
- Loss of view.
- Design and appearance.
- Loss of television objection.
- Height of buildings, too many tower blocks.
- Overdevelopment/overcrowding.

4.6 **Local Groups**

4.6.1 Invest in Hackney:  
No comments received.

4.6.2 Private Sector Housing:  
No comments received.

4.6.3 Central and South Hackney Conservation Area Advisory Committee:  
Object for the following reasons:  
The building being demolished is the last low rise building left on that side of St Thomas's Square. The new building's colour is felt to be visually overbearing. The overall impression is that of an airport hotel. Its scale, massing and varying heights would unbalance the Square. We feel it is important to have a variety of building heights within the conservation area to keep the unique character; this eight storey building would create a canyon effect running through the west side of the Square much to the detriment of views through the Square from Mare Street and other vistas.

We feel the design is not of a sufficiently high standard in this Square which has some historic and interesting buildings, i.e. Eric Lyons' Pitcairn House, and Pilgrims Lodge, which would be completely overshadowed by this development.

It was felt that the density of the proposed building would not be a problem, if the design were of a high standard. It is not sufficiently detailed or of a high enough calibre for a Conservation Area. It does not enhance or preserve the Conservation Area.

- 4.6.4 London Fire and Emergency Authority:  
Satisfied with proposal.

4.7 **Statutory consultees**

- 4.7.1 Olympic Delivery Authority:  
No objections.

- 4.7.2 Thames Water  
No objection to the scheme and recommend informatives.

4.8 **Other Council Departments**

- 4.8.1 Sustainability and Design:  
The scheme is located at the intersection of Loddiges Road and Lyme Grove. The main issues raised during pre-application discussions included overlooking, the shade on the adjacent Shakespeare House to the north, and a more friendly frontage to Loddiges Road.

In the final proposal, most of the issues have been satisfactorily addressed. The 8 storey ellipse volume at the corner of Loddiges Road and Lyme Grove will provide a strong image from Mare Street and St. Thomas's Square. The 3-storey townhouses successfully transform the massing into a quieter residential neighbourhood. However, there are some minor design issues regarding the join between the cylinder and the 'rectangular box'. The curve of the joint does not express the massing tension between the 'curved' ellipse and the rectangular box properly. The main entrance of the 8 floor section at Loddiges Road is still dominated by the bin store and service space entrance. It is suggested that the bin store and the service space entrances can be grouped together with darker coloured (more low profile) doors. A canopy could be provided to address the main entrance.

- 4.8.2 Crime Prevention Design Advisor:  
No comments received.

- 4.8.3 Highways:  
No objections. Provide details of works required under S278 Highways agreement.

- 4.8.4 Housing:  
Very supportive of the development, not least because it is 100% affordable with 33% family provision. Rent/Intermediate split of 33%/67% is fine, given the site's location in an area dominated by Social Rent housing. The preponderance of 2-bed units over 1-bed units is good as is the provision of a 3-bed Intermediate unit.

- 4.8.5 Policy:  
No comments received.



- 4.8.6 Pollution:  
Recommend a condition regarding dust pollution during construction.
- 4.8.7 Transport:  
The proposed development is acceptable in transport terms, with conditions and mitigation measures.
- 4.8.8 Waste management:  
Proposed waste provision is acceptable.

## **5. POLICIES**

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

EQ1 – Development Requirements  
EQ48 – Designing out Crime  
HO3 – Other sites for Housing  
TR19 – Planning Standards

### **5.2 Supplementary Planning Guidance /Document**

SPG1 – New Residential Developments

### **5.3 Local Development Framework (LDF)**

SPD – Planning Contributions Supplementary Planning Document (2006)  
SPD – Affordable Housing (2005)

### **5.4 London Plan (Consolidated with Changes since 2004)**

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.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

Housing SPD 2005

**5.5 National Planning Policies**

PPS1 – Creating Sustainable Communities

PPS3 – Housing

PPS10 – Planning for Sustainable Waste Management

PPS12 – Local Spatial Planning

PPG13 – Transport

PPG15 – Planning and the Historic Environment

PPS22 – Renewable energy

PPS23 – Planning and Pollution Control

PPG24 – Planning and Noise

**6. COMMENT**

Planning permission is sought for the demolition of the existing buildings and the construction of a new part 3, part 8-storey building to provide 36 residential units (6 x 1-bed, 18 x 2-bed, 8 x 3-bed, 4 x 4-bed), along with 4 disabled car parking spaces and associated landscaping.

**Considerations**

The main considerations relevant to this application, and discussed in turn below are:

- 6.1 The principle of the use.
- 6.2 Design and appearance of the proposed development.
- 6.3 Potential impact on the amenity of residents.
- 6.4 Traffic and transport considerations.
- 6.5 Conservation Area Impacts.
- 6.6 Response to objectors.
- 6.7 Planning Contributions.

**6.1 The principle of the use**

- 6.1.1 The scheme provides 6 x 1-bed flats, 18 x 2-bed flats, 8 x 3-bed flats, and 4 x 4-bed flats. It is considered that this provides a good mix of units, and therefore accords with UDP and London Plan Policies and SPD on Housing. The scheme provides 100% affordable housing with a split of 33.3%:66.6% in favour of intermediate accommodation (12 units social rented, 24 units intermediate). This is considered acceptable in terms of mix and tenure, and is supported by the Council's Housing Team. The site is located in a predominantly residential area, with a mix of surrounding uses, and as such the development is considered to be compatible with surrounding uses.

- 6.1.2 The scheme provides 36 residential units, creating 110 habitable rooms. This results in a density of 574 hr/ha (188 dwellings/ha). This is within the density level recommended in the London Plan for 'Urban' locations with good public transport accessibility levels (PTAL ratings of 4-6), which this site has with a PTAL rating of 5.

## **6.2 Design and appearance of the proposed development**

- 6.2.1 The application is a resubmission following the previously withdrawn application. The main issues raised with the previous application and subsequently during the pre-application process included overlooking, the loss of light to the adjacent Shakespeare House to the north, and a friendlier frontage required to Loddiges Road.
- 6.2.2 The proposal creates a row of nine 3-storey townhouses fronting Loddiges Road, stepping up to an 8-storey elliptical-shaped tower at the western end of the site. The 8-storey ellipse volume at the corner of Loddiges Road and Lyme Grove will provide a strong image from Mare Street and St. Thomas's Square. The 3-storey townhouses successfully transform the massing into a quieter residential neighbourhood. The height and massing of the proposal follows that of the existing and surrounding buildings, with the 3-storey element being a similar height to the existing Lyme Grove buildings. The 8-storey element takes its height from the surrounding 6-storey and 10-storey buildings. The 8-storey block provides a transition from the 10-storey Pitcairn House to the 6-storey Loddiges House. The block addresses St Thomas' Square, and helps to provide enclosure to the open space.
- 6.2.3 The building will be clad predominantly in a red brick, interspersed with areas of metal cladding and glazing. The top floor of the 8-storey block, side panels of this block, projecting box windows on the 3-storey block and angled windows to the rear will be clad in a metal cladding. Powder-coated windows will break up the façade, and powder coated railings will be used for the balconies and front fencing.
- 6.2.4 The internal layout and circulation spaces of the proposal are considered satisfactory. 11 of the 12 family units proposed are located on the ground floor each with their own private garden space. The last family unit is located on the top floor with a substantial roof terrace. The remaining flats (1 and 2-beds) all have good size balconies, as well as access to the communal amenity space on the ground floor. Due to the curved shape of the tower, all units have a varying aspect, and while not technically dual aspect, this is an improvement over single aspect flats.
- 6.2.5 The design, form, massing and materials of the proposal is considered to be acceptable. Conditions are recommended regarding materials, surface treatments, boundary and façade treatments and landscaping. These are all recommended as conditions of consent to be submitted prior to building works commencing, should the application be granted.

### Sustainability

- 6.2.6 A number of options have been considered for meeting the renewables requirements for the scheme. Energy efficient building measures and a biomass heating will reduce carbon emissions over the entire site by at least 20%. This is in accordance with The London Plan requirement of a 20% reduction in carbon emissions for new developments. It is recommended that a clause requiring this be included in the S106 legal agreement should consent be granted.
- 6.2.7 The scheme will meet level 3 of the Code for Sustainable Homes, and is likely to achieve level 4. The London Borough of Hackney endeavours that all new developments target level 4. Therefore, this matter will be addressed via a Section 106 agreement and subject to this the matter of sustainability is considered to be acceptable.

### Refuse provision

- 6.2.8 The proposed refuse provision is considered to be acceptable. A condition is recommended to be imposed on any grant of planning permission requiring the refuse storage be implemented as shown on the approved plans.

## **6.3 Potential impact on the amenity of residents**

### Sunlight/Daylight

- 6.3.1 The site is well separated from all the adjoining properties, with the exception of Shakespeare House to the north of the site. A daylight and sunlight assessment carried out in accordance with BRE Guidelines has been submitted to assess the impact on the daylight and sunlight reaching the surrounding properties.
- 6.3.2 The scheme has been amended since the previous application, with the main change being the reduction in height of the lower block, and the moving of this further from the boundary. In terms of daylight these revisions have assisted in all habitable window space, apart from one kitchen window, receiving daylight in accordance with recommended BRE levels. 'Vertical sky component' (VSC) tests were carried out for windows around the development site which were then further assessed under average daylight factor (ADF) tests. These tests indicate that the internal light conditions at these windows will remain above recommended BRE targets. The only exception is a kitchen window at ground floor level in Shakespeare House, which is concluded to be insignificant due to the modern requirements for 'task lighting' in kitchens.
- 6.3.3 With regard to sunlight, the report concludes that the development will satisfy recommended BRE levels in all locations. It is relatively low on the western elevation of Shakespeare House, but the relevant windows serve two kitchens and one bedroom (which also has a south facing window), which BRE guidance does not consider to be as important as living rooms.

### Overbearing/Enclosure

- 6.3.4 The existing buildings on the site are located 9.4 metres from the closest point of Shakespeare House to the north. At ground floor and first floor levels, the proposed building will extend to within 8.4 metres of the southern wall of Shakespeare House. This is marginally closer, 1 metre, than the existing Lyme Grove House buildings. The proposed building is the same height as the existing two-storey building and lower in height than the existing three-storey building. The lower block of the proposed building has been reduced in height and set further from the boundary than the previous withdrawn application. The top floor (third storey) of this part of the building is set back to limit the enclosure (and light impacts) on the neighbouring properties.
- 6.3.5 The closest property to the development is the ground floor flat in the south-west corner of Shakespeare House. The two windows facing the development in this flat serve rooms that also have additional secondary windows. While it is acknowledged that the proposal may result in a marginally increased sense of enclosure, it is not considered to be materially different to that of the existing situation. As such it is not considered that this minimal impact of enclosure is sufficient to justify refusal on these grounds, due to the location and bulk of the existing buildings on the site.
- 6.3.6 The tower portion of the building is located sufficient distance from the surrounding properties to avoid any enclosure issues.

### Loss of Privacy

- 6.3.7 The separation between the proposed lower-level building and those existing buildings to the north is at least 8.4 metres. On the ground floor level, boundary treatment will limit any overlooking impacts. At first floor level, angled windows have been used to avoid direct overlooking. However, in a built up and urban environment, these distances, combined with the proposed mitigation measures, are considered to be acceptable. While it is possible that some small degree of overlooking may occur, on balance, the development is considered acceptable with no material effect on privacy. The tower block is sufficiently distance from neighbouring properties to avoid any direct overlooking.

### Noise

- 6.3.8 As the proposal is for a residential use, there is not likely to be any significant increase in noise over and above that already experienced in a residential area.

## **6.4 Traffic and transport considerations**

- 6.4.1 The site has a PTAL rating of 5. The site is therefore considered to have good sustainable transport characteristics, being highly accessible by public transport. The site is located within the maximum recommended walking distance (800m) to London Fields Station to the south-west and Hackney Central Station to the north and therefore has good accessibility to Highbury &

Islington Station to the west and Stratford Station to the east. The site is also well served by several bus routes in Mare Street, which offers connectivity to the London Underground & Rail Network and the City.

- 6.4.2 The Council's Highways officer has been consulted on the proposal and has raised no objections, outlining the highway works required, and the amount of contribution requested. These requirements have been secured under the Heads of Terms in the S106 legal agreement.
- 6.4.3 The Council's Transport department have been consulted on the proposal and state the cycle parking provision of 1 space per one and two bedroom flats and 2 spaces per three and four-bedroom flats is acceptable and accords with the London Plan cycle parking requirement of a minimum of 1 cycle space per residential unit. The site has a PTAL of 5 and is located within a controlled parking zone. Given the excellent level of accessibility to public transport, a car-free development should be implemented in this location, and this is recommended for inclusion in the S106 legal agreement should consent be granted. The provision of 4 disabled parking places is considered adequate for meeting the accessibility needs of disabled residents of the site.

## **6.5 Conservation Area Impacts**

- 6.5.1 The site is not located in a Conservation Area, but is located on the fringe of the Mare Street Conservation Area. Therefore, any development should seek to preserve and enhance the character and appearance of the Conservation Area.
- 6.5.2 For the reasons discussed above, specifically in Section 6.2, relating to the bulk, scale massing and design of the development, it is considered that the proposed development will preserve the setting, appearance and character of the adjacent Mare Street Conservation Area. In addition, the demolition of the existing buildings with poor visual amenity, will allow for the introduction of a new building with an improved and acceptable contemporary design.

## **6.6 Response to objections**

- 6.6.1 Overshadowing, loss of light: This issue has been dealt with in Section 6.3 of this report.
- 6.6.2 Safety and security: The client seeks to ensure their development comply with Secured by Design. They have discussed the scheme with Crime Prevention Design Advisors with a view to achieving Secured by Design Certification. This is recommended to be secured by planning condition on any grant of planning permission.
- 6.6.3 Loss of privacy/overlooking: This issue has been dealt with in Section 6.3 of this report.



- 6.6.4 Parking: The development is car free, apart from four accessible car parking spaces on the site. There will be a requirement of the S106 agreement to ensure residents of the new development will not be able to apply for parking permits for the CPZ within the street and it is considered there will be a negligible affect on on-street parking and traffic on the surrounding road environment.
- 6.6.5 Existing building should be refurbished: The existing building is in poor condition. A replacement will provide a more energy efficient and sustainable building, improved living conditions, and additional, much needed affordable family units.
- 6.6.6 Construction nuisance: The S106 agreement requires the applicant to comply with the Considerate Contractors Scheme, which will minimise any disruption due to construction.
- 6.6.7 Loss of view: This is not a material planning consideration.
- 6.6.8 Design and appearance: This issue has been dealt with in Section 6.2 of this report.
- 6.6.9 Loss of television reception: This is not a material planning consideration.
- 6.6.10 Height of building: This issue has been dealt with in Section 6.2 of this report.
- 6.6.11 Overdevelopment/overcrowding: This issue has been dealt with in Section 6.1 of this report.

## **6.7 Planning Contributions**

- 6.7.1 The following matters are being sought as part of the Section 106 legal agreement to offset the impact of the development proposal:
- To secure the provision of 100% of units as affordable housing, with a split of 33.3%:66.6% socially rented/intermediate.
  - That the provision of 100% (36 units) affordable housing be secured by Islington & Shoreditch Housing Association providing 12 social rented units and 24 intermediate units.
  - Payment by the landowner/developer of an education and libraries contribution of £92,862.62 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.
  - Payment by the landowner/developer of an open space contribution of £1,697.40 towards the supply and quality of open space in the immediate locale.
  - Payment by the landowner/developer of a sustainable transport contribution of £11,880.00 towards works to the public highway.
  - The signing of a Section 278 legal agreement under the Highways Act to pay the Council £97,500 for required works to the highway.

- The landowner/developer covenants to use all reasonable endeavours to ensure that the residential development is retained as car free with the exception of those who are medically certified disabled.
- All residential units to be built to Lifetime Home standards.
- Commitment to the Council's local labour and construction initiatives (25% on site employment).
- Achievement of a level 3 rating, with all reasonable endeavours to achieve level 4, under the proposed Code for Sustainable Homes.
- 20% reduction in carbon emissions over the whole site through the use of renewable energy sources and use of low energy technology.
- Considerate Constructors Scheme – the applicant to carry out all works in keeping with the National Considerate Constructors Scheme.
- At least 10% of units provided shall be wheelchair accessible.
- A Green Travel Plan to include servicing of the site, to be submitted to and agreed with the Council, to include the provision of a car share scheme.
- Provision to allow the placement of street lighting on the proposed buildings where appropriate.
- 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.

## **7. CONCLUSION**

- 7.1 The proposal is considered acceptable in terms of design, bulk, scale, and massing, and will not materially impact on the amenity of the surrounding properties. As such, the proposed development is considered compliant with pertinent policies saved in the Hackney UDP (1995), the London Plan (Consolidated with Alterations since 2004), and national planning policies. Accordingly, the granting of planning permission is recommended.

## **8. RECOMMENDATIONS**

### **Recommendation A**

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

8.1.1 **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 **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 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.

**8.1.4 Modifications to be Approved**

Detailed drawings showing the following modification(s) to the scheme shall be submitted to and approved by the Local Planning Authority, in writing, before any work is commenced on site:

- The bin store and the service space entrances should be grouped together with darker coloured (and more low profile) doors to avoid the dominance of the bin store and service space entrance.
- A canopy or similar should be provided to address the main entrance.

This part of the development shall be completed only in accordance with the modification(s) thus approved.

REASON: The details are considered unsatisfactory in the form shown on the drawings submitted to date and these aspects of the scheme should be modified to ensure an acceptable form of development.

**8.1.5 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 Parking**

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.

**8.1.7 Parking for persons with disabilities**

Before the use hereby permitted first commences the 4 accessible car parking spaces shall be provide for use by the vehicles of persons with disabilities as located on drawing number J06.262/D(00)102.

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

**8.1.8 Provision for cycles**

Secure, covered parking shall be provided for 54 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.

**8.1.9 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.

**8.1.10 Protection of trees on-site during site works**

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.

**8.1.11 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.

**8.1.12 Refuse Disposal**

Adequate refuse storage shall be provided as shown on the plans hereby approved, prior to the occupation of the development hereby permitted.

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

**8.1.13 Waste Storage**

Except on days of collection, all refuse and waste shall be stored in sealed containers in the refuse areas shown on the plans hereby approved.

REASON: In the interests of the appearance of the street and the amenity of adjoining occupiers.

**8.1.14 Level Access**

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.

**8.1.15 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.

**8.1.16 Ecological (Green) Roof**

Full details of a bio-diverse, substrate based (75mm minimum depth) extensive brown/green roof 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 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.

**8.1.17 Secured by Design**

The development shall achieve a Certificate for Compliance to Secure by Design or alternatively achieve Secure by Design standards to the satisfaction of the Metropolitan Police, details of which, to include consultation with the police during the construction period, shall be provided in writing to the Local Planning Authority within one month of the completion date.

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

**8.1.18 Construction Method Statement**

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

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

**8.1.19 Dust Control**

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 which will minimise possible dust pollution to neighbouring properties.

**Recommendation B**

8.2 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 secretary and solicitor to the Council:

8.2.1 To secure the provision of 100% of units as affordable housing, with a split of 33.3%:66.6% socially rented/intermediate.

8.2.2 That the provision of 100% (36 units) affordable housing be secured by Islington & Shoreditch Housing Association providing 12 social rented units and 24 intermediate units.

8.2.3 Payment by the landowner/developer of an education and libraries contribution of £92,862.62 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.

8.2.4 Payment by the landowner/developer of an open space contribution of £1,697.40 towards the supply and quality of open space in the immediate locale.

- 8.2.5 Payment by the landowner/developer of a sustainable transport contribution of £11,880.00 towards works to the public highway.
- 8.2.6 The signing of a Section 278 legal agreement under the Highways Act to pay the Council £97,500 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.
- 8.2.7 The landowner/developer covenants to use all reasonable endeavours to ensure that the residential development is retained as car free with the exception of those who are medically certified disabled.
- 8.2.8 All residential units to be built to Lifetime Home standards.
- 8.2.9 Commitment to the Council's local labour and construction initiatives (25% on site employment).
- 8.2.10 Achievement of a level 3 rating, with all reasonable endeavours to achieve level 4, under the proposed Code for Sustainable Homes.
- 8.2.11 20% reduction in carbon emissions over the whole site through the use of renewable energy sources and use of low energy technology.
- 8.2.12 Considerate Constructors Scheme – the applicant to carry out all works in keeping with the National Considerate Constructors Scheme.
- 8.2.13 At least 10% of units provided shall be wheelchair accessible.
- 8.2.14 A Green Travel Plan to include servicing of the site, to be submitted to and agreed with the Council, to include the provision of a car share scheme.
- 8.2.15 Provision to allow the placement of street lighting on the proposed buildings where appropriate.
- 8.2.16 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.

### **Recommendation C**

- 8.3 That in the event of the Section 106 agreement referred to in Recommendation B not being completed by 24th December 2008, the Assistant Director of Regeneration and Planning 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 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 H03 of the Hackney Unitary Development Plan, Affordable Housing SPD (2005), Policies 3A.1, 3A.2, 3A.3, 3A.5, 3A.6, 3A.8 and 3A.9 of

the London Plan, and advice contained in PPS1 and PPS3.

- 8.3.2 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 Policy EQ1 of the Hackney Unitary Development Plan, Planning Contributions SPD (2006), and Policy 3A.24 of the London Plan.

## **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; EQ48 – Designing out Crime; HO3 – Other sites for Housing; TR19 – Planning Standards; SPG1 New Residential Development; SPD Affordable Housing; SPD Planning Contributions.

The following policies contained in the London Plan 2004 are relevant to the approved development/use and were considered by this Council in reaching the decision to grant planning permission: 2A.1 – Sustainability Criteria; 3A.1 – Increasing London's Supply of Housing; 3A.2 – Borough Housing Targets; 3A.3 – Maximising the Potential of Sites; 3A.5 – Housing Choice; 3A.6 – Quality of New Housing Provision; 3A.8 – Definition of Affordable Housing; 3A.9 – Affordable Housing Targets; 3A.10 – Negotiating Affordable Housing; 3A.11 – Affordable Housing Thresholds; 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; Housing SPD 2005.

## **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.24 | Naming and Numbering                            |
| 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      There is a Thames Water main crossing the development site which may need to be diverted at the developer's cost, or necessitate amendments to the proposed development design so that the main can be retained. Unrestricted access must be available at all times for maintenance and repair. Contact Thames Water, Ph. 0845 850 2777, for further information.
- NSI      With regard to surface water drainage, it is the responsibility of the developer to make proper provision for drainage. Contact Thames Water, Ph. 0845 850 2777, for further information.
- NSI      It is recommended the developer to obtain Section 61 consent from this department under the Control of Pollution Act 1974 prior to commencing demolition/construction on site.

**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)	Gillian Nicks (020 8356 8350)	263 Mare Street, London E8 3HT

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LONDON BOROUGH OF HACKNEY	
PLANNING COMMITTEE 3 December 2008	ADDENDUM SHEET

## **ITEM No. 9 – 1 - 29 Lyme Grove House, Lyme Grove, Loddiges Road, London**

### **Corrections**

On page 204 of the agenda, the amount of cycle spaces should read 54, not 64.

The mix of units provided in paragraph 6.1.1 (page 208) should be 6 x 1-bed flats, 18 x 2-bed flats, 2 x 3-bed flats, 6 x 3-bed houses, 1 x 4-bed flat and 3 x 4-bed houses.

### **Additional Information**

In terms of daylight and sunlight in section 6.3 of the report, the submitted assessment also assesses the impact of the development on Pilgrims Lodge (55 Lyme Grove) to the north. 'Vertical sky component' (VSC) tests were carried out for windows around the development site, including Pilgrims Lodge, which were then further assessed under average daylight factor (ADF) tests. These tests indicate that the internal light conditions at these windows will remain above recommended BRE targets. Parts of the front windows will be in shade in the winter, but the majority of the window will retain good sunlight.

As mentioned in paragraph 6.3.6 of the report, it is considered that the tower portion of the development is sufficient distance from surrounding properties, including being at least 14 metres from the narrow front elevation of Pilgrims Lodge, to avoid any overbearing impacts.

### **Additional Condition**

Insert an additional condition (20) as follows:

*8.1.20 Details of a rainwater harvesting system for the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development and the system shall be installed in accordance with such details.*

*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 London Plan, Hackney UDP and emerging Core Strategy.*

### **Amended Heads of Agreement**

The applicant has submitted, since making the application, that in the current market climate, they may need the flexibility to change tenures. They suggest providing a minimum of 12 units (33.3% of units) as social rented, with the flexibility to use the remaining units as either social rented or intermediate accommodation. This is considered

to be unacceptable as it is contrary to Central Government Policy regarding mixed, inclusive and balanced communities. However, it is acknowledged that there is difficulty within the current housing market, and the Council's Housing Officer is prepared to allow a reduction in intermediate units from 24 units (66.6% of units) to 9 units (25% of units).

Therefore, Clauses 8.2.1 and 8.2.2 shall now read as follows:

*8.2.1 To secure the provision of 100% of units as affordable housing, with a split of 75%:25% socially rented/intermediate.*

*8.2.2 That the provision of 100% (36 units) affordable housing be secured by Islington & Shoreditch Housing Association providing 27 social rented units and 9 intermediate units.*

The original estimate that was provided regarding the S278 highway works was incorrect. A revised estimate has been provided. Clause 8.2.6 shall read as follows:

*8.2.6 The signing of a Section 278 legal agreement under the Highways Act to pay the Council £81,300 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.*

To allow for the provision of more methods of energy reduction, namely increased insulation, Clause 8.2.11 shall now read as follows:

*8.2.11 20% reduction in carbon emissions over the whole site through the use of renewable energy sources, increased insulation and use of low energy technology.*

### **Additional Head of Agreement**

Insert an additional clause as follows:

*8.2.17 Parking shall only take place on the parking spaces shown on the approved drawings, and not on any other area of the site.*

<b>ADDRESS:</b> 2-4 Sharon Gardens London E9 7RX	
<b>WARD:</b>  Victoria (T)	<b>REPORT AUTHOR:</b> Colin Leadbeatter
	<b>VALID DATE:</b> 23/06/2008
<b>APPLICATION NUMBER:</b> 2008/1335	
<b>DRAWING NUMBERS:</b>  D0840/1, 2, 3, 4, 5, 6, 7, 8	
<b>APPLICANT:</b>  Mr Costas Kaffa 203 Cathill Herts EN4 8HS	<b>AGENT:</b>  Dual Building Designs Ltd 91 Palmerston Road Bowes Park London N22 8QS
<b>PROPOSAL:</b> Erection of two storey side extension and single storey rear extension to provide 2 x 3 bed flats, 2 x 2 bed flats and 4 x 1 bed flats.	
<b>POST SUBMISSION AMENDMENTS:</b>  None	
<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	C3	Residential	363m2
Proposed	C3	Residential	564m2

RESIDENTIAL USE DETAILS:	Residential Type	No of Bedrooms per Unit				
		1	2	3	4	5+
<b>Existing</b>	0	0	4	0	0	0
<b>Proposed</b>	Flats	4	2	2	0	0
	Dwellings	0	0	0	0	0
	Studio	0	0	0	0	0
<b>Totals</b>	<b>(Total = )</b>	<b>8</b>				

PARKING DETAILS:	Parking Spaces (General)	Parking Spaces (Disabled)	Bicycle storage
<b>Existing</b>	0	0	0
<b>Proposed</b>	0	0	8

### **CASE OFFICER'S REPORT**

#### **1. SITE DESCRIPTION**

The application site is located on the south side of Sharon Gardens on the corner of Clermont Road and consists of two two-storey semi-detached properties which have been converted into 4 flats. Similar properties neighbour to the North and East.

#### **2. CONSERVATION IMPLICATIONS**

- 2.1 The site is not located within a designated Conservation Area.

#### **3. HISTORY**

2007/2860 – Permission sought for a two-storey side extension and roof extension in order to convert the existing 4 flats into two three-bedroom flats, three two-bedroom flats, and three one-bedroom flats. Refused due to concerns regarding the design of the proposed extensions, along with issues relating to internal layout and floorsizes.

#### **4. CONSULTATIONS**

- 4.1 Date Statutory Consultation Period Started: 11/07/2008  
 4.2 Date Statutory Consultation Period Ended: 01/08/2008  
 4.3 Site Notice: Yes  
 4.4 Press Advert: Yes

#### **4.5 Neighbours**

89 neighbouring properties have been consulted by private letter, 9 letters of objection have been received in response. Objectors raise concerns regarding the possibility of an increase in overlooking and loss of privacy, a detrimental impact on the streetscene, a possible noise nuisance, and the possibility that the development would put a strain on parking in the area.

#### **4.6 Statutory Consultees**

**Primary Care Trust (NHS):** No response to consultation.

#### **4.7 Local Groups**

None

#### **4.8 Other Council Departments**

**4.8.1 Urban Design and Conservation:** No objection to the proposed extension and alteration works which constitute a great improvement over the previous submission.

**4.8.2 Highways and Transportation:** No objection to the proposed development.

**4.8.3 Pollution Group:** No objection to the proposed development.

**4.8.4 Private Sector Housing:** No response to consultation.

**4.8.5 Waste Management:** No objection to the proposed development, but it should be noted that the applicant has proposed too much waste storage.

### **5. POLICIES**

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

EQ1 – Development Requirements

HO12 – Conversions

HO16 – Housing for People with Disabilities

#### **5.2 London Plan (2008)**

4B.1 – Design Principles for a Compact City

4B.4 – Enhancing the Quality of the Public Realm

3A.1 – Increasing London's Supply of Housing

3A.2 – Borough Housing Targets

3A.5 – Housing Choice



**5.3 National Planning Policies**

PPS3 – Housing

**6. COMMENT****Acceptability of Conversion and Dwelling Mix**

- 6.1.1 The proposed development would incorporate two family sized dwellings with private outdoor amenity space, with a further two x two bedroom flats and an additional four x one bedroom units. This is considered to be an acceptable dwelling mix, and would provide the Borough with units which would help diversify the housing stock and increase housing choice.

**Extensions and Design**

- 6.1.2 The proposed development would result in the existing four flats on the site being extended and converted in order to provide eight residential units in their place. The extension works would consist of a two-storey side and rear extension, along with a single storey rear extension along with the creation of new dormer style windows in the roof-slopes in order to create a habitable roofspace. The proposed extensions and alterations would be in the style of the original 1930's semi-detached property, and would follow the original design of the host property. It is considered that the proposed design is in keeping with the age, style and scale of the original host building, and would not dominate or compete with the original fabric of the building.
- 6.1.3 The application site is located on the corner of Sharon Gardens and Clermont Road and mirrors the property located directly opposite at number 1 Sharon Gardens. It is considered that the proposed alterations would no doubt have an effect upon, but would not unduly harm the sense of symmetry to the streetscene, a number of the existing properties in the immediate area have been previously extended or remodelled, and the application site lies next to a much larger 1950's social housing development. It is considered that the proposed development would not constitute any harm on the character or appearance of the area, and as the alterations have been designed sensitively the alterations would blend in with the original fabric of the building better than other extensions already seen in the area.

**Amenity Issues**

- 6.1.4 The proposed development would not cause any significant loss of privacy or increase in overlooking than that currently existing. Although there will be windows located at roof level that do not pre-exist, there are already windows at first floor level which overlook neighbouring residential gardens. It is not considered that these additional windows would allow any further impediment on the privacy of neighbouring residents.

- 6.1.5 The proposed extensions and alterations would not have any significant impact on daylight or sunlight reaching habitable rooms of neighbouring properties, nor would the proposed development overshadow neighbouring gardens. The previous application for this site refused in 2008 would have had an adverse impact on number 6 Sharon Gardens, but the proposed alterations have been reduced in height at the boundary between the two properties and it is considered that the single storey proposed element would not have as significant an impact.
- 6.1.6 It is not considered that the proposed development would pose any risk of noise disturbance to neighbouring properties as the resulting development would be a residential block with no commercial use.

#### **Parking**

- 6.1.7 Although there is no proposed off-street parking, it is considered that the proposed development is located within an area with suitable links to public transport, and off-street parking would not be a requirement. The applicant has proposed 8 bicycle storage spaces within the grounds to the development to serve prospective occupants.

#### **Waste**

- 6.1.8 The applicant has provided ample storage for domestic refuse. Waste Management have suggested that this could even constitute an over provision, so the applicant should be advised that for this development only 8 x 240 litre wheelie bins, and eight recycling boxes.

### **7. CONCLUSION**

- 7.1 It is considered that the proposed extensions and alterations are considered to be appropriate in design terms, and the resulting conversion would result in eight dwellings with suitable floorspaces and internal layouts. It is considered that the proposed development is acceptable, and is therefore recommended for approval.

### **8. RECOMMENDATION**

#### **RECOMMENDATION:**

#### **Planning Permission be Granted subject to:**

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 buildings, boundary walls and ground surfaces of this development shall be submitted to and approved by the Local Planning Authority, in writing, before any work commences on implementing this planning permission. 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. 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.

**6. SCD1 – Provision of level access**

A level access shall be provided to all ground floor units of this development hereby permitted before the use is first commenced.

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

**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. SCH10 – Secure bicycle parking**

Lockable space shall be made available within the building for the secure parking of 8 bicycles, as shown on the plans hereby approved, before the first occupation of the development.

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

**REASONS FOR APPROVAL**

The following policies 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) of the Hackney Unitary Development Plan 1995; and policies 3A.1 (Increasing London's Supply of Housing), 3A.2 (Borough Housing Targets), 3A.4 (Housing Choice), 3A.6 (Definition of Affordable Housing), 3A.7 (Affordable Housing Targets), 4B.1 (Design Principles for a Compact City), 4B.4 (Sustainable Design and Construction) and 4B.7 (Respect Local Context and Communities) of the London Plan 2008.

**9. INFORMATIVES**

The following Informatives should be added:

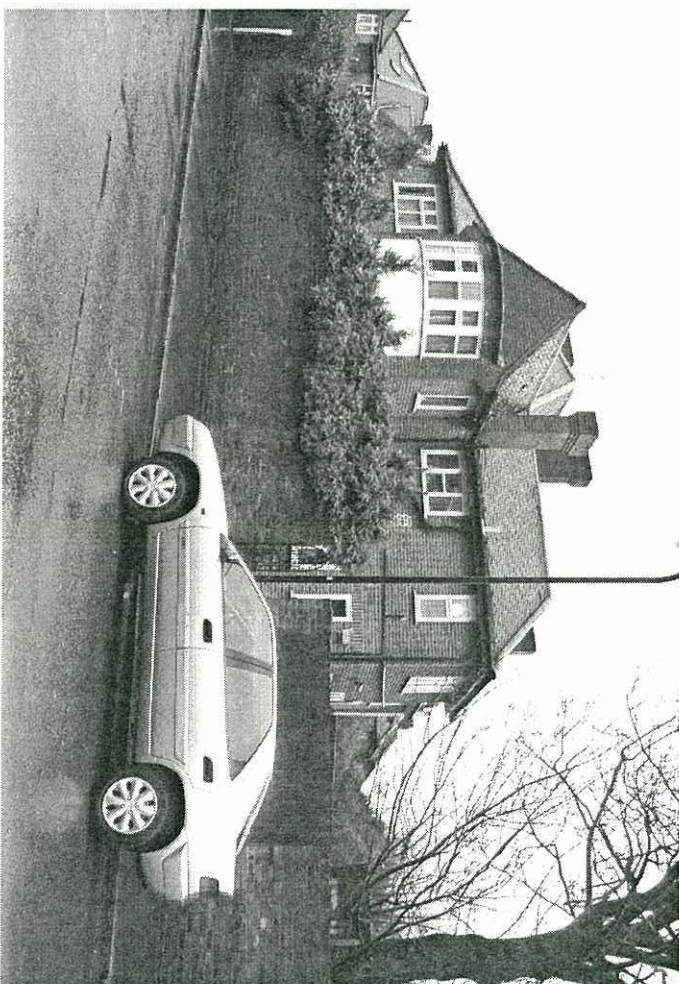
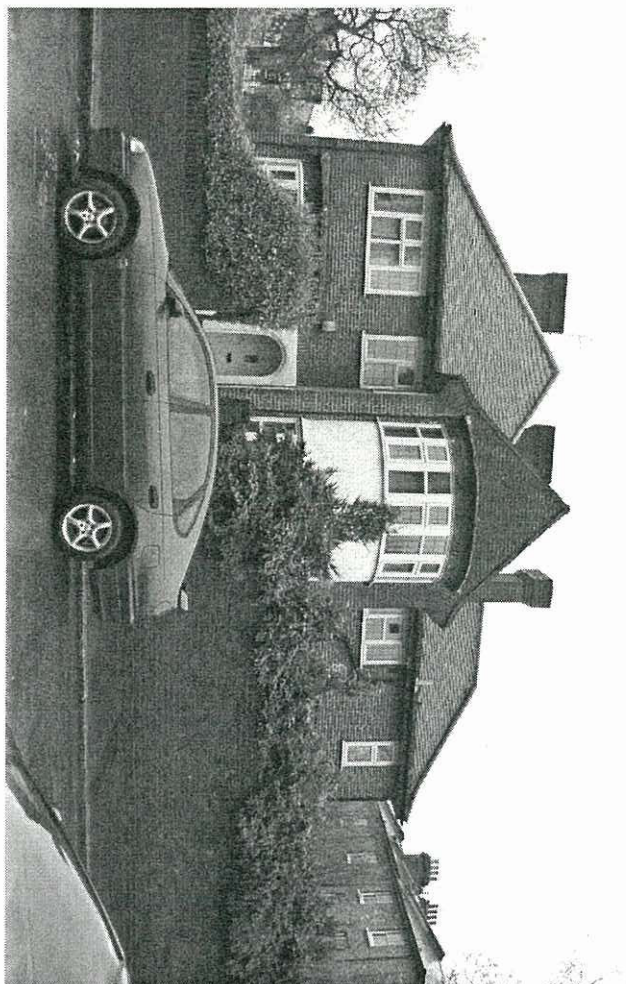
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- SI.2 Work Affecting Public Highway
- SI.3 Sanitary, Ventilation and Drainage Arrangements
- SI.6 Control of Pollution (Clean Air, Noise, etc.)
- SI.7 Hours of Building Works
- SI.24 Naming and Numbering
- SI.25 Disabled Person's Provisions
- SI.27 Fire Precautions Act 1971
- SI.28 Refuse Storage and Disposal Arrangements
- SI.32 Consultations with TWU
- SI.33 Landscaping
- SI.36 Soil Contamination Survey

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	Colin Leadbeatter	263 Mare Street, E8 3HT





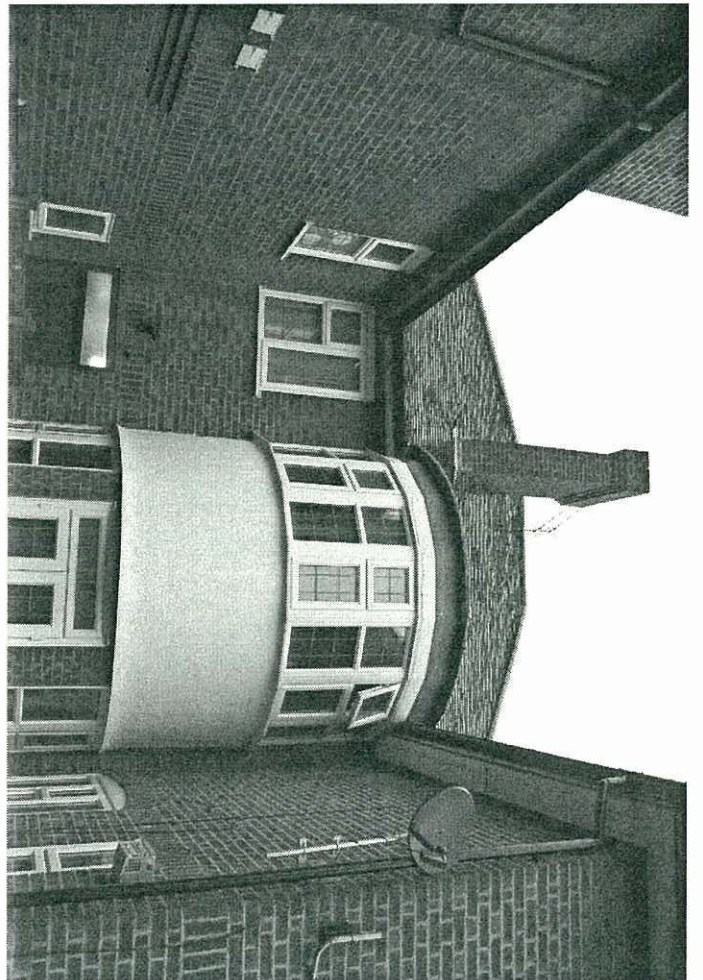
















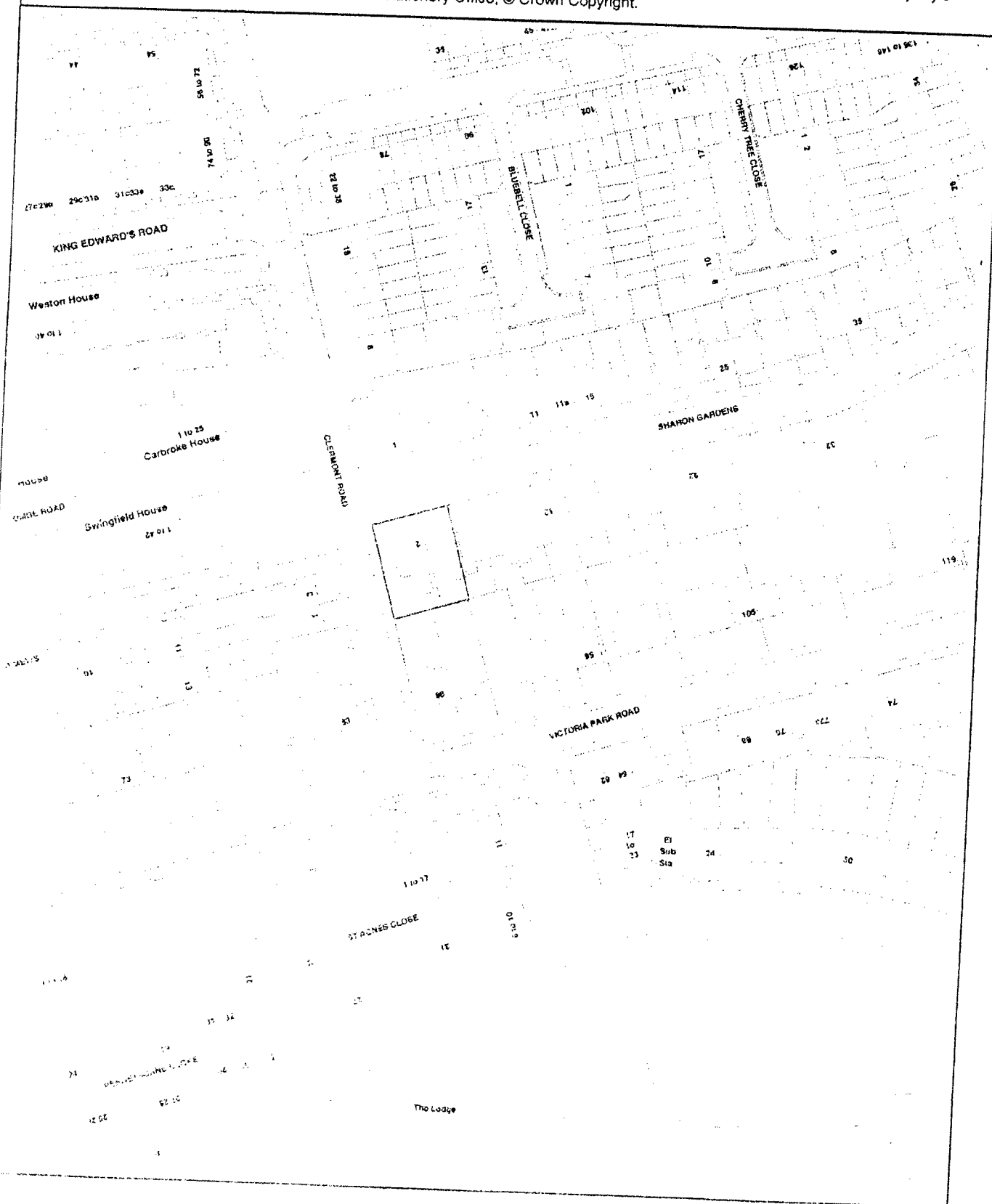
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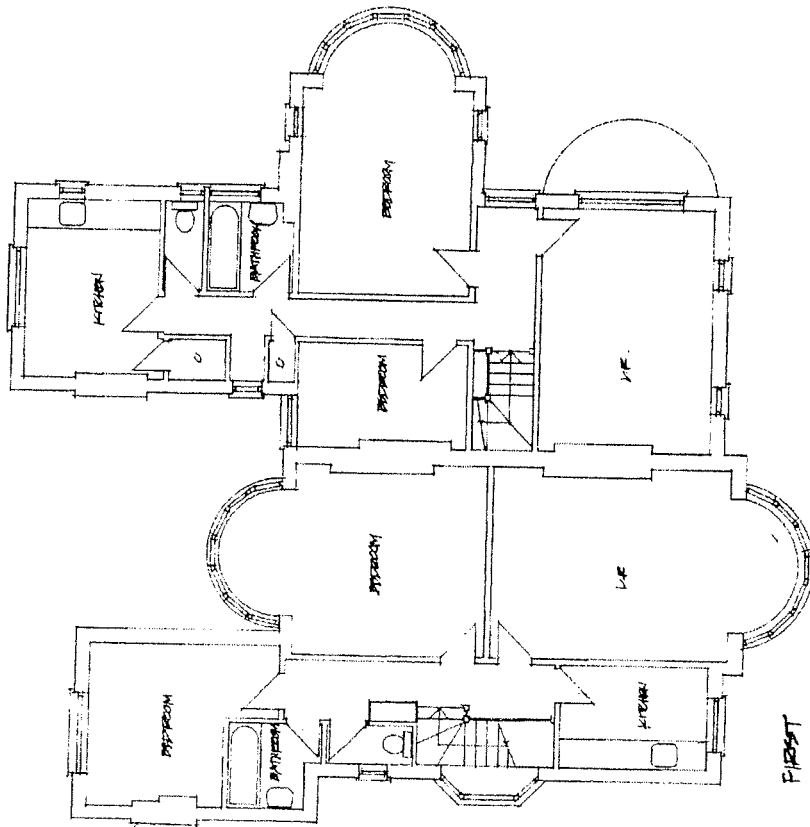
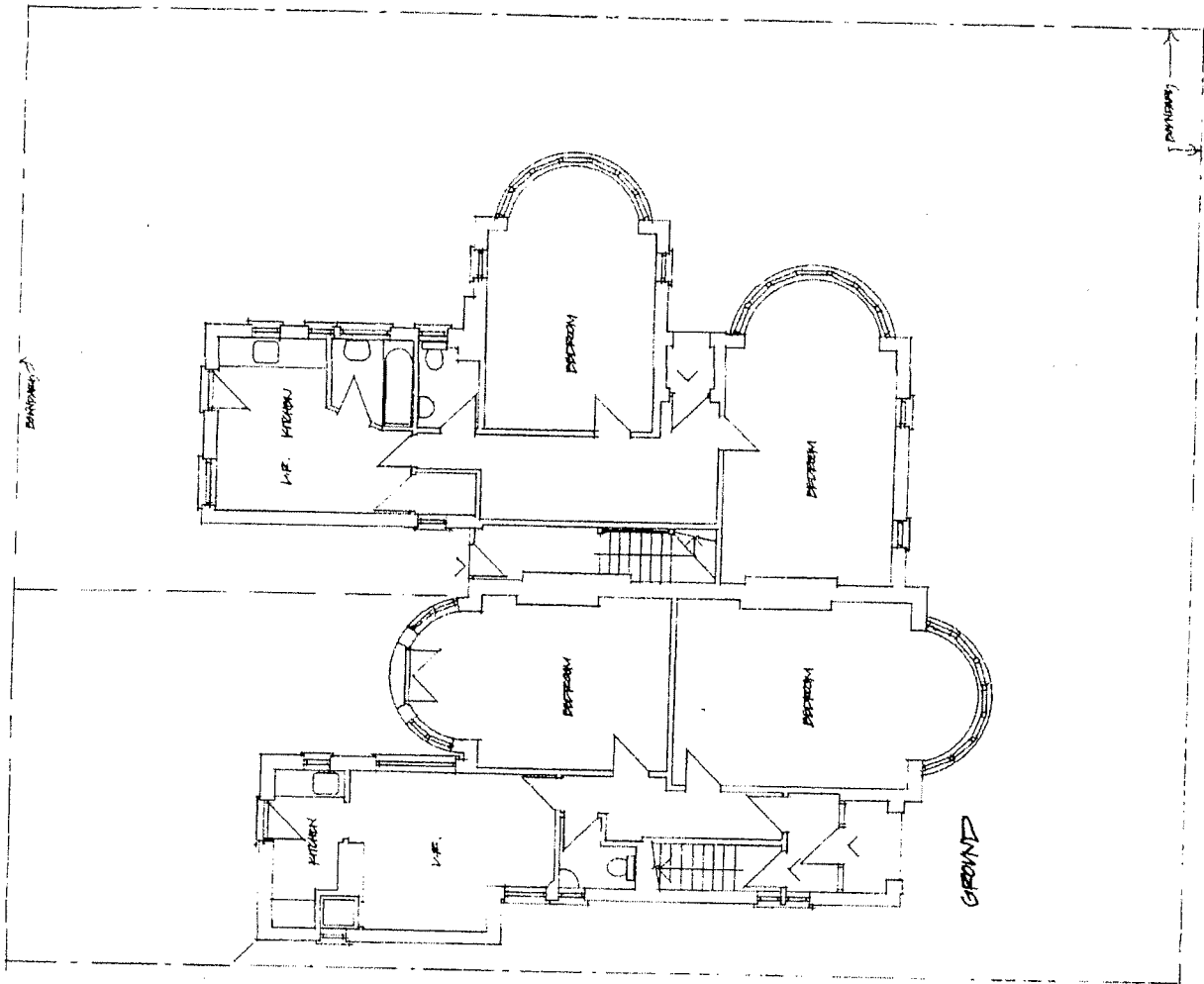
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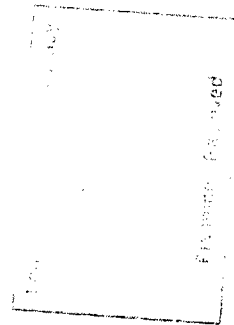
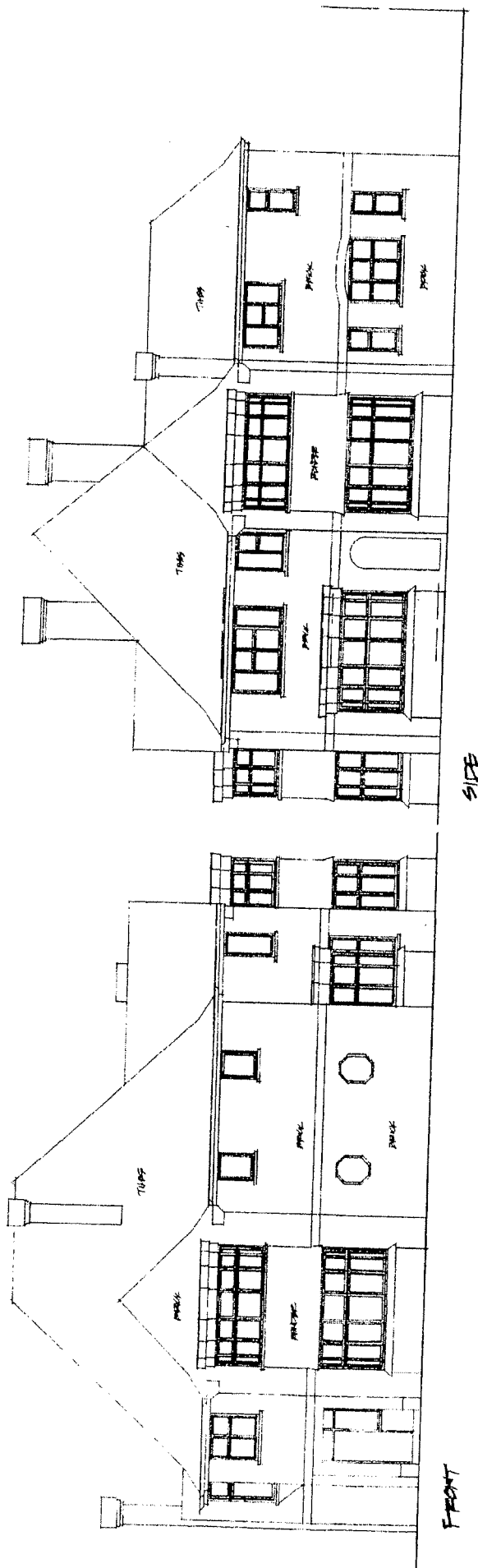
Prepared by: Technical Support Team

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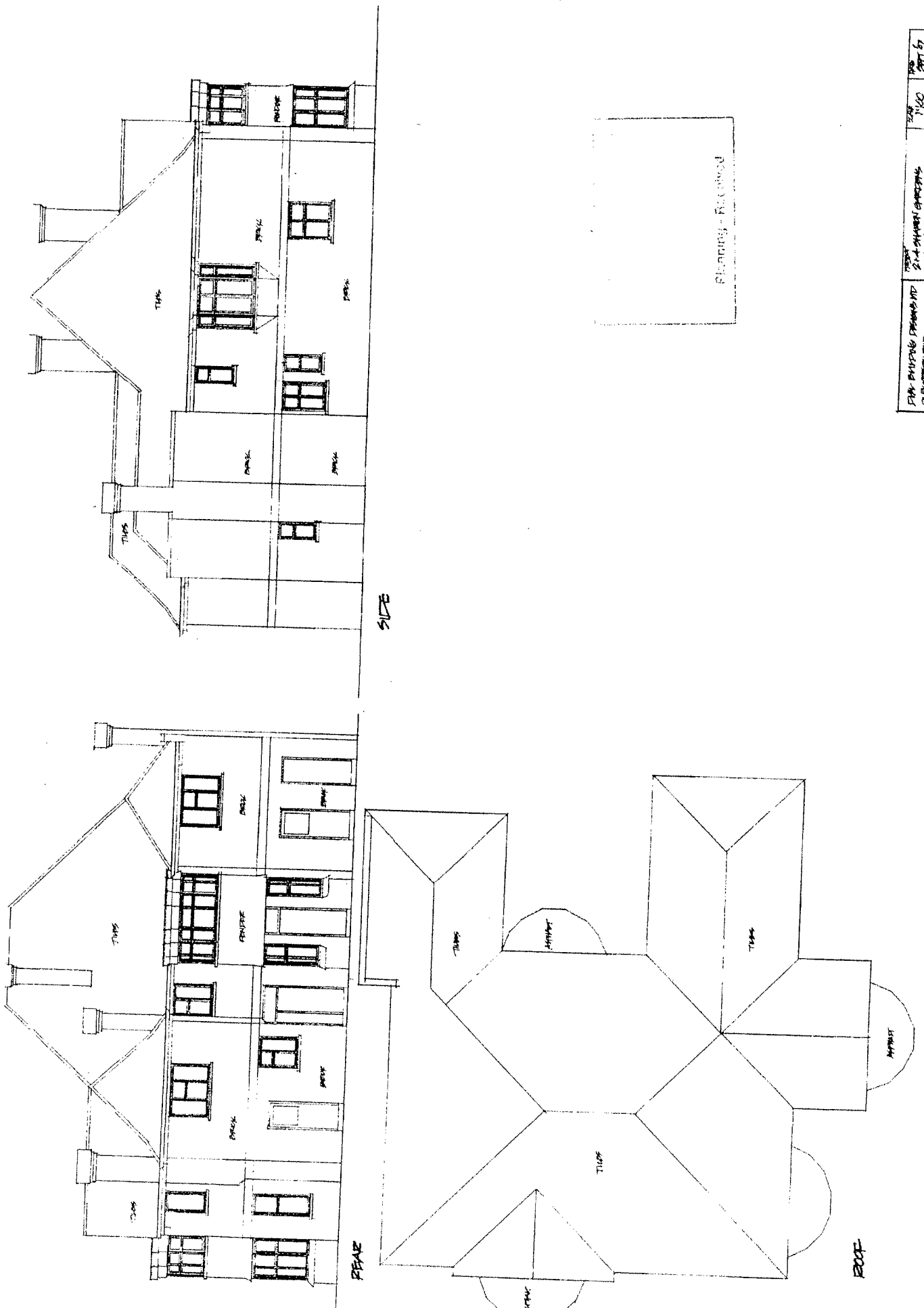




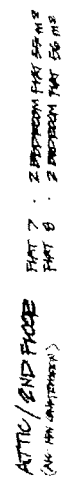
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BY	1/10
FOR	2nd FLOOR GARAGE
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3/04/80		DATE	
19	04	1980	DATE
1000		NO.	
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Planning - Received



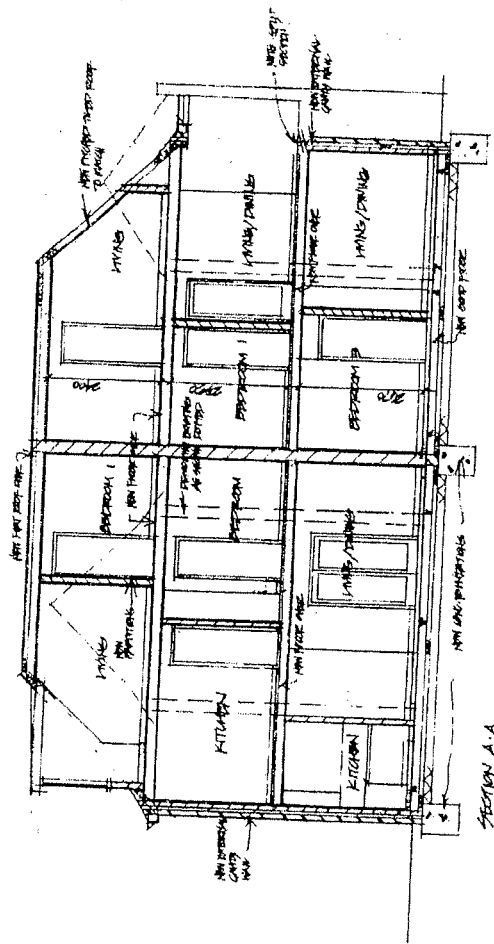




DATE: 12/15/2011	TIME: 10:00 AM	BY: J. L. HARRIS
TO: J. L. HARRIS	FROM: J. L. HARRIS	SUBJECT: J. L. HARRIS
RE: J. L. HARRIS	DATE: 12/15/2011	TIME: 10:00 AM
BY: J. L. HARRIS	DATE: 12/15/2011	TIME: 10:00 AM







DRAWN BY: J. L. BROWN		DATE: 11-10-18	
CHECKED BY: J. L. BROWN		DATE: 11-10-18	
PROJECT: 2018 CHURCH RECONSTRUCTION		SHEET: 1 OF 1	
DRAWING: SECTION A-A		PROJECT: 2018 CHURCH RECONSTRUCTION	
SCALE: 1/8" = 1'-0"		SHEET: 1 OF 1	

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<b>ADDRESS: BERKELEY HOMES LTD – OLD SCHOOL SITE, WOODBERRY GROVE, N4</b>	
<b>WARD:</b> New River	<b>REPORT AUTHOR:</b> Ron Madell
<b>APPLICATION NUMBER:</b> 2008/1841	<b>VALID DATE:</b> 23/07/2007
<b>APPLICANT:</b> Berkeley Homes (North East London) Ltd C/O Agent Old Church Court Claylands Road The Oval London SW8 1NZ	<b>AGENT:</b> Rolfe Judd Planning Architecture Interiors Old Church Court Claylands Road The Oval London SW8 1NZ
<b>PROPOSAL:</b> Planning Application Number 2007/1841: Woodberry Down Kick Start Phase 1, Site 1 (Old School site): Redevelopment to provide a mixed use scheme comprising 456 residential units (Class C3), 1128 sq m Priority Community Facility with associated retail (Class D1/A1), 906 sq m of flexible accommodation to include retail, restaurant, business and other uses (Class A1, A2, A3, A4, B1, D1, D2), ground and basement car parking (212 spaces). Development to comprise seven blocks of four to twenty five storeys in height, new access road and junction to Woodberry Grove, new public open space and new Local Area for Play (detailed application).	
<b>POST SUBMISSION REVISIONS:</b> This report is concerned with further changes to the terms of the Section 106 Agreement attaching to this development.	
<b>RECOMMENDATION SUMMARY:</b> That changes to the affordable content of the scheme and timing of certain financial contributions be agreed	

### 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	Floor space sqm
Existing			
Proposed			
RESIDENTIAL USE DETAILS:			
Type			
Existing			
Proposed			

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

### **CASE OFFICER'S REPORT**

**NOTE TO MEMBERS:** The Sub-Committee resolved to grant conditional detailed (full) permission for this application on 12<sup>th</sup> March 2008. A further report to the 2<sup>nd</sup> July 2008 meeting reported on the major financial contribution by Berkeley Homes to achieving implementation of the new Skinners Academy within the Woodberry Down area, and in recognition of this sought agreement for a corresponding reduction in the Planning Obligation to contribute towards all forms of education to serve the development.

The present report seeks agreement to a variation in two of the other Planning Obligations agreed by Committee, which have continued to be the subject of constructive negotiations to facilitate commencement on site early in the New Year. The issues relate to affordable housing and highways. No other material changes are involved and so this report only sets out the specific issues needing a decision.

## **1. BACKGROUND**

1.1 This report relates to the full planning application (2007/1841) for the first detailed site submission in the comprehensive redevelopment of the Woodberry Down estate in the north of the Borough, and known as the Old School site within Phase 1, one of the 'Kick Start' sites. This application was first considered in March 2008 by the Sub-Committee, when it was resolved to grant detailed (full) permission subject to a Section 106 Agreement and a range of conditions. Prior to this Members had resolved to approve the outline application for the revised Woodberry Down Masterplan on 10<sup>th</sup> September 2007 (2007/0014). The transformation of the estate into a sustainable community is a key objective of the Borough's regeneration strategy, and is also a key priority for housing renewal and community development. The Old School site is the first of the phase one 'kick start' sites of the overall Woodberry Down redevelopment proposals. A revised Masterplan (2008/1050) was subsequently resolved to be granted on 16<sup>th</sup> October 2008.

1.2 The resolution of the 12<sup>th</sup> March 2008 Sub-Committee in respect of affordable housing provision for the Old School development was as follows:

#### Housing

A contribution to the provision of 186 affordable housing units – to include 155 social rented units and 31 intermediate units

#### **Highways Works**

1.3 The resolution relating to highways matters (excluding the TfL contribution relating to Seven Sisters Road) was as follows:

#### LB Hackney Roads.

Section 38 Agreement to be signed contemporaneously between Berkeley Homes and LB Hackney which will require either Berkeley Homes to undertake the following highway works or for LB Hackney to undertake works:

- New junction works to Woodberry Grove;
- New pavement works to Woodberry Grove;
- Provision of new parking bays to Woodberry Grove;
- New pavement works to Woodberry Down;
- New junction to Towncourt Path;
- Revised highway layout to Towncourt Path;
- New Pavements to Towncourt Path.

Works to be undertaken within 36 months of the implementation date.

Section 278 agreement to undertake new access road: LB Hackney noted that agreement may combine S106 and S278.

## **2. Affordable Housing Provision**

2.1 In recent weeks there have been further discussions with Berkeley Homes to secure the earliest implementation of this scheme, which is recognised by both parties as essential to attracting both public and private investment into the remainder of Woodberry Down.

2.2 The previously agreed heads of terms relating to education and training provision required 155 of the 186 affordable dwellings to be social housing for rent, the remaining 31 units being intermediate (generally provided as equity share tenure). Berkeley Homes has reached agreement with Circle Anglia Housing for an imminent commencement of the social housing, but viability issues have been exacerbated by the present extreme market problems. Berkeley therefore proposes that whereas currently, 4 units on the ground floor of Block E are intermediate and the remaining 39 are social rented, changing the tenure of block E to wholly intermediate would significantly improve the viability of KSS1. It would remove the cost of building 39 affordable rented units at effectively zero return and replace them with intermediate units, which would generate a revenue stream to enable the scheme as a whole to proceed to completion.

2.3 There would be no decrease in the anticipated number of social rented units across all of the seven Kick Start sites, which are all within Phase 1 of the Woodberry Down Masterplan scheme. As further background, the Principal Development Agreement signed with the Council in respect of those sites ensures that the required number of social rented units to replace the number existing prior to commencement will all be provided across Phase 1.

2.4 Given the Development Agreement provisions on social housing in Phase 1 as whole, the officers support this revision as a constructive way forward by Berkeley Homes. It is therefore recommended that the social housing requirement for the Old School site (Kick Start site 1) be adjusted from 155 to 116, out of the approved total of 186 affordable dwellings.

## **3. Borough Highways Provision**

3.1 Berkeley Homes will carry out most of the works for the various elements of the development, all as required by the necessary parallel Section 278 Highways Act

Agreement with the Council for highway alterations. A budgetary need has been identified, however, for highway works to enable access to the new Skinners Academy, which will serve secondary education needs for both Kick Start 1 and the Woodberry Down area. These highway re-instatement works to the carriageway and footway in Woodberry Grove (North) need to be completed by 1<sup>st</sup> September 2010. Berkeley Homes is willing to allocate up to £350,000 (or less as required) of the sum previously intended to be handed over to Hackney for the highway works at Old School for this purpose, at a time in advance of when the majority of the education contribution would have been paid (ie on completion of all the private sale dwellings). The Old School highway works would be carried out separately by Berkeley Homes.

3.2 In exchange for what amounts to a site-specific contribution towards achieving secondary education for Woodberry Down, the total contributions towards education and training provision would be correspondingly reduced from £1,189,000 (excluding the agreed £79,000 towards library provision serving the area), as agreed at the 3<sup>rd</sup> July 2008 meeting to a minimum £839,000, to be increased by any part of the £350,000 not required for essential highway and boundary works. The gains would be the bringing forward of part of the contribution, and its targeting of the first programmed element of new education infrastructure to serve Woodberry Down regeneration.

#### **4. CONCLUSION**

4.1 Members are accordingly asked to agree these changes to the previously agreed section 106 agreement as set out in the recommendations below:

(i) Affordable Housing:

The provision of 186 affordable housing units – to include 116 social rented units and 70 intermediate units.

(ii) Highways - Skinners Academy Highway Re-Instatement

Up to £350,000 contribution by 1<sup>st</sup> July 2010 towards the re-instatement of the carriageway and footway in Woodberry Grove (North) and other related boundary works to enable access to the new Skinners Academy, any balance not required to remain within the contribution to Education in (iii) below.

(iii) Educational, Skills Training and Construction Training Contributions (excluding Libraries)

Contribution of a minimum sum of £839,000 (plus any monies not required from the contribution to the Academy highways and boundary works in (ii) above) towards education, skills and construction training to serve the Woodberry Down development.



Signed.....

Date: 18 December 2008

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



## Planning Sub Committee 07/01/2009

<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		
<b>WARD:</b> Planning Delivery Zone 5		<b>REPORT AUTHOR:</b> Anthony Traub
<b>APPLICATION NUMBER (ODA):</b> 08/90328/FUMODA  <b>APPLICATION            NUMBER            (LB Hackney):</b> 2008/2828  <b>DRAWING NUMBERS:</b> 6535-HBA-NPK-A-DPL-0005 6535-HBA-NPK-A-DPL-0001 6535-HBA-NPK-A-DPL-0002 6535-HBA-NPK-A-DPL-0003 6535-HBA-NPK-A-DPL-0004 6535-HBA-GND-A-DPL-0100 6535-HBA-COC-A-DPL-0101 6535-HBA-CUC-A-DPL-0102 6535-HBA-SET-A-DPL-0110 6535-HBA-SET-A-DPL-0111 6535-HBA-SET-A-DPL-0112 6535-HBA-ROF-A-DPL-0113 6535-HBA-GND-A-DPL-0120 6535-HBA-COC-A-DPL-0121 6535-HBA-CUC-A-DPL-0122 6535-HBA-SET-A-DPL-0123 6535-HBA-SET-A-DPL-0124 6535-HBA-SCN-A-DPL-0300 6535-HBA-EVP-A-DPL-0400 6535-HBA-EVP-A-DPL-0401 6535-HBA-ELE-A-DPL-0200		<b>VALID DATE:</b> 12/11/2008

<p>6535-HBA-ELE-A-DPL-0201 6535-HBA-ELE-A-DPL-0202 6535-HBA-ELE-A-DPL-0203</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 the Olympic Mode and Legacy Mode Handball Stadium/Arena.</li> </ul>	
<p><b>RECOMMENDATION SUMMARY:</b> The London Borough of Hackney (LBH) supports the design ethos of the Handball Stadium/Arena and the potential to provide a multi-sport arena in Legacy. However, LBH raises several observations and concerns regarding the illustrative and indicative Legacy Mode layout of the site and landscaping.</p>	

## 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 Handball Arena site is located within Planning Delivery Zone (PDZ) 5 which is located within the London Borough of Hackney. The location and scale of the stadium will be integral to the regeneration of Hackney Wick and its association and connectivity to the Olympic Park and any development plots adjacent.
- 3.2 Originally as part of the overall Olympic Outline Planning Permission, the Handball Arena was proposed nearer the centre of the application site. However, through further design development, the current location of the Handball Arena is preferred, further south nearer the Loop Road.

## **4. PROPOSAL**

### **4.1 The application covers the following:**

#### ***Olympic and Paralympic Games Phase***

- Earthworks and formation of ground contours to finished levels including reinforced slopes and retaining structures involving demolition of residential buildings and the clearance of vegetation and the felling of trees;
- Construction of Front of House and Back of House areas for Handball Venue involving hard surfaces and covered areas for use during the Olympic and Paralympic Games phases;
- Construction of uncovered athletes warm up area (Handball courts) for use during the Olympic and Paralympic Games phases;
- Construction of spectator support areas SS4 and SS5 involving hard surfaces and covered areas for uses within Classes A3, A4 and A5 for use during the Olympic and Paralympic Games phases;
- The laying out of open space, circulation areas and pedestrian routes for use during the Olympic and Paralympic Games phases; and
- Construction of a covered sports, leisure and entertainment venue for handball (including telecommunication antennae) within Class D2 (including The Handball Venue and Goalball) for use as a facility during the Olympic and Paralympic Games phases.

#### ***Legacy Transformation Phase***

- Partial Demolition and dismantling and reconstruction of the Handball Venue to provide a covered sports, leisure and entertainment venue for multi-purpose sport and recreation uses within Classes D1 and D2 with ancillary car parking.

## **5. INTERNAL CONSULTATIONS**

**5.1 Sustainability and Design** – No objections to the proposal. Raises concerns however as to the integration of the site and areas of public realm to the Legacy Park and that the Handball Arena could play a progressive role in the regeneration of Hackney Wick.

**5.2 Highways and Transportation** – Objects to the high level of car parking shown on the submitted plans and raises several observations regarding the proposal.



**5.3 Pollution** - No comments received.

**5.4 Crime Prevention Officer** – No comments received.

**5.5 Landscape and Tree Officer** – Raises several concerns that align with those raised by Sustainability and Design.

**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 Handball Arena will provide a new leisure/multi-sport facility within the wider Olympic site and the configuration of this facility will influence how the Olympic Park itself is accessed, particularly from Hackney Wick and how this portion of the Park will regenerate in Legacy Mode.

### **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**

## **Car Parking and travel planning**

In the original OLF application, the London Borough of Hackney (LBH) objected to the high volume of car parking proposed for the venues in Legacy. The high provision of car parking conflicts with Hackney's policy of reducing private car use and encouraging travel via sustainable modes. Again in this application, LBH is objecting to the large amount of car parking proposed (especially given the proximity of the site to the London Overground). Numbers should be reduced to only essential users (operational and disabled).

Additionally, a travel plan needs to be produced in consultation with LBH. A draft should be prepared prior to occupation with the approved full travel plan being implemented once the building is occupied and travel surveys carried out. The travel plan should be developed in conjunction with the host boroughs and TfL. The travel plan should be prepared in accordance with TfL guidelines and should contain details of initiatives, targets and penalties if targets are not achieved.

Whilst the car parking shown on the application plans state 'illustrative only', LBH have concerns regarding what has been depicted.

## **Connections to public transport**

This site is situated within close proximity to Hackney Wick Station. Detail needs to be provided of how connections will exist to this station to enable and encourage patrons to travel via rail to the Legacy venue. Further details are also needed regarding what plans/strategies are being developed to manage travel during major events at the Legacy venue and what measures will be put in place to protect Hackney during these major events.

## **Walking and cycling connectivity**

Details need to be provided of how this development connects to the local walking and cycling network. Barriers to connectivity need to be identified and measures implemented to ensure that this site is well connected. Details also need to be provided of how the site integrates into the proposed Legacy walking and cycling network in the Olympic Park.

## **Legacy trip generation and impact assessment**

Further information is required regarding the predicted trip generation of the arena in Legacy mode. In addition, the impacts of the increased trip generation need to be assessed and adequate mitigation measures introduced to offset any adverse affects.

Further detail is required of the impact on Hackney Wick station when major events are held at this venue in Legacy. Has any assessment of these impacts taken place

and what measures are proposed to mitigate any adverse impacts on the station and routes to the venue.

### **Cycling facilities**

Further detail is required of cycle parking in Legacy. In particular LBH would request to see details of parking numbers, location of parking and facilities for cyclists.

### **Wallis Road (Prince Edward Road) Bridge over Hackney Cut**

Detail is required of how this development site will impact on any future bridge connections over the canal to Hackney Wick. We are particularly concerned with how the proposed development platform fits in with the required building footprint of any new bridge.

#### **7.3.2**

##### **Landscape and Tree Officer**

Comments from the Council's Landscape and Tree Officer raise concerns that the submission focuses solely on the building itself rather than its integration into the surrounding Park environment.

#### **7.3.3**

##### **Sustainability and Design**

Comments from the Council's Design Officer state:

- The design provides an innovative idea to transform a conventional, isolated box venue through a transparent slot at the main concourse level. Together with a good internal movement strategy, the image of a half-opened jewellery box(created with the transparent slot) successfully works as an attraction to draw people inside to see the 'jewel'. However, the landscaping and the external layout fails to provide integrated public realm space in the legacy context and fails to play a more progressive role in the regeneration of Hackney Wick.

## **8.0 Conclusion and Recommendation**

The London Borough of Hackney (LBH) supports the proposed Handball Arena in

Olympic Mode and the proposed multi-sport venue in Legacy Mode. However raises the following observations with regard to the proposal:

- The LBH raise concerns as to external arrangement of the site in Legacy Mode. 'Illustrative' parking arrangements surrounding the venue that isolate the stadium from the wider parkland and little landscaping detail do not aid in understanding how the venue will link into the wider Olympic Park environment. Further detail will need to be submitted to ensure proper integration in the wider park environment is achieved and an acceptable number of car parking spaces is provided for as currently the illustrative number is considered excessive;
- Further detail regarding the potential development sites and accessibility between Hackney Wick and the Olympic Park will need to be provided. This portion of PDZ 5 and in particular any new bridges connecting the site to Hackney Wick will have a huge impact on LBH and circulation to, from and around the Olympic Park;
- Legacy Cycle parking details need to be developed;
- Further information is required regarding the predicted trip generation of the arena in Legacy mode. In addition, the impacts of the increased trip generation need to be assessed and adequate mitigation measures introduced to offset any adverse affects;
- Further detail is required of the impact on Hackney Wick station when major events are held at this venue in Legacy including additional assessment of these impacts and what measures are proposed to mitigate any adverse impacts on the station and routes to the venue;
- The Handball Arena site is situated within close proximity to Hackney Wick Station. Detail needs to be provided of how it will be ensured that good connections will exist to this station to enable and encourage patrons to travel via rail to the Legacy venue. What plans are being developed to manage travel during major events at the Legacy venue and what measures will be put in place to protect Hackney during these major events;
- A travel plan should be produced in consultation with LBH. The travel plan should be developed in conjunction with the host boroughs and TfL.

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

**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	020 8356 7219	
3	Lower Lea Valley Joint Area Action Plan and Opportunity Area Planning Framework		
4.	Lower Lea Valley Opportunity Area Planning Framework		





## Planning Committee – 07.01.2009

<b>ADDRESS:</b> St Joseph's Convent, Mare Street, E8 4SA.	
<b>WARD:</b> Victoria	<b>REPORT AUTHOR:</b> Anthony Traub
<b>APPLICATION NUMBER:</b> 2008/2575  <b>DRAWING NUMBERS:</b> 707-PLN-070, 707-PLN-071, 707-PLN-072, 707-PLN-073, 707-PLN-074, 707-PLN-076, 707-PLN-077, 707-PLN-075, 707-PLN-078,  Design and Access Statement Noise Assessments Transport Statement	<b>VALID DATE:</b> 10/10/2008
<b>APPLICANT:</b> Religious Sisters of Charity Barrowgate Road Chiswick London W4 4QT	<b>AGENT:</b> APG Architect The Georgian House Gas Ferry Road Bristol BS1 6UW
<b>PROPOSAL:</b> Demolition of existing "Norfolk Wing" of St Joseph's Hospice and the erection of a new purpose built three storey convent building in place of the Norfolk Wing accommodating 25 individual bedrooms including ensuite, two flats at ground level with ancillary communal areas, kitchens and landscaping.  <b>NB:</b> Members are requested to note that a previous scheme for a four storey building was approved at committee in August 2008. The current scheme looks to reduce the overall development by approximately 300 sq.m. by removing the top (fourth) floor of the previously approved scheme.	
<b>RECOMMENDATION SUMMARY: Grant conditional planning permission.</b>	

### ANALYSIS INFORMATION

#### ZONING DESIGNATION:

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

LAND DETAILS:	USE	Use Class	Use Description	Floorspace
Existing		C2	Hospice	1075 sq.m
Proposed		C2	Ancillary accommodation (25 rooms) for resident nuns including facilities for 10 frail-	2025 sq.m

		elderly persons including a chapel, kitchens, breakout areas and storage and archive rooms.	

<b>PARKING DETAILS:</b>	Parking Spaces (General)	Parking Spaces (Disabled)
Existing	26	0
Proposed	21	2
Cycle Parking - Proposed	5	

### **OFFICERS REPORT**

#### **1. SITE DESCRIPTION:**

- 1.1 The site is located to the eastern side of Mare Street.
- 1.2 The site is currently occupied by predominantly three storey buildings with the wider St Joseph's Hospice site home to a new 5 storey building fronting Mare Street (granted planning permission in 2001). The portion of the site that is to be redeveloped is currently occupied by the Norfolk Wing of the Hospice and has associated car parking and vehicular access from Mare Street.
- 1.3 The surrounding area is mixed. To the east and south are existing 2 and 3 storey residential dwellings. To the north and west are existing mixed use buildings with retail at commercial uses at ground floor.

#### **2. CONSERVATION IMPLICATIONS**

- 2.1 The application site is located near the Fremont and Warneford (abutting to the east) and Mare Street (to the north) Conservation areas whilst not being located in either. The proposal's impact on the setting of the conservation area is considered below.

#### **3. HISTORY**

- 3.1 2008/0483: Demolition of existing "Norfolk Wing" of St Joseph's Hospice and the erection of a new purpose built four storey convent building in place of the Norfolk Wing accommodating 25 individual bedrooms including ensuites, two flats at ground level with ancillary communal areas, kitchens and landscaping. Approved – 19/08/2008
- 3.2 2001/0674: Demolition of existing 3 storey hospice wing and erection of a 5 storey plus basement hospice wing. Approved – 20/12/2001.

#### **4. CONSULTATIONS:**

Date Statutory Consultation Period Started: 29 October 2008.

Date Statutory Consultation Period Ended: 19 November 2008.

Site Notices: Yes

Press Notice: Yes (17 November 2008).

#### **4.1 Neighbours**

135 surrounding properties have been sent individual letters informing the occupiers of the proposal/planning application and no letters of objection and two letters in support of the scheme have been received.

#### **4.2 Statutory Consultees**

#### **4.3 Community Groups**

4.3.1 Invest in Hackney: Supports the proposal.

4.3.3 London Fire and Emergency Planning Authority (LFEPA): No comments received.

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

4.4.1 Waste Management: No objection to the proposal.

4.4.2 Planning Policy: No comments received.

4.4.3 Arboricultural Officer: No comments received.

4.4.4 Environmental Health: No objection to the proposal.

4.4.5 Conservation and Design: Recommend approval subject to conditions.

4.4.6 Crime Prevention Officer: No objections to the proposal, however, recommends that there be controlled pedestrian access to the site.

4.4.7 Traffic and Transport: No objections to the proposal.

4.4.8 Building Control: No comments received.

4.4.9 Highways: Have provided comments and required highway works to facilitate the proposal.

## **5. POLICIES:**

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

EQ1 - Development Requirements  
H03 - Other sites for housing  
H017 – Residential Accommodation for Care  
TR19 - Planning Standards

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

SPG1 - New Residential Development  
SPG11 - Access For People With Disabilities

### **5.3 London Plan Policies**

2A.1 - Sustainability Criteria  
3A.14 - Addressing the Needs of London's Diverse Population  
3A.18 – Protection and Enhancement of Social Infrastructure and Community Facilities.  
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  
PPG13 - Transport  
PPS22 - Renewable energy

## **6. OFFICERS COMMENT:**

### **6.1 Proposal**

- 6.1.1 Planning permission is sought to demolish the existing three storey building known as the Norfolk Wing on site consisting of existing bedrooms and ancillary offices and reception areas for the St Joseph's Hospice.
- 6.1.2 The scheme involves the erection of a three storey building to facilitate a development that will provide 25 bedrooms with the en-suites to house resident and visiting nuns including communal kitchens, breakout areas. Thorough landscaping is proposed throughout the site.
- 6.1.3 The building will be formed from brick (type not specified however photomontages indicate a yellow stock brick), aluminium joinery, a green roof with timber and render cladding elements. Car parking will be provided within the front courtyard fronting Mare Street with ten additional spaces located within existing undercroft car parking within the centre of the site under the existing hospice building. There will be a net loss of three car parking spaces.
- 6.1.4 The current proposal is very similar to the previously approved scheme for a four storey building (2008/0483). The difference is the reduction in height from four to three storeys and the reduction in communal areas within the building. The number of rooms provided remains the same including the parking arrangements and landscaping.

#### **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;
- Waste provision;
- Traffic and transport considerations.

Each of these considerations is discussed in turn below.

### **6.2 Principle of Use**

- 6.2.1 The principle of development is considered to be acceptable on this

site as the proposal will provide for a better quality of rooms and spaces associated with the existing hospice use. All uses provided for within the proposed building are considered to be ancillary to the existing hospice (C2) use. The proposal is supported in planning land use terms and the works will ensure a quality living environment is secured for this client group.

### **6.3 Design and Appearance**

- 6.3.1 The subject site is located in an area surrounded by a residential conservation area to the south and east (Fremont and Warneford) and the Mare Street conservation area to the north. The proposed development would be comfortably located between the two conservation areas and the design, appearance, massing and scale of the proposed four storey building would complement the two and three storey residential built form to the south and east of the site and the three storey mixed use buildings along Mare St.
- 6.3.2 The siting of the proposed building would be setback from the existing building with the ground level bounded by an existing two metre high brick wall which is to be retained and repaired where required. Setbacks of over fifteen metres between the proposed building and surrounding residential buildings ensure adequate distance would be maintained in order to prevent excessive overlooking. The siting of the proposed building is therefore considered acceptable.
- 6.3.3 The proposal has been reviewed by the Council's Urban Design and Conservation (UDC) team. The UDC team state '*...We have no objection to the proposed demolition of the existing Norfolk Wing of St. Joseph's Hospice to accommodate a new, purpose built 3 storey convent building. The reason we understand, for the resubmission was that there was a need to reduce costs, and there is no significant difference from the earlier permitted 4 storey building scheme in August 2008 on this site.*'
- 6.3.4 Conditions pertaining to sustainability, materials and boundary treatments are recommended should the proposal be granted planning permission.
- 6.3.5 The siting, height and scale of the proposed development is considered to harmonise with the surrounding area and would have no detrimental impacts on the surrounding conservation areas and the built form of the street scene generally. Additional landscaping to the site will increase onsite amenity space and provide an improved and pleasant outlook when viewed from surrounding properties and public areas.

- 6.3.6 Formal landscaping is depicted on the submitted landscaping plan, however, specific details of size and species are not. A condition of consent is recommended requiring details of plant species and sizes to be submitted for approval should the application be granted planning permission.
- 6.3.7 The Council's Crime Prevention Design Officer recommends that access to the site be controlled and that security measures be put in place for the bin store and sub station due to their close proximity to the existing bus stop on Mare Street. The applicant has confirmed that this can be incorporated into the design. Therefore, a condition of consent is recommended requiring full details of these security measures to be submitted to and approved by the Council, prior to the development commencing.

#### **6.4 Sustainability**

- 6.4.1 The submitted Design and Access Statement states several measures by which the proposal will be as energy efficient and sustainable as possible. These measures are welcomed within the design ethos of the proposal. The British Research Establishment's Environmental Assessment Method (BREEAM) have specific rating systems for development such as this described as 'Multi-Residential'. A condition is recommended on any grant of planning permission requiring details to be submitted for approval, a scheme that demonstrates compliance with a 'Very Good' rating for Multi-Residential proposals with best endeavours to achieve an 'Excellent' rating.

#### **6.5 Waste provision**

- 6.5.1 The proposed plans indicate a section within the northern portion of the building to accommodate bins. There is no information as to proposed bin sizes or numbers on the submitted drawings. The area provided seems to be located in a suitable location and is approximately 13 square metres in size. A condition is recommended on any grant of planning permission requiring details to be submitted for approval of waste storage facilities.

#### **6.6 Traffic and Transport Considerations**

- 6.6.1 The Council's Transportation Team have viewed the proposal and do not consider the proposal to unduly impact on the surrounding road network and consider proposed parking arrangements, ten undercroft

spaces within an existing building and thirteen within the front parking courtyard, would be acceptable.

- 6.6.2 The application provides no details on cycle parking facilities. The London Plan recommends that one cycle space be provided for every three workers the use generates. The applicant has confirmed via e-mail that the proposal will have nine workers and that accommodation could be made for up to five cycle spaces. Five spaces are considered to be an acceptable provision for the site. A condition is recommended on any grant of planning permission requiring details to be submitted for approval of the location of a cycle store able to accommodate at least five cycles.
- 6.6.3 The Council's Highway's Officer has reviewed the proposed scheme and has identified a schedule of works that would be required for highway works. A condition is recommended on any grant of planning permission that the applicant enter into a Section 278 Highways Agreement in order to ensure that the works required are funded and implemented.

## **7.0 CONCLUSION**

- 7.1 Planning permission is sought for the erection of a three storey building to facilitate a development that will provide 25 bedrooms with en-suites to house resident and visiting nuns including communal kitchens and breakout areas. Thorough landscaping is proposed throughout the site.
- 7.2 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.

## **8 RECOMMENDATION:**

- 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 NSC - Ecological roofs**

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.

**8.1.6 NSC - Renewable Energy and Sustainability**

Full details of renewable energy provisions, including evidence of at least compliance with BREEAM's 'Very Good' rating for Multi-Residential proposals with best endeavours to achieve an 'Excellent' rating, 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.

#### **8.1.7 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 NSC - Waste**

Full details of the bin storage area, including bin sizes and locations, are to be submitted and approved in writing by the Local Planning Authority prior to the occupation/use of the proposed building.

REASON: To ensure suitable storage for refuse is provided for on site.

#### **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 5 cycles within a covered and secure facility. Details of which are to be submitted to and approved by the Local Planning Authority, in writing, before the commencement of works on site, and subsequently installed 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 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.

#### **8.1.12 NSC – Highway Works**

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 costs related to consequential highway junction and pavement works.

#### **8.1.13 NSC – Secure by Design**

Full details of the access arrangements, gates, doors and security measures for the bin store, sub station and all pedestrian access points to the site from Mare Street are to be submitted and approved in writing by the Local Planning Authority prior to the commencement of the development.

REASON: To ensure suitable security measures are provided for on site.

### **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  
H017 – Residential Accommodation for Care  
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.)

- Sl.7 Hours of Building Works
- Sl.8 Soundproofing
- Sl.19 Health, Safety and Welfare at Work
- Sl.24 Naming and Numbering
- Sl.25 Disabled Person's Provisions
- Sl.27 Fire Precautions Act 1971
- Sl.28 Refuse Storage and Disposal Arrangements
- Sl.32 Consultations with TWU

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



<b>ADDRESS:</b> Woodberry Grove, Finsbury Park, London, N4 1SN	
<b>WARD:</b> New River	<b>REPORT AUTHOR:</b> Rokos Frangos
<b>APPLICATION NUMBER:</b> 2008/2461	<b>VALID DATE:</b> 26/09/2008
<b>DRAWING NUMBERS:</b> 1195 PL 01 to PL 08 (all rev. B); PL 09 to PL 12, PL 14 to PL 16, PL 18, PL 19, PL 21 to PL 26 (all rev. A); PL 27 to PL 35; 1012_T_001 and 002 (both rev. A); P143-805 (x2)	<b>ACCOMPANYING DOCUMENTS:</b> BB93 Acoustic Design Brief, Design and Access Statement, Daylight and Sunlight Report, Ecological Scoping Survey Report, External Lighting Notes for Planning, Flood Risk Assessment, Landscape Statement, Planning Statement, Sustainability Statement, Transport Assessment, Vibration Dose Measurements.
<b>APPLICANT:</b> The Learning Trust Hackney Technology & Learning Centre 1 Reading Lane London E8 1GQ	<b>AGENT:</b> Gary Hedges Willmott Dixon Construction Ltd Riverbridge House Anchor Boulevard Crossways Dartford Kent DA2 6SL
<b>PROPOSAL:</b> Erection of a three-storey sixth-form-entry academy with associated landscaping, to include a sports hall, two multi-use games areas and forty-two parking spaces.	
<b>POST-SUBMISSION REVISIONS:</b> Changes to elevational design of all parts of the proposal, including main entrance; changes to proposed landscaping in front of all three entrances; change to location of disabled parking spaces; change to position of boundary by New River; change of perimeter fence design and position to 'indicative'; minor changes to footprint of the building (in particular the north-eastern elevation).	
<b>RECOMMENDATION SUMMARY:</b> <b>Grant conditional planning permission.</b>	

### 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
<b>Existing</b>	N/A	Vacant land (formerly residential – use class C3; three buildings demolished; one in-situ but vacant)	14,000 sqm (site area)
<b>Proposed</b>	D1	Academy	10,340 sqm

PARKING DETAILS:	Parking Spaces (General)	Parking Spaces (Disabled)	Bicycle storage
<b>Existing</b>	0	0	0
<b>Proposed</b>	39	3	141

### **CASE OFFICER’S REPORT**

#### **1. SITE DESCRIPTION**

- 1.1 The application site is a vacant 1.4-hectare expanse of land in the Woodberry Down area of Hackney, in the northernmost part of the borough. Four post-war blocks of council housing formerly occupied the site, of which three have been demolished and one remains (Dean House). The land is characterised by a distinct gradient that enables the site to command far-reaching views over the London Borough of Haringey towards Alexandra Palace, descending northwards towards the New River, which constitutes the boundary between the two boroughs.
- 1.2 Social housing in the form of four- and ten-storey blocks of flats is situated to the west of the application site, with Finsbury Park west of this. To the south is a row of semi-detached dwellings estimated to date from the 1920s or 1930s. To the east of the application site lies Woodberry Down Primary School (see paragraph 2.1 below). Further south and east lie several other blocks of late-1940s social housing that comprise the rest of the Woodberry Down estate, which is to be the subject of large-scale regeneration over the next ten years.
- 1.3 The site is located less than a minute’s walk away from Seven Sisters Road, with easy access to frequent bus services to central London, other parts of the borough and beyond. Manor House Underground station on the Piccadilly Line is approximately five minutes’ walk away. The area has a PTAL (Public Transport Accessibility Level) of 4.
- 1.4 There are no UDP, LDF or London Plan designations applicable to the site.

## **2. CONSERVATION IMPLICATIONS**

- 2.1 The application site is neither situated in a conservation area, nor adjacent to one. The only listed building in close proximity to the application site is the adjacent Woodberry Down Primary School (built 1947-1950), which was Grade-II-listed in 2007 on account of its historic importance as the first permanent London County Council school to be designed in the post-war period. It is considered that the proposed development will not affect the setting of this building, owing to the distance separating the two structures, and the proposed development's size, scale, siting and orientation.

## **3. RELEVANT HISTORY**

- 3.1 N/A

## **4. CONSULTATIONS**

- 4.1 Date statutory consultation period started: 09/10/2008
- 4.2 Date statutory consultation period ended: 10/11/2008
- 4.3 Site notice: Yes
- 4.4 Press advert: Yes

### **4.5 Neighbours**

178 surrounding occupiers have been consulted by personal letter. Two letters of objection have been received, and one letter of 'no objection'.

The objections are on the following grounds:

- Noise and disturbance resulting from use
- Traffic-generation; 'effect on traffic and parking'
- Loss of privacy
- '[illegible] amenity'
- 'Wasn't this land designated for housing at the beginning of this regeneration process. How is it you can change something that was discussed and agreed by the local community in those meetings to something that was not mentioned... a school plonked in the middle of a quiet street.'

### **4.6 Statutory consultees**

- 4.6.1 Thames Water: With regard to waste, there are public sewers crossing the site and no building works will be permitted within three metres of the

sewers without Thames Water's approval. With regard to water infrastructure, no objection.

- 4.6.2 London Fire and Emergency Planning Authority (LFEPA): If proposals are to be progressed, please ensure that plans etc. comply fully with the relevant sections of the Approved Document.
- 4.6.3 Natural England: Before granting permission, the Council should request that the applicant undertakes further surveys in order to establish the presence or otherwise of protected species. If protected species are found to be present on site, a detailed mitigation strategy which sets out the results of the surveys, the potential effects of the development on the species and the mitigation measures proposed will need to be developed, in consultation with Natural England. A Natural England licence may also be required if it is considered that the proposed activity is reasonably likely to result in an offence being committed (for example, damage, destruction or obstruction of access to bat roosts).

We welcome the proposed biodiversity measures, but are of the opinion that the development could go further in terms of providing enhancements, for example by providing bat and bird boxes or enhancing the adjacent New River Site of Metropolitan Importance. We recommend that in order to secure enhancement measures, the applicant produces an Ecological Management Plan as a mechanism for formalising and delivering enhancement measures, and this should set out details of how such measures will be monitored, managed and funded in the future.

- 4.6.4 Environment Agency: Objection, on the grounds that the submitted Flood Risk Assessment (FRA) doesn't comply with the requirements set out in Annex E, paragraph E3 of Planning Policy Statement 25 (PPS25). In particular, the FRA fails to incorporate sustainable urban drainage systems to provide the appropriate level of attenuation, as outlined in the Design Code for the development area. [Note to members: the contractor responds 'We have redesigned this element at considerable cost to ourselves. This objection should be removed as we now have a run-off equivalent to a green field.']

#### **4.7 Local consultees**

- 4.7.1 Woodberry Down Regeneration Team: No response received.
- 4.7.2 London Borough of Haringey (adjoining borough): No response received.

#### **4.8 Other Council departments**

- 4.8.1 Urban Design and Conservation: We have no objection to the proposed Skinners Academy located on Woodberry Grove. We think the scheme successfully delivers a good design solution that responds to the unique



character of the site, and the provision of high-quality educational and community facilities.

The proposed buildings successfully wrap around the site's semi-enclosed landscape with a northern open view facing the New River. The semi-overlapping reoriented facades facing the New River create interesting volumetric articulation, and a harmonious relationship between the massing and the sloped landscape.

The elevations have been much improved during the application period with [the introduction of] a general concept of strong vertical elements and sub-square divisions with subtle colour variations. The elevations at the main entrance are also much more interesting and more welcoming, with a three-storey-high ceiling and fully glazed façades.

We appreciate the incorporation of the semi-enclosed landscape into the overall layout, and the way the classrooms, the library and the canteen are placed along its edge. The internal streets, with triangular voids and roof windows, provide a lively communal space where students and teachers can socialise. The visual permeability between the indoors and the outdoors is also much appreciated for the effect of drawing the great landscape view into the building. However, there is very limited direct access from the main movement routes to the outdoor area.

The views/glimpses from Seven Sisters Road through Woodberry Grove clearly show the welcoming entrance square of the academy. Due to security reasons, the temporary boundary fencing at the entrance square is acceptable, but it is expected that it will be removed once this area is further developed. It is suggested that different pavements or level changes are used to define the school-owned entrance square, rather than the isolating fencing.

The community entrance for sports facilities is located at the south-west corner of the site. It has been much improved, with a more inviting entrance space and better-defined circulation.

Whilst visual permeability through the glazing of the academy building successfully provides a relaxing sense of green landscape and riverside space behind the buildings, the street frontage at Woodberry Grove is dominated by the boundary railing wall. Therefore, the quality of the boundary wall needs to be further secured.

- 4.8.2 Highways: The estimated cost of highways works is £108,400.00. However, this does not include any required carriageway works, as this is expected to be completed as part of the Woodberry Down phases. Neither does the estimate include any works relating to the proposed new road that will be used to service the new school. This area has been shown as being outside of the boundary for this application.

- 4.8.3 Traffic & Transport: The proposal will not unduly impact on the borough's transportation infrastructure and is therefore considered to be acceptable, with conditions and mitigations measures.
- 4.8.4 Waste: A waste strategy plan needs to be supplied.
- 4.8.5 Trees and Landscape Officer: Drawing shortfalls and discrepancies pointed out. Root protection area incursions pointed out for trees 202 and 184. Levels changes unacceptable for trees 210 and 211. Design and Access Statement 'neither discusses nor demonstrates understanding of the value or potential character and use of the New River and its path'. Extensive four-metre-high gabion wall would constitute a hard edge, not the soft edge claimed, and will cast shade and reduce casual overlooking and security of the New River path. Ability of the Academy to manage and maintain the strips of 'native grassland' in between the 'ornamental shrub planting' along the front is questioned. No apparent mention of sustainable urban drainage system.
- 4.8.6 Crime Prevention Design Adviser: No response received.
- 4.8.7 Pollution Group: Both the vibration and the noise reports are satisfactory, provided all works are carried out in accordance with the consultant's recommendations in the noise report, to comply with BB93.

## **5. POLICIES**

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

- EQ1 - Development Requirements
- C6 - Provision of Education Facilities
- CS10 - Planning Standards

### **5.2 Supplementary Planning Guidance (SPG)**

- SPG11 - Access For People With Disabilities

### **5.3 London Plan (Consolidated with Alterations since 2004)**

- 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
- 4A.1 - Tackling climate change
- 4A.3 - Sustainable design and construction
- 4A.4 - Energy assessment
- 4A.6 - Decentralised energy: heating, cooling and power
- 4A.7 - Renewable energy

- 4A.11 - Living roofs and walls
- 4A.14 - Sustainable drainage
- 4A.16 - Water supplies and resources
- 4B.1 - Design principles for a compact city
- 4B.2 - Promoting world-class architecture and design
- 4B.5 - Creating an inclusive environment

#### **5.4 National Planning Policies**

- PPS1 - Creating Sustainable Communities
- PPG13 - Transport

#### **6. COMMENT**

Planning permission is sought to erect a three-storey sixth-form-entry academy on a vacant site overlooking the New River (and Haringay beyond) that was formerly occupied by blocks of post-war council housing (as part of the Woodberry Down estate), of which one vacant block remains (Dean House) and would be demolished as part of this proposal. The building would include a sports hall that would be available for public use. The academy building would take up less than half of the site, with the remainder being open, comprising soft-surfaced terraced landscaping and 'amenity zones' adjacent to the river, hard-surfaced terraces (including a dining terrace), two multi-use games areas and forty-two parking spaces.

The main staff and visitors' entrance to the academy would be at the east of the site (adjacent to Woodberry Down Primary School and the bend in the road (Woodberry Grove)). The community entrance would be at the western end of the site (adjacent to Rowley Gardens), as the sports hall and MUGAs are at this, western, end of the application site.

The academy building will feature ICT (Information and Communication Technology) facilities, specialist teaching rooms for science, design and technology, art, music and drama, an assembly hall, dining hall, activity studio, SEN (Special Educational Needs) accommodation, a library/resource area, and dedicated sixth-form classrooms and study and social areas. The dining area and assembly/drama facilities would also be available for community use.

The academy would house between 120 and 160 employees and 900 pupils aged between eleven and sixteen-years-old, and 250 sixth-form pupils.

#### **Considerations**

The main considerations relevant to this application are:

- 6.1 The principle of the development
- 6.2 The design and appearance of the development

- 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 In land use terms, the proposal comprises the loss of one block of council flats (use class C3) and its replacement with a facility that falls within use class D1. Whilst the Council normally seeks to resist any diminution of its housing stock, policy HO8 (Loss of Housing) in the Hackney UDP (1995) makes provision for the loss of residential floorspace if 'the site is in the right location for an essential community facility that can only be provided by use of a residential building'.
- 6.1.2 Although the policy wording appears to pertain to changes of use within the envelopes of existing residential buildings, it is reasonable to infer from its reference to 'the meeting of local and community needs for social, cultural, healthcare, religious and educational facilities' that the essence of the policy should equally apply to circumstances where the change of use involves the physical replacement of residential space with space within use class D1.
- 6.1.3 This position is reinforced by policy CS6 (Provision of Education Facilities) in the UDP, which states that 'the Council will favourably consider proposals for education facilities appropriate to local needs and requirements, subject to other policies in this plan'.
- 6.1.4 Furthermore, the existing structure on site has no architectural or historic merit, and accordingly enjoys no statutory protection; and the building is vacant, the three similar adjacent buildings having already been demolished in readiness for the site's redevelopment.
- 6.1.5 Overall, therefore, there is no policy basis that precludes the erection of the proposed development on this site in principle, and it is considered that the proposal is acceptable in this regard.

## **6.2 The design and appearance of the development**

- 6.2.1 The proposed development has a footprint that resembles a compressed 'M', with the sports hall and assembly hall anchoring each end. The elevations have a horizontal emphasis tempered only by powder-coated aluminium windows framed by vertical strips of acoustic louvres, framed by a rainscreen cladding system. This is set on a masonry plinth. The sports hall is clad in a different rainscreen cladding system. The assembly hall is expressed in masonry in different colours.

- 6.2.2 Although the scale of the development adjacent to Woodberry Grove is fairly intensive given the overall size of the site, a height that is only a storey taller than the buildings on the opposite side of the street is not considered to be excessive or unduly overbearing on these properties. Furthermore, the proposed building's massing is sufficiently well articulated, and its detailed design appropriate to its use and acceptable in its overall context.
- 6.2.3 In terms of sustainability criteria, the developer's stated aim is to 'provide a building with sixty per cent reduced carbon emissions compared to the permissible levels stated in the 2002 Building Regulations'. To that end, the proposed building will feature a biomass boiler for heating, a ground-source heat pump for cooling, solar thermal water pre-heating as well as various passive design measures. The proposed development also includes provision for rainwater harvesting and a green roof, although only an eighth of the proposed building's roofspace (approximately) will be taken up by the sedum planting; no reason has been given for this.
- 6.2.4 As the proposed development involves building on land that was previously landscaping separating the four blocks of council housing that formerly occupied the site, it is not unreasonable to expect some tree losses. To be precise, the felling of forty-four trees is proposed. The applicant's landscape architects claim that 121 new trees will be planted, together with 4533 indigenous shrubs, 1655 ornamental shrubs and 1638 herbaceous plants.
- 6.2.5 With regard to both the number of trees proposed for felling and the number of new trees and shrubs to be planted, the numbers in question are greater than anticipated. Whilst the Council generally seeks to resist the loss of any trees when assessing proposals for redevelopment, it is accepted that the level of tree-planting would be sufficient to mitigate against the loss of forty-four trees, particularly given the number of trees being retained (twenty-seven). However, a condition is recommended requiring the submission of further details regarding these changes to the site's tree stock and securing the new implantations.
- 6.2.6 Overall, therefore, the proposed development is acceptable in these regards, with all aspects of design and sustainability deemed to be compliant with local, regional and national policy.

### **6.3 Potential impact on the amenity of adjoining residents**

- 6.3.1 The application site faces semi-detached residential properties to the south. These properties' front elevations are separated from the academy by a distance of twenty-seven metres. This is a generous front-to-front distance between buildings on the opposite side of the same street in an urban setting. Having due regard to the height of the proposed development, which is only a storey greater than the height of the surrounding dwellinghouses (particularly in light of the downward gradient of the land on which it is located), it is considered that the proposed development will not

result in any significant impact on the amenity of neighbouring occupiers by way of undue overlooking.

- 6.3.2 Furthermore, for the reasons set out above and having due regard to the siting, location and orientation of the proposed development, it is considered that the proposal will not result in any significant risk to the amenity of adjoining occupiers by way of loss of daylight, sunlight, overshadowing or an increased sense of enclosure. Overall, the proposed development is considered to be acceptable with regard to amenity and complies with the relevant policy in the Hackney UDP (1995).

#### **6.4 Traffic and transport considerations**

- 6.4.1 The site will be accessed via three vehicular access points: one existing vehicular access that will be shared with Woodberry Down Primary School, and two new access points that come off the new access road to the west of the site. The location and layout of these vehicular access points are considered to be acceptable in principle, although further clarification regarding the construction of the proposed new access road to the west of the site is needed, as it is not part of the application site.
- 6.4.2 The level of car parking provision (forty-two spaces) is considered to be acceptable and generally in line with the parking provision approved for academies/schools of a similar size across the borough. The car parking is provided solely for use by staff. Three disabled parking places is considered to be one short of the required number, and a condition requiring another disabled parking space is recommended.
- 6.4.3 The proposed level of cycle parking (144 spaces) is in line with TfL cycle parking standards. However, it is unclear where these cycle parking places will be situated within the proposed site. There are fifty-two cycle parking places (thirty-two adjacent to the community entrance and twenty adjacent to the pupil and staff entrance) indicated on the proposed ground floor plan. The ground floor plan in Appendix A of the transport statement indicates 100 cycle parking places adjacent to the community entrance and forty-four adjacent to the staff/pupil entrance. A condition is recommended requiring the resolution of this discrepancy.
- 6.4.4 Based upon the aforementioned transport statement submitted with the application, the Council's Traffic and Transport team have indicated that overall they do not consider 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.
- 6.4.5 An informative is recommended notifying the applicant of the requirement to enter into a Section 278 agreement to cover the costs of removal of the existing vehicular crossings on Woodberry Grove and the reinstatement of

the footpath, and a condition is recommended requiring the submission of a School Travel Plan.

## **6.6 Consideration of objections**

### **6.6.1 Noise and disturbance arising from use**

It is considered that a building which contains an educational facility does not constitute, in itself or in principle, a noise-generating use such as would disturb the amenity of nearby occupants to a sufficient degree to warrant the refusal of the application. The most noise-generating elements of any school facility are outdoor play areas and outdoor sports facilities, which in this instance are situated on the other side of the school building from the neighbouring residential properties, thereby reducing further the likelihood of noise disturbance.

### **6.6.2 Effect on traffic and parking**

This matter has been addressed in section 6.4 of this report. The Council's Traffic & Transport team have raised no objection to the proposed development.

### **6.6.3 Amenity considerations**

This matter has been addressed in section 6.3 of this report.

### **6.6.4 'How is it you can change something that was discussed and agreed by the local community in those meetings to something that was not mentioned'**

The Council's Development Management service is a regulatory body that has a statutory duty to consult on the planning applications that it receives. It can provide non-binding advice on, but is not responsible for, the evolution of plans for a given site prior to a planning application being submitted. The failure of a proposal to correspond with earlier plans for a given site does not constitute a material consideration or a reason for refusal, regardless of the extent of community involvement at the pre-application stage.

## **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**

**That, notwithstanding boundary treatment, 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 and ground surfaces shall be submitted to and approved by the local planning authority, in writing, before work on the external surfaces and ground surfaces commences on site. 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 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.

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

Before the use hereby permitted first commences, at least four 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.

**8.1.8 SCH10 – Secure bicycle parking**

Secure, covered parking shall be provided for 144 bicycles, details of exact siting of which shall be marked on plan, submitted to the local planning authority and approved in writing, before use of the development hereby approved 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.

**8.1.9 SCH14 – Closure of existing access**

The existing accesses to the site shall be closed permanently when the use of the new accesses shown on the plans hereby approved are provided and in use.

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

**8.1.10 SCH15 – Access only as approved**

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

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.

**8.1.11 SCT1 – 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 (to number no fewer than 121), indigenous shrubs (to number no fewer than 4533), ornamental shrubs (to number no fewer than 1665) and herbaceous plants (to number no fewer than 1638), showing species, type of stock, numbers of trees and shrubs to be included (if different from, i.e. more than, the above figures) 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 five 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.

#### **8.1.12 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.

#### **8.1.13 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 forty-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.

#### **8.1.14 NSC1 – Non-standard condition**

A revised School Travel Plan shall be submitted to the Council's Traffic and Transport team for review, and approved in writing prior to occupation of the proposed development.

REASON: In the interests of providing for satisfactory travel arrangements to and from the school and to ensure that the proposed development does not prejudice the free flow of traffic.

**8.1.15 NSC2 – Non-standard condition**

Details of the construction traffic route and a construction traffic management plan shall be submitted to the Council's Traffic and Transport team and approved in writing prior to the commencement of any work on site.

REASON: In the interests of road safety.

**8.1.16 NSC3 – Non-standard condition**

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

REASON: To minimise cumulative flood risk and promote sustainable urban drainage.

**8.1.17 NSC4 – Non-standard condition**

Full details of boundary treatment, including type, extent, height, depth and siting of perimeter fencing and the gabion wall adjacent to the New River, and including hard and soft landscaping treatment adjacent to the boundary in its entirety, shall be submitted to the local planning authority and approved in writing prior to the completion of construction of the buildings hereby approved.

REASON: In the interests of the appearance of the application site and its relationship with its surroundings.

**8.1.18 NSC5 – Non-standard condition**

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.

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

**8.1.19 NSC6 – Non-standard condition**

No occupation of the development shall take place until such time as measures are submitted to and approved by the Council, in writing, for public after-hours use of the assembly hall, dining hall and all school sports facilities, and for community access to these facilities to be safeguarded in perpetuity.

REASON: In the interests of securing wider community benefit from the development.

**8.1.20 NSC7 – Non-standard condition**

The applicant shall:

- (a) use all reasonable endeavours to secure that at least twenty-five per cent of the workforce for the construction of the development is local labour (any

- person or persons aged eighteen 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 seven 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;
  - (f) 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.

#### **8.1.21 NSC8 – Non-standard condition**

An Ecological Management Plan setting out a detailed mitigation strategy against the potential effects of the development on any protected species whose presence is detected on site (and including the provision of bat and bird boxes) and setting out how the enhancement measures in Lloyd Bore's Ecological Scoping Survey report (September 2008, ref. B479/01) will be monitored, managed and funded in the future (including a lighting strategy to ensure that bats are not adversely affected by lighting on site both during the construction and operation phases of the development), shall be submitted to the local planning authority and approved in writing prior to the commencement of any works on site.

REASON: In the interests of protecting biodiversity adjacent to the New River.

#### **8.1.22 NSC9 – Non-standard condition**

A waste management strategy for the development hereby approved shall be submitted to the local planning authority and approved in writing prior to occupation.

REASON: In the interests of satisfactory waste management.

## **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; C6 - Provision of Education Facilities; CS10 - 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; 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; 4A.1 - Tackling climate change; 4A.3 - Sustainable design and construction; 4A.4 - Energy assessment; 4A.6 - Decentralised energy: heating, cooling and power; 4A.7 - Renewable energy; 4A.11 - Living roofs and walls; 4A.14 - Sustainable drainage 4B.1 - Design principles for a compact city; 4B.2 - Promoting world-class architecture and design; 4B.5 - Creating an inclusive environment.

## **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 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 2008/2461, 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 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 £108,400.00

towards the cost of works to highway land adjoining the site arising from the implementation of this planning permission.

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



**Site Photos – Skinners Academy, Woodberry Grove (ref. 2008/2461)**



Northward view from site of future entrance



Adjacent listed primary school





View of Dean House



Northern side of Woodberry Grove, looking towards primary school





Northern side of Woodberry Grove, looking north-west;  
Dean House in the background



Side elevation of Dean House





Northern side of Woodberry Grove, looking north-east



View across site from Woodberry Grove





View of site looking towards Rowley Gardens



South-western corner of site





View eastwards across site towards Dean House



View from west of site, westwards





Adjacent blocks of flats on Rowley Gardens



Dwellinghouses on the southern side of Woodberry Grove





View across site, looking north-east



View across site, looking north-west



<b>ADDRESS:</b> Former Redruth Library site, Corner of Redruth Road and Victoria Park Road, London E9 7JS	
<b>WARD:</b> Victoria	<b>REPORT AUTHOR:</b> Rokos Frangos
<b>APPLICATION NUMBER:</b> 2008/2764	<b>VALID DATE:</b> 04/11/2008
<b>DRAWING NUMBERS:</b> E07-230 / D 01 to D 04, D 07 to D 09, D 13 (all rev. A); D 05 and D 06 (both rev. B); D 10 to D 12	<b>ACCOMPANYING DOCUMENTS:</b> Design and Access Statement, Sunlight and Daylight Report, Planning Statement, Renewable Energy Study, Transport Statement, Tree Condition Survey and Recommendations.
<b>APPLICANT:</b> Genesis Housing Group Capital House 25 Chapel Street London NW1 5DT	<b>AGENT:</b> Savills Bridewell Gate Bridewell Place London EC4V 6AW
<b>PROPOSAL:</b> Demolition of the existing building and the erection of a part-four-, part-five-storey building containing nineteen residential units and two parking spaces, together with associated outdoor amenity space, storage access and landscaping.	
<b>POST-SUBMISSION REVISIONS:</b> None.	
<b>RECOMMENDATION SUMMARY:</b> <b>Grant conditional planning permission, subject to Section 106 agreement.</b>	

### 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	D1	Library (disused)	254 sqm
Proposed	C3	Residential	1364 sqm



<b>PARKING DETAILS:</b>	Parking Spaces (General)	Parking Spaces (Disabled)	Bicycle storage
<b>Existing</b>	0	0	0
<b>Proposed</b>	0	2	15

## **CASE OFFICER'S REPORT**

### **1. SITE DESCRIPTION**

- 1.1 The site consists of a one-storey, disused library dating from the 1970s, with an expanse of tarmac to the rear and communal amenity space associated with a separate block of flats behind this. The surrounding area is residential in nature, comprising mainly good quality three-storey Victorian terraces and some post-war housing of between two and four storeys. The site is situated within close proximity to Victoria Park and lies approximately sixty metres from the Victoria Park conservation area boundary. No other UDP designations are applicable.
- 1.2 The site has a Public Transport Accessibility Level (PTAL) of 1b ('poor'), although this rises to 3 ('moderate') if London Fields rail station and Mare Street's bus services are taken into account (980 metres and 700 metres walking distance away, respectively). Two bus services operate within close proximity to the application site, the westbound 388 towards Blackfriars and the 277 from Lauriston Road to Canary Wharf or Highbury & Islington. Other locations in the City, the West End and elsewhere in the borough can be reached by buses from Wells Street (26) and Mare Street (48, 55, 106, 254, D6).

### **2. CONSERVATION IMPLICATIONS**

- 2.1 No statutorily listed or locally listed buildings are affected by the application. The site is not situated in a conservation area, nor is it sufficiently close to the Victoria Park conservation area to impact upon its character or appearance.

### **3. HISTORY**

- 3.1 20/05/2008: Planning permission refused for demolition of existing building and erection of a part four-, part five-storey building comprising twenty-one residential units (eight one-bedroom flats, eight two-bedroom flats, two three-bedroom flats and three four-bedroom flats), together with two disabled car-parking spaces, and associated outdoor amenity space, access and landscaping (2008/0342).
- 3.2 10/05/2007: Planning permission refused for demolition of existing building and erection of a new part four-/part five-storey building providing nineteen



affordable housing units, two car-parking spaces and associated outdoor and amenity space, storage areas, access and landscaping (2007/0044).

- 3.3 24/08/2006: Planning permission refused for demolition of existing building and erection of part four-, part five-storey building providing nineteen affordable housing units (four one-bedroom, eight two-bedroom, six three-bedroom, one four-bedroom) and two car-parking spaces, with new vehicle access from Redruth Road and associated amenity area, landscaping and boundary walls (2006/1252).
- 3.4 24/11/2004: Planning application withdrawn for the erection of part four- and part six-storey building to provide forty-three flats (comprising twenty-six one-bedroom, fourteen two-person studios and three one-person studios) together with demolition of existing disused library and associated outbuildings (2003/1033).

#### **4. CONSULTATIONS**

- 4.1 Date statutory consultation period started: 26/11/2008
- 4.2 Date statutory consultation period ended: 05/01/2009
- 4.3 Site notice: Yes
- 4.4 Press advert: Yes

#### **4.5 Neighbours**

Ninety-five surrounding occupiers have been consulted by personal letter. Seven letters of objection have been received, of which four share the same wording.

The objections are on the following basis:

- The area is already overcrowded and densely populated
- The proposed development will lead to more cars parking on Victoria Park Road and greater parking congestion in surrounding roads
- The proposed development will put more pressure on the local school to admit new pupils
- The proposed building 'will impact negatively on the sight lines of some of the flats at Regency Court' and will 'completely block my existing view' [from property directly opposite the proposal], and will 'block out more light' and 'affect the skyline'
- The proposed development will result in a loss of privacy and overlooking to the rear garden of 100a Victoria Park Road
- 'Taking a 1 storey building + trying to cram as many flats into it as possible is being greedy' (*sic*)
- Demolition and construction will result in noise and disruption.

#### **4.6 Statutory Consultees**

- 4.6.1 Thames Water: With regard to waste, there are public sewers crossing the site and no building works will be permitted within three metres of the sewers without Thames Water's approval. With regard to water infrastructure, no objection.
- 4.6.2 Crossrail Safeguarding: No comment.
- 4.6.3 Environment Agency: We have assessed this application as having a low environmental risk. We therefore have no further comments to make.
- 4.6.4 Network Rail: No response received.

#### **4.7 Local Consultees**

- 4.7.1 Metropolitan Police (Secured by Design Officer): No response received.
- 4.7.2 London Fire and Emergency Planning Authority: No objection; the proposal is satisfactory with regard to fire precautionary arrangements for fire brigade access.
- 4.7.3 NHS Primary Care Trust: No response received.
- 4.7.4 The Learning Trust: No response received.
- 4.7.5 Transport for London: The proposal as it stands would not result in an unacceptable impact to the Transport for London Road Network (TLRN) or the Strategic Road Network (SRN).

#### **4.8 Other Council Departments**

- 4.8.1 Urban Design and Conservation: No response received to consultation regarding this application. However, the design remains identical to the previous application, about which the Urban Design and Conservation team commented as follows:

'Whilst the height and massing of the current scheme remains broadly the same as before, there have been a series of pre-application discussions in order to overcome concerns raised over poor design and insufficient articulation of the elevations, which led to the refusal of the previous scheme. The current scheme is considered to improve greatly on the refused scheme, with a much clearer rationale for the design and greater articulation to the principal facades. The corner site is considered to be able to accommodate the five-storey height on Victoria Park Road and there is a clearer division into ground floor plinth, middle section and top storey. Similarly, greater articulation is provided on the Redruth Road elevation through the two-storey plinth and two-storey upper section. The coloured panelling provides

additional visual interest at the upper levels. We do not wish to raise any formal objections to the proposals.'

- 4.8.2 Highways: The estimated cost of highway works is £32,841.09.
- 4.8.3 Traffic and Transport: No response to this application. However, the application remains the same as the previous application (other than a reduction in the number of units by two and a change in the dwelling mix), about which the Traffic and Transport team raised no objections: 'It is considered that the proposal will not impact unduly on the borough's transportation. The proposal is acceptable with conditions' (one of which is that the development should have one cycle-parking space per unit).
- 4.8.4 Waste Management: No response received.
- 4.8.5 Trees and Landscape Officer: No response received.
- 4.8.6 Policy: Residential without reprovision of community facility is acceptable in principle.
- 4.8.7 Pollution Control: Dust minimisation condition is recommended.

## **5. POLICIES**

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

- EQ1 - Development Requirements
- HO3 - Other Sites for Housing
- CS3 - Retention and Provision of Community Facilities
- TR19 - Planning Standards

### **5.2 Supplementary Planning Guidance (SPG)**

- SPG1 - New Residential Development
- SPG11 - Access For People With Disabilities

### **5.3 Local Development Framework (LDF): Supplementary Planning Document**

- SPD - Planning Contributions (2006)

### **5.4 London Plan (Consolidated with Alterations since 2004)**

- 2A.1 - Sustainability criteria
- 3A.1 - Increasing London's supply of housing
- 3A.2 - Borough housing targets
- 3A.3 - Maximising the potential of sites
- 3A.5 - Housing choice
- 3A.6 - Quality of new housing provision

- 3A.9 - Affordable housing targets
- 3A.10 - Negotiating affordable housing in individual private residential and mixed-use schemes
- 3A.11 - Affordable housing thresholds
- 3C.2 - Matching development to transport capacity
- 3C.17 - Tackling congestion and reducing traffic
- 3C.23 - Parking strategy
- 4A.1 - Tackling climate change
- 4A.3 - Sustainable design and construction
- 4A.4 - Energy assessment
- 4A.6 - Decentralised energy: heating, cooling and power
- 4A.7 - Renewable energy
- 4A.11 - Living roofs and walls
- 4A.14 - Sustainable drainage
- 4A.16 - Water supplies and resources
- 4B.1 - Design principles for a compact city
- 4B.2 - Promoting world-class architecture and design
- 4B.3 - Enhancing the quality of the public realm

## **5.5 National Planning Policies**

- PPS1 - Delivering Sustainable Development
- PPS3 - Housing
- PPG13 - Transport

## **6. COMMENT**

Permission is sought for the erection of a part four-, part five-storey block of affordable housing containing nineteen units, to be constructed on the corner of Redruth Road and Victoria Park Road where the former Redruth Library is located. The units will comprise four one-bedroom flats, eight two-bedroom flats, four three-bedroom flats and three four-bedroom flats. All the four-bedroom flats and one of the three-bedroom flats are maisonettes, with their own entrances off Redruth Road.

The application is a re-submission of a proposal that has been refused on three previous occasions, two of which were on the grounds of poor design (in May 2007 (ref. 2007/0044) and in August 2006 (ref. 2006/1252)). On both occasions, design issues had been resolved up to the point of agreeing height, bulk and massing, but it was felt that the detailed designs were not of sufficient quality to warrant support.

The most recent planning application (ref. 2008/0342) featured changes to the internal configuration and layout, a minor change to the dwelling mix and a design that had been revised partly in line with comments from planning officers following the previous refusal. However, the application was again refused – not for design reasons, but because an insufficient number of family-sized units was proposed and because the applicant had failed to provide, upon request, any legitimate reason why exemption from policy CS3 in the Hackney UDP (1995) – which requires the re-provision of community space – should apply.

With this issue now resolved (see sections 6.1 and 6.6 of this report), the resubmitted proposal is virtually identical to its predecessor, apart from a reduction in the number of units (from twenty-one to nineteen) and a revised dwelling mix that provides a greater number of family-sized units.

## **Considerations**

The main considerations relevant to this application are:

- 6.1 The principle of the development
- 6.2 Design and appearance of the proposed development
- 6.3 Potential impact on the amenity of nearby residents
- 6.4 Acceptability of the dwelling mix and affordable housing provision
- 6.5 Traffic and transport considerations and car parking provision
- 6.6 Reasons for refusal of previous application
- 6.7 Consideration of objections

Each of these considerations is discussed in turn below.

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

- 6.1.1 The proposal entails the loss of a disused library facility and the erection of residential units in its place. Policy CS3 (Retention and Provision of Community Facilities) in the Hackney UDP (1995) states that the Council will only support the redevelopment of 'an education, health, or similar facility' if 'adequate replacement provision has been made'.
- 6.1.2 None of the three previous proposals to redevelop the site have included replacement community space (i.e. within use class D1), and this was not a reason for refusal two out of the last three times. The library was closed nearly eight years ago as part of the general rationalisation of library facilities in the borough, when the site was declared surplus to requirements and agreed for disposal. Unlike other library sites that have been sold, the Council made no stipulation for provision of a community facility on redevelopment.
- 6.1.3 It is considered that the Planning Service's non-pursuit of community space re-provision hitherto, and the lack of inclusion of this as a reason for refusal on two previous occasions, constitute a material consideration that outweighs the case for compelling the developer to re-provide community space at this stage.

- 6.1.4 Furthermore, the existing structure on site has no architectural or historic merit, and accordingly enjoys no statutory protection; therefore there is no objection in principle to its demolition.
- 6.1.5 The proposed building will be solely for residential use and in this regard will correspond with the prevailing use in the surrounding area, which is almost wholly residential. Overall, therefore, it is considered that there is no policy basis sufficient to preclude the erection of the proposed development on this site in principle, and it is considered that the proposal is acceptable in this regard.

## **6.2 Design and appearance of the proposed development**

- 6.2.1 The proposed building comprises a five-storey element facing onto Victoria Park Road, and a longer four-storey element facing onto Redruth Road, with a slim L-shaped footprint. The main entrance will be at the front of the building on Victoria Park Road, while the four maisonettes will each have their own entrance from the street, on the Redruth Road.
- 6.2.2 The building is contemporary in style, with a materials palette that comprises full-height glazing throughout, London stock brick for the most part, with glazing alternating with coloured metallic panels on the top two storeys facing Redruth Road and the top storey facing Victoria Park Road. The Victoria Park Road façade comprises a single-storey plinth with a three-storey framed element situated above. The window apertures are generously proportioned. The overall design is simple, coherent and unornamented. Provided that high quality materials are used, an acceptable standard of design can be attained.
- 6.2.3 All ground-floor units have private gardens of approximately thirty square metres in size, with a communal garden provided behind the private gardens. All upper-floor units will have a balcony. All units comply with the Council's minimum floorspace standards, as set out in SPG1: New Residential Development (1998).
- 6.2.4 Solar water-heating and photovoltaic panels are proposed for the roof, which, in combination with passive energy efficiency measures, will result in a 14.14 per cent reduction in carbon dioxide emissions. This falls short of the London Plan's twenty per cent reduction target, and it is recommended that a Section 106 obligation be included to secure the development's compliance with the London Plan's energy policies.
- 6.2.5 Overall, the design represents a significant improvement on the designs of the proposals that were previously refused. It is now considered that the proposed design is of sufficient quality to warrant support and comply with local, regional and national policies.

### **6.3 Potential impact on the amenity of nearby residents**

- 6.3.1 The application site is surrounded by residential properties on all sides. The main potential for overlooking from the proposed building is from a) the front of the Victoria Park Road element, b) the front of the Redruth Road element, and c) the rear of the Redruth Road element.
- 6.3.2 It is considered that the distance between facing windows from any of these elevations would not result in overlooking to any degree that would have a materially detrimental effect on the amenity of neighbouring occupiers by way of loss of privacy or light. The front elevation of the Victoria Park Road element is over thirty metres from the front elevation of the property opposite, Norris House, which is itself set back from the pavement of Victoria Park road by over ten metres and shielded by relatively dense foliage.
- 6.3.3 The east elevation (i.e. the front elevation of the Redruth Road element) faces the side wall of 98 Victoria Park Road and its rear garden, with a distance of thirteen metres between them. The garden of 98 Victoria Park Road is shielded from public view by a five-foot-high brick wall and an abundance of foliage; therefore it is considered that users of the garden of 98 Victoria Park Road will not suffer from a materially adverse impact on their privacy by way of overlooking.
- 6.3.4 The nearest residential property to the west elevation of the Redruth Road element, 117-140 Parkside Estate, is situated approximately thirty-five metres to the south-west, with no direct sightlines.
- 6.3.5 The main risk of overlooking is to the occupants of the maisonettes in the proposed development, who may be overlooked in their rear gardens by occupants of the flats above, on the third and fourth floors of the same (Redruth Road) part of the building. This is not deemed an unreasonable degree of overlooking to an outdoor space where there are properties of more than one-storey with rear gardens, and is fairly standard in an urban situation.
- 6.3.6 Furthermore, the top two storeys of this elevation, which contain the flats, are 'framed', with the bottom edge of the frame projecting outwards to partly obstruct sightlines to the gardens below. Therefore it is considered that the perceived or actual loss of privacy of prospective occupants of the ground-floor maisonettes is not sufficient to warrant refusal of the application solely on that basis.
- 6.3.7 Therefore, for the reasons set out above and having due regard to the siting, location and orientation of the proposed development, it is considered that the proposal will not result in any significant risk to the amenity of adjoining occupiers by way of loss of daylight, sunlight, overshadowing or an increased sense of enclosure. Overall, the proposed development is considered to be acceptable with regard to amenity and complies with the relevant policy in the Hackney UDP (1995).



#### **6.4 Acceptability of dwelling mix and affordable housing provision**

- 6.4.1 The proposal's nineteen residential units comprise four one-bedroom flats, eight two-bedroom flats, four three-bedroom flats and three four-bedroom flats.
- 6.4.2 In terms of affordable housing provision, all nineteen units consist of affordable housing, all of which are for social rent. This is considered acceptable.
- 6.4.3 Over a third of the nineteen residential units are family-sized (three bedrooms or more), and over a third of these have four bedrooms or more. The dwelling mix is therefore considered acceptable.

#### **6.5 Traffic and transport considerations and car parking provision**

- 6.5.1 The proposed development is car-free, apart from two disabled parking spaces. Although the area is not in a Controlled Parking Zone (CPZ) and has a low public transport accessibility rating, the proposed development's lack of off-street parking spaces corresponds with the prevailing parking provision offered by a majority of surrounding residential properties, and is not exceptional in this regard. Therefore, having due regard to the Council's aspirations for discouraging car use in favour of alternative means of transport, a car-free proposal is considered to be acceptable.
- 6.5.2 Fifteen cycle parking spaces are provided. On the basis that one cycle parking space per unit is required, a condition is recommended requiring the provision of nineteen cycle parking spaces.
- 6.5.3 Based upon the transport statement submitted with the previous application, the Council's Traffic and Transport team have raised no objection to the proposed development, and have indicated that overall they do not consider that the proposed development will have a detrimental impact upon circulation and parking in the vicinity. Overall, therefore, there are no traffic and transport issues with the proposed development that constitute grounds for concern or refusal.

#### **6.6 Reasons for refusal of previous application (ref: 2008/0342)**

- 6.6.1 The first reason for the refusal of the previous application was:

*The proposed dwelling mix is considered to be unacceptable and fails to comply with London Plan (Consolidated with Alterations since 2004) policy 3A.5 (Housing Choice) and the London Plan Housing SPG, by way of failure to provide a sufficient number of family-sized units in accordance with the Council's Housing Needs Survey 2003.*

6.6.2 As discussed in section 6.4 of this report, the dwelling mix has been revised to provide an acceptable number of family-sized units. Therefore it is considered that this reason for refusal has satisfactorily been addressed.

6.6.3 The second reason for the refusal of the previous application was:

*The proposed development fails to reprovide community space (use class D1) on the site of a former library facility, thereby contravening policy CS3 (Retention and Provision of Community Facilities) in the Hackney UDP (1995) and the applicant has failed to provide upon request any legitimate reason why exemption from policy CS3 should apply.*

6.6.4 As discussed in paragraphs 6.1.2 and 6.1.3 of this report, a wholly residential proposal that excludes community space re provision is considered to be acceptable in this instance. Therefore it is considered that this reason for refusal has satisfactorily been addressed.

## **6.7 Consideration of objections**

### **6.7.1 Excessive height of proposed building; impact on sightlines and light**

The proposed building is five storeys at its highest, facing Victoria Park Road, where the prevailing height limit currently stands at four storeys. The rest of the proposed building is four storeys tall. The Victoria Park Road element is approximately 2m higher than the proposed building's neighbours, 98 Victoria Park Road and 153-162 Parkside Estate. It is not considered that this height surplus constitutes excessive height in absolute terms, and no adverse effect on the amenity of neighbouring occupiers resulting from the proposed height has been identified.

### **6.7.2 Insufficient number of parking spaces; likelihood of increased congestion etc.**

As discussed in section 6.5, it is not anticipated that the proposed development will impact unduly on the traffic circulation and parking in the area.

### **6.7.3 Loss of privacy and overlooking to 100a Victoria Park Road**

100a Victoria Park Road is not situated adjacent to the application site but separated from it by 98 Victoria Park Road, the impact on which is addressed in paragraph 6.3.3 of this report. It is considered that there will be no materially significant impact on the privacy of occupiers of 100a Victoria Park Road as a result of this development.

### **6.7.4 Loss of view from property opposite**

There is no legal right to a view under planning law, unless the view is statutorily protected. The current view from the property in question, of a

disused one-storey municipal building dating from the 1970s, is not statutorily protected.

6.7.5 The following objections are not deemed to be material planning considerations and therefore cannot, in this officer's view, constitute reasons for the refusal of the planning application:

- The area is already overcrowded and densely populated
- The proposed development will put more pressure on the local school to admit new pupils
- 'Taking a 1 storey building + trying to cram as many flats into it as possible is being greedy' (*sic*)
- Demolition and construction will result in noise and disruption.

## **7. CONCLUSION**

7.1 In summary, it is considered that the proposed development is of an appropriate use and of an acceptable standard of design, and will not have a materially adverse impact on the amenity of neighbouring occupiers by way of loss of light, privacy, outlook, increased traffic generation, nor on the character and appearance of the surrounding area.

7.2 Having regard to the above considerations, it is considered that the proposal complies with all pertinent policies in the Hackney UDP (1995) and the London Plan (2004), and on that basis the granting of permission is recommended.

## **8. RECOMMENDATION**

### **RECOMMENDATION A:**

**8.1 That 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 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 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 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 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.

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

Before the use hereby permitted first commences, at least two 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 buildings.

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

**8.1.7 SCH10 – Secure bicycle parking**

Internal lockable space shall be made available within the curtilage of the building for the secure parking of nineteen bicycles, before the first occupation of the development.

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

**8.1.8 NSC1 – Non-standard condition**

A biodiverse, substrate-based extensive green roof (75mm minimum depth) is to be established on the roof of the proposal. Full details thereof shall be

submitted and approved in writing by the local planning authority, prior to occupation. 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.

**8.1.9 NSC2 – Non-standard condition**

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 NSC3 – 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.

**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 Provision of one-hundred per cent affordable housing, comprising four one-bedroom flats, eight two-bedroom flats, four three-bedroom flats and three four-bedroom flats, all for social rental.
- 8.2.2 Payment by the landowner/developer of £3022.29 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).)
- 8.2.3 Payment by the landowner/developer of £51,145.14 as a financial contribution towards education facilities in the borough. (This sum has been calculated in accordance with the approved formula in the Planning Contributions Supplementary Planning Document (SPD) (2006), with child yield information based on the GLA 'DMAG Briefing Note' 2005/25 (updated

in May 2006), using Wandsworth survey data as the best available proxy for inner London.)

- 8.2.4 Payment by the landowner/developer of £895.85 as a financial contribution towards open space in the borough. (This sum has been calculated in accordance with the approved formula in the Planning Contributions Supplementary Planning Document (SPD) (2006).)
- 8.2.5 Payment by the landowner/developer of £6930.00 towards sustainable travel initiatives in the borough. (This sum was calculated by the Council's Traffic and Transport team for the previous planning application for this site (ref. 2008/0342).)
- 8.2.6 The developer is required to pay, under Section 278 of the Highways Act (1980), £28,500.00 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.
- 8.2.7 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.
- 8.2.8 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.
- 8.2.9 Residential units to be built to Lifetime Homes standard and to achieve Code for Sustainable Homes level 3, with all reasonable endeavours to achieve level 4.
- 8.2.10 Achievement of twenty per-cent reduction in carbon emissions through the use of renewable energy sources and use of low-energy technology.
- 8.2.11 The applicant is to carry out all works in accordance with the National Considerate Constructors Scheme.
- 8.2.12 Provision for at least ten per cent of units to be wheelchair accessible.

### **RECOMMENDATION C**

- 8.3 **That in the event of the Section 106 agreement referred to in Recommendation B not being completed by 2 February 2009, the Head of Development Management 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 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 (Consolidated with Alterations since 2004), the LDF Planning Contributions SPD (2006), and advice contained in PPS1 and PPG3.

- 8.3.2 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 (Consolidated with Alterations since 2004).

## **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; HO3 - Other Sites for Housing; CS3 - Retention and Provision of Community Facilities; 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; 3A.1 - Increasing London's supply of housing; 3A.2 - Borough housing targets; 3A.3 - Maximising the potential of sites; 3A.5 - Housing choice; 3A.6 - Quality of new housing provision; 3A.9 - Affordable housing targets; 3A.10 - Negotiating affordable housing in individual private residential and mixed-use schemes; 3A.11 - Affordable housing thresholds; 3C.2 - Matching development to transport capacity; 3C.17 - Tackling congestion and reducing traffic; 3C.23 - Parking strategy; 4A.1 - Tackling climate change; 4A.3 - Sustainable design and construction; 4A.4 - Energy assessment; 4A.6 - Decentralised energy: heating, cooling and power; 4A.7 - Renewable energy; 4A.11 - Living roofs and walls; 4A.14 - Sustainable drainage; 4A.16 - Water supplies and resources; 4B.1 - Design principles for a compact city; 4B.2 - Promoting world-class architecture and design; 4B.3 - Enhancing the quality of the public realm.

## **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

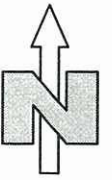
NSI.1 All materials submitted pursuant to the discharge of condition 3 of this approval ['materials to be approved', as per paragraph 8.1.3 of this report] should be supplied and delivered at the same time in a container clearly marked with the address of the application site, reference to the application number 2008/2764, 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.

**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

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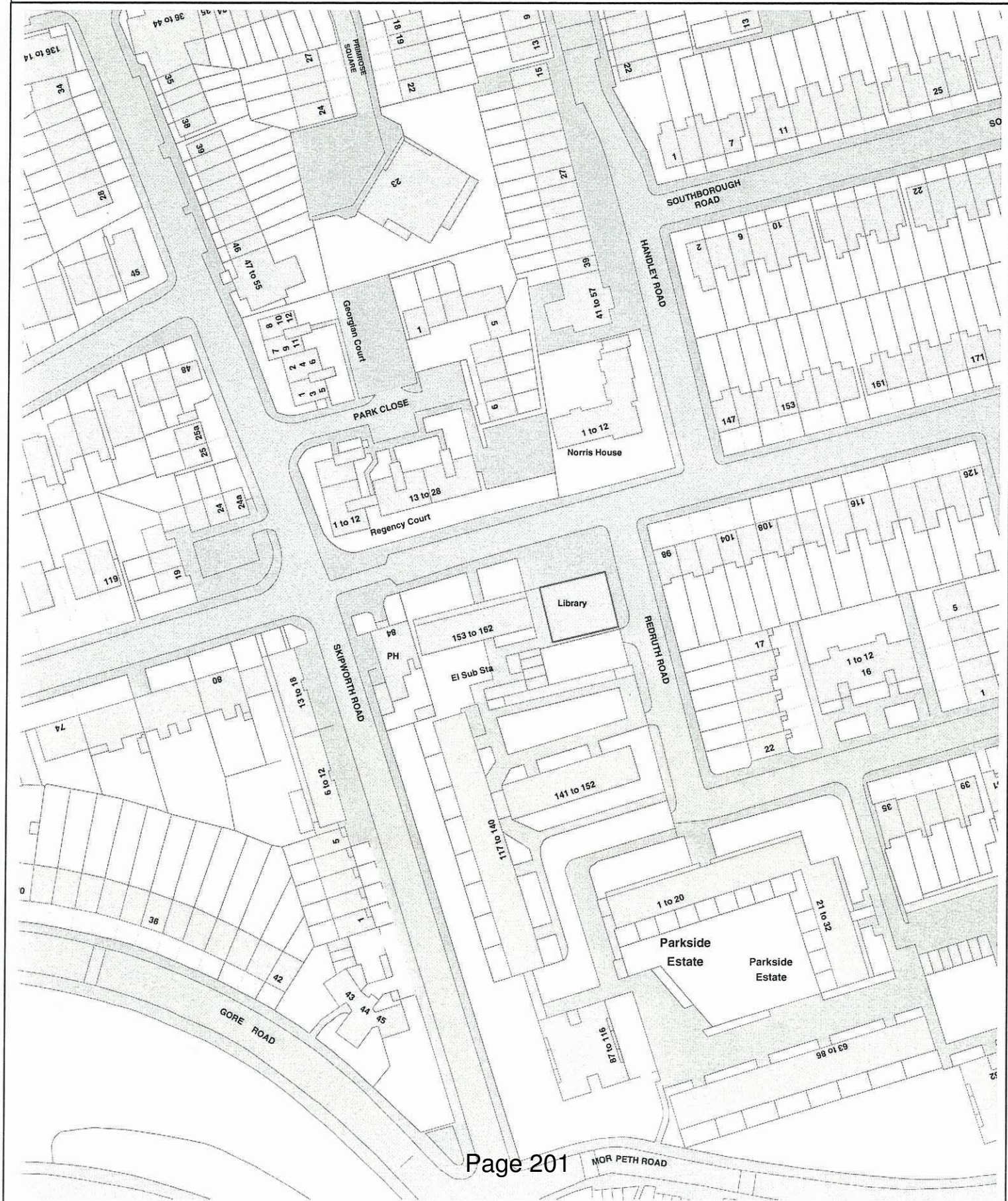
Date: 07/11/2008

Title: Former Redruth Library site, Corner of Redruth Road

Scale 1:1250

Prepared by: Technical Support Team

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**Site Photos – Former Redruth Library (ref. 2008/2764)**



View of former library building and Victoria Park Road  
(library building denoted by arrow)



Rear of former library building from Redruth Road



View of Redruth Road from Victoria Park Road



View of former library building and Victoria Park Road  
(library building denoted by arrow)

<b>ADDRESS:</b> Sounds Good Multimedia 21-23 Sedgwick Street London E9 6HH	
<b>WARD:</b>  Chatham (O)	<b>REPORT AUTHOR:</b> Michael Garvey
	<b>VALID DATE:</b> 11/08/2008
<b>APPLICATION NUMBER:</b> 2008/2048	
<b>DRAWING                      NUMBERS:</b>   Plans – First floor plan	
<b>APPLICANT:</b>  Ms Elaine Paul Sounds Good Multimedia 21-23 Sedgwick Street London E9 6HH	<b>AGENT:</b>  Ms Elaine Paul Sounds Good Multimedia 21-23 Sedgwick Street London E96HH
<b>PROPOSAL:</b> Use for the purposes of live performances, music tuition, theatre, cinema, music museum, computer classes, broadcasting, place of worship, music, dance, sound engineering and indoor sports (sui generis). Opening hours 24 hours (broadcasting), 10 am - 3 am Sunday to Thursday and 10 am - 6 am Thursday to Saturday (live performance, theatre and cinema), 9 am - 3 am Sunday to Thursday and 9 am - 6 pm Thursday to Saturday (indoor sports) and 9 am - 9 pm (music tuition, music museum and computer classes).	
<b>POST-SUBMISSION REVISIONS:</b> None.	
<b>RECOMMENDATION SUMMARY: Grant Conditional Planning Permission</b>  <b>Note to members:</b> The application has been brought to committee due to the level of objections received. The use which is the subject of this application has already commenced.	



**ANALYSIS INFORMATION**
**ZONING DESIGNATION:**

(Yes)

(No)

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

<b>LAND DETAILS:</b>	<b>USE</b>	<b>Use Class</b>	<b>Use Description</b>	<b>Floorspace</b>
<b>Existing</b>		B1, D1, D2 Sui Generis	Live performances, music tuition, cinema, theatre, computer classes, indoor sports, church	670 SQM
<b>Proposed</b>		B1,D1, D2,Sui Generis	Live performances, music tuition , computer classes cinema, theatre, Church, indoor sports	670 SQM

<b>PARKING DETAILS:</b>	<b>Parking Spaces (General)</b>	<b>Parking Spaces (Disabled)</b>	<b>Bicycle storage</b>
<b>Existing</b>	3		0
<b>Proposed</b>	3		0

**CASE OFFICER'S REPORT**
**1. SITE DESCRIPTION**

- 1.1.1 The application site comprises a two storey detached building located within a commercial site. The ground floor is occupied as wholesalers and the first floor is currently occupied as an education/live performance company.
- 1.2 The surrounding area is a mixture of commercial and residential. To the south is a railway line; to the north is commercial (car repair garages), to the west are more commercial businesses and to the east is a mixed use building comprising B1 floorspace and residential part 6 and part 12 storeys.

**2. CONSERVATION IMPLICATIONS**

- 2.1 There are no conservation implications relating to this site.

### **3. HISTORY**

- 3.1.1 *2007/2751- An application was withdrawn for use of premises as an entertainment venue with live music and theatre productions and cinema; and as a music and film studio and a centre for computers and music tuition together with the sale of food and alcohol with opening hours of 9 am to 3am Sunday to Wednesday and 9am to 6am Thursday to Saturday*
- 3.1.2 *TP/5683-Planning permission granted 26 March 1985 for wholesale warehouse and distribution purposes, together with ancillary industrial use and the installation of two roller shutter doors. (19-27 Sedgwick Street)*

### **4. CONSULTATIONS**

- 4.1 Date Statutory Consultation Period Started: 18/09/2008
- 4.2 Date Statutory Consultation Period Ended: 02/10/2008
- 4.3 Site Notice: Yes
- 4.4 Press Advert: Yes

#### **4.5 Neighbours**

- 4.5.1 99 Surrounding occupiers have been consulted by personal letter. 16 replies have been received including 1 letter of support and 15 letters raising objections. The objections can be summarised as follows:
- Noise and disturbance
  - Parking problems
  - The hours are too long (24 hours) and unsociable
  - The new building at Homerton quarter is not fully occupied and therefore the planning department should wait until the building is fully occupied to take account of the residents views as the proposal would affect them more than any other property
  - The use of the premises as a place of worship is of concern due to noise
  - No measures have been taken to sound insulate the building
  - The amount of activities proposed is not acceptable in a residential area

The reasons for support can be summarised as follows:

- The development provides night time entertainment

#### **4.6 Other Council Departments**

##### **4.6.1 Crime prevention design advisor:**

No objection to the application.

##### **4.6.2 Highways & Transportation:**

4.6.2.1 No objections to the application, as the green travel plan clarifies how the development will achieve sustainable travel and complies with TfL guidance. Also the development accommodates suitable operational parking.

##### **4.6.3 Licensing Services:**

The premises have a licence to provide alcohol. The standard hours are:  
Monday to Saturday: 10:00 to 23:00  
Sunday and Good Friday: 12.00 to 22.30

They have now applied to vary the licence to include regulated entertainment (Plays, films, live music, recorded music, performance of dance, facilities for making music, facilities for dancing):

Sunday to Wednesday 10.00 to 03.00 the day following  
Thursday to Saturday 10.00 to 06.00 the day following  
Alcohol sales and late night refreshment as above.  
Opening hours will continue 1 hour beyond the above hours.

##### **4.6.4 Policy and strategy:**

No objections.

##### **4.6.5 Pollution Group:**

A certificate for the sound limiter has been received and there is no objection to the hours as applied for by the applicant.

##### **4.6.7 Waste Management: No comment received.**

## 5. POLICIES

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

- EQ1 Development Requirements
- EQ40 Noise Control
- ACE3 Retention of Arts, Culture and Entertainment Buildings
- ACE8 Planning Standards

### 5.2 London Plan (2008)

- 3A.3 Maximising the potential of sites
- 3A.17 Addressing the needs of London's diverse population

### 5.3 National Planning Policies

- PPS1 Sustainable Development
- PPG13 Transport
- PPG24 Planning and Noise

## 6. COMMENT

6.1 This application is a resubmission to a withdrawn application (Ref:2007/2751) for *use of premises as an entertainment venue with live music and theatre productions and cinema; and as a music and film studio And a centre for computers and music tuition together with the sale of food and alcohol with opening hours of 9 am to 3am Sunday to Wednesday and 9am to 6am Thursday to Saturday*

6.1.2 Additionally the development for which planning permission is sought is retrospective in that it has been in existence for the past 7 years albeit without planning permission.

6.1.3 The applicant was advised to consider withdrawing the previous application by the Council due to insufficient information such as travel plan, noise survey report, and management plan. These documents have all now been submitted. Furthermore, although the description is quite lengthy the applicant was unwilling to revise the description of their proposal. Firstly, to reflect its retrospective nature and secondly to summarise the uses proposed which in the main are D1 with exception of the theatre/live performances which is Sui Generis and indoor sports which is D2.

6.1.4 The current application is for the of use for the purposes of live performances, music tuition, theatre, cinema, music museum, computer classes, broadcasting, sale of alcohol, place of worship,

music, dance, sound engineering and indoor sports (sui generis). Opening hours 24 hours (broadcasting), 10 am - 3 am Sunday to Thursday and 10 am - 6 am Thursday to Saturday (live performance, theatre and cinema), 9 am - 3 am Sunday to Thursday and 9 am - 6 pm Thursday to Saturday (indoor sports) and 9 am - 9 pm (music tuition, music museum and computer classes).

## **6.2 Considerations**

6.2.1 The main considerations pertaining to this application are:

- The principle of the uses
- Planning considerations
- Impact upon residential amenity
- Response to objections

### **6.2.2 The principle of the use**

6.2.3 The principle of the uses are considered to be acceptable at this site, due to its location and with other surrounding commercial uses.

6.2.3 The applicant states that they are a live performance organisation and acquired the building in 2001 and changed a disused warehouse at first floor into a part educational and part live performance venue. Although there is no clear planning history for the use of this site other than stated in paragraph 3.1.2, a site visit revealed that the building is in commercial use and appears as a warehouse type building as the ground floor is occupied as wholesalers. Furthermore, the site is also in a compound of other commercial buildings.

6.2.4 The organisation holds live performances which require 24 hour record/broadcast for Internet television. The indoor sports facilities comprise of table tennis, pool competition and dominoes and the hall will be used for Church conferences. The classes will involve computers and music tuition and there will also be music museum which exhibits local musical talent.

6.2.5 The community based organisation are approached by other creative professionals on a regular basis to use the hall for various activities, such as a place of worship and an indoor sports facility. These uses will not take place at the same time but instead on an alternate basis.

## **6.3 Planning Considerations**

6.3.1 Whilst the site is located within a Defined Employment Area, the proposal replaces the existing 670 sq m of commercial floorspace possibly B8 with a flexible commercial mix of part B1, part D1, part D2

and part Sui Generis. It is considered that although there is a slight loss of employment floorspace, this is considered acceptable given that the activities provided and the amount of staff that will be employed (15 plus volunteers) on this site.

6.3.2 As the applicant seeks retention of a multi-commercial use, a number of supporting documents have been submitted with the application such as, a management plan, and sound proofing and travel plan.

6.3.3 The applicant has submitted a management plan which has been in operation since 2005. The management plan details how the club will control members of the public in order to prevent public nuisance. This entails staff monitoring customers to ensure noise is kept to a minimum, making announcement that patrons leaving the premises should be aware that there are surrounding residential properties, and members of staff monitoring Sedgwick Street to ensure that no noise nuisance is caused.

6.3.4 The Council's Pollution Group are satisfied that adequate sound proofing has been installed in the building and a sound limiter has also been installed. A sound limiter restricts the amount of sound being amplified. In addition the Pollution Group has also advised that although the proposal is considered acceptable and has no objections, if there are any complaints or problems associated with the use of the site it would be dealt under the Environmental Health Legislation.

#### 6.4 Traffic and transportation

6.4.1 The Council's transportation team have reviewed the proposal and state that the travel plan is adequate as is the operational parking and therefore raise no objections.

#### 6.5 Policy

6.5.1 In policy terms the Council will support cultural entertainment development insofar as it meets community needs and does not impact upon neighbouring uses and the environment of the immediate areas. In addition the Council will resist the loss of a culture and entertainment facility unless an adequate replacement will be made or a continued use of arts, culture and entertainment use is no longer required. Therefore the proposal meets the Policy ACE 3.

6.5.2 Additionally the Hackney night economy study (Evidence base study February 2005) is relevant, as,

*“The location of residential populations in areas where restaurants, bars and nightclubs are located can cause significant problems in terms of noise and disturbance for local residents without careful planning and proactive noise management. This is not limited to noise emanating from licensed premises but noise created people returning home, waiting for public transport or even*



*by late night refuse collections and street cleaning activities. There is a need to find a manageable balance between the rights of residents to have minimal disturbance during the night-time and also for licensed venues to operate in order to create a thriving night-time economy environment”.*

- 6.5.3 Meanwhile the Mayor’s London Plan seeks to promote London’s cultural and arts facilities through local regeneration and London’s global economic offer. The proposal meets these requirements.

## **6.6 Impact upon residential amenity**

- 6.6.1 The main objections have come from residents in Macklin Street, which is more than 40m away. However, a new development which includes residential has just been erected in Sedgwick Street. It appears that the site is not yet fully occupied and it was difficult to ascertain how many units are vacant. This building is directly opposite the site. Given the measures taken to insulate the building and the inclusion of the sound limiter the proposal is considered acceptable.

## **6.6 Response to objections**

- 6.9.1 The following comments are made in response to the objections to this proposal:-
- (i) The objections regarding noise and disturbance would be a matter for the Council’s Pollution Group under the Environmental Health Legislation.
  - (ii) There are parking difficulties during the day as the main road (Homerton High Street) is a controlled parking zone. However, it is not envisioned that parking problems would be created during the evenings as parking control would have ceased. Furthermore, traffic and transportation raise no objections to the proposal.
  - (iii) The proposed hours vary depending on whether the activity is day time or evening. It is only the broadcasting element of this development that is 24 hours. Other activities are more varied.
  - (iv) The planning service consults neighbours once an application has been validated and cannot take into account a residential building which is vacant. However, the planning service would consider the interests of all parties affected by any proposal.

- (v) The building has been sound proofed furthermore the applicant has submitted a noise report and installed a sound limiter to the satisfaction of the Council's Pollution Group.
- (vi) The area comprises of a mixture of commercial and residential uses and the development is considered acceptable in this location. Furthermore, the area is designated as a defined employment area which therefore relates to commercial activities.

## **7. CONCLUSION**

- 7.1 The principle of the use of the building as a multi media organisation is considered acceptable. The applicant has provided sound insulation to the satisfaction of the Council's Pollution Group and therefore the proposal accords with the policies in the Hackney Unitary Development Plan.

## **8. RECOMMENDATION**

**(A) That Planning permission be GRANTED subject to the following conditions:-**

- 1) SCB0            **Development only in accordance with submitted plans**  
SRB0

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) 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.

3) SCG1 **Restricted Hours of Use**

The live performances, theatre, cinema, and indoor sport hereby permitted may only carried out between 10:00 to 03:00 hours Sunday to Wednesday and 10:00 hours to 06:00 hours Thursday to Saturday.

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

4) SCG1 **Restricted Hours of Use**

The music tuition, computer classes and music museum hereby permitted may only carried out between 09:00 am to 21:00 hours Thursday to Saturday.

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

5) SCG1 **Restricted Hours of Use**

The place of worship hereby permitted may only carried out between 09:00 am to 23:30 hours Monday to Sunday.

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

9. **INFORMATIVES**

The following Informatives should be added:

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], EQ40 [Noise Control], ACE3 [Retention of Arts, Culture and Entertainment Buildings] ACE8 [Planning Standards]

Signed.....  
Date.....

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

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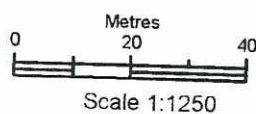
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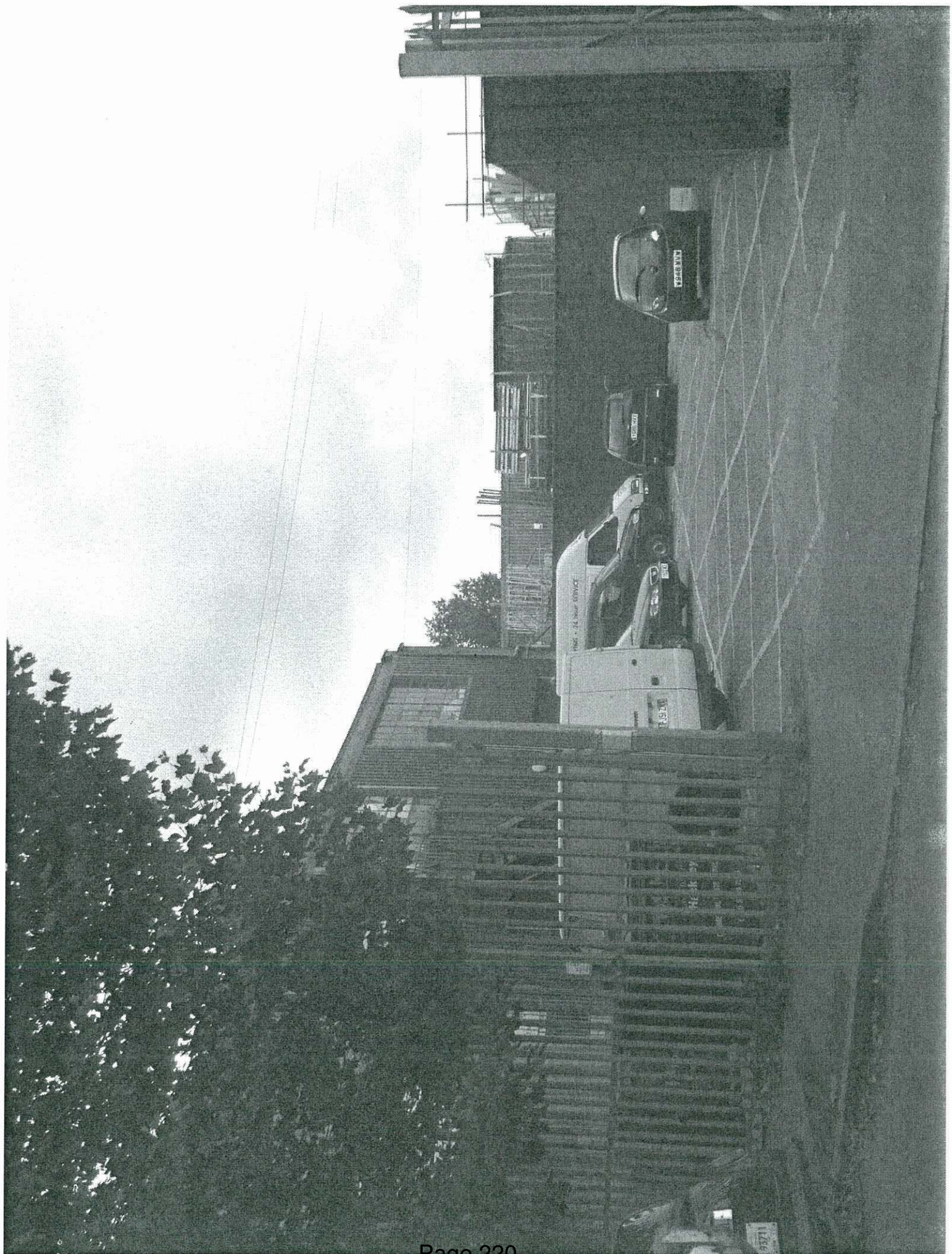
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<b>ADDRESS:</b> Land Adjacent to and Flat 8 Londesborough House Londesborough Road London N16 8RN	
<b>APPLICATION:</b> 2008/2595	<b>REPORT AUTHOR:</b> Noel Kelly
<b>DRAWING NUMBERS</b> 001, 002, 003, 004, 005, 006, 007, 008, 009, 010, 011, 012, 013. Design & Access Statement and Arboricultural Report.	<b>VALID DATE:</b> 14/10/2008
<b>APPLICANT:</b> Mr Matt Collier Flat 8 Londesborough House Londesborough Road London N16 8RN	<b>AGENT:</b> Richard Hywel Evans Architecture & Design Ltd 36 - 37 Featherstone Street London EC1Y
<b>PROPOSAL:</b> Erection of a three storey plus basement house, together with installation of new timber gates and entrance to flat 8 Londesborough House.	

<b>RECOMMENDATION SUMMARY:</b> Grant conditional planning permission.
<b>POST SUBMISSION REVISIONS:</b> None

### 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	C3	RESIDENTIAL	0 sqm
Proposed	C3	RESIDENTIAL	171 sqm

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	0	0

	Studio	0	0	0	0	0
<b>Totals</b>	<b>(Total = )</b>					

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

### **CASE OFFICER'S REPORT**

#### **1. SITE DESCRIPTION**

The application site currently contains a two storey flat, attached to the five storey Londesborough House to the north of the site, with a vacant plot of land currently available in the southern portion of the site. Hackney Council owned land has been identified to the front of the site and the Council have been notified of the applicant's intentions on this particular site. Access to the site is available off Londesborough Road. The surrounding area is characterised by a varied streetscape with two storey Victorian terraces to the south of the application site and a 5 storey 1960's housing estate to the north of the site.

#### **2. CONSERVATION IMPLICATIONS**

- 2.1 The application site is not in a conservation area, nor does the proposal affect the setting of any listed buildings.

#### **3. HISTORY**

2008/1938 – Erection of a three storey plus basement house, new timber gates and entrance to Flat 8 Londesborough House. Application was withdrawn by the applicant on the 9<sup>th</sup> of October 2008 following an intensive period of discussions with Hackney Council relating to a number of design concerns with respect to the proposed scheme. In particular concerns were raised in relation to the design of the front façade, overlooking to the rear elevation, the nature of the two storey extension to the rear, the proposed wind turbine and emergency access details with respect to the flats at Londesborough House.

#### **4. CONSULTATIONS**

- 4.1 Date Statutory Consultation Period Started: 29/10/2008  
 4.2 Date Statutory Consultation Period Ended: 28/11/2008  
 4.3 Site Notice: Yes  
 4.4 Press Advert: Yes

#### **4.5 Neighbours**

83 neighbouring properties were consulted by private letter. 14 letters of objection have been received, including one petition from the North and South Defoe Residents Association (NASDRA) with 44 signatures. The issues that were highlighted can be summarised as follows:

- Design not in keeping with character of street and estate and represents a completely abstract feature;
- Staircase extension will be over dominant due to its design, bulk and massing;
- The proposed development will affect an existing emergency access currently serving Londesborough House.
- Opposition to the sale of Council owned green space on Estate Land;
- Issue of privacy and overlooking onto a number of properties has not been addressed in this re-submission;
- Impact on existing trees to the front and rear of the site.

#### **4.6 Other Council Departments**

##### **4.6.1 Waste Management:**

This application requires 250 litres of waste storage plus provision for 1 recycling bin. The ground floor plan shows they have this in the front garden of the dwelling.

##### **4.6.2 Private Sector Housing:**

No response to consultation.

##### **4.6.3 Urban Design and Conservation Team:**

The planning application follows on as a resubmission. The previous planning application (2008/1938) was recently withdrawn.

The revised infill development is satisfactory in terms of scale and height. The proposed new windows and doors now have due regard to the local character and townscape context. The proposed infill development successfully forms a continuation of the row of existing Victorian terraces. Elements of the distinctive Victorian architectural design style have also been successfully replicated on the proposed front façade.

As this revised scheme is compatible with the established scale and massing of the existing adjoining group of traditional terraced houses, it is recommended that conditional planning permission is granted.

SCM7 – Details of the following to be approved:

- 1) Windows, glazing bar profiles, and architraves;
- 2) Doors, profiles and architraves;
- 3) All clear and obscure glazing.

4.6.4 Landscape and tree officer:  
No response received.

## **5. POLICIES**

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

EQ1 – Development Requirements  
HO3 – Other sites for Housing  
EQ48 – Designing Out Crime  
TR19 – Planning Standards

SPG1 – New Residential Developments

### **5.2 London Plan (2008)**

3A.1 – Increasing London's supply of housing  
4B.1 – Design Principles for a compact city  
4B.3 – Maximising the potential of sites  
4B.4 – Sustainable design and construction

### **5.3 National Planning Policies**

PPS1 – Creating Sustainable Communities  
PPG3 - Housing

## **6. COMMENT**

This application is a resubmission of a previous planning application for the site (ref: 2008/1938) that was withdrawn following consultation with the Council in October 2008.

The current application is for a three-storey plus basement, three-bedroom single dwelling house to be located within a vacant plot of land currently available off Londesborough Road. The surrounding area is characterised by a varied streetscape with two storey Victorian terraces to the south of the application site and a 5 storey 1960's housing estate to the north of the site. The site is partly located within existing private amenity space serving Flat 8, Londesborough Road, and would abut No.29 Londesborough Road.

The current scheme has been significantly amended from the previous submission, with the principle differences being the significant amendments to the design of the external façade of the dwelling and a reduction in the overall scale of the proposed rear extension from two storey to single storey.

The proposed three-storey dwelling includes a basement level with garden space of some 66 square metres providing private outdoor amenity space for the prospective occupants to the rear of the proposed residential unit. The applicant has proposed an open plan type layout at ground floor level and the layout allows for the provision of a kitchen/dining/living area. Two bedrooms and a bathroom are provided at first floor level with the provision of a Master bedroom at second floor level.

The proposal is of a contemporary and innovative design, with the front elevation of the proposed unit designed to respect the intrinsic character of the adjoining Victorian terrace. An anodized aluminium cladding side addition, set-back some 2.5m from the proposed front building line, allows for the provision of an innovative staircase feature.

### **Considerations**

The main considerations relevant to this application are:

- Land Use
- Design
- Amenity
- Consideration of objections

Each of these considerations are discussed in turn below.

#### **6.1 Land Use**

The site currently forms part of the side garden of an existing residential property, and therefore has an established use as residential land. The proposed redevelopment of the site for use as a single residential dwelling is therefore considered to be acceptable and in accordance to Policy HO3 (Other Sites for Housing) of the Hackney UDP as well as policies 3A.1 (Increasing London's Supply of Housing) and 4B.3 (Maximising the Potential of Sites) of the London Plan.

#### **6.2 Design Considerations**

- 6.2.1 This application follows from a previous application for a similar scheme submitted to the Local Planning Authority. The previous scheme included a proposed dwelling of similar proportions but of a modernistic design that would not mimic the design of neighbouring and surrounding properties. It was considered that this design was unacceptable as it would not be sympathetic to the surrounding period properties or the townscape character of its locality. The proportion of the new windows and doors, particularly on



the front elevation, appeared incongruous and alien and they were considered to significantly harm the townscape character. It was considered by the Urban Design and Conservation Team within Planning Services that the proposed infill development clearly formed a continuation of the row of existing Victorian terraces and in order to avoid the disruption of strongly unified architecture, elements of the distinctive Victorian architectural design should be repeated and replicated on the front façade of the new development.

- 6.2.2 The revised scheme is satisfactory in terms of scale, height and design. The proposed infill development successfully forms a continuation of the row of existing Victorian terraces and elements of the distinctive Victorian architectural design style have also been successfully replicated on the proposed front façade. The proposed materials contribute to the proposed contemporary design, with a design schedule that respects the character of adjoining properties and the locality as a whole. Although the materials proposed appear acceptable in principle, a condition has been included for samples of the proposed external materials to be submitted to and approved by the Local Planning Authority before work commences on site. The proposed development also incorporates a green roof element on the proposed flat roof to the main building and the single storey rear addition, whilst solar collectors are also proposed within the design concept. The proposal therefore complies with Policy 4B.6 (Sustainable Design and Construction) of the London Plan.

### **6.3 Amenity Considerations**

- 6.3.1 The proposed development would deliver a three bedroom single dwelling house of good proportions with adequate living and circulation space, along with an adequately sized kitchen/dining/living area that satisfies the requirements set out in SPG 1 in terms of providing adequate room sizes and layouts. The proposed dwelling would have the benefit of receiving ample daylight and outlook to habitable rooms without compromising the privacy of neighbouring properties. The proposals also include ample external amenity areas for a three-bedroom family unit, with some 66 sq metres of outdoor private amenity space indicated to the rear of the proposed unit.
- 6.3.2 In terms of overlooking, the proposed dwelling has been designed in a manner that ought to mitigate against overlooking and loss of privacy. The applicant has clearly annotated obscure glazing to the lower half of the windows serving bedroom 2 and the Master Bedroom on the rear elevation. The applicant has also shown automatic blinds on a timer behind the glass openings on the flank elevation of the proposed staircase feature.
- 6.3.3 There may be some marginal impact on daylight to the rear of No.29 Londesborough Road. However, it is considered that due to the reduced nature of the proposed rear addition from a two storey to a single storey feature along the immediate boundary with No.29, the impact on the amenity of the aforementioned property would be minimal.

## **6.4 Consideration of Objections**

- 6.4.1 Design is out of keeping with character of street:** It is considered that the revised scheme is satisfactory in terms of scale, height and design. The proposed infill development successfully forms a continuation of the row of existing Victorian terraces and elements of the distinctive Victorian architectural design style have also been successfully replicated on the proposed front façade. The proposed staircase feature represents a contemporary feature of design and is considered to complement the design concept proposed for the development of the site.
- 6.4.2 Proposed development will impinge on an existing emergency access currently serving Londesborough House:** The applicants have submitted Title Documents and Plans clearly indicating ownership of the site. Part of the site area has been identified as being in the ownership of Hackney Council and it is understood that the applicant is in negotiations with the Council concerning the acquisition of the said area of land. The existing pedestrian entrance currently serving Flat 8 Londesborough Road is to be retained whilst a new entrance will be created to serve the proposed dwelling. With respect to the issue of an Emergency access, the Council notes from details submitted in support of this application, that the area of land concerned is in the ownership of the applicant. In addition, Londesborough House has significant street frontage and therefore it is likely that emergency vehicle will maintain adequate access to both Londesborough House and Knebworth House to the rear.
- 6.4.3 Opposition to the sale of Council owned Green Space:** Whilst the proposed development would result in a loss of Council owned land to the front of the proposed dwelling, such a loss would be considered acceptable in this instance given the overall merits of the scheme as presented. It is not considered that the area of Council land referred to holds considerable intrinsic value within the streetscene and the loss of the said land would not result in the loss of valuable amenity space for local residents.
- 6.4.4 Loss of Privacy and Overlooking:** Please refer to paragraphs 6.3.2 & 6.3.3. In addition to the comments raised in the paragraphs above, whilst it is acknowledged that the proposed development will inevitably have some impact on access to daylight for adjoining properties, measures have been taken in this amended scheme to minimise the impact of the proposed development on the adjoining dwelling at No.29 Londesborough Road. The main body of the proposed development is contained within a similar scale envelope as that of the attached terraced units, with only the single storey rear addition protruding beyond the established rear building lines of the adjoining terrace units. This proposed single storey addition measures some 3.7m in height and extends to a depth of 4.2m to match the depth of other such rear additions along this row of terraced units. On the basis of the dimensions

identified above and the individual circumstances of the scheme presented, the impact on adjoining daylight is considered to be negligible and would not warrant a refusal given the requirements on the Council to provide additional housing in accordance with the provisions contained in the London Plan.

- 6.4.5 **Impact on existing trees to the front and rear of the site:** The applicant has submitted an Arboricultural Report as part of this application. To this end, the applicant has submitted a detailed programme of works outlining how they intend to protect these trees during and after construction work. The protection of the trees should be part of any conditional permission.

## **7. CONCLUSION**

- 7.1 It is considered that the proposed development would create a single dwelling suitable for occupation of three or four persons, which would help increase the Boroughs housing stock, while also creating a choice in housing size. The proposed development would have little negative impact on the amenity of local residents by means of any potential loss of daylight, sunlight, loss of privacy or increase in overlooking whilst creating a building of high quality design.

## **8. RECOMMENDATION**

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

### **8.1.1 SCB0 – Development in accordance with plans**

The development 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**

This development 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 buildings, boundary walls, ground surfaces and details of the approved 'Green Roof' shall be submitted to and approved by the Local Planning Authority, in writing, before any work commences on implementing this planning permission. 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 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 SCR2 – Dustbin Enclosures**

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.

**8.1.6 SGC6 – 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 any Class of any schedule to that Order.

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

**8.1.7 SCT5 – 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, 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.

**8.1.8 SCT7 – 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

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.

#### **8.1.9 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.

#### **8.1.10 SCM5 – Boundary Wall Treatment**

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..

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.

### **9. REASONS FOR APPROVAL**

The following policies 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) and TR19 (Planning Standards) of the Hackney Unitary Development Plan 1995; and policies 3A.1 (Increasing London's supply of housing), 4B.3 (Maximising the potential of sites) and 4B.4 (Sustainable design and construction) of the London Plan 2008.

### **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.24 Naming and Numbering
- SI.27 Fire Precautions Act 1971
- SI.28 Refuse Storage and Disposal Arrangements

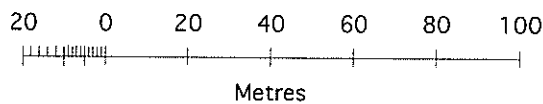
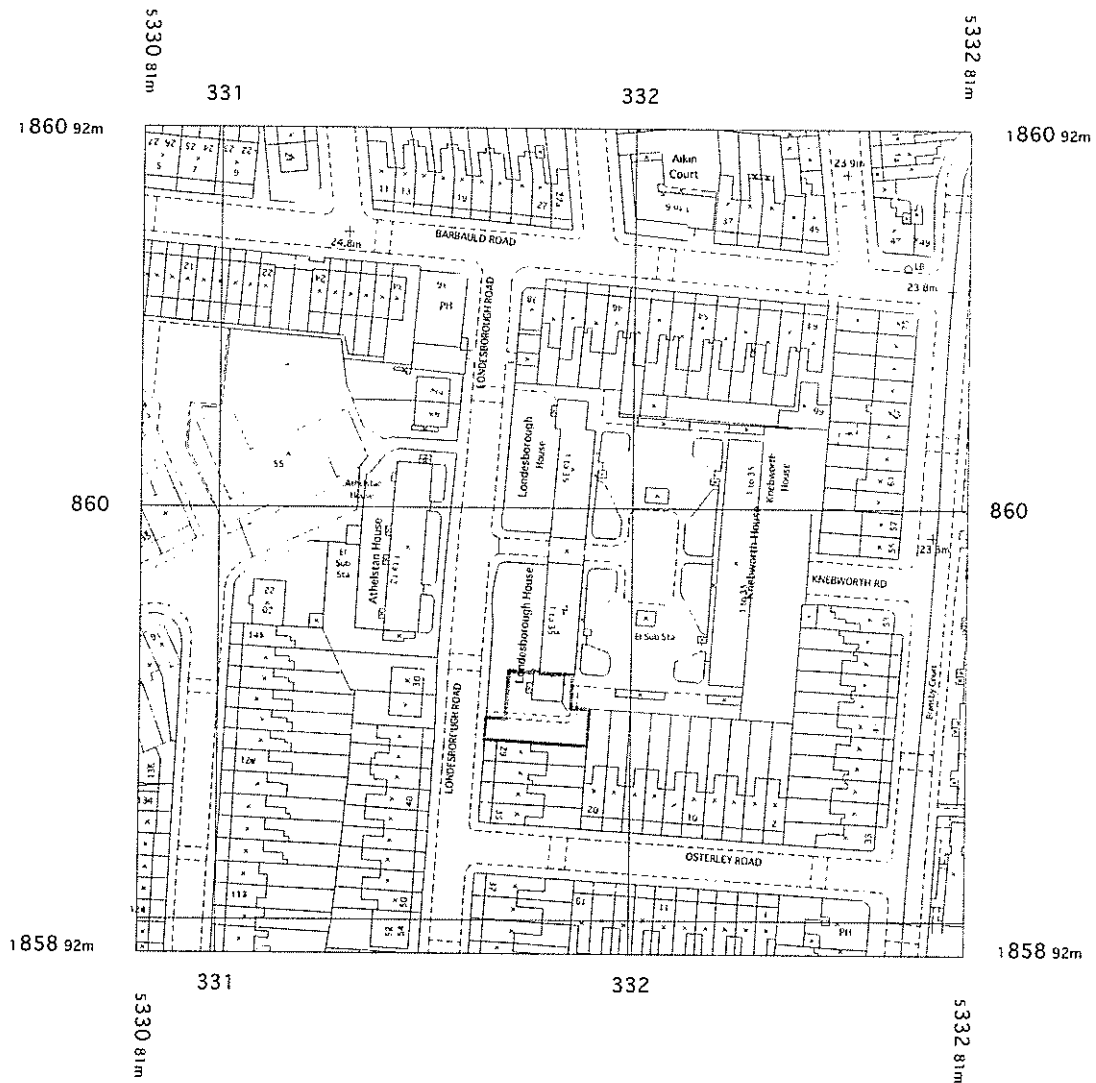
**Signed..... Date**

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

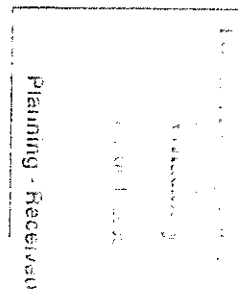
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 B. 1/10/00  
 C. 1/10/00

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**LONGESBOROUGH ROAD**

DRAWING TITLE  
**OS PLAN**

SCALE  
 1:1000

DATE  
**MAY 2007**

DRAWING NO.  
**013**

**RICHARD HYWEL EVANS** Architecture & Design Ltd  
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Londesborough House

Hackney Land

LONDESBOROUGH ROAD



Planning - Received

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B	13.08.06	ISSUE FOR PRE-PLANNING ADVICE
C	25.07.08	ISSUE FOR PLANNING
D	28.09.09	REVISED & ISSUED FOR PLANNING
E	13.10.09	PROPOSED FOR PLANNING

CHECKED BY

JOB TITLE

LONDESBOROUGH ROAD

FIRST FLOOR PLAN

SCALE

DATE

JOB NO

DRAWING NO

0000

002

RICHARD HYWEL EVANS architecture & design ltd  
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Londesborough House

Hackney Land

LONGESBOROUGH ROAD



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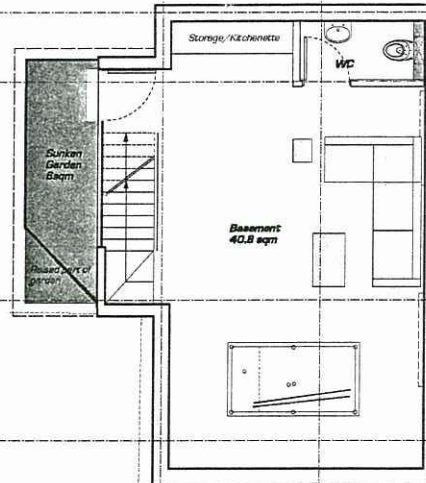
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architect@rheuk.com

**Londesborough House**



29



Planning Received

14 OCT 2007

Londesborough Road

LONDESBOROUGH ROAD

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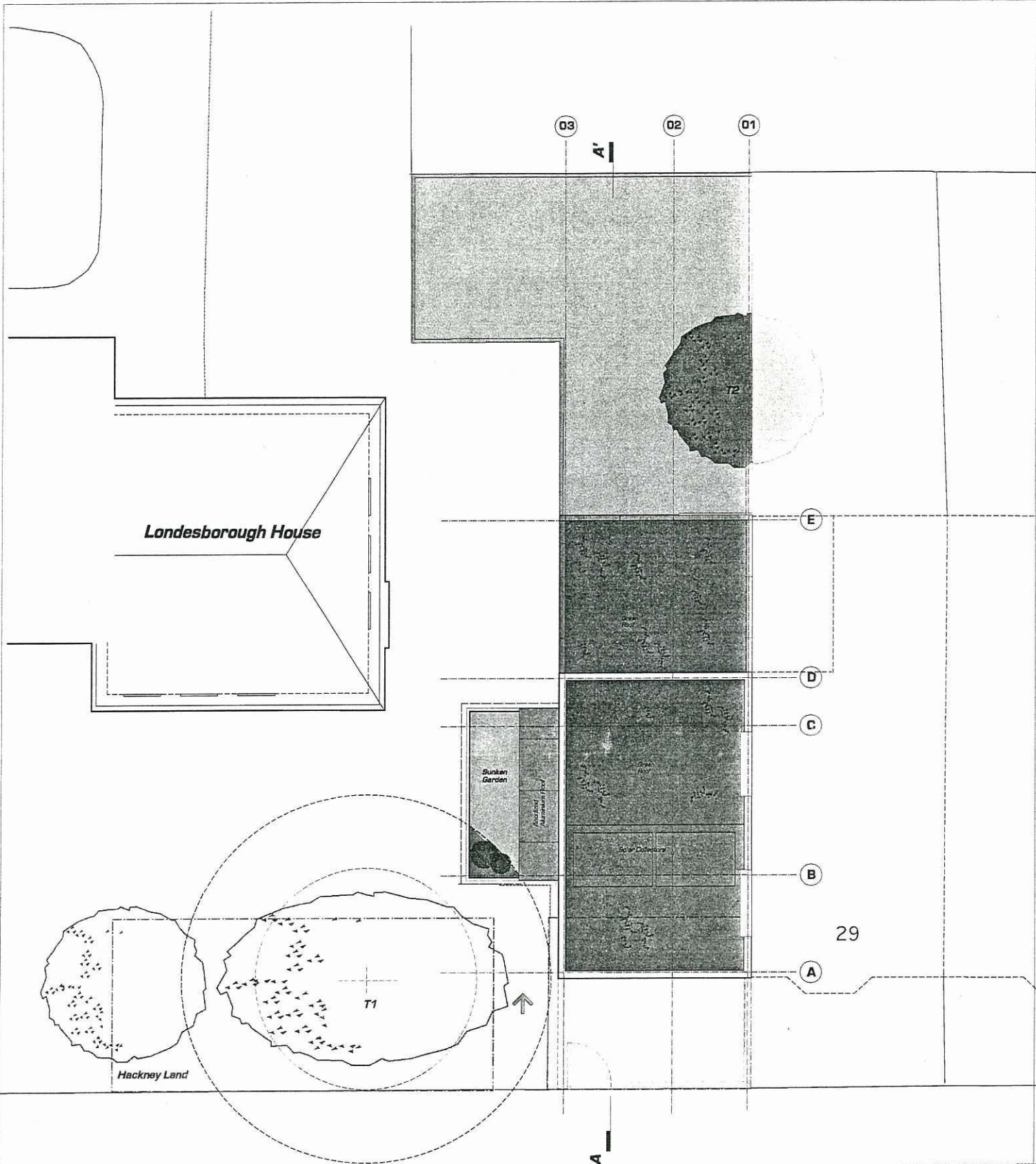
REVISIONS		CHECKED BY	JOB TITLE
A	30/05/06		LONDESBOROUGH ROAD
B	13/08/06		
C	25/07/06		
D	13/10/06		

Page 241

DRAWING TITLE		DATE
BASEMENT PLAN		MAY 2007
SCALE	1:500A1 1:1000A3	
JOB NO	0000	DRAWING NO 004

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LONDESBOROUGH ROAD



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REVISIONS		
A	30/05/06	ISSUE FOR INFORMATION
B	04/06/06	ISSUE FOR INFORMATION
C	13/06/06	ISSUE FOR PRE-PLANNING ADVICE
D	25/07/06	ISSUE FOR PLANNING
E	28/09/06	ISSUED & ISSUED FOR PLANNING

CHECKED BY

JOB TITLE

LONDESBOROUGH ROAD

DRAWING TITLE  
ROOF PLAN

SCALE  
1:500 (1:100 @ 1/2)

PLANNING  
0000

DATE  
MAY 2007

DRAWING NO.  
005

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REVISIONS

A	20/05/06	SCALE 1/4" = 1'-0"	DATE 20/05/06
B	20/05/06	SCALE 1/4" = 1'-0"	DATE 20/05/06
C	20/05/06	SCALE 1/4" = 1'-0"	DATE 20/05/06
D	20/05/06	SCALE 1/4" = 1'-0"	DATE 20/05/06
E	14/10/06	SCALE 1/4" = 1'-0"	DATE 14/10/06

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LONDESBOROUGH ROAD

FRONT ELEVATION

SCALE 1/4" = 1'-0"

DATE MAY 2007

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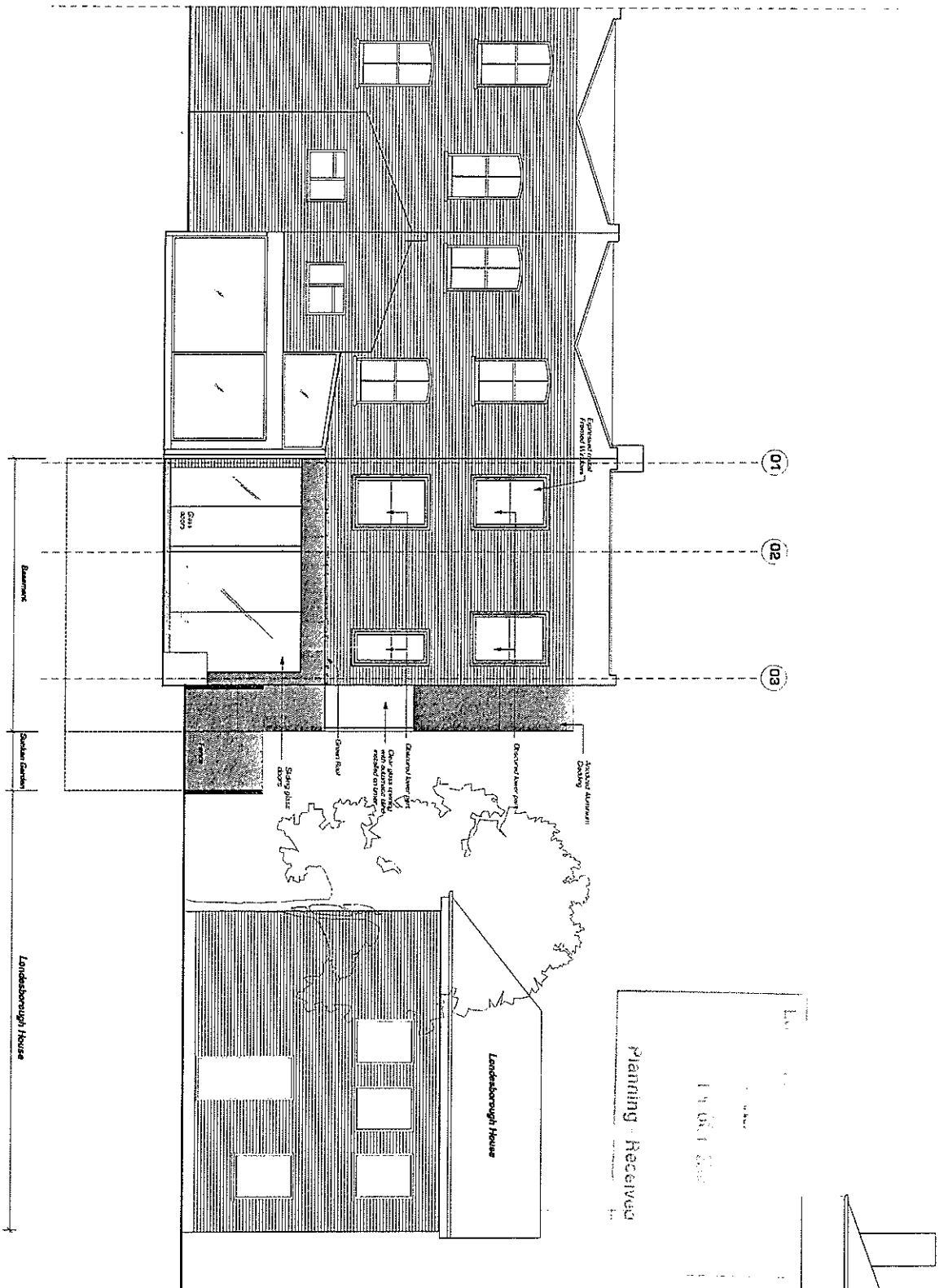
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REVISIONS

NO.	DATE	DESCRIPTION
A	20/03/08	DATE FOR REVISION
B	20/03/08	DATE FOR REVISION
C	20/03/08	DATE FOR REVISION
D	20/03/08	DATE FOR REVISION
E	20/03/08	DATE FOR REVISION
F	20/03/08	DATE FOR REVISION

CHECKED BY: JCB TITLE: LANDSBOURGH ROAD

DRAWING TITLE: REAR ELEVATION

SCALE: 1/5000 1/10000

DATE: MAY 2007

DRAWING NO: 007

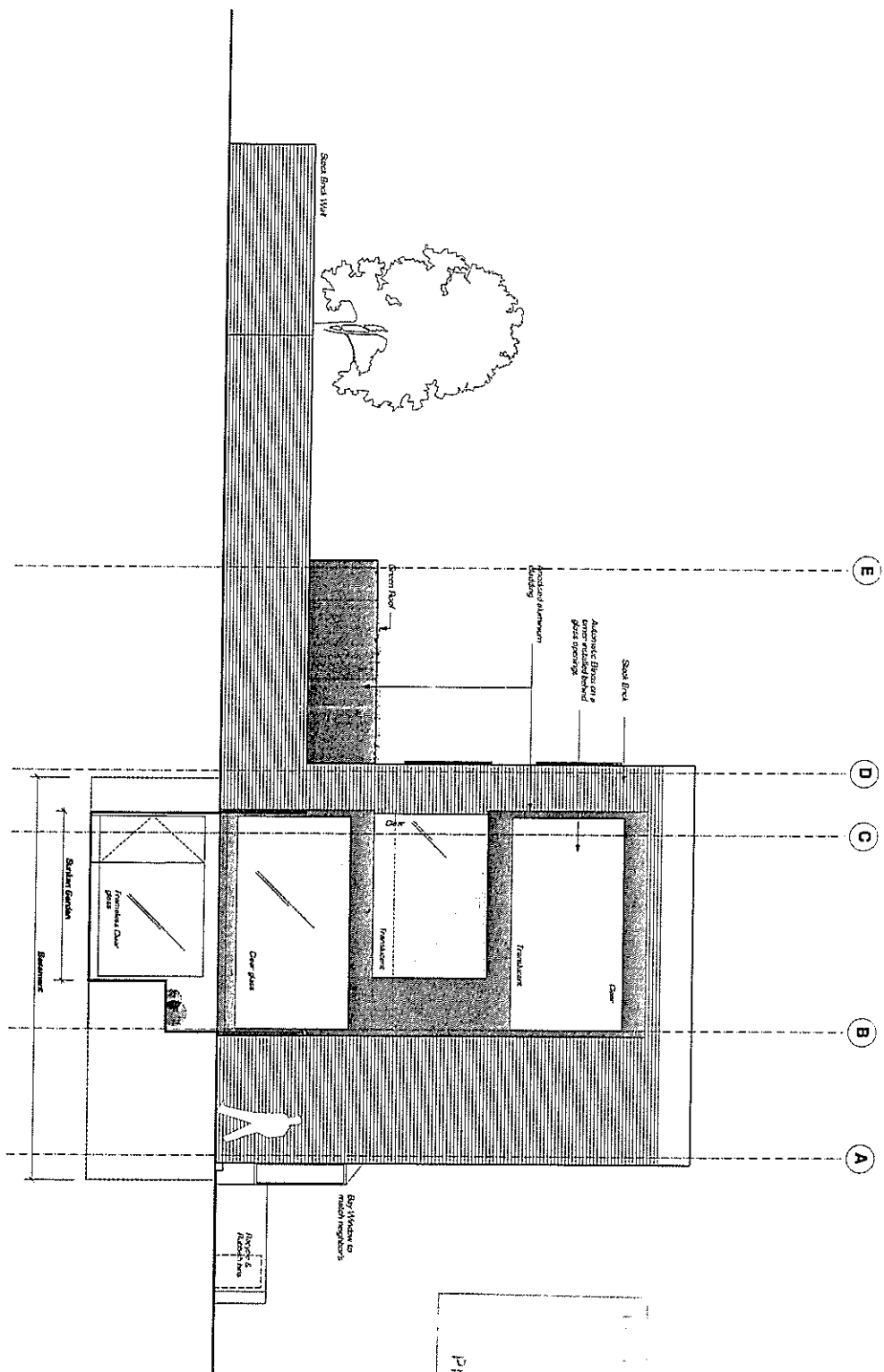
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ARCHITECT: JCB TITLE: LANDSBOURGH ROAD

DATE: MAY 2007

DRAWING NO: 007

ARCHITECT: JCB TITLE: LANDSBOURGH ROAD



# REVISIONS

NO.	DATE	DESCRIPTION
A	2012.08	SCALE INFORMATION
B	01.08.08	SCALE INFORMATION
C	13.08.08	SCALE INFORMATION
D	20.08.08	SCALE INFORMATION
E	27.08.08	SCALE INFORMATION
F	03.09.08	SCALE INFORMATION

## REVISIONS

DATE: MAY 2007

SCALE: 1:1000

DATE: MAY 2007

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008

**Hackney Land at the front,  
refer to Site Plan**

Planning - Received

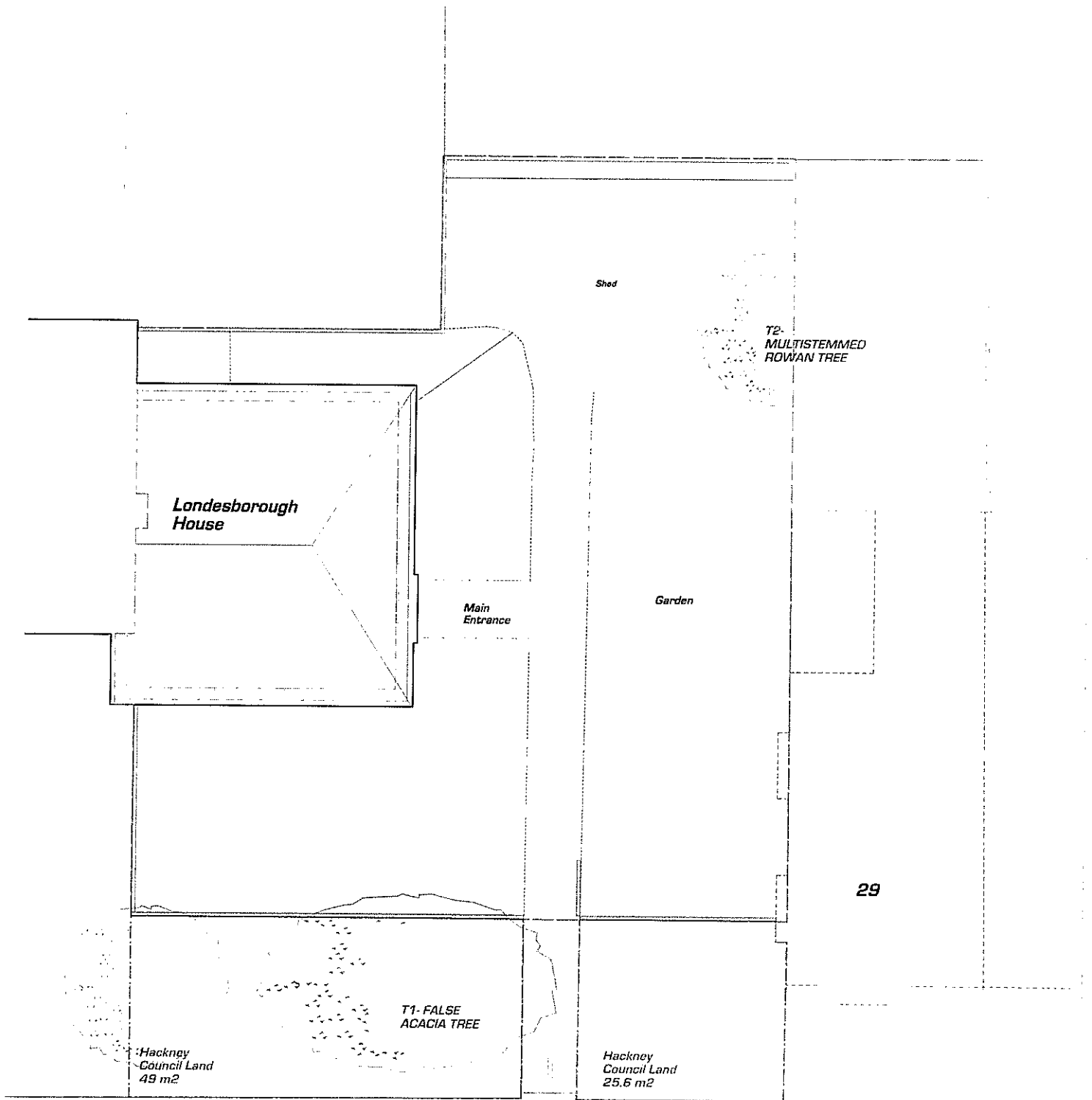
Page 246

A	20/07/06	ELEVENTH COVARIATION
B	13/01/06	SEVENTEEN COVARIATION
C	25/07/06	SEVENTEEN COVARIATION
D	13/10/06	SEVENTEEN COVARIATION

**DRAWING TITLE**  
**EXISTING FRONT ELEVATION**

150001 1100003  
JOB NO. 0000  
MAY 2007  
DRAWING NO. 009

FOCUSSED HTML EXILES architects & design  
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EXISTING RIGHT OF WAY

LONDESBOROUGH ROAD

CLIENT SITE Approx  
311 m2

LAND OWNED BY HACKNEY  
COUNCIL Approx. 74.6 m2

SURVEY SUPPLIED BY OTHERS

All RHE Areas and boundaries approximate &  
subject to legal approval



ELEVATION DRAWING 009

Planning - Received

REVISIONS	
A	20/02/07
B	13/03/07
C	25/07/07
D	24/07/07
E	13/08/07

CHECKED BY JOH TITL

LONDESBOROUGH ROAD

DRAWING TITLE  
EXISTING SITE PLAN

SCALE  
1:1 AS SHOWN

DATE  
MAY 2007

JOB NO  
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DRAWING NO  
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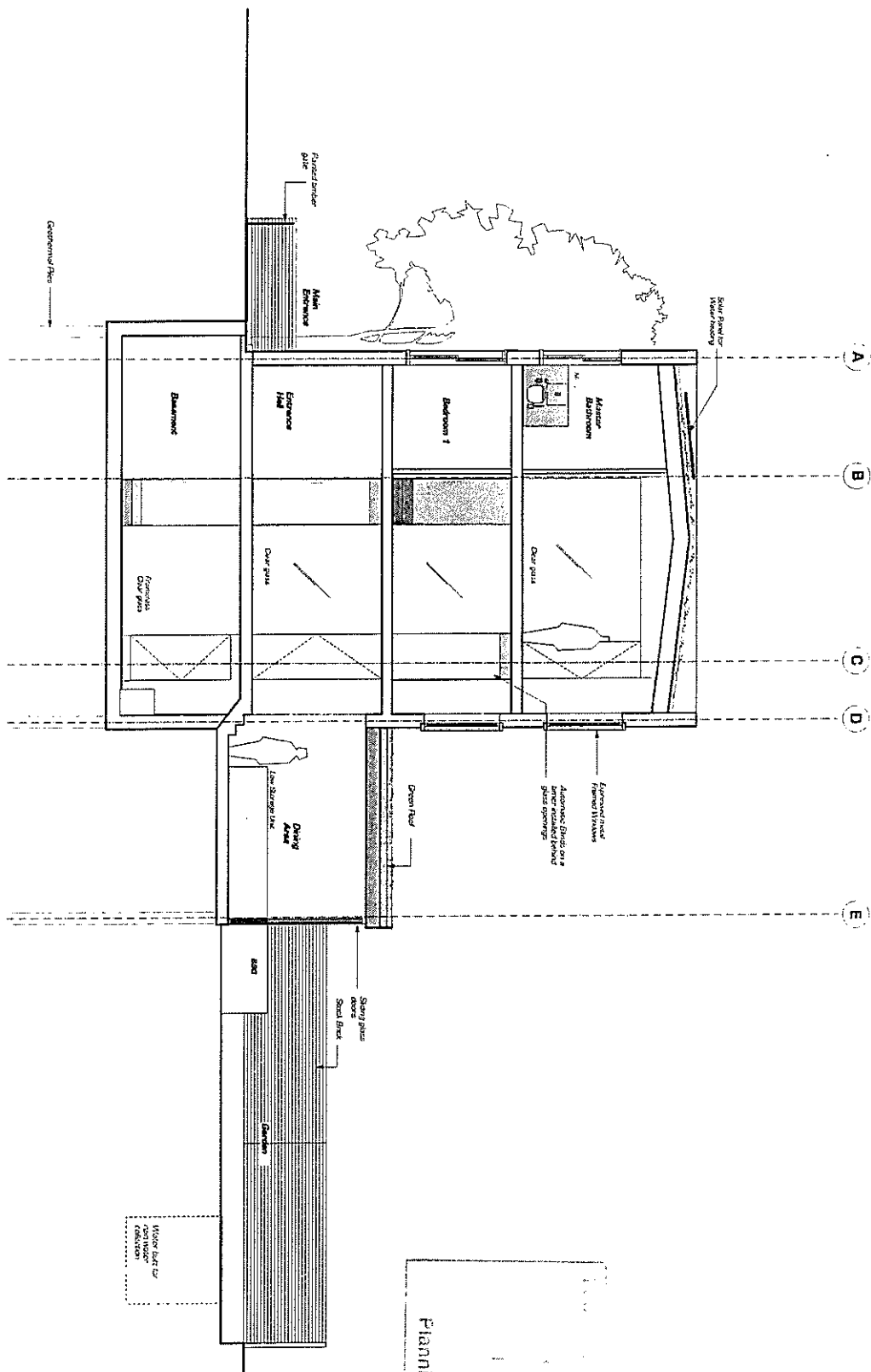


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LONDESBOROUGH ROAD  
 SECTION AA'

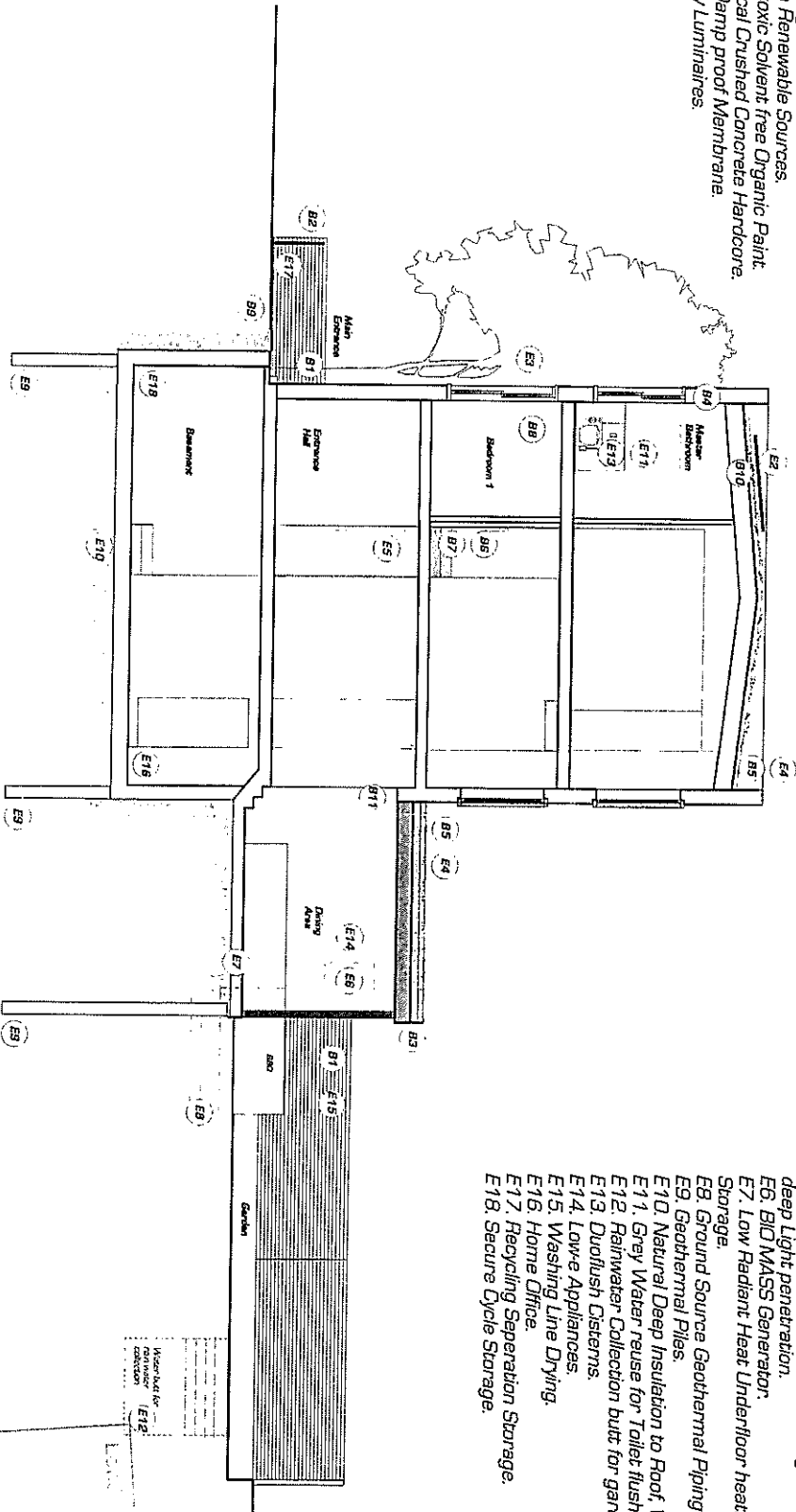
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REV	DATE	DESCRIPTION
A	10/05/07	ISSUED FOR TENDERS
B	20/07/07	REVISED TO REFLECT CHANGES
C	13/08/07	REVISED TO REFLECT CHANGES



# **URBAN** Reuse of available Inner City Brownfield Site **BUILDING MATERIALS**

- B1. Reclaimed Local London Stock Brick Facing.
- B2. Reclaimed London Timber.
- B3. Recycled Aluminum Cladding.
- B4. Natural 'Ultraouch' Recycled/ Denim Insulation to achieve 0.1 W/m2.
- B5. SEDUM 'Green' Roofs by EUROROOF.
- B6. 'Hemp' Flooring Material.
- B7. Timber from Renewable Sources.
- B8. 'UVCS' non toxic Solvent free Organic Paint.
- B9. Recycled Local Crushed Concrete Hardcore.
- B10. Recycled Damp proof Membrane.
- B11. Low Energy Luminaires.



## **ENERGY**

- E1—Wind-Turbine OMITTED
- E2. Solar Water Heating, type Solar Century ST105.
- E3. High Performance low-e Double Glazing Argon filled cavity.
- E4. 'SEDUM' planted 'Green' roof by EUROROOF.
- E5. East facing large area Glazing for morning Sunshine, deep Light penetration.
- E6. BIO MASS Generator.
- E7. Low Radiant Heat Underfloor heating as Hot Water Storage.
- E8. Ground Source Geothermal Piping under Garden.
- E9. Geothermal Piles.
- E10. Natural Deep Insulation to Roof, Walls and Floor.
- E11. Grey Water reuse for Toilet Flushing.
- E12. Rainwater Collection butt for garden Irrigation.
- E13. Duolush Cisterns.
- E14. Low-e Appliances.
- E15. Washing Line Drying.
- E16. Home Office.
- E17. Recycling Separation Storage.
- E18. Secure Cycle Storage.

Planning - Received

NOT FOR CONSTRUCTION  
REQUIREMENT: ALL REQUIRED DOCUMENTS REQUIRED  
DRAWING AND DESIGN INFORMATION FOR THE AUTHOR ARCHITECT

REVISIONS  
A 26/01/08  
B 11/01/08  
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