

MINUTES OF A MEETING OF THE PLANNING SUB-COMMITTEE

WEDNESDAY, 1ST APRIL, 2009

Councillors Present:	Councillor Vincent Stops in the Chair Cllr Barry Buitekant, Cllr Michael Desmond (Vice-Chair), Cllr Ian Sharer, Cllr Brian Bell (Substitute), Cllr Joseph Stauber and Cllr Katie Hanson
Apologies:	Cllr Simon Tesler, Cllr Linda Smith and Cllr Jessica Webb
Officers in Attendance	Ray Rogers (Sustainability, Design and Conservation Manager), Femi Nwanze (Head of Development Management), Graham Loveland (Assistant Director Regeneration and Planning), John McRory (Team Leader, Major Applications), Rokos Frangos (Senior Planning Officer), Scott Schimanski (Team Leader, Area Team), Anthony Traub (Senior Planner, Major Team), Gillian Nicks (Deputy Team Leader, Major Applications Team), Ian Bailey (Senior Planning Officer), Russell Smith (Senior Planning Officer), Rosemary Lansdowne (Principal Solicitor) and Emma Perry (Democratic Services Officer)
Also in Attendance	Kevin Moore (Hackney Society)

1 APOLOGIES FOR ABSENCE

- 1.1 Apologies for absence were received from Councillors Smith, Tesler and Webb.
- 1.2 Councillor Bell substituted for Councillor Webb.

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 Councillor Buitekant declared a prejudicial interest in Item 8 – Blocks 5 and 10 Lathams Yard, Mount Pleasant Hill, as he lives very near to the site and had previous dealings with the application, and left the Chamber during the discussion on this item.
- 3.2 Councillor Bell declared a non-prejudicial interest in Item 10 – Former Brownswood Library, Brownswood Road, as he had been previously lobbied on this item and felt

this could be viewed as bias. He remained in the Chamber but did not take part in the discussion or vote.

4 MINUTES OF THE PREVIOUS MEETING

- 4.1 **RESOLVED** – that the minutes of the meeting held on 11 March 2009 be APPROVED as a true and accurate record.

5 LAND ADJACENT TO 81/83 AND 85 MOUNT PLEASANT LANE, LONDON, E5 9EW

Erection of a four-storey building with balconies to provide nine residential units (comprising 1 x 4 bed flat, 2 x 3 bed flats, 1 x 2 bed flat and 5 x 1 bed flats), together with creation of new driveway with gated entrance off Mount Pleasant Lane, provision of one disabled car parking space, provision of nine cycle spaces and provision of refuse/recycling store facilities.

- 5.1 The Planning Officer introduced the report, as set out in the agenda.
- 5.2 This application had been previously considered by the Planning Sub-Committee on 16 October 2008 and it was brought back to this Committee due to an error in the education contribution given in paragraph 6.10 of the previous report, attached to the agenda.
- 5.3 The report stated that the total education contribution required was £27,006.00 but the revised contribution required was in fact £26,674.00.
- 5.4 There being no questions from Members, the Chair moved to the vote.

Unanimously RESOLVED that:-

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

1. SCB0 – Development in accordance with plans

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

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

2. SCB1 - Commencement within three years

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

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

3. SCM2 – Materials to be Approved

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

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

4. SCM7 – Details to be Approved

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

- windows and doors including sections.
- cycle store

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

5. SCR2 – Dustbin Enclosures

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

REASON: In order to provide adequate refuse and recycling store enclosures in the interests of the appearance of the site and area.

6. SCH10 – Provision for Cycles

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

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

7. SCR4 – Wheelchair Accessible Homes

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

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

8. SCH8 – Parking for persons with disabilities

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

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

9. SCH11 – Adequate visibility at entrance

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

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

10. SCL10 Archaeological Investigation

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

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

11. NSC – Noise

The building shall be constructed so as to provide insulation against external noise to achieve levels not exceeding 35dB LAeq (night) and 45 dB LAm_{ax} (measured with F time weighting) for bedrooms, 40dB LAeq (day) for other habitable rooms with windows shut and other means of ventilation provided. Details of the alternative ventilation scheme must also be provided to the Local Planning Authority prior to installation. A test shall be carried out prior to the discharge of this condition to show that the required standard of sound insulation shall be met and the results shall be submitted to the Local Planning Authority for approval.

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

12. NSC – Sedum Green Roof

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

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

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

1. Contribution of £25,572.00 towards education based on calculation within the Supplementary Planning Document.

INFORMATIVES

The following Informatives should be added:

SI Reasons for Approval

The following policies contained in the Hackney Unitary Development Plan (1995) are relevant to the approved development/use and were considered by this Council in reaching the decision to grant planning permission: EQ1 (Development Requirements), EQ41 (Development Close to existing sources of noise), HO3 (Other sites for housing) and TR19 (Parking Standards)

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

SI.1 Building Control
SI.2 Work Affecting Public Highway
SI.3 Sanitary, Ventilation and Drainage Arrangement
SI.7 Hours of Building Works
SI.8 Soundproofing Between Flats
SI.24 Naming and Numbering
SI.25 Disabled Person's Provisions
SI.27 Fire Precautions Act 1971
SI.28 Refuse Storage and Disposal Arrangements
SI.29 Potential Archaeological Interest
SI.33 Landscaping

6 3 RUTLAND ROAD, LONDON, E9 7TT

Erection of additional floor at second floor level to provide one additional 2 bedroom flat.

POST SUBMISSION REVISION: Scale of some drawings have been corrected.

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

- 6.1 The Planning Officer introduced the report, as set out in the agenda.
- 6.2 The Chair made reference to the materials and asked whether they would be reclaimed, to be consistent with the existing building. The Planning Officer stated that a condition could be added for the materials to be submitted for approval. This was **AGREED**.

Unanimously RESOLVED that:-

A) 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. SCB1N Commencement within 3 years
SRB1**

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

**3. SCM2 Materials to be Approved
SRM2**

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. SCM1 Materials to match

All new external finishes in respect of all the works hereby approved (and any other incidental works to be carried out in this connection) shall match the existing building in respect of materials used, detailed execution and finished appearance.

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

5. SCR2 Dustbin Enclosures

Details of 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.

**6. SCM9 No extraneous pipe work
SRM9**

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

INFORMATIVES

The following Informatives should be added:

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
Policy 3A.4 Maximising the potential of sites
Policy 4B.1 Design principles for a compact city

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.

7 4/6 SHEEP LANE, LONDON, E8 4QS

Section 73 application for minor amendments; revision to elevation and internal layouts, connected to approved planning permission ref: 2006/0721 (for erection of a 6 storey plus basement building to provide 45 residential units (10 x 1 bed, 20 x 2 bed, 7 x 3 bed and 8 x 4 bed) and 2350 sqm of class B1 (office) floorspace.

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

- 7.1 The Planning Officer introduced the report, as set out in the agenda.
- 7.2 The Chair asked whether the provision of trees on the roof was included within the proposal. The Planning Officer stated that the application covered the same area as the previous application and that this could be incorporated into the landscaping condition, to be approved. This was **AGREED**.
- 7.3 The Chair also asked that a parking condition be added to ensure that on site parking was restricted to the four disabled parking spaces proposed. This was **AGREED**.

Unanimously RESOLVED that:-

A) Planning permission be GRANTED, subject to the following conditions:
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1. B1 – 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 the Town and Country Planning Act 1990 as amended.

2. NCC – Control of building hours

The building works required to carry out the development allowed by this permission shall only be carried out within the following times:

0800 to 1800 Hours Monday to Friday
0800 to 1300 Saturday

No building works shall be carried out on Sundays and Bank Holidays.

Noisy operations shall not take place outside these hours unless the Council has agreed that there are exceptional circumstances, for example to meet police traffic restrictions, in an emergency or in the interests of public safety.

REASON: To safeguard the amenity of adjacent residents and the area generally in accordance with Council policy.

3. R3 – Residential units to Mobility Standards

The housing units proposed must be designed to mobility standards and be in accordance with details to be submitted to and approved by the Local Planning Authority.

4. M4 - Ground surface treatment to be approved

Full details of all ground surface treatment to the site shall be submitted to and approved, in writing, 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.

5. M5 – Boundary walls to be approved

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

6. M9 – 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.

7. D1 – Level access

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

8. T1 – Provision of landscaping as 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.

9. S5 – Storage of refuse within the premises

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.

10. I3 – 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.

11. H8 – Parking for persons with disabilities

Before the use hereby permitted first commences, 3 car parking spaces for the residential units and 1 car parking space for the commercial use shall be marked and retained permanently for use by the vehicles of persons with disabilities at locations close to the entrances to the building(s).

12. M2 – 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.

13. M3 – Facing bricks to be approved

Full details of the facing brick(s) to be used for the external surfaces of the building(s) 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.

14. H9 – Marking for parking

Before any part of the development hereby permitted is occupied, appropriate markings shall be used to delineate all car parking spaces and service areas within the site/development as shown on the permitted plans, such marking to be maintained permanently.

15. H4 - Forward vehicle ingress/egress only

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

16. SCB0 – Development only in accordance with the 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.

B) That the above recommendation 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 Regeneration and Planning and the Interim Head of Legal Services:

- To secure the provision of 36% of units as affordable housing with a tenure mix of 69% social rented and 31% intermediate.
- No Residents' Parking Permits.
- Service management plan
- Best endeavours to provide local labour on site.
- The signing of a Section 278 legal agreement under the Highways Act to pay the Council to reinstate and improve the footway adjacent to the boundary of these 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.
- The applicant shall provide written evidence to this Council's Planning Monitoring Officer that all occupants and prospective buyers of the residential units hereby approved have formally been notified that the site lies within a Defined Employment Area where the Council's planning policies encourage the retention and re-use of adjoining sites and premises for employment generating uses, which might include the full range of B-Class uses. These may include general and light industrial buildings, warehouses and offices, etc. which could be potentially disturbing to future residents of the units hereby approved. The Council will not seek to restrict any existing or future employment generating use of adjoining sites on the basis of the residential content of the residential accommodation hereby approved.
- That all employment units hereby approved shall be completed to shell and core condition and ready for occupation prior to the first occupation of the residential units hereby approved. The owner / developer shall inform the Council's Monitoring Officer of such a completion date in advance.
- Prior to the commencement of works on site the applicant shall submit to the Council a noise abatement/attenuation scheme for approval and that such an agreed scheme shall be implemented to the satisfaction of the Council prior to the occupation of the first residential unit hereby approved
- Contribution of £105,274.00 towards education.
- Payment by the landowner/developer of £12,857.00 towards the improvement of local community facilities/Open space(s) in the locality.
- Payment by the landowner/ developer of £58,864.00 towards the improvement of play facilities appropriate for children aged 0-16 in the locality.
- 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) That in the event of the Section 106 agreement referred to in Recommendation B not being completed by 9 April 2009, the Assistant Director Regeneration and Planning be given the authority to refuse the application for the following reasons:

Wednesday, 1st April, 2009

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 fails to promote a mixed and inclusive community and as such would be contrary to Policies HO1, and HO3 of the Hackney Unitary Development Plan 1995, policies 3A.7 and 3A.8 of the London Plan 2004 and advice contained in PPS1 and PPG3.
2. The proposed development, in the absence of a legal agreement securing no residential parking permits for future occupiers of the development, may contribute to the creation of an unsafe and poor quality environment contrary to policies EQ1, TR16 and TR19 of the Hackney Unitary Development Plan 1995.
3. The proposed development, in the absence of a legal agreement for a Section 278 of the Highways Act Agreement, would lead to the creation of an unsafe and poor quality environment contrary to policies EQ1, TR16 and TR19 of the Hackney Unitary Development Plan 1995.
4. The proposed development, in the absence of a legal agreement for securing B1 use details prior to the occupation of the residential component, would be likely to harm the employment opportunities and provision of employment floor space in the Borough contrary to policies E2, E5 and E13 of the Hackney Unitary Development Plan 1995.

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:

- (i) Reason for Approval (NSI1)
- (ii) SI2 Works Affecting Public Highway

- (iii) SI3 Sanitary, Ventilation and Drainage Arrangements
- (iv) SI8 Soundproofing
- (v) SI19 Health, Safety and Welfare at Work
- (vi) SI24 Naming and Numbering
- (vii) SI27 Fire Precautions Act

8 **BLOCKS 5 AND 10, LATHAMS YARD, MOUNT PLEASANT YARD, LONDON, E5**

Construction of blocks 5 and 10 Latham's Yard. Block 5 to be part three, part four storey and consist of 1604 sqm of light industrial and office floor space (B1) and ten residential units (4 x 1 bed and 6 x 2 bed). Block 10 to be three storey and consist of eleven residential units (3 x 1 bed, 2 x 2 bed and 6 x 4 bed). Both blocks are proposed in place of 2 x blocks of live work units (up to 69 units) approved by planning permission 2001/1894.

- 8.1 The Planning Officer introduced the report, as set out in the agenda. He also made reference to the addendum which detailed further comments received from the Pollution Team, who raised no objection to the proposal but recommended a number of conditions to be added to Recommendation A.
- 8.2 Caroline Hummel (Savills) spoke in support of the scheme, her comments are summarised as follows:
 - The scheme provides 52% affordable housing.
 - Six, four bed family units are being provided with significant amenity space.
 - 20% renewables.
 - The scheme will be secured by design.
 - S106 monies will be provided for a number of purposes including education and a library.
- 8.3 Discussion took place surrounding the revenue stream for the project and the change in the S106 agreement that no more than 50% of the open market dwellings may be occupied prior to the affordable units having been transferred to an approved RSL, and whether there was any possibility that the scheme may not get completed.
- 8.4 Caroline Hummel explained that they were trying to be flexible and that they were proposing a mixed use development, with the private sales helping to fund the rest of the development.
- 8.5 The Head of Development Management added that they were considering each case on an individual basis and that the Council could serve a completion notice if the development was not completed.
- 8.6 In response to questions regarding the trees on the plan not being in place yet and also whether the balconies were cantilevered, it was confirmed that highway tree works was one of the last items to be completed and that the balconies were to be cantilevered.
- 8.7 The Chair requested that a parking condition be added to ensure that cars cannot park on the land surrounding the development. This was **AGREED**.

Unanimously RESOLVED that:-

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

1. SCBO – In accordance with plans

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

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

2. SCB1N - Commencement within three years

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

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

3. SCM2 - Materials to be approved

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

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

4. SCT1 - Landscaping

All landscaping depicted on the approved drawings 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.

5. 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.

6. 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.

7. SCH10 - Cycle spaces

Provision for 32 cycles (26 for the residential component and 6 for the B1 use). The spaces are to be secure. Details of which are to be submitted to an approved by the Local Planning Authority, in writing, before the commencement of works on site, and subsequently installed on-site/in the building in a satisfactory manner, before the development is first occupied/use commences.

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

8. 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.

9. NSC - External ventilation

Full details of mechanical ventilation equipment from kitchen areas, bathroom areas and/or 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.

10. NSC – Pollution Control

Prior to the commencement of the hereby approved development (or such other date or stage in development as may be agreed in writing by the Local Planning Authority), a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved, in writing, by the Local Planning Authority. That scheme shall include all of the following elements unless specifically excluded, in writing, by the Local Planning Authority:

- a) A desk study identifying:
 - all previous uses;
 - potential contaminants associated with those uses;
 - a conceptual model of the site indicating sources, pathways and receptors;

- potentially unacceptable risks arising from contamination at the site.
- b) A site investigation scheme, based on a) to provide information for an assessment of the risk to all receptors that may be affected, including those off site.
- c) The results of the site investigation and risk assessment b) and a method statement based on those results giving full details of the remediation measures required and how they are to be undertaken.
- d) A verification report on completion of the works set out in c) confirming the remediation measures that have been undertaken in accordance with the method statement and setting out measures for maintenance, further monitoring and reporting.

Any changes to these agreed elements require the express consent of the Local Planning Authority.

REASON: The site may be contaminated from previous land use. Site is located in a SPZ1.

11. NSC – Pollution Control

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

REASON: The site may contaminated as a result of previous land use.

12. NSC – Pollution Control

Details of site drainage shall be submitted to and approved by the Local Planning Authority.

REASON: To protect the quality of groundwater.

- 13.** No works (including maintenance) audible at the site boundary of the nearest noise sensitive premises shall be undertaken outside the hours of Monday to Friday 08.00 to 18.00 and 08.00 to 13.00 Saturday or on Bank or Public holidays unless otherwise approved by the Pollution Team or where the works are approved under section 61 of the Control of Pollution Act 1974.

- 14.** Deliveries of construction and demolition materials to and from the site by road shall take place between 08.00 to 18.00 Monday to Friday and 08.00 to 13.00 Saturday and at no other time except with the prior approval of the Pollution Team.

- 15.** Accommodation for car parking, turning and loading/unloading shall be 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.

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

1. Securing 52% of units as affordable housing with a tenure mix of 6 units social rented (6 x 4 bed) and 5 units intermediate housing (3 x 1 bed and 2 x 2 bed).
2. Contribution of £65,762.00 towards education.
3. Contribution of £2,010.44 towards open space.
4. Contribution of £6,782.82 towards libraries.
5. Commitment to the Council's local labour and construction initiatives (25% on site employment).
6. No more than "50% of the open market dwellings may be occupied prior to the affordable units having been transferred to an approved RSL".
7. 20% reduction in carbon emissions through the use of renewable energy sources and use of low energy technology.
8. Considerate Contractor Scheme – the applicant to carry out all works in keeping with the National Considerate Contractor Scheme.
9. 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.
10. Achievement of a minimum Level 3 under the Code for Sustainable Homes with best endeavours to achieve Level 4.
11. All residential units to be built to Lifetime Homes Standards.
12. B1 to shell and core prior to occupation of any residential unit.
13. All commercial units meet the BREEAM 'Excellent' standard.

C) That in the event of the Section 106 agreement referred to in Recommendation B not being completed by 28 April 2009, the Assistant Director 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 HO3 of the Hackney UDP (1995), policies 3A.7 and 3A.8 of the London Plan (2004), the LDF Planning Contributions SPD (2006), and advice contained in PPS1 and PPG3.
2. The proposed development, in the absence of a legal agreement for securing educational contributions, would be likely to contribute to pressure and demand on the borough's education provision, contrary to policies EQ1 and CS2 of the Hackney UDP (1995), the LDF Planning Contributions SPD (2006) and policy 3A.21 of the London Plan (2004).
3. The proposed development, in the absence of a legal agreement for securing open space contributions, would be likely to contribute to pressure and demand on the borough's existing open spaces, contrary to policies EQ1 and OS5 of the

Hackney UDP (1995), the LDF Planning Contributions SPD (2006) and policy 3D.8 of the London Plan (2004).

4. The proposed development, in the absence of a legal agreement for securing best endeavours to use local labour on-site, would be likely to harm the employment opportunities in the Borough contrary to policies ST3, EQ1, E15 and E18 of the Hackney Unitary Development Plan.

REASONS FOR APPROVAL

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

Hackney UDP 1995

EQ1 – Development Requirements
EQ46 – Recycling Facilities
EQ48 – Designing out Crime
E2 – Development within Defined Employment Areas
E18 – Planning Standards
HO3 – Other sites for Housing
TR19 – Planning Standards

London Plan (2008 - 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.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

INFORMATIVES

The following informatives should be added:

- SI.1 Building Control
- SI.2 Work Affecting Public Highway
- SI.3 Sanitary, Ventilation and Drainage Arrangements
- SI.6 Control of Pollution (Clean Air, Noise, etc.)
- SI.7 Hours of Building Works
- SI.8 Soundproofing
- SI.19 Health, Safety and Welfare at Work
- SI.24 Naming and Numbering
- SI.25 Disabled Person's Provisions
- SI.27 Fire Precautions Act 1971
- SI.28 Refuse Storage and Disposal Arrangements
- SI.32 Consultations with TWU

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

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

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

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

NSI.5 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx. 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

9 194 PITFIELD STREET, LONDON, N1 6JP

Demolition of existing building and construction of a part six, part seven storey building to provide 90sqm of commercial (A1, A2, B1 and D1) floorspace on the ground floor and 16 residential flats (5 x 1 bed, 8 x 2 bed, 3 x 3 bed) above, with a disabled car parking space, 16 cycle parking spaces and associated facilities.

POST SUBMISSION REVISIONS: A minor revision to the external appearance of the scheme was sought and agreed by the applicant. This included:

- Metal balustrades being added to the windows to the east and south elevation to increase visual interest.
- Widening of the residential entrance way and hall (from 1.2m to 2.3m) to improve its relationship to the street.

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

9.1 The Planning Officer introduced the report, as set out in the agenda. He referred to the addendum which stated that on a review of pertinent case law, there was no record found that suggested that 'Water Supply' should be considered as a material planning consideration. In addition, Thames Water had not objected to the proposed development connecting to the mains water supply, and it was considered that water supply was an issue normally resolved between Thames Water and the developer.

9.2 Steven Smeeth and Les Sullivan spoke in objection to the scheme, their comments are summarised as follows:-

- They had submitted a letter of objection and an annotated photograph to the Planning Officer, for consideration.
- Loss of daylight.
- Already an issue of overcrowding in the surrounding area.
- The sewerage and water system was already not fit for purpose, especially at Caliban Towers.
- There had already been two instances of flooding at the previously agreed 168 Pitfield Street.
- Concerned that a crane and materials would be stored in the car park of Caliban Towers.
- Correspondence received from the planning service had not been sent to all local residents.

9.3 Tim Gaskell (Agent) spoke in support of the scheme, his comments are summarised as follows:-

- Undertaken detailed discussions with the Council and details of the scheme had changed as a result.
- The scheme will be run by One Housing, which was one of the Council's preferred RSLs.
- The scheme provides good sized, quality units, with private amenity space to a number of them.
- There are already a number of 5,6 and 7 storey buildings in the vicinity.
- The scheme is located within a CPZ and they will restrict the number of residents applying for permits.
- There will be no loss of light to Caliban Towers.
- There will also be no issue of overlooking to Caliban Towers, as all of the windows to the main living areas will face the main road and any facing Caliban Towers, eg bathrooms, will have obscured windows.
- The development will be an improvement to the streetscape of the area.

Wednesday, 1st April, 2009

- 9.4 Reference was made to the issue surrounding water supply and, as stated within the addendum, it was confirmed that this was not a material planning concern and that Thames Water was a statutory consultee.
- 9.5 In response to the concerns raised by the objectors regarding loss of light, the Planning Officer referred Members to page 153 of the agenda which stated that the applicant had submitted a BRE daylight/sunlight report; the scope of which was considered acceptable given the site context.
- 9.6 In response to the concern raised regarding the crane and materials being left in the car park, the applicant stated that the lift would be located within the lift core of the building during construction and that the construction plan needed to be agreed with contractors and also any land owners including those of the adjacent car park if that is indeed planned.
- 9.7 Reference was made to the attenuation water tank, as detailed within the addendum, and the applicant had confirmed that rainwater harvesting would be possible as part of the attenuation that was required. The Chair insisted that a sophisticated attenuation and water recycling system be added as an additional condition, not just the provision of water butts. This was **AGREED**.
- 9.8 A question was raised regarding the first floor terraces and whether these would be screened. The Planning Officer stated that screens were identified on the plans but that this could be conditioned. This was **AGREED**.

(Councillor Sharer abstained from the vote).

RESOLVED that:-

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

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

Further details of the design and treatment of the doors to the proposed disabled parking bay and biomass boiler room 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.

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. Details of any additional pipework required 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 external appearance of the building is satisfactory and does not detract from the character and visual amenity of the area.

6. No roof plant

No machinery or any plant (air condensing units etc) shall be fixed to the roof of the building unless otherwise agreed in writing by the Local Planning Authority before any building works commence.

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. Parking for persons with disabilities

Before the use hereby permitted first commences the 1 disabled car parking spaces shall be provided for use by the vehicles of persons with disabilities as located on drawing number 2 (12) 00 Rev A.

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 at least 16 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. Construction Method Statement

Full details of a work method statement for demolition and construction, including control measures to minimise noise and dust emissions, hours of

work, wheel washing facilities, and details for the disposal of materials from the site shall be submitted to, and approved by, the Local Planning Authority prior to commencement of any construction/clearance work 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: To safeguard the amenities of neighbouring properties and the area generally during construction.

10. Ecological roofs

Full details of the proposed bio-diverse, substrate based (75mm minimum depth) extensive green roofs and walls, to include a detailed maintenance plan, 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.

11. Level Access

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

12. 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.

13. Perforated roller shutters

Details of any proposed open grille roller shutter on drawings to a scale of 1:20 shall be submitted to and approved by the Local Planning Authority, in writing, and no shutters shall be installed otherwise than in accordance with the details thus agreed. No roller shutters other than of the open grille type shall be installed, unless otherwise agreed with the Local Planning Authority in writing.

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.

14. 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 shopfront shall include additional glazing on the angled wall facing Berger Road. 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.

15. Restriction of Use

The ground floor commercial premises hereby approved shall be only used for:

Use Class A1 (Retail);

Use Class A2 ((a) financial services, or (b) professional services);

Use Class D1 ((a) for the provision of any medical or health services, (b) as a crèche, day nursery or day centre, (c) for the provision of education, (d) for the display of works of art (otherwise than for sale or hire), (e) as a museum, (f) as a public library or public reading room);

Use Class B1 (Business).

and for no other purposes including any other purposes in Classes A1, A2, D1, or B1 of the Schedule to the Town and Country Planning (uses Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order.

REASON: In the interest of general residential amenity

- 16.** Notwithstanding the details hereby approved, further details in the form of detailed elevations and sections of the first floor terrace screening 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 as approved.

REASON: To ensure the privacy of adjoining residents is maintained, and to ensure that the external appearance of the building is satisfactory.

- 17.** No development hereby permitted shall be commenced until full details of surface water drainage works have been submitted to and approved in writing by the Local Planning Authority. These details shall include the disposal of surface water by means of a Sustainable Drainage System to include rainwater recycling. The submitted details shall:

- i. provide information about the design storm period and intensity, all methods employed to delay and control the surface water discharged from the site and measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. include a timetable for its implementation; and
- iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

REASON: To ensure that the building drainage is of an enhanced standard.

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

1. To secure the provision of 52% of units (by habitable rooms) as intermediate affordable housing by RSL One Housing Group or another RSL approved by the Council
2. That the provision of the affordable housing be secured by an RSL approved by the Council.
3. That the development be 'car-free' and that no resident be entitled to a resident or visitors car-parking permit (with the exception of disabled residents or eclectically powered vehicles)
4. Payment by the landowner/developer of an education and libraries contribution of £89,936.00 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.
5. Payment by the landowner/developer of an open space contribution of £669.12 towards the supply and quality of open space in the immediate locale.
6. The signing of a Section 278 legal agreement under the Highways Act to pay the Council 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. Commitment to the Council's local labour and construction initiatives (25% on site employment).
8. Achievement of a level 3 rating, with all reasonable endeavours to achieve level 4, under the proposed Code for Sustainable Homes.
9. 20% reduction in carbon emissions over the whole site through the use of renewable energy sources and use of low energy technology.
10. Considerate Constructors Scheme – the applicant to carry out all works in keeping with the National Considerate Constructors Scheme.
11. 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) That in the event of the Section 106 agreement referred to in Recommendation B not being completed by 5 May 2009, 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 Policy EQ1 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; 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.

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.34 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.
- NSI Thames Water will aim to provide customers with a minimum pressure of 10m head (approx. 1 bar) and a flow rate of 9 litres/minute and the point where it leaves Thames Water's pipes. The developer should take account of this minimum pressure in the design of the proposed development.

10 FORMER BROWNSWOOD LIBRARY, BROWNSWOOD ROAD, LONDON, N4 2ST

Demolition of existing building and erection of a five storey building containing seventeen residential units (four one bedroom flats, six two bedroom flats, five three bedroom flats and two four bedroom flats) and one disabled parking space, together with associated outdoor amenity space and landscaping.

- 10.1 The Planning Officer introduced the report, as set out in the agenda. He referred to the addendum which stated that there had been one post submission revision, with the inclusion of opaque glazed screens to the sides of the balconies on the south-west elevation.
- 10.2 He also informed Members that the drawings on the front page of the report referred to a drawing D03 rev. A. The correct drawing was in fact D03 rev. B, which was included in Members' A3 sized print outs. Drawing D03 rev. A showed opaque glazing to habitable room windows on the south-west elevation of the proposed development; on drawing D03 rev. B, these windows revert to clear glazing. In the event that planning permission was granted, the decision notice would refer to D03 rev. B and not D03 rev. A.
- 10.3 The Planning Officer also stated that an additional condition would be added for the scheme to be a car free development, within the Section 106 agreement. This was **AGREED**.
- 10.4 Angela Brady spoke in objection to the scheme, her comments are summarised as follows:-
- The proposed development is out of character with the surrounding area and also too bulky.
 - Fails to integrate with the existing streetscene.
 - It is one floor too high and 22% of the units are single aspect and face the car park.
 - It was previously agreed under a Section 106 agreement that the communal amenity space would remain, which had now been dropped from the current application.
 - Issue of overlooking.
 - Feels that the application is invalid as the site notice was not placed on the building.
 - Pleased that the scheme is now going to be a car free development.
 - Feels that the number of units should be reduced to 10, with dual aspect.

- 10.5 Ben Thomas (Savills), Andy Heath (BBTW Architects) and Same Ohene (Genesis Housing Group) spoke in support of the scheme, their comments are summarised as follows:-
- They had been involved in numerous pre-application meetings with the planning service within the last 4 years, during which time they had responded to and resolved a number of concerns raised.
 - The scheme had also been considered by the Design Panel and had benefited from the suggestions made.
 - Providing 100% affordable housing.
 - The scheme will include a brown roof and rain water harvesting.
 - Reduced carbon emissions by 80%.
 - Car free development.
 - There had previously been no interest in the communal amenity space, which was now not included within the application.
 - The amount of amenity space provided with balconies and private gardens is deemed acceptable.
 - The issue of density was not a stand alone consideration.
 - Meets the need for affordable housing and will regenerate and enhance a derelict site.
 - The windows will be the full width of the units, therefore maximising the amount of daylight.
- 10.6 Discussion took place regarding the issue of site notices and whether the correct procedure had been adhered to. The Head of Development Management stated that in accordance with their procedures the planning service had to position a site notice on or near the site and she believed that they had fulfilled their obligation.
- 10.7 Reference was made to the communal amenity space which had been included in previous applications and Members wished to know why it had now been removed from the application.
- 10.8 In response, the applicant explained that there had previously been no interest in this space and no potential use identified, therefore they had asked the planning service to waive the requirement, in order for them to provide a scheme that was 100% affordable. The Planning Officer confirmed that this was the case and that this changed requirement had been agreed at Director level in the Planning Service.
- 10.9 The Chair asked Ray Rogers to clarify the response given by the Design Panel and he stated that they had believed that the architects were trying to do too much with the site and that, following discussions, a better relationship between the development and the streetscene had been achieved. He added that this was the most successful of the three schemes submitted.
- 10.10 The proposed materials, including the London Stock type bricks, were circulated at the meeting. The architect stated that they would be willing to look at another type of brick. Members and officers inspected the brick sample provided, but disagreed that it was London stock brick and reiterated that London stock brick was the only brick that would be acceptable, with a sample to be provided to officers pursuant to the discharge of condition 3. The architect stated that they would be willing to look at another type of brick, as requested. The Chair requested that this be conditioned. This was **AGREED**.

- 10.11 In response to a question asking whether it would be viable to provide 10 units instead of the 17 proposed, the applicant confirmed that this would not be financially viable and they would be unable to provide 100% affordable housing.

(Councillor Stauber voted against the recommendation).

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. SCM6 – Materials to be approved

Details, including samples, of all materials to be used on the external surfaces of the building, boundary walls, railings 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; excluding solar water-heating and/or photovoltaic cells) shall be placed upon or attached to the roof or other external surfaces of the building, other than as shown on the drawings hereby approved.

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

6. SCH8 – Parking for people with disabilities

Before the use hereby permitted first commences, at least one parking space shall be marked and retained permanently for use by the vehicle of a person with disabilities, as shown on the drawings hereby approved.

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

7. SCH10 – Secure bicycle parking

Internal lockable space shall be made available within the building for the secure parking of seventeen 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. NSC1 – Non-standard condition

A biodiverse, substrate-based extensive brown roof (100mm 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.

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.

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.

11. NSC4 – Non-standard condition

The external door to the bin store shall be inward-opening only.

REASON: In the interest of keeping the wheelchair access from the adjacent ramp to the ground-floor wheelchair-accessible flat unobstructed by an outward-opening door left open.

12. NSC5 – Non-standard condition

Provision is to be made within the bin store for a 1100-litre Eurobin for the purposes of co-mingled recycling.

REASON: In the interest of encouraging recycling provision and upholding the Council's sustainability objectives.

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

1. Provision of one-hundred per cent affordable housing, comprising four one-bedroom flats, six two-bedroom flats, five three-bedroom flats and two four-bedroom flats, all for social rental.
2. Payment by the landowner/developer of £2516.04 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).)
3. Payment by the landowner/developer of £46,451.91 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.)
4. Payment by the landowner/developer of £745.79 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).)
5. The developer is required to pay, under Section 278 of the Highways Act (1980), £19,200.00 to reinstate and improve the highway and footway adjacent to the boundary of the site.
6. Provision by the landowner/developer for the use of local labour on site during the construction phase.
7. 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. 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.
9. Achievement of an eighteen per-cent reduction minimum in carbon emissions through the use of renewable energy sources and use of low-energy

technology, with best endeavours to achieve a London Plan policy-compliant level of twenty per cent.

10. The applicant is to carry out all works in accordance with the National Considerate Constructors Scheme.
11. Provision for at least two units to be wheelchair accessible.
12. For all contracts with a value in excess of £5 million, payment by the landowner/developer of £3750.00 towards the cost of NVQ training (to secure more skilled employment for the construction industry sector).
13. No resident's parking permits are to be issued to occupiers of the development other than disabled badge holders.

C) That in the event of the Section 106 agreement referred to in Recommendation B not being completed by 14 April 2009, the Head of Development Management 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 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.
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).

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; HO3 - Other Sites for Housing; CS3 - Retention and Provision of Community Facilities; 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.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.

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 2008/8185, and accompanied by coloured copies of relevant elevational drawings, to which each material sample should be clearly referenced and labelled accordingly. Full specifications detailing each material's manufacturer and colour (as per manufacturer's description/name thereof) should also be submitted at the same time.

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

11 LONDON OLYMPIC SITE – LAND NORTH OF STRATFORD TOWN CENTRE, EAST OF LEA VALLEY NAVIGATION, SOUTH OF EASTWAY AND THE A12 AND WEST OF THE LEA VALLEY RAILWAY

Observations to the Olympic Delivery Authority (ODA) regarding the submission of details for a partial discharge of condition OD.0.24 (Telecommunications) pursuant to 07/90010/OU MODA dated 29 September 2007. Specifically, details of temporary telecommunications masts and equipment during Games Mode and potential sites within the Olympic Park for permanent telecommunications equipment in Legacy Mode.

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

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

Unanimously RESOLVED that:-

The London Borough of Hackney (LBH) supports the proposed Telecommunications Statement.
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INFORMATIVE

The LBH would expect that any proposal to attach telecommunications equipment on to the permanent IBC/MPC and/or the MSCP buildings would be considered at the design stage of such structures to minimise their visual appearance and mitigate any potential environmental health effects through appropriate siting of such equipment.

Duration of the meeting: 18.30 – 20.00

Signed

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Chair of the Planning Sub-Committee

Contact:

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