



# COUNCIL

All Members of the Council are  
**HEREBY SUMMONED**  
to attend a meeting of the Council to  
be held on

Wednesday, 20th July, 2016

at 7.00 pm

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

**Tim Shields**  
Chief Executive

Contact: Tess Merrett  
Governance Services Manager  
Tel: 020 8356 3432  
[governance@hackney.gov.uk](mailto:governance@hackney.gov.uk)

The press and public are welcome to attend this meeting

## MEETING INFORMATION

### Future Meetings

30 November 2016  
25 January 2017  
1 March 2017  
24 May 2017 (AGM)

### Contact for Information

Tess Merrett, Governance Services  
Tel: 020 8356 3432  
[governance@hackney.gov.uk](mailto:governance@hackney.gov.uk)

### Location

Hackney Town Hall is on Mare Street, bordered by Wilton Way and Reading Lane. For directions please go to <http://www.hackney.gov.uk/contact-us>

### Facilities

There are public toilets available, with wheelchair access, on the ground floor of the Town Hall. Induction loop facilities are available in the Assembly Halls, rooms 101, 102 & 103 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.

AGENDA ITEM NUMBER	AGENDA ITEM	INDICATIVE TIMINGS:
1 – 4	Preliminaries	5 minutes
5	Questions from Member of the Council	30 minutes
6	Elected Mayor's Statement	20 minutes
7	Albion Square Draft Conservation Area Appraisal	5 minutes
8	Designation and Appraisal of Dalston Conservation Area	5 minutes
9	Sustainable Design and Construction SPD	5 minutes
10	Adoption of Site Allocations Local Plan	5 minutes
11	Use of Special Urgency Provisions	5 minutes
12	Late Night Levy	5 minutes
13	Members' Allowances Scheme 2016/17	5 minutes
14	Overview & Scrutiny Annual Report	5 minutes
15	Local Government Ombudsman	10 minutes
16	Review into proposed extension of Right to Buy	5 minutes
17	Motions	30 minutes
18	Council Appointments & Nominations to Outside Bodies	-
19	Appointments to Committees and Commissions	-

## Council Agenda

### 1 Apologies for Absence

### 2 Speaker's Announcements

### 3 Declarations of Interest

This is the time for Members to declare any disclosable pecuniary or other non-pecuniary interests they may have in any matter being considered at this meeting having regard to the guidance attached to the agenda.

### 4 Minutes of the previous meeting - AGM 25 May 2016

(Pages 1 -  
12)

### 5 Questions from Members of the Council

#### 5.1 From Cllr Clare Potter to the Cabinet Member for Health, Social Care and Culture:

"Does the Cabinet Member for Health, Social Care and Culture share my concern that large events held in Finsbury Park, such as the recent Wireless festival, have a huge impact on those Brownswood residents living adjacent to Finsbury Park?"

#### 5.2 From Cllr Vincent Stops to the Cabinet Member for Neighbourhoods and Sustainability:

"Can the Cabinet Member for Neighbourhoods tell us the timescale for the works to improve Hackney's Narrow Way? What plans are in place to reduce disruption to businesses during the works?"

#### 5.3 From Cllr Will Brett to the Cabinet Member for Finance:

"To ask the Cabinet Member for Finance what initial estimates he has made of the budgetary impact for Hackney of the UK's proposed exit from the European Union?"

#### 5.4 From Cllr Ian Rathbone to the Cabinet Member for Health, Social Care and Culture:

"We've been hearing a lot about a campaign in Hackney against the use of pesticides by the Council. Can the Cabinet Member for Health, Social Care and Culture please provide an update on what alternatives to glyphosate are being explored by the Green Spaces department and the Waste Services department?"

#### 5.5 From Cllr Sharon Patrick to the Cabinet Member for Regeneration:

"Could the Cabinet Member for Regeneration please tell members what Hackney has gained from the Olympics and are there anymore gains to be had?"

5.6	<u>From Cllr Mete Coban to the Cabinet Member for Children's Services:</u> "Last month, the government scrapped their plans on the forced academisation of schools by 2022. However, there are genuine concerns regarding the floor standards becoming difficult to reach for some schools due to the changes to curriculum expectations and testing regimes, forcing schools to become academies in that way. Could the Cabinet Member for Children's Services tell us what the council's position is on the academisation of schools and what measures will the council put in place to help support schools in Hackney, particularly where schools do not meet the floor standards?"	
5.7	<u>From Cllr Rebecca Rennison to the Cabinet Member for Health, Social Care and Culture:</u> "To ask the Cabinet Member for Health, Social Care and Culture for an update on the Hackney Health and Social Care Integration pilot."	
5.8	<u>From Cllr James Peters to the Deputy Mayor:</u> "In light of the fact that the housing crisis means that families are now having to spend 2-3 years in homeless hostels in Hackney before they have a chance of securing Council housing (with Hackney's private rented housing having become unaffordable to very many Hackney residents), could the Cabinet Member for Housing please tell us what is the Council doing to ensure that life in its hostels is bearable?"	
<b>6</b>	<b>Elected Mayor's Statement (standing item)</b>	
<b>7</b>	<b>Report from Cabinet: Albion Square Draft Conservation Area Appraisal and Revised Conservation Area Boundary</b>	(Pages 13 - 88)
<b>8</b>	<b>Report from Cabinet: Designation and Appraisal of Dalston Conservation Area</b>	(Pages 89 - 182)
<b>9</b>	<b>Report from Cabinet: Sustainable Design and Construction Supplementary Planning Document (SPD)</b>	(Pages 183 - 292)
<b>10</b>	<b>Report from Cabinet: Adoption of Site Allocations Local Plan</b>	(Pages 293 - 514)
<b>11</b>	<b>Report of the Mayor: Use of Special Urgency Provisions</b>	(Pages 515 - 518)
<b>12</b>	<b>Report from Licensing Committee: Late Night Levy</b>	(Pages 519 - 546)
<b>13</b>	<b>Report of the Chief Executive: Annual Review of the Members' Allowances Scheme 2016/17</b>	(Pages 547 - 566)

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|----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|
| 14 | <b>Report of the Chief Executive: Overview and Scrutiny Annual Report</b>                                                                                                                     | (Pages<br>567 - 568) |
| 15 | <b>Report of the Group Director Neighbourhoods and Housing: Report of the Local Government Ombudsman</b>                                                                                      | (Pages<br>569 - 622) |
| 16 | <b>Report of the Living in Hackney Scrutiny Commission: Review into the proposed extension of the Right to Buy to Housing Association tenants and forced sale of high value council homes</b> | (Pages<br>623 - 662) |
| 17 | <b>Motions</b>                                                                                                                                                                                |                      |

a **Against Racism, Xenophobia and Hate Crime**

We are proud to live in a diverse and tolerant society. Racism, xenophobia and hate crimes have no place in our country. We in Hackney condemn racism, xenophobia and hate crimes unequivocally. We will not allow hate to become acceptable.

We welcome the contribution to the economic, social and cultural life of the Borough of all Hackney citizens of all faiths and none.

Hackney Council reaffirms that all the people of Hackney are valued members of our community.

Hackney will work with the voluntary sector and other agencies, to make sure our residents are aware of their rights and to fight and prevent racism and xenophobia.

The Council will invite residents to sign up to indicate their support for these aims via the Council website.

Proposed by Cllr Glanville  
Seconded by Cllr Sharer

b **Cycling in Parks**

London Borough of Hackney has the highest level of local residents cycling in London. For over a decade the borough has adopted a practice of permitting and encouraging considerate cycling everywhere in parks and open spaces, except where it is specifically not permitted.

The current borough adopted by-laws states:

13. No person shall in any open space, except on roads or other place approved for the purpose by the Council, ride or drive any horse or other beast of draught or burden or any bicycle, tricycle, or any vehicle drawn or propelled by any animal or by mechanical power.

14. No person shall in any open space drive any vehicle, bicycle or tricycle or ride any animal at a rate exceeding

twelve miles an hour or so as to endanger the public.

Therefore Hackney Council Resolve:

To reaffirm its commitment to encouraging considerate cycling in all Hackney parks and open spaces, except where it is specifically not permitted.

Proposed by Cllr Snell  
Seconded by Cllr Demirci

**18 Council Appointments and Nominations to Outside Bodies**

(Pages  
663 - 666)

**19 Appointments to Committees and Commissions (standing item)**

(Pages  
667 - 668)

## RIGHTS OF PRESS AND PUBLIC TO REPORT ON MEETINGS

Where a meeting of the Council and its committees are open to the public, the press and public are welcome to report on meetings of the Council and its committees, through any audio, visual or written methods and may use digital and social media providing they do not disturb the conduct of the meeting and providing that the person reporting or providing the commentary is present at the meeting.

Those wishing to film, photograph or audio record a meeting are asked to notify the Council's Monitoring Officer by noon on the day of the meeting, if possible, or any time prior to the start of the meeting or notify the Chair at the start of the meeting.

The Monitoring Officer, or the Chair of the meeting, may designate a set area from which all recording must take place at a meeting.

The Council will endeavour to provide reasonable space and seating to view, hear and record the meeting. If those intending to record a meeting require any other reasonable facilities, notice should be given to the Monitoring Officer in advance of the meeting and will only be provided if practicable to do so.

The Chair shall have discretion to regulate the behaviour of all those present recording a meeting in the interests of the efficient conduct of the meeting. Anyone acting in a disruptive manner may be required by the Chair to cease recording or may be excluded from the meeting. Disruptive behaviour may include: moving from any designated recording area; causing excessive noise; intrusive lighting; interrupting the meeting; or filming members of the public who have asked not to be filmed.

All those visually recording a meeting are requested to only focus on recording councillors, officers and the public who are directly involved in the conduct of the meeting. The Chair of the meeting will ask any members of the public present if they have objections to being visually recorded. Those visually recording a meeting are asked to respect the wishes of those who do not wish to be filmed or photographed. Failure by someone recording a meeting to respect the wishes of those who do not wish to be filmed and photographed may result in the Chair instructing them to cease recording or in their exclusion from the meeting.

If a meeting passes a motion to exclude the press and public then in order to consider confidential or exempt information, all recording must cease and all recording equipment must be removed from the meeting room. The press and public are not permitted to use any means which might enable them to see or hear the proceedings whilst they are excluded from a meeting and confidential or exempt information is under consideration.

Providing oral commentary during a meeting is not permitted.

# ADVICE TO MEMBERS ON DECLARING INTERESTS

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

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

- The Director of Legal;
- The Legal Adviser to the committee; or
- Governance 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 disclosable pecuniary interest in any matter on the agenda or which is being considered at the meeting?

You will have a disclosable pecuniary interest in a matter if it:

- relates to an interest that you have already registered in Parts A and C of the Register of Pecuniary Interests of you or your spouse/civil partner, or anyone living with you as if they were your spouse/civil partner;
- relates to an interest that should be registered in Parts A and C of the Register of Pecuniary Interests of your spouse/civil partner, or anyone living with you as if they were your spouse/civil partner, but you have not yet done so; or
- affects your well-being or financial position or that of your spouse/civil partner, or anyone living with you as if they were your spouse/civil partner.

## 2. If you have a disclosable pecuniary interest in an item on the agenda you must:

- Declare the existence and nature of the interest (in relation to the relevant agenda item) as soon as it becomes apparent to you (subject to the rules regarding sensitive interests).
- You must leave the room when the item in which you have an interest is being discussed. You cannot stay in the meeting room or public gallery whilst discussion of the item takes place and you cannot vote on the matter. In addition, you must not seek to improperly influence the decision.
- If you have, however, obtained dispensation from the Monitoring Officer or Standards Committee you may remain in the room and participate in the meeting. If dispensation has been granted it will stipulate the extent of your involvement, such as whether you can only be present to make representations, provide evidence or whether you are able to fully participate and vote on the matter in which you have a pecuniary interest.



### 3. Do you have any other non-pecuniary interest on any matter on the agenda which is being considered at the meeting?

You will have 'other non-pecuniary interest' in a matter if:

- i. It relates to an external body that you have been appointed to as a Member or in another capacity; or
- ii. It relates to an organisation or individual which you have actively engaged in supporting.

### 4. If you have other non-pecuniary interest in an item on the agenda 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. You may remain in the room, participate in any discussion or vote provided that contractual, financial, consent, permission or licence matters are not under consideration relating to the item in which you have an interest.
- iii. If you have an interest in a contractual, financial, consent, permission or licence matter under consideration, you must leave the room unless you have obtained a dispensation from the Monitoring Officer or Standards Committee. You cannot stay in the room or public gallery whilst discussion of the item takes place and you cannot vote on the matter. In addition, you must not seek to improperly influence the decision. Where members of the public are allowed to make representations, or to give evidence or answer questions about the matter you may, with the permission of the meeting, speak on a matter then leave the room. Once you have finished making your representation, you must leave the room whilst the matter is being discussed.
- iv. If you have been granted dispensation, in accordance with the Council's dispensation procedure you may remain in the room. If dispensation has been granted it will stipulate the extent of your involvement, such as whether you can only be present to make representations, provide evidence or whether you are able to fully participate and vote on the matter in which you have a non pecuniary interest.

### Further Information

Advice can be obtained from Yinka Owa, Director of Legal, on 020 8356 6234 or email [Yinka.owa@hackney.gov.uk](mailto:Yinka.owa@hackney.gov.uk)



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**London Borough of Hackney  
Council  
Municipal Year 2016/17  
Date of Meeting Wednesday, 25th May, 2016**

Minutes of the proceedings of  
Council held at Hackney Town  
Hall, Mare Street,  
London E8 1EA

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**Councillors in  
Attendance:**

Mayor Jules Pipe, Cllr Kam Adams, Cllr Soraya Adejare,  
Cllr Dawood Akhoun, Cllr Brian Bell,  
Cllr Anntoinette Bramble, Cllr Will Brett, Cllr Barry Buitekant,  
Cllr Laura Bunt, Cllr Jon Burke, Cllr Sophie Cameron,  
Cllr Robert Chapman, Cllr Mete Coban, Cllr Feryal Demirci,  
Cllr Michael Desmond, Cllr Sade Etti, Cllr Susan Fajana-  
Thomas, Cllr Philip Glanville, Cllr Margaret Gordon,  
Cllr Michelle Gregory, Cllr Katie Hanson, Cllr Ben Hayhurst,  
Cllr Ned Hercock, Cllr Abraham Jacobson,  
Cllr Christopher Kennedy, Cllr Sophie Linden,  
Cllr Richard Lufkin, Cllr Jonathan McShane,  
Cllr Sem Moema, Cllr Sally Mulready, Cllr Ann Munn,  
Cllr Guy Nicholson, Cllr Harvey Odze, Cllr Deniz Oguzkanli,  
Cllr M Can Ozsen, Cllr Benzion Papier, Cllr Sharon Patrick,  
Cllr James Peters, Cllr Emma Plouviez, Cllr Clare Potter,  
Cllr Ian Rathbone, Cllr Rebecca Rennison, Cllr Anna-  
Joy Rickard, Cllr Rosemary Sales, Cllr Caroline Selman,  
Cllr Ian Sharer, Cllr Nick Sharman, Cllr Peter Snell,  
Cllr Simche Steinberger, Cllr Vincent Stops, Cllr Geoff Taylor,  
Thomson, Cllr Jessica Webb and Cllr Carole Williams

**Apologies:**

Cllr Tom Ebbutt, Cllr Michael Levy, Cllr Clayeon McKenzie  
and Cllr Tom Rahilly

**Officer Contact:**

Emma Perry, Governance Services

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**Councillor Sade Etti [Speaker] in the Chair**

**1 The Speaker's Welcome**

- 1.1 The Speaker welcomed all Members and guests to the meeting and referred to her newsletter which was circulated at the meeting.

**2 Presentation of the I Love Hackney Mayor's Civic Awards**

- 2.1 The Speaker advised that on the 10<sup>th</sup> anniversary year of the Council's hugely successful I Love Hackney campaign, the Mayor of Hackney thought it fitting and timely to celebrate and publicly recognise people who were doing extraordinary things in and for the Borough. Five residents and one organisation were each awarded the I Love Hackney Mayor's Civic Award in

appreciation and acknowledgment of the significant services they had done for the Borough.

- 2.2 Mayor Pipe thanked his fellow judges, Gazette Editor Ramzy Alwakeel, Colette Allen from youth charity Hackney Quest and Homerton A&E doctor Ronke Ikharia. Mayor Pipe presented a Civic Award to each of the following recipients and outlined their achievements:-

**1. St Joseph's Hospice**

St Joseph's Hospice was awarded a special award for its work in the community. Gordon Bell MBE, Freeman of the Borough, spoke in support of the nomination. Gordon Bell stated that despite the nature of the facility, St Joseph's Hospice was a jolly place and expert in providing palliative care. He commended the excellent work undertaken and wished them all the best for the future.

Mayor Pipe also spoke in support of the nomination.

**2. Thomas Bailie**

Thomas Bailie worked with some of the most disadvantaged people in Hackney, as part of his involvement with the Westminster Drugs Programme. It was recognised that he goes above and beyond his professional duties to support those trying to turn their lives around and get away from drugs, alcohol and illegal activity.

**3. Marilyn Douglas-Hamilton**

Marilyn Douglas-Hamilton volunteered for Hackney Volunteer and Befriending Service, as well as City and Hackney Mind, the Marie Curie Service and the City and Hackney Carer's Centre. Her work to end loneliness and isolation had now been used by Hackney Volunteer and Befriending Services as a model for 'best practice'.

**4. Caroline Gregory**

Caroline Gregory was very community minded and through her establishment of the traders' association 16 years ago, she has had a big impact on Victoria Park Village. A master potter, Caroline Gregory had also been selling pots from her shop in Lauriston Road for an impressive 41 years. Caroline Gregory was also secretary of the Well Street Common Users Group.

**5. Rachel Klein**

Rachel Klein had set up an organisation to provide doula (birth companions) to women in the Jewish community around the Clapton area 23 years ago. Rachel Klein now co-ordinates 16 volunteers from her home in Clapton Common. They provide one-on-one support during childbirth, often assisting mothers that were vulnerable or faced language barriers.

## 6. Brenda Sullivan

Brenda Sullivan had been a teacher at Holmleigh Primary School in Stamford Hill for over 30 years and had recently retired. Brenda Sullivan continues to visit the school one day a week to promote PE, entering pupils into sports competitions and assisting in the delivery of extra sports lessons for teams selected to represent Hackney at regional and national events.

**RESOLVED** that the following recipients receive an I Love Hackney Mayor's Civic Award:

1. St Joseph's Hospice
2. Thomas Bailie
3. Marilyn Douglas-Hamilton
4. Caroline Gregory
5. Rachel Klien
6. Brenda Sullivan

## 3 Election of the Speaker for the Municipal Year 2016/17

3.1 Mayor Pipe nominated Councillor Rosemary Sales for the position of Speaker for the 2016/17 Municipal Year. Mayor Pipe was pleased to nominate Councillor Sales as the 116<sup>th</sup> first citizen of the Borough. Councillor Sales had been an active campaigner within the Stamford Hill ward since the 1980's, as well as a trustee of the Hackney Migrant Centre and Secretary of the St John's Jerusalem Chorus Choir.

3.2 Deputy Mayor Linden seconded the nomination.

3.3 Councillor Steinberger stated that the Conservative Group were unhappy with the nomination and nominated Councillor Odze for the position of Speaker for the 2016/17 Municipal Year.

3.4 Councillor Sharer seconded the nomination.

Votes:

For: 4

Against: Majority

Abstain: None

**RESOLVED** that Councillor Rosemary Sales be elected to serve as Speaker for the 2016/17 Municipal Year.

Votes:

For: Majority

Against: 3

Abstain: 2

- 3.5 Councillor Sales read aloud and signed her declaration of acceptance of office, which was witnessed by the Chief Executive.

(There was a short adjournment and the dais party left the Chamber where the Speaker received the chains of office. The meeting then reconvened and Councillor Sales took the Chair).

#### **4 Vote of Thanks to the Outgoing Speaker**

- 4.1 Mayor Pipe moved a vote of thanks to the outgoing Speaker, Councillor Etti. Councillor Etti was the 115<sup>th</sup> first citizen of the Borough. During her time as Speaker Councillor Etti had attended 370 events, including community and formal civic events, as well as assisting in the creation of over 200 Christmas parcels for the community. Councillor Etti had raised over £18,000 for her three nominated charities.
- 4.2 Councillors Steinberger and Sharer also offered their thanks to the outgoing Speaker.
- 4.3 Councillor Sales presented the Past Speaker's badge and civic album to Councillor Etti, and invited her to respond to the vote of thanks.
- 4.4 Councillor Etti thanked Members for their vote of thanks, officers from the Speakers office for all of their support during her time as Speaker, as well as Lieutenant Colonel Morriss and other Council officers.
- 4.5 Councillor Etti stated that it had been a great privilege to serve the residents of Hackney as Speaker and attend over 370 community and civic events.
- 4.6 Councillor Etti took the opportunity to congratulate former Deputy Speaker Councillor Sales on her election as Speaker and wished her all the best in her new role.

**RESOLVED** that Councillor Sade Etti be thanked for her contribution to the Council and the Borough of Hackney during her term of office as Speaker.

#### **5 Apologies for Absence**

- 5.1 Apologies for absence were received from Councillors Ebbutt, McKenzie, Rahilly and Levy.
- 5.2 An apology for lateness was received from Councillor Fajana-Thomas.

#### **6 Declarations of Interest**

- 6.1 There were no declarations of interest.

#### **7 The Speaker's Programme for the Municipal Year 2016/17**

- 7.1 The Speaker thanked Members for their support and was honoured to take on the role of Speaker. The Speaker stated that she had been a Councillor for a short time after retiring but had been a member of the community in Stamford

Hill over a number of years, where she was proud to stand and represent her constituents.

- 7.2 The Speaker was proud of the great improvements made within the Borough and was looking forward to meeting as many people as possible. The Speaker was a great supporter of music and intended to host a Speaker's concert next year, as well as a comedy benefit. She also took an interest in issues including mental health, road safety and cycling.
- 7.3 The Speaker's nominated charities for 2016/17 would be the Hackney Migrant Centre and the North London Action for the Homeless.
- 7.4 It was noted that the Speaker's consort would be her husband, Mr Keith Lichman.

## 8 Election of the Deputy Speaker for the Municipal Year 2016/17

- 8.1 Deputy Mayor Linden nominated Councillor Soraya Adejare to serve as Speaker for the 2016/17 Municipal Year. Deputy Mayor Linden was pleased to nominate Councillor Adejare, who had been a resident of Hackney since the age of seven and was a great advocate for the community, representing Dalston Ward.
- 8.2 Councillor Chapman seconded the nomination for Deputy Speaker.
- 8.3 There were no other nominations. Councillor Steinberger added that the Conservative Group would not be putting forward any nominations and that their abstention was not personal and he wished Councillor Adejare luck in her new role.
- 8.4 Votes:
- For: Majority
- Against: None
- Abstentions: 5
- RESOLVED** that Councillor Soraya Adejare be elected to serve as Deputy Speaker for the 2016/17 Municipal Year.
- 8.5 Councillor Adejare read aloud and signed her declaration of acceptance of office, which was witnessed by the Chief Executive.
- 8.6 Councillor Adejare thanked Members for the opportunity to serve as Deputy Mayor and was proud to call Hackney home. Councillor Adejare introduced her younger brother, Olu Adesanu as her consort.

## 9 Minutes of the previous meeting - 2 March 2016

**RESOLVED** that the minutes of the ordinary Council meeting held on 2 March 2016 be approved as a correct record.

## 10 Elected Mayor's Statement - Standing Item

- 10.1 Mayor Pipe welcomed Members and all guests to the AGM and took the opportunity to thank the outgoing Speaker and welcome the new Speaker.
- 10.2 Mayor Pipe made reference to some of the challenges that the London Borough of Hackney and London as a whole were facing. Mayor Pipe advised that there had been a £150million reduction in the amount of Government funding the Council received per year. London currently had around 50,000 families in temporary accommodation and a growing number in bed and breakfast. The Mayor said that the Government's response to this growing crisis was to encourage Housing Associations to sell off their housing stock and to force Councils also to sell their social housing stock to pay for it. He added that the Government are also to introduce pay-to-stay and lower the benefit cap, which will see more people made homeless.
- 10.3 Mayor Pipe also referred to the changes made to the probation service, passing offender management to a community interest company – a year later criminal reoffending is up 27%. Mayor Pipe said that he had specifically warned officials that this would be the result, as he had previously done about the effects of reducing Hackney's police numbers.
- 10.4 Mayor Pipe took the opportunity to thank Deputy Mayor Linden, who would be standing down as Councillor to take up a new role as Deputy Mayor for Policing and Crime for the new Mayor of London at City Hall, for her time at Hackney. He stated that Deputy Mayor Linden was a talented Councillor, with a great deal of experience in community safety and crime matters. Mayor Pipe wished her all the best for the future.
- 10.5 Responding to the Mayor's statement, Councillor Steinberger on behalf of the Conservative Group, also thanked the outgoing Speaker and welcomed the new Speaker and Deputy Speaker. Councillor Steinberger referred to the nomination process and stated that the London Borough of Waltham Forest had elected a Conservative Mayor. He also congratulated Deputy Mayor Linden in her new role.
- 10.6 Responding to the Mayor's statement, Councillor Sharer on behalf of the Liberal Democrat Group, recognised the issues raised by Mayor Pipe regarding the housing crisis. Councillor Sharer also congratulated Deputy Mayor Linden on her new role and stated that she would be missed.

## 11 Composition of the Cabinet and Sub-Committees

**RESOLVED** that the composition of Cabinet and Cabinet Procurement Committee be noted, as set out below, for the 2016/17 Municipal Year:-

Mayor and Cabinet:

Mayor Jules Pipe  
Deputy Mayor Cllr Sophie Linden  
Housing - Cllr Phillip Glanville  
Neighbourhoods - Cllr Feryal Demirci  
Children's Services - Cllr Anntoinette Bramble



Finance - Cllr Geoff Taylor  
Health Social Care and Culture - Cllr Jonathan McShane  
Regeneration - Cllr Guy Nicholson

Cabinet Procurement Committee:

Lead Member for Finance - Cllr Geoff Taylor [Chair]  
Deputy Mayor Linden  
Lead Member for Neighbourhoods - Cllr Feryal Demirci  
Lead Member for Health Social Care and Culture - Cllr Jonathan McShane

## 12 Changes to the Constitution - New Senior Management Structure

12.1 The Director of Legal introduced the report and commended it to Council.

**RESOLVED** that the delegations of functions and amendments to the Constitution as set in the Schedule of Changes, attached as Appendix 1 to the report, be approved.

## 13 Establishment and Composition of the Council's Committees and Commissions 2016/17

13.1 The Director of Legal introduced the report and advised that the Appendix to the report had been tabled at the meeting.

**RESOLVED** that the establishment and composition of the following Committees, Commissions be approved, as set out below, for the 2016/17 Municipal Year:-

### **Appointments Committee:**

Mayor Jules Pipe  
Councillor Anntoinette Bramble  
Councillor Brian Bell  
Councillor Christopher Kennedy  
Councillor Sophie Linden

### **Audit Committee:**

Councillor Brian Bell  
Councillor Robert Chapman  
Councillor Michelle Gregory  
Councillor Sem Moema  
Councillor Nick Sharman  
Councillor Carole Williams

One Conservative vacancy

### **Corporate Committee:**

Councillor Will Brett  
Councillor Barry Buitekant  
Councillor Laura Bunt

Councillor Mete Coban  
Councillor Susan Fajana-Thomas  
Councillor Katie Hanson  
Councillor Christopher Kennedy  
Councillor Sally Mulready  
Councillor M Can Ozsen  
Councillor Clare Potter  
Councillor Nick Sharman  
Councillor Vincent Stops  
Councillor Jessica Webb

Councillor Michael Levy  
Councillor Ian Sharer

**Licensing Committee:**

Councillor Brian Bell  
Councillor Barry Buitekant  
Councillor Sophie Cameron  
Councillor Sade Etti  
Councillor Margaret Gordon  
Councillor Christopher Kennedy  
Councillor Sophie Linden  
Councillor Richard Lufkin  
Councillor Sharon Patrick  
Councillor James Peters  
Councillor Emma Plouviez  
Councillor Peter Snell  
Councillor Caroline Selman

Councillor Steinberger  
Councillor Jacobson

**Pensions Committee:**

Councillor Kam Adams  
Councillor Rob Chapman  
Councillor Feryal Demirci  
Councillor Michael Desmond  
Councillor Patrick Moule  
Councillor Geoff Taylor

One Liberal Democrat vacancy

(Co-optees of the Pensions Committee to be appointed at the next Council meeting on 20 July 2016).

**Standards Committee:**

Councillor Katie Hanson  
Councillor Ben Hayhurst  
Councillor Sophie Linden  
Councillor Clayeon McKenzie

Councillor Sally Mulready  
Councillor Clare Potter  
Councillor Jess Webb

One Conservative vacancy  
One Liberal Democrat vacancy

(Co-optees of the Standards Committee to be appointed at the next Council meeting on 20 July 2016).

### **Health and Wellbeing Board**

Cllr Jonathan McShane, Cabinet Member, Health, Social Care and Culture  
Dr Clare Highton, Chair, City and Hackney Clinical Commissioning Group  
Paul Haigh, Chief Officer, City and Hackney Clinical Commissioning Group  
Cllr Anntoinette Bramble, Cabinet Member, Children's Services  
Anne Canning, Acting Group Director, Children, Adults and Community Health, Hackney Council  
Dr Penny Bevan, Director of Public Health, Hackney Council  
Tracey Fletcher, Chief Executive, Homerton University Foundation Trust  
Dr Navina Evans, Chief Executive, East London Foundation Trust  
Paul Fleming, Chair, Hackney Healthwatch,  
Alistair Wallace representative of the voluntary and community sector  
Laura Sharpe, GP Confederation  
Raj Radia, Chair, Local Pharmaceutical Committee

### **Corporate Parenting Board**

Councillor Bramble  
Councillor Fajana-Thomas  
Councillor Hayhurst  
Councillor Patrick  
Councillor Rickard  
Councillor Sales

### **Children and Young People Scrutiny Commission:**

Councillor Jon Burke  
Councillor Mete Coban  
Councillor Tom Ebbutt  
Councillor Margaret Gordon  
Councillor Christopher Kennedy  
Councillor James Peters  
Councillor Patrick Moule  
Councillor M Can Ozsen  
Councillor Tom Rahilly  
Councillor Caroline Selman

One Conservative vacancy  
Councillor Abraham Jacobson

(Co-optees of the Children and Young People Scrutiny Commission to be appointed at the next Council meeting on 20 July 2016).

**Community Safety and Social Inclusion Scrutiny Commission:**

Councillor Kam Adams  
Councillor Sophie Cameron  
Councillor Sade Etti  
Councillor Richard Lufkin  
Councillor Sem Moema  
Councillor Carole Williams

One Liberal Democrat vacancy

**Governance and Resources Scrutiny Commission:**

Councillor Susan Fajana-Thomas  
Councillor Ned Hercock  
Councillor Deniz Oguzkanli  
Councillor Rebecca Rennison  
Councillor Anna-Joy Rickard  
Councillor Nick Sharman

One Conservative vacancy

**Health in Hackney Scrutiny Commission:**

Councillor Ben Hayhurst  
Councillor Ann Munn  
Councillor Sharon Patrick  
Councillor James Peters  
Councillor Clare Potter  
Councillor Rosemary Sales  
Councillor Peter Snell

One Conservative vacancy

**Living in Hackney Scrutiny Commission:**

Councillor Jon Burke  
Councillor Michelle Gregory  
Councillor Clayeon McKenzie  
Councillor Sharon Patrick  
Councillor Ian Rathbone  
Councillor Vincent Stops

One Conservative vacancy

**14 Council Appointments and Nominations to Outside Bodies**

14.1 The Speaker advised that the schedule had been tabled at the meeting.

**RESOLVED** that the Hackney nominations to Outside Bodies be approved, as set out below, for the 2016/17 Municipal Year:-

Hackney CAB – Cllr Selman  
Hackney Community Law Centre – Cllr Oguzkanli  
Industrial Dwellings Society – Cllr Fajana-Thomas

**15 Programme of Meetings for the Municipal Year 2016/17**

**RESOLVED** that the programme of meetings for the 2016/17 Municipal Year be approved.

**Duration of the meeting:** 7:00 – 8:50pm

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<p><b>ALBION SQUARE DRAFT CONSERVATION AREA APPRAISAL AND REVISED CONSERVATION AREA BOUNDARY</b></p> <p><b>Key Decision No. LHR M2</b></p>	
<p><b>CABINET MEETING DATE</b></p> <p>29 February 2016</p> <p><b>COUNCIL MEETING</b></p> <p>20 July 2016</p>	<p><b>CLASSIFICATION:</b></p> <p>Open</p>
<p><b>WARD(S) AFFECTED</b></p> <p>London Fields Haggerston</p>	
<p><b>CABINET MEMBER</b></p> <p>Cllr Guy Nicholson</p> <p>Regeneration</p>	
<p><b>KEY DECISION</b></p> <p>Yes</p> <p><b>REASON</b></p> <p><b>AFFECTS TWO OR MORE WARDS</b></p>	
<p><b>GROUP DIRECTOR</b></p> <p>Kim Wright, Group Director Neighbourhoods and Housing</p>	

## **1. CABINET MEMBER'S INTRODUCTION**

- 1.1** Albion Square is a small Conservation Area centred on a formal garden square around which the streets of this Victorian development were formally laid out and built up during the 1840s. Albion Square is noted for the survival of high quality early Victorian housing, much of which is listed. The Church of All Saints and adjoining vicarage in Livermore Road are included within the conservation area. It also includes properties on the south side of Middleton Road located between Mayfield Road in the west and No.68 Middleton Road to the east.
- 1.2** The Conservation Area was designated in 1975 and no appraisal has been undertaken until now. A number of threats have been identified that could undermine the character and appearance of the conservation area and it is therefore timely to undertake an appraisal. It is also likely that future development proposals will come forward that could also undermine the character and appearance of the conservation area.
- 1.3** The Draft Albion Square Conservation Area Appraisal proposes a revised conservation area boundary that includes an eastern extension incorporating the Victorian Queensbridge Primary School. The proposals will ensure the quality of future development in the areas surrounding Albion Square and overlooking the current conservation area will make a positive contribution to the local environment.
- 1.4** Following public consultation with the local community, the Albion Square Conservation Area Appraisal proposes a carefully considered boundary that reflects the area's special interest and will ensure the quality of future development in the area will make a positive contribution to the local environment.
- 1.5** I commend this report to Cabinet and Council.

## **2. GROUP DIRECTOR'S INTRODUCTION**

- 2.1** This report implements in part the Conservation Areas Review approved by Cabinet in September 2006. The strategy approved as part of the Conservation Review involves an ongoing programme of conservation area appraisals, designations and reviews of existing conservation areas to ensure that each has an up to date character appraisal meeting the Council's statutory duties. Following a six week public consultation, this report brings forward for consideration a Conservation Area Appraisal for the existing Albion Square Conservation Area, including revisions to the conservation area boundary.



### **3. RECOMMENDATION(S)**

#### **3.1 Cabinet to recommend to Council to:**

- i. Approve and designate the Albion Square Conservation Area as set out in the Area Map at Appendix B, including the eastern extension to incorporate Queensbridge Primary School.**
- ii. Approve and adopt the Albion Square Conservation Area Appraisal**

### **4. REASONS FOR DECISION**

- 4.1** This decision is required in order to ensure that a full and up to date conservation area appraisal is in place that clearly sets out the area's qualities and identifies threats and weaknesses.
- 4.2** This decision is required in order to ensure that the conservation area boundary accurately reflects the historic environment in this area and ensures that appropriate protection is in place.

### **5. DETAILS OF ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

- 5.1** There were no alternative options considered.

### **6. BACKGROUND**

- 6.1** As well as designating new conservation areas, the Council's conservation strategy includes a programme of reviewing existing conservation areas, particularly where they do not have an existing conservation area appraisal, as is the case with the Albion Square Conservation Area.
- 6.2** Albion Square Conservation Area was originally designated in 1975, but no detailed Conservation Area Appraisal was undertaken until 2007. Due to limited resources at that time, the review work was not progressed and remained in draft form. It has now been further revised before being put forward for formal adoption in 2016.
- 6.3** The research and assessment of the area's special interest undertaken for this appraisal has enabled careful consideration of the existing boundaries and an extension to the designated area has been included in this appraisal, undertaken by a qualified independent heritage consultant.
- 6.4** Cabinet approved the draft Albion Square Conservation Area Appraisal and Boundary Map in March 2015 for community consultation.

- 6.5** The community consultation took place over a six week period in April and May 2015. In response to the community consultation, some minor edits have been made to the character appraisal. The proposed conservation area appraisal and boundary map is shown in Appendices A & B.
- 6.6** The appraisal follows best practice as set out in guidance from English Heritage, now Historic England. It begins with an explanation of the national and local planning policies concerning conservation area controls. The historical development of the area is then described, followed by a general description of the area today. Key buildings (Listed, Locally Listed, and those of townscape merit) are then described along with a SWOT analysis of the area.
- 6.7** The preparation and adoption of Conservation Area Appraisals is an important tool in informing and controlling development in those areas and appraisals that have been adopted following public consultation have greater weight in the planning process. Conservation area designation allows the Council to ensure, through the planning system, that the special quality and value that has been identified in a conservation area may be protected. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended (“the Act”) requires planning authorities to pay special attention in the exercise of their planning functions to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 6.8 Policy Context**
- 6.8.1** The proposal supports the Core Strategy (2010) policies 24 *Design* and 25 *Historic Environment* and Hackney’s Sustainable Community Strategy (2009), Priorities 5 (promoting well-designed neighbourhoods) and 6 (protecting Hackney’s environment). It also conforms to the National Planning Policy Framework 2012.
- 6.8.2** Under the National Planning Policy Framework (NPPF) 2012, conservation areas are classed as designated heritage assets. The NPPF requires local planning authorities to set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, LPAs should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.
- 6.8.3** *The State of Hackney’s Historic Environment* report (2005) set out the Council’s responsibilities as planning authority as well as its stewardship role in caring for the historic environment. The report endorsed the Council’s commitment to the historic environment and set out a broad conservation strategy, which included the preparation of a

comprehensive review of conservation area strategy, including character appraisals and management proposals.

- 6.8.4** The *Conservation Areas Review*, which was approved by Cabinet in September 2006, set out a five year programme for the designation of new conservation areas; the review of existing conservation areas in line with best current practice and in a manner consistent with the emerging planning policy structure and management guidelines for each of the Borough's conservation areas.

## **6.9 Equality Impact Assessment**

- 6.9.1** The EIA was prepared to assess the potential impact of the designation of the conservation area on different groups within Hackney to ensure there is no undue impact on any particular community groups. The EIA did not identify any negative impacts.

## **6.10 Sustainability**

- 6.10.1** The designation and management of conservation areas can contribute to sustainable neighbourhoods and places by highlighting local distinctiveness and character and ensuring these values are taken into account when changes affecting the historic environment are proposed in planning applications. Conservation areas are part of the local cherished scene and are valued by many residents in the Borough. The management of conservation areas aligns with the Council's *Sustainable Community Strategy* (2009) priorities to ensure Hackney remains a pleasant place with sustainable, attractive, well-designed neighbourhoods where people want to live. Development and refurbishment of buildings within conservation areas will be required, wherever possible, to meet the Council's relevant sustainability targets and requirements.

## **6.11 Consultations**

- 6.11.1** There are no legal or statutory requirements to carry out public consultation for new or existing conservation areas. However, in line with best practice and the Council's Statement of Community Involvement, the Council carried out a public consultation with stakeholders as appraisals that have been adopted following public consultation carry greater weight on appeal.

- 6.11.2** Community Consultation was undertaken for six weeks between 13 April 2015 and 25 May 2015 on the Draft Albion Square Conservation Area Appraisal and Draft Boundary Map.

- 6.11.3** Copies of the consultation brochure (Appendix D) were distributed to residents within the proposed conservation area. The consultation was publicised in Hackney Today and the appraisal document and map were published on the Council's consultation and conservation webpages and

made available in Dalston and Hackney Central Libraries. A consultation drop-in session was also held at the Tomlinson Centre, Queensbridge Road on a Friday afternoon.

**6.11.4** Historic England, the Hackney Society, Dalston Conservation Areas Advisory Committee (CAAC) and Kingsland CAAC were notified of the proposals.

**6.11.5** There were seven individual responses to the consultation. No responses were received opposing designation. The full table of consultation responses and the Council's response can be seen in Appendix E.

## **6.12 Risk Assessment**

**6.12.1** None required.

## **7. COMMENTS OF THE GROUP DIRECTOR OF FINANCE AND CORPORATE RESOURCES**

**7.1** This report requests Cabinet and Council to approve and adopt the revised Albion Square Conservation Area boundary map and appraisal.

**7.2** The conservation area once adopted will incur minimal costs for staff time and production of documents. These will be contained within the current Planning budgets.

## **8. COMMENTS OF THE DIRECTOR OF LEGAL**

**8.1** The Act places a duty on a local planning authority ('LPA') from time to time to determine which part of its area are areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance, and to designate those areas as conservation areas. The proposed designation arises out of this duty.

**8.2** An LPA must pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area when determining planning applications. Furthermore, some permitted development rights (pursuant to the Town and Country Planning (General Permitted Development) (England) Order 2015 ("the GPDO")) are applied more restrictively or will not apply at all to conservation areas (e.g. additions to the roof of a dwelling house under class B of Part 1 of Schedule 2 of the GPDO etc).

**8.3** The conservation area character appraisal is taken into account in the planning process, and in appeals against refusals of planning permission (including demolition) in a conservation area.

- 8.4** Although there is no statutory requirement to consult prior to designation, it is desirable and good practice to consult in accordance with the Council's Statement of Community Involvement and the Consultation Guide - Code of Good Practice on Consultation (April 2012). In addition, this will afford the appraisal greater weight as a material consideration.
- 8.6** Following designation or the variation or cancellation of any such designation the notification requirements under section 70 of the Act must be complied with.

## APPENDICES

**APPENDIX A** – Albion Square Conservation Area Appraisal

**APPENDIX B** – Albion Square Conservation Area Map

**APPENDIX C** – Albion Square Community Consultation Brochure

**APPENDIX D** – Table of Consultation Responses

## BACKGROUND PAPERS

None

<b>Report Author</b>	Matt Payne Conservation & Design Officer 020 8356 8106 <a href="mailto:matt.payne@hackney.gov.uk">matt.payne@hackney.gov.uk</a>
<b>Comments of the Group Director of Finance and Corporate Resources</b>	Hamza Yusuf Head of Finance 020 8356 3651 <a href="mailto:hamza.yusuf@hackney.gov.uk">hamza.yusuf@hackney.gov.uk</a>
<b>Comments of the Director of Legal</b>	Ben Burgerman Senior Lawyer - Planning 020 8356 6180 <a href="mailto:ben.burgerman@hackney.gov.uk">ben.burgerman@hackney.gov.uk</a>

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# ALBION SQUARE CONSERVATION AREA APPRAISAL



Planning & Regulatory Services  
London Borough of Hackney  
2 Hillman Street  
London E8 1FB

February 2016



This Appraisal has been researched and written by Ann Robey, [ann.robey@hotmail.com](mailto:ann.robey@hotmail.com) on behalf of the London Borough of Hackney (LBH)

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## **APPENDICES**

Appendix A Historic Maps of Albion Square Conservation Area

Appendix B Schedule of Listed and Locally Listed Buildings and Buildings of Townscape Merit

Appendix C Bibliography

Appendix D Map of the Conservation Area

Appendix E List of illustrations

Appendix F Further information

Appendix G Copy of Council's Cabinet Report Adopting the Revised Conservation Area Boundary and Appraisal  
(To be added following formal adoption of the Appraisal & final recommendations)

# 1 INTRODUCTION

Albion Square Conservation Area was originally designated in 1975, but no detailed Conservation Area Appraisal was undertaken until 2007 and this was further revised before formal adoption in 2015. The research and assessment of the area's special interest undertaken for this appraisal has enabled careful consideration of the boundaries of the original Conservation Area to be undertaken. It comprises Albion Square itself and the remains of the ancient Stonebridge Common, both of which are scheduled London squares, as well as the surrounding residential properties that mainly date from the 1840s. The Church of All Saints and the adjoining vicarage in Livermere Road are within the Conservation Area. It also includes properties on the south side of Middleton Road located between Mayfield Road in the west and No.68 Middleton Road to the east. After assessing the area, it is proposed to extend the Albion Square Conservation Area eastwards to include Queensbridge Infants School (a fine example of a late 19<sup>th</sup> century Board School) and the surrounding playground. The Conservation Area lies in the south western part of the Borough and is located just to the east of Kingsland Road and to the west of Queensbridge Road. It is bounded on the south by parts of Haggerston Road and to the north by Middleton Road.

The Conservation Area is located between Dalston in the north and Haggerston to the south. Albion Square was developed on lands owned by the Middleton family during the second quarter of the 19<sup>th</sup> century, when much of this part of Hackney began to be speculatively developed. The Albion Square Conservation Area is centred on the garden in the heart of the square, around which the streets of this smart Victorian development were formally laid out and built up during the 1840s. Albion Square Conservation Area is notable for the excellent survival of high quality early Victorian housing much of which is listed. Bridget Cherry in *The Buildings of England* describes it as 'a satisfyingly complete picturesque Italianate composition of 1846-49'.

Housing development in the area was rapid after the opening of the nearby Regent's Canal in 1820. Large numbers of new houses were built between 1840 and 1860 and the former farmland and nursery grounds east and west of Kingsland Road were amongst the first to be developed into an urban form. The paired-villa was the most common house type built in the 1840s and many of the houses erected by Isip Odell, the main builder/developer of Albion Square, take this form. The other dominant house type in the Albion Square Conservation Area is the short terrace of four houses. The properties on the south side of Middleton Road (Nos. 22 to 68) are a similar mix of paired-villas and short terraces. The houses in this area were aimed at a middle-class resident and were lit by gas from the beginning. In 1848, houses in nearby Albion Road could be purchased for £400. Albion Square houses would have fetched a similar sum. Today the houses in Albion Square fetch well over a million pounds.



Figure 1: Albion Square in 1969

The houses within Albion Square Conservation Area remained fashionable until the 1920s, despite the square itself becoming seriously neglected in the 1890s when the Metropolitan Public Gardens Association found it in 'an abandoned condition'. Due to their public spirited actions, the gardens were restored and reopened to the general public for the first time in 1899. From the 1930s onwards there was an exodus of middle-class and professional people from South Hackney and many houses within the Albion Square Conservation Area became shabby and multi-tenanted. However, from the 1960s Albion Square, like nearby De Beauvoir Town, became one of the first parts of Hackney to regain popularity with families returning to the inner city, largely because of the fine early 19<sup>th</sup> century houses that could be purchased at bargain prices.

The garden square and the houses surrounding it were endangered by demolition during the mid-1960s when Hackney Borough Council threatened the owners with compulsory purchase. The Albion Square Action Group was formed in 1966 and pressure from that group and other national conservation bodies, encouraged the statutory listing of many of the houses and ultimately prevented the wholesale destruction of the garden square. Conservation Area status was achieved in 1975, which has resulted in a very well-preserved enclave of early-to-mid Victorian houses which today survive almost intact, with very little detrimental alteration. Where unsympathetic changes do occur such as at No. 18 Albion Drive, where the original sash window on the ground floor has been converted into French doors, the changes are particularly noticeable.



Figure 2: Stonebridge Common

Nearby on the north side of Haggerston Road is Stonebridge Common, a remnant of much larger Lammas or common lands that existed in Hackney from medieval times. Opposite Stonebridge Common, and lying just outside the Conservation Area is a modern park, Stonebridge Gardens. This was created on a site formerly occupied by small mid-Victorian cottages that were demolished after World War Two. This open space and playground has a concrete and mosaic serpent snaking across it, created by the Hackney-based Free Form Arts Trust who have been responsible for many other public artworks in the borough. Stonebridge Gardens helps to give the adjacent Albion Square Conservation Area an open and green feeling.



Figure 3: Stonebridge Gardens viewed from the Albion Square Conservation Area

Hidden between Queensbridge Road and Kingsland Road, Albion Square Conservation Area is quiet, green and secluded. The houses overlooking Stonebridge Common and the small terrace of workers' cottages in Albion Terrace have a 'rural' feel to them and a very human scale. Plenty of trees in Albion Square garden, on Stonebridge Common and in the grounds of All Saints' Church, as well as many street trees and verdant gardens, make the area unusually green for such an inner-city area. Long standing Conservation Area status has done much to prevent inappropriate alterations to the properties.

### **1.1 What is a Conservation Area?**

A Conservation Area is an area of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance. Conservation Areas are very much part of the familiar and cherished local scene. It is the area as a whole rather than specific buildings that is of special interest. Listed Buildings within Conservation Areas are also covered by the Listed Building Consent process.

The special character of these areas does not come from the quality of their buildings alone. The historic layout of roads, paths and boundaries; characteristic building and paving materials; a particular 'mix' of building uses; public and private spaces, such as gardens, parks and greens; and trees and street furniture, which contribute to particular views - all these and more make up the familiar local scene. Conservation Areas give broader protection than listing individual buildings: all the features listed or otherwise, within the area, are recognized as part of its character. Individual properties or sites within a Conservation Area are not just protected for their public facades. Conservation Area legislation applies to the fronts and back of buildings.

Conservation Areas enjoy special protection under the law. Below are some of the key requirements for works in Conservation Areas:

- With effect from 1st October 2013 under the provisions of the Enterprise and Regulatory Reform Act 2013, Conservation Area Consent is no longer needed for demolition of unlisted buildings in Conservation Areas in England. Instead works of relevant demolition of an unlisted building in a Conservation Area are within the scope of "development" and such works will instead require planning permission. .
- You must give us six weeks notice, in writing, before any work is carried out to lop, top or fell a tree in a conservation area. You can contact the Council's Tree Officer for advice and help. For further details see our page on trees.
- You will need to demonstrate that any development proposal preserves or enhances the character or appearance of a Conservation Area. Hackney has greater control over building work in Conservation Areas, including materials and detailed design.

- You may need to apply for planning permission for alterations or extensions that would not normally need planning permission, such as minor roof alterations, dormer windows or a satellite dish. If you are in any doubt about whether you need planning permission, you can contact the duty planner.
- Hackney also has greater control over the erection of advertisements and signs. For instance, Hackney has the power to control shop signs, posters or estate agents boards that would not normally need permission.

## **1.2 Location and Context of the Conservation Area**

Albion Square Conservation Area is largely tucked away from the nearby main routes (Kingsland Road and Queensbridge Road) that pass north to south through this part of the borough. It lies just to the north-west of an ancient road formerly called Stonebridge Lane (now Haggerston Road), that ran northwards from Hackney Road in the south, through Stonebridge Common and towards Kingsland Road. The schedule of designation includes the following properties Nos. 8-36 (even) Albion Drive; Nos. 1-30 (consec.) Albion Square; Nos. 1-13 (consec.) Albion Terrace; No. 2 Mayfield Road; Nos. 22-64 (even) Middleton Road and Nos. 250-272 (even) Haggerston Road, overlooking Stonebridge Common. The Albion Square Conservation Area also includes All Saints' Church and the adjacent vicarage in Livermere Road, built soon after the houses in Albion Square. Following examination of the Conservation Area for this appraisal it is proposed to extend the boundary eastwards and add Queensbridge Infants School, which was recently extended. In 2011 the Tomlinson Centre was added to the south side of the Board School as a Professional Development Centre for the Learning Trust, designed by Rivington Street Studio Architecture. Also to be included in the extended boundary is the surrounding playground and No. 1 Albion Drive. At the centre of the Conservation Area is the garden square and outside Nos. 250-272 Haggerston Road are the remains of an ancient common - Stonebridge Common - which survives today as a small green. A map showing the full extent of Albion Square Conservation Area is included at Appendix D.

Some of the other Conservation Areas in Hackney are adjacent to the Albion Square Conservation Area. These include Queensbridge Road Conservation Area to the east and to the west, the Kingsland Conservation Area. To the south is the Regent's Canal Conservation Area; to the west, the De Beauvoir Conservation Area and in the north, Dalston Lane (West) Conservation Area. Located just to the east is the Graham Road and Mapledene Conservation Area.

### **1.3 The format of the Conservation Area Appraisal**

This document is an “appraisal” document as defined by Historic England (formerly English Heritage in their guidance document “Conservation Area Appraisals”.

The purpose of the document is, to quote from the English Heritage document, to ensure that “the special interest justifying designation is clearly defined and analysed in a written appraisal of its character and appearance”. This provides “a sound basis, defensible on appeal, for development plan policies and development control decisions” and also forms the basis for further work on design guidance and enhancement proposals.

The Appraisal draws on advice given in *Understanding Place: Guidance on Conservation Area Designation, Appraisal and Management* (2011), and *Guidance on Conservation Area Appraisals* (2006), both by English Heritage. It also notes comments in the *Suburbs and the Historic Environment* (2007) and *Valuing Places: Good Practice in Conservation Areas* (2011) by English Heritage.

This appraisal describes and analyses the particular character of Albion Square Conservation Area. This includes more obvious aspects such as its open spaces, buildings, and architectural details, as well as an attempt to portray the unique qualities which make the area “special”. These include less tangible characteristics such as the quiet green spaces of Stonebridge Common with its locally listed War Memorial and Albion Square itself, and local features which are unique to the area, such as the well-preserved Italianate houses around the square, the small artisans’ cottages on the north side of Albion Terrace and the drinking fountain in the centre of Albion Square.

The document is structured as follows. This introduction is followed by an outline of the legislative and policy context (both national and local) for the Conservation Area. Then there is a detailed description of the geographical context and historical development of the Conservation Area and a similarly detailed description of the buildings within it. This is followed by a “SWOT” analysis to clarify and summarise the key issues affecting the area. Appendix A contains historic maps of Hackney Road Conservation Area. Further appendices contain supplementary information, schedules of listed and locally listed buildings. Appendix C provides a bibliography. A map of the Conservation Area is Appendix D. A list of illustrations is included at Appendix E. Appendix F notes sources of further information, and a copy of the Council’s Designation Report, endorsing the CAAP, are included at Appendix G.

### **1.4 Acknowledgements**

Material within this Conservation Area Appraisal has been gathered from Hackney Archives Department and the London Metropolitan Archives.



For details of how to become involved with your local Conservation Area Advisory Committee please contact the Hackney Society, contact details of which are given in Appendix F.

## **2 PLANNING CONTEXT**

### **2.1 National policies**

Individual buildings “of special architectural or historic interest” have enjoyed a means of statutory protection since the 1950s, but the concept of protecting areas of special merit, rather than buildings, was first brought under legislative control with the passing of the Civic Amenities Act in 1967. A crucial difference between the two is that listed buildings are assessed against *national* criteria, with lists being drawn up by the government with advice from Historic England. Conservation Areas, by contrast, are designated by local authorities on more *local* criteria, and they are therefore very varied - small rural hamlets, mining villages, or an industrial city centre. Conservation Areas are designated under the Planning (Listed Buildings and Conservation areas) Act of 1990, primarily by local authorities, for their special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance.

However, general guidance on the designation of Conservation Areas has in recent years been laid out in Planning Policy Guidance Note 15 (PPG15) and which set out the government’s policies on the historic built environment in general. These have now been superseded by the National Planning Policy Framework (March 2012) which states ‘When considering the designation of conservation areas, local planning authorities should ensure that an area justifies such status because of its special architectural or historic interest, and that the concept of conservation is not devalued through the designation of areas that lack special interest’. By November, 2015, the London Borough of Hackney had designated 31 Conservation Areas.

### **2.2 Local Policies**

National legislation and guidance emphasises the importance of including firm heritage policies in the Council’s Core Strategy and Supplementary Planning Documents,

Core Strategy Policy 25 on the Historic Environment seeks to ensure that all development makes a positive contribution to the character of Hackney’s historic and built environment. Conservation areas in Hackney include the historic core of Hackney and key urban open spaces such as Clapton Common and Clissold Park. They also cover large areas of Georgian and Victorian housing, some include associated urban squares such as De Beauvoir and areas of industrial heritage like South Shoreditch and Lea Bridge. Hackney’s conservation area review process emphasises the importance of the distinctive features of a place, its spatial qualities, the significance of its historic buildings and assets.

Heritage assets as defined by the National Planning Policy Framework (NPPF) 2012 contribute to the townscape as do as intangible aspects such as historic

associations and former uses. Clissold Park, Abney Park Cemetery and Springfield Park are designated parks on Historic England's Register of Parks and Gardens of Special Historic Interest.

Albion Square Conservation Area is a small planned early-to-mid 19<sup>th</sup> century speculative development, lying on land formerly owned by the Middleton family. Apart from the central garden square, there is also the remnant of an ancient common or 'Lamas Lands' known as Stonebridge Common.



Figure 4: Houses in Albion Square

### **3 HISTORIC DEVELOPMENT OF THE AREA**

#### **3.1 Archaeological Significance**

Although there is little remaining evidence of pre-Roman occupation in the borough, a number of important archaeological finds have been made, such as the Palaeolithic stone axes found at Stoke Newington. Hackney was outside the walls of the Roman city of Londinium. It was during the Roman period that the first recognisable element of Hackney's urban form was built. This was the Roman road, Ermine Street, which remains today as Kingsland Road, which lies just to the west of Albion Square Conservation Area. Few artefacts of the Roman period have been discovered – the only notable find in the Borough is a stone sarcophagus, discovered in Lower Clapton. The tiny remnant of Stonebridge Common within the Conservation Area has existed since the Middle Ages as part of the ancient Lammas or 'common' lands of Hackney and may contain medieval remains.

There are no Scheduled Ancient Monuments in or near the Albion Square Conservation Area.

#### **3.2 Origins and Historic Development**

In the late Saxon period Hackney formed part of the manor of Stepney, which had been held by the Bishops of London since the early 7<sup>th</sup> century, when King Athelbert gave lands and their incomes to support St Paul's Cathedral. Hackney has no separate entry in the Domesday Survey of 1086, but the name is recorded in 1198 as "*Hacas ey*", a Saxon word meaning "a raised place in the marsh". During the medieval period archaeological evidence suggests that there were numerous small settlements or villages amongst the fields of Hackney. Those near to Albion Square included the settlements at Dalston to the north (first recorded in the 13<sup>th</sup> century) and the ancient settlements of Haggerston to the south, beyond which was Shoreditch which lay just outside the City walls.

Historically and well into the 19<sup>th</sup> century the land on which Albion Square was built was farmland. In 1800 Dalston was well known for its nurseries and market gardens. On Greenwood's Map of 1827 (Figure 5) just north of the field that was to become Albion Square, was Grange's Nursery and further north towards Dalston Lane was Smith's Nursery. The land on which Albion Square was developed belonged in the 18<sup>th</sup> century to the Acton family, whose heir Sir William Middleton began to develop further south in Shoreditch in the early 19<sup>th</sup> century. One of his fields extended into Hackney, just east of Stonebridge Common and it was here that Albion Square was built.

The Middleton family's development in Hackney began with an agreement in 1840 with Islip Odell, a builder of Upper Clapton, for the land immediately east of

Stonebridge Common. The Middleton Arms PH (now closed) on the corner of Queensbridge and Middleton Road was the first property to be built, followed by the houses in Middleton Road, leased in 1842. Odell was also a brick maker and speculator and he promoted development by others on the Middleton family lands. The Middleton's surveyor George Pownall was probably responsible for the design of the houses built in Albion Square and also the plan and layout of the garden square. Almost all the houses within the development had been completed by 1849.



Figure 5: Greenwood's Map of 1827: Stonebridge Lane runs up towards Stonebridge Common and the field to the east below Grange's Nursery is where Albion Square was developed in the 1840s

South Dalston has many good houses dating from the 1840s and '50s, some in terraces, but most built as semi-detached villas. Albion Square with a mix of semi-detached pairs and a few short terraces is set around the rectangular central garden. The 30 houses in the square are a mix of two or three storeys with a basement; some faced in brick, others stuccoed and all are high quality examples of a house type – the suburban villa, that Hackney has long been associated with. The architect isn't known, although in an early edition of *The Buildings of England*, Nikolaus Pevsner attributed them to JC Loudon, the landscape architect. This is highly unlikely even though Loudon was involved with Abney Park Cemetery in Stoke Newington. It is much more probable that the Middleton estate architect, George Pownall, designed the houses and was also responsible for the overall layout of the square.

Apart from the Duke of Wellington PH, Queensbridge Infants School and All Saints' Church, all the buildings within the Conservation Area are dwelling houses. Albion Square lay near to Kingsland Road and the rapidly developing Dalston Junction, both important shopping and marketing streets in Victorian Hackney. No local shops were provided in the development as extensive shopping was available nearby. From 1849, the east end of Albion Square was occupied by a large two-storey hall known as Albion Hall, which at various times housed a literary and scientific institute, a school, ballroom and concert hall, gymnasium and piano showroom. To the rear of the hall was a privately owned swimming pool of early date. These buildings are further described below.

All Saints' Church was built in 1855-6 to serve the new housing built on Sir William Middleton's land in the 1840s. Designed by Philip Charles Hardwick, and extended by T.E. Knightly it has a ragstone exterior and rather an austere Gothic style.

The houses in Albion Square built with 6 to 9 rooms, were aimed at middle-class families and from 1865 the area became even more convenient for the city worker with the opening of nearby Haggerston Railway Station. From the start, the square was exclusive with all the routes into it being fixed with wrought iron gates across the roads. All the residents had their own private keys, not only to these gates, but also to the central garden.

In 1897, when Charles Booth's social researchers visited the area, Albion Square was described rather despairingly as having 'good 2 1/2 storey houses round it, but a very badly kept square. No gates, no flowers, only mud heaps and trenches dug by street boys playing in them; 40 or 50 year old trees, remnants of former days and a dilapidated iron railing round were the only things to show it had once been cared for' (see Figure 6). The researcher noted that the 'houses better than inhabitants'. From 1894 the then owner of the estate, Lady de Saumarez and her solicitor had been in correspondence with the Metropolitan Public Gardens Association about the poor state of the garden and possible ways of improving them. Soon afterwards the gardens were rescued, restored and handed over to the care of the Borough Council.

In 1898, Queensbridge Road Board School opened on the corner of Albion Drive and Queensbridge Road. The site had previously contained a number of detached and semi-detached houses fronting Queensbridge Road, and one half of a pair of villas was demolished on the north side of Albion Drive to complete the playground. All had been part of the original 1840s Albion Square development. Constructed in red brick in 1897, it is a tall (four and six-storey) monumental example of a typical London Board School. Today the building contains Queensbridge Infants' School and the Tomlinson Centre, which was added to the south side of the Board School as a Professional Development Centre for the Learning Trust in 2011.



Figure 6: The neglected Albion Square c.1900 (note the dead rabbit in the foreground)

From 1849, the western end of Albion Square was occupied by Albion Hall, which was built between 1849 and 1850 by Islip Odell, the developer of the rest of Albion Square. It was erected for the 'Kingsland, Dalston and De Beauvoir Town Literary and Scientific Institutions', a short-lived organisation with a certain pretension and aimed firmly at the middle-class residents who were moving to Dalston and De Beauvoir at that date. The Institute was 'for the purpose of offering to the neighbourhood the advantages of the diffusion of useful and entertaining knowledge, the absence of which is felt and much regretted'.

The garden to the rear (removed for a swimming bath c.1863) had shrubs, plants as well as a lawn with gravel walks. After the literary institute closed c.1860, the building was taken over as a privately run hall and managed as a kind of assembly room with a variety of activities including a school. It was known as Dalston (Daily) College in 1864. In 1869 it became James Cox's Albion Club. In 1878 *The Times* reported that the building contained a great hall that measured 105ft by 50ft; a concert room with a

stage and gallery and other rooms that were available for hire. In addition there was a handsome library and a billiard room. To the rear, adjacent to the swimming pool, were warm (slipper) baths for both men and women. In 1888 a survey was undertaken which described the spacious assembly rooms which were 'approached by a lofty portico facing the square'. Unfortunately no drawing or photograph survives of the building, but it stood two-storeys above a basement.

To the rear of Albion Hall were the Albion Baths. Built in the early 1860s, they were first advertised in *The Times* in May 1864 when the swimming bath was said to be 'now OPEN'. It measured 100 feet by 50 feet and the advert said that swimming was taught and season tickets were available. Privately owned, it was amongst the very first swimming pools in Hackney. It is clearly shown on the 1871 OS Map (See Appendix A). Although connected to the Hall, the main access to the baths was from Albion Road. It cost 6d. To swim at Albion Baths in 1878. In 1888 the pool was described as an 'extensive and well-arranged public swimming baths fitted with dressing rooms and also with private hot and cold baths'. The dressing boxes were arranged around three-sides of the bath. In the same year the baths and the hall were let to the Albion Baths Company Ltd for £300 per annum and during the first year of occupation the company spent £1000 on upgrading the premises.

But the venture was evidently not a great success as less than ten years later in 1897 when Charles Booth's researchers visited the area they stated that 'Albion Hall, a literary institute and swimming baths is now closed. Dances were formerly given there and the baths open. Now the institute has lost its licences owing to the character of the dances given and the swimming bath is also closed'.

Soon after in 1899 the London School Board purchased the property including the swimming baths; and this was transferred to the LCC in 1906. Part of the premises were used as a clinic for public health. The LCC used the baths for swimming as a further education subject. Although the baths were never 'public', a range of clubs and specialist associations used them and sometimes during the last few weeks of the summer holidays, local children were admitted.

During the 1930s the hall and gymnasium were used for a variety of events including Girl Guide festivals and dramatic performances. The pool and hall were damaged by a flying bomb in 1944, and demolished soon after. During the post-war period a group of prefabs occupied the site. Eventually by the late 1960s the site was cleared and the LCC proposed an Albion Square Sports Centre for the site. However the LCC Town Planning Committee blocked the plans on the grounds that the quiet of Albion Square would be disturbed by young users.

The site continued as an informal play area for local children throughout the 1970s and '80s, despite proposals for various schemes to build flats and houses on the site. Eventually in 1994-5 two pairs of bow-fronted villas were built on the site, without doubt in keeping with the rest of the square, if somewhat pastiche in design (see Figure 12) .



During the early 1920s the heir to the Middleton Estate, Lady Saumarez sold off the whole estate, when properties in South Hackney had very little value and were seen to be uneconomic investments.



Figure 7: Nos. 4-8 (consecutive) on the south side of Albion Square in 1967

Albion Square as a whole was threatened in the mid-1960s when *The Daily Telegraph* reported in April 1966 that 'another London square is threatened by development'. The article continued that Hackney Borough Council was threatening a compulsory purchase order. Local residents formed the Albion Square Action Group in 1966. Today their successor, the Albion Square Residents Association, works for the maintenance and improvement of the local environment.

### 3.4 Geology and Topography

The London Borough of Hackney is located on a mixture of gravel, clay, brick-earth and alluvial deposits. Alluvium lies along the Lea and under Hackney Marsh. Significant outcrops of Langley Silt (brickearth) are now only found in the north of the Borough at Stoke Newington, Stamford Hill and Clapton Common. Formerly these deposits will have been more extensive than shown on the current geological map but a considerable amount has been removed for brick making since Roman times. The area north of Stoke Newington Church Street over to Woodberry Down in the northwest of the Borough is on London Clay, and a tongue of London Clay borders the alluvium in the east of the Borough terminating at the NE corner of Victoria Park and extending westwards around Wick Road, with a further outcrop on the western margin of Hackney Downs. The remainder of the Borough is on Hackney Gravel except to the north of Victoria Park, including Well Street Common, the area round Homerton hospital and up to Millfields Road which is on Taplow Gravel<sup>3</sup>.

The superficial geology of the Albion Square Conservation Area comprises Hackney Gravel which rests on London clay bedrock<sup>1</sup>. The area is marked on the 1:10,000 geological map as ‘worked ground’ which in this instance refers to the removal of overlying deposits of brick earth (Langley Silt) in the nineteenth century. Daniel Lysons in 1810 remarked that ‘in Hackney there were nearly 170 acres of brickfields; in the Kingsland neighbourhood the earth is to be found of so good a quality and in such abundance that £300 has been given for the liberty of making bricks besides the usual rent of the land. Vast numbers both of bricks and tiles have been made there and some of the fields in which a vein of clay is exhausted have been put back again into cultivation. The thickness of the brick earth was 4 to 10 feet and it used to be reckoned that an acre yielded a million bricks for each foot of earth’.<sup>2</sup>

## **4 THE CONSERVATION AREA AND ITS SURROUNDINGS**

### **4.1 The Surrounding Area and Setting of the Conservation Area**

Albion Square Conservation Area lies within the London Borough of Hackney which itself is some five miles to the north of the River Thames. The eastern boundary of the Borough is formed by the River Lea, which meanders in a south-easterly direction from Tottenham down to the Thames at Canning Town. To the west lies Finsbury Park and Highbury, and to the south, the City of London. The principal settlements are Stoke Newington, Clapton, Hackney and Shoreditch.

The Conservation Area lies in the south-western corner of the borough, just north of Haggerston and south of Dalston. It is located to the west of Queensbridge Road and to the east of Kingsland Road. It is bounded on the south by Haggerston Road and to the north by part of Middleton Road.

### **4.2 General Description of the Conservation Area**

Albion Square Conservation Area is a compact and cohesive early to mid-Victorian speculative estate of high quality. It was constructed to a planned scheme, initiated by the ground landlords, the Middleton family between 1840 and 1850. Albion Square and Middleton Road were laid out by the estate surveyor James Pownall, who was probably also responsible for the architectural design of the attractive Italianate houses. The development was undertaken by the speculative builder Islip Odell. Many of the terraces and villas are of recognisable architectural merit, both in their overall design and in their architectural detailing and many are listed or locally listed. The

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<sup>1</sup> British Geological Survey 1999. *1:10,000 geological maps of TQ38 (NE, SE, NW and SW) Composite (Solid/Bedrock and Drift/Superficial Deposits)*

<sup>2</sup> Bromehead, C. E. N. With contributions by Dines, H. G, and Pringle, J. 1925. *Memoirs of the Geological Survey England & Wales. Explanation of Sheet 256. The Geology of North London.*

estate was aiming to attract middle-class professional residents who saw Hackney as a desirable and convenient residential location for the City of London.

### 4.3 The Streets and buildings of the Conservation Area

#### Albion Square

Albion Square comprises five pairs of houses on the north side; four pairs on the east side of which two pairs face the square and two are in the approach road from the north. On the south side of the square there are four pairs and a terrace of four houses. The west side was originally occupied by the Assembly Rooms which formed the frontispiece of the square. This building was demolished during the Second World War and the west side of the square is now occupied by two pairs of bay-fronted villas dating from the mid-1990s.

All the original houses date from the 1840s and are of two and three storeys above basements. They are diverse in character, but all show classical or Italianate influence. The layout isn't symmetrical, although the centres of the north and south sides (see Figures 8 & 9) are punctuated by houses with an additional storey in height. On the south side of the square the additional storey is gabled, while on the north side the additional storey is concealed within a mansard roof behind a parapet.



Figure 8: View of houses on the south side of Albion Square



Figure9: Nos. 17 & 18 Albion Square with mansard roof on north side of the square.

The houses in Albion Square were built from 1840 onwards; many were completed by 1844, and the last finished in 1849. The houses on the south and east sides are of slightly earlier date than those on the north side of the square. Generally most of the houses have between seven and nine rooms and attractive front gardens and spacious rear gardens. All the houses are built in yellow or grey stock brick with the windows surrounded by stucco lintels, porches and other stucco detailing, including to the eaves, cornices and banding. The houses on the east side of the square are the most diverse, with a variety of attractive pairs, including Nos. 29 and 30 with their front bows.



Figures 10 & 11: The east side of Albion Square, Nos. 29 & 30 on the right with bowed-bays to the basement and raised ground floor

The houses are generally in good condition with very few inappropriate or unsympathetic alterations, apart from some clumsy concrete balconettes at Nos. 23 and 24 Albion Square. These balconettes also occur in Middleton Road (see Figure 35).

As mentioned above, the western end of the square was originally occupied by a Scientific and Literary Institute built in 1849-50 by Islip Odell developer of the whole square. Although the Institute soon closed, the building operated as a private assembly hall for the rest of the 19<sup>th</sup> century until the music licence was revoked for undesirable behaviour at the dances. In the 1860s a swimming bath was added to the rear of the hall. The hall and the pool were eventually demolished after Second World War bomb damage and replaced by LCC prefabs, some of which remained until 1977. When the site was cleared the area became an informal play space for local children. In 1982 the site was transferred to LB Hackney by the GLC and was recognised as a suitable site for new housing by the council. Various social housing schemes were proposed for the site over the next fifteen years. But pressures from the Albion Square Action Group helped to defeat the most unsympathetic plans for the site. In 1994-5 two pairs of bow-fronted villas were built there in a yellow brick, stylistically in keeping with the rest of the square.



Figure 12: Semi-detached 'villas' built in 1994-5 on the West Side of Albion Square

The garden at the centre of Albion Square has had mixed fortunes over the years. When first designed the central garden was well-maintained, gated and used only by

the residents who all had their own keys. The 'garden' square was there to attract potential residents and emphasise the select nature of the development. At first the ground landlords and the residents contributed jointly to the upkeep of the gardens, which were laid out in a 'picturesque' or informal style advocated by the landscape designer J.C. Loudon, with meandering paths and extensive shrubberies and trees. The design is clearly shown in the OS Map of 1871.

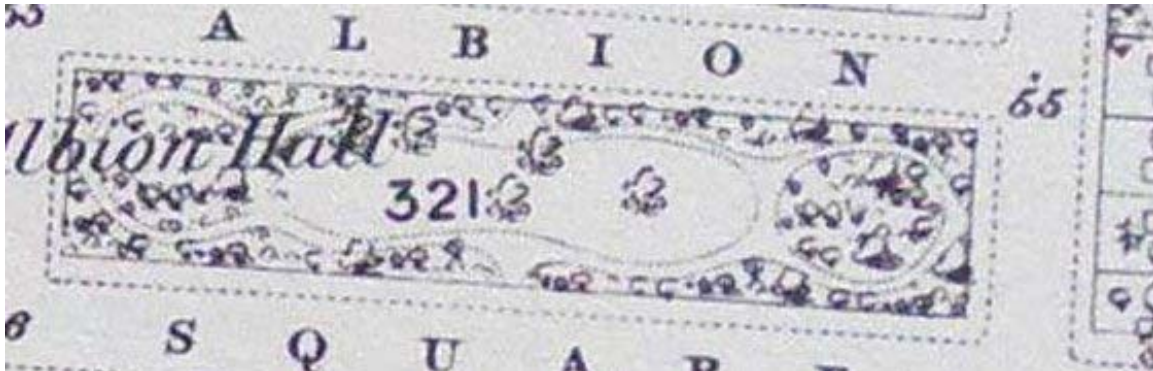


Figure 13: Layout of Albion Square in 1871

In 1894 The Metropolitan Public Gardens Association (MPGA) came across Albion Square and described it as in 'an abandoned and deplorable condition' and 'of no use or pleasure to anybody'. They offered the owner, Lady de Saumarez and her Trustees (she was heir to the Middleton Estate) to take it from them, restore it and make it into an attractive public garden. It would then be passed onto Hackney Board of Works who would maintain it for public use forever. The MPGA had already transformed two other Hackney squares – De Beauvoir and St Thomas's. In 1898 the central garden was obtained from Lady de Saumarez and the MPGA laid out a new garden and gave it to the Hackney Vestry in 1899 on the condition that Hackney Board of Works would maintain it in an a proper manner. The new garden was laid out by Fanny Wilkinson, the landscape gardener to the MPGA for some 19 years, during which time she designed 75 public gardens in London. Her design for Albion Square garden included four London plane trees planted in a square, each having a circular seat around the trunk, with a fountain to be placed centrally. In July 1899, Albion Square Public Gardens were opened after extensive restoration. The Albion Gardens opening ceremony included light refreshments and an LCC band, and celebrated the provision of a new public recreation space for the residents of South Dalston. According to *The Hackney and Kingsland Gazette* the new garden would 'vie in beauty with some of the prettiest gardens in the West End' and the 1928 Royal Commission Report described it as 'well-kept and attractive'. The new layout was more simple and formal than the original design, with less shrubs and a central square. In 1910 a public drinking fountain donated by the philanthropist, John Passmore Edwards was placed in the centre. It is clearly depicted on the OS Map of 1921 (see Figure 14). Today it is locally listed.



Figure 14: Layout of Albion Square in 1921

During the Second World War the iron railings enclosing the garden square (and those in front of many of the houses) were taken for scrap, as part of the war effort. In the 1960s a chain link fence still surrounded the garden, and it was not replaced by new wrought iron railings by LB Hackney until 1977. A little earlier in 1973, environmental improvements had begun in Albion Square including the provision of benches, new retaining walls and re-laid footpaths. By that date the 'gardeners hut' had been added to the garden. Today, this hut has a small plaque placed above the door in 2001 that commemorates gardener David New and the care that he gave to the gardens. Further works were undertaken in 1979. In 1999 Albion Square Garden celebrated its centenary and won first prize in the Small Publicly Maintained Garden section of the London Garden Squares Competition. Groundwork East London undertook various works (funded by the HLF and Single Regeneration Budget) to the square in conjunction with local residents and heritage bodies during 2002. Works included landscaping and repairing the fountain. Today Albion Square Garden is well-maintained. It is a green tranquil space, planted with colour and treasured by local residents and others visiting for Open House and London Garden Squares Day.



Figure 15: The restored Drinking Fountain in Albion Square which is Locally Listed and Figure 16: Planting in Albion Square



### **Albion Drive**

Albion Drive runs from Queensbridge Road to Haggerston Road and comprises two short groups of houses (Nos. 36-18) and (Nos. 16-8), which are built on the south side of the road. The south side of Albion Square bisects Albion Drive. Built by Islip Odell in



the mid-1840s, they are similar in design to the houses found elsewhere on the Middleton Estate, including those found in Albion Square and Middleton Road. Most are two-storeys in height; a few towards Haggerston Road have basements as well. All are built in dark stock brick with stucco dressings and are a mixture of paired villas and short terraces. In essence they are similar to the houses found on the south side of Albion Square.



Figure 17: Nos. 30 -18, Albion Drive

At the corner of Queensbridge Road and Albion Drive is the large playground site of Queensbridge Infants School. The site had previously contained a number of detached and semi-detached houses fronting Queensbridge Road, and one half of a pair of villas was demolished on the north side of Albion Drive to complete the playground. No 1 Albion Drive is shown in Figure 19 below. All had been part of the original 1840s Middleton Estate development. In 1898, Queensbridge Road Board School opened on the corner of Albion Drive and Queensbridge Road. Constructed in red brick in 1897, it is tall (four to six storeys) and monumental example of a typical London Board School. In 1923 it was occupied by 454 junior boys, 448 junior girls and 368 infants. Today the building contains Queensbridge Infants School and the adjacent Tomlinson Centre, the Professional Development Centre for The Learning Trust. Designed by Rivington Street Studio Architecture the new building was designed and detailed to take advantage of the benefits of reinforced concrete with the façade of the new building is modulated with strong horizontal bands corresponding to the horizontal brickwork detailing of the existing Victorian building. The aim was to sympathetically complement the existing Victorian school.



Figure 18: Queensbridge Infants School and the Tomlinson Centre from Queensbridge Road

After examination of the boundaries of the Albion Square Conservation Area it was decided to extend eastwards to include the school site and No.1, Albion Drive (which although it is in a poor condition and has suffered the loss of some original features, is worthy of inclusion in the Conservation Area. The school is a handsome example of a late 19<sup>th</sup> century Board School, and the modern extension complements the site.



Figure 19: No. 1, Albion Drive and the former Queensbridge Board School

### **Albion Terrace**

Albion Terrace is an attractive row of two-storey cottages (Nos. 10-13, close to Albion Square, also contain basements), that run from the north-west corner of Albion Square to the corner of Mayfield Road and Stonebridge Common. These cottages are more modest in design than the houses in Albion Square and Middleton Road and generally have a single window to the ground and first floor with a simple round-headed fanlight above the front door. Brick-built and flat-fronted, they are plainer in design and were probably constructed for a more modest resident than the middle-classes of Albion Square. Many of the cottages have tiny front gardens and the street is attractive and quaint.



Figures 20, 21 & 22: Cottages in Albion Terrace

### **Haggerston Road, Stonebridge Common and Mayfield Road**

To the north and east of Stonebridge Common are a number of houses in short terraces and pairs, that overlook the common (See Figures 2; 23 & 24). These include Nos. 266-272 Haggerston Road, a terrace of four cottages and Nos. 262 & 264, a pair of cottages adjacent to the Duke of Wellington PH. Just to the south is another group; a flat-fronted brick terrace of five houses (Nos. 250-258 Haggerston Road), two-storey with basement. Although smaller than the houses in Albion Square, they are a fine group with roofs set behind a stucco parapet and surviving ironwork balconettes. Their location beside the remnants of Stonebridge Common, give these small houses a very green and airy feel, more rural than urban.



Figure 23: Nos. 262-266, Haggerston Road



Figure 24: Nos. 250-258 Haggerston Road

### **All Saints' Church (Listed Grade II) and Vicarage**

At the south of Albion Square Conservation Area, on the corner of Haggerston Road and Livermere Road stands All Saints' Church built in 1855-6 to the designs of P.C. Hardwick, in a rather old-fashioned Gothic style. Evidently popular with the growing population of South Hackney, It was extended by T.E. Knightly in the early 1860s to accommodate galleries above the aisles. It is surrounded by a small churchyard full of mature trees. It is an attractive building and survives remarkably unaltered.

Adjacent to the church and within the same curtilage, is the grey and red brick vicarage, which in design is rather austere.



Figures 25 & 26: All Saints' Church and Vicarage

## Middleton Road

The houses on the south side of Middleton Road that lie within the Albion Square Conservation Area are a mixture of short terraces and two different types of paired villas. One type has a gable front and the other a more simple design with the roof hidden behind a parapet. The houses are grouped in pairs or terraces of four. All have good small front gardens with some garden trees.

The houses are two-storey (plus basement), with raised ground floors with steep steps rising to the front doors. Built in yellowish stock brick, the front doors have square or curved architraves and the ground and first floor windows are a mix of shallow-arched or square-headed with stucco dressings. The windows originally had ironwork balconettes, which survive to some houses. Unfortunately some have been substituted by concrete replacements that are heavy and should be replaced by appropriate ironwork (see Figure 28 below). No. 30 Middleton Road has an inappropriate wooden balconette.



Figure 27 & 28: Pairs of villas in Middleton Road

### 4.4 Plan Form and Streetscape

Albion Square Conservation Area is a planned middle-class early Victorian speculative development that is centred on the garden square. The surrounding streets of Middleton Road and Albion Drive are spacious and wide, lined with attractive and architecturally interesting houses and villas built in the 1840s. Albion Terrace and Haggerston Road beside Stonebridge Common are narrower and the properties there are smaller and comprise rows of two-storey cottages. Almost all the houses in the Conservation Area have small established front gardens (fortunately

most are too small to have been converted into parking spaces). The houses are a mix of gable fronted properties and flat fronted houses, which makes each terrace or pair visually interesting and coherent. The white stucco detailing and Italianate design of the houses in Albion Square provides strong architectural interest to the streets. The Conservation Area has much green space, both within and just outside the boundaries. There are many good trees both in Albion Square garden, in gardens and on Stonebridge Common. All Saints' Church, the surrounding grounds and the vicarage garden provide another green focal point at the southern end of the Conservation Area.

#### **4.5 Views, Focal Points and Focal Buildings**

The most important views are within and towards Albion Square and along the roads surrounding it. The view along Haggerston Road towards Kingsland Road is also eye-catching, especially the sweep down beneath the railway bridge. Many of the streets are visually attractive, especially where the roads are tree-lined. Due to the minimal amount of traffic on the roads of the Conservation Area the roads seem peaceful and there is little rubbish or graffiti. Other important views within and just outside the Albion Square Conservation Area are:

- View towards the terrace and pub on Stonebridge Common
- The view towards All Saints' from Haggerston Road
- View along Haggerston Road as it curves towards Kingsland Road under the railway bridge
- The view through the central gardens in Albion Square
- The view across Stonebridge Gardens
- Views of the artisans' cottages in Albion Terrace
- Views to the east, north and south sides of Albion Square
- The view of Queensbridge Infants School from Albion Drive
- The view across Middleton Road to Dalston Congregational Church





Figure 29: Duke of Wellington PH in 2007

The most important religious building in the Conservation Area to act as a focal building is All Saints' Church. It is the largest building in the Conservation Area. The adjacent vicarage (in Livermere Road) adds to the group value as a focal building. Another focal building is the former Queensbridge Infants' School, a tall red-brick Board School. The Duke of Wellington PH is a focal building on Stonebridge Common (See Figure 29) and the terraces surrounding Albion Square are of sufficient grandeur to act as focal buildings in the views from the central garden. Albion Square Garden is also a focal point.

#### **4.6 Landscape and Trees**

The most important green space within the Albion Square Conservation Area is the garden at the centre of the square. Today it is public space and is generally well-maintained by LB Hackney (See Figure 30). The garden is a mix of paths, shrubs, seating areas and grass with many mature and statuesque plane trees. The grass shrubs and mature trees provide a good habitat for birds and other small wildlife. The borders of the square have been well planted with mixed herbaceous and perennial plants. It is a beautifully kept rectangular garden with symmetrical planting of ornamental beds and trees, and centrally the drinking fountain is surrounded by four plane trees with circular seating around their trunks. A tiny garden pavilion stands at

the west entrance, built in wood with a pitched tiled roof. This small secluded Victorian square is a secret oasis within the area.



Figure 30: Formal planting in Albion Square in 2013

The remnants of Stonebridge Common also contribute positively to the natural environment of Albion Square Conservation Area. In 1883 the land was given to the Hackney Board of Works for a public open space. In 1928 the small triangular area in the north of the site, c. 0.25 acres, was described as a 'triangular area enclosed by posts and rails and maintained as an asphalt playground with a number of trees around the border' and was protected under the London Squares and Enclosures Preservation Act of 1906. Since then this area has been largely paved with an obelisk set in the middle and surrounded by areas of grass on mounds behind low brick walls with seat niches, and a number of planted tubs. Opposite (outside the Conservation Area) is Stonebridge Gardens, created in the 1960s. It is a green landscaped space largely for recreational use as playing fields, with some shrub and tree planting along the railway border and with a concrete and mosaic snake play sculpture constructed in 1981 by Free Form Arts.

There are a number of mature street trees on all the roads within the Conservation Area and some important trees stand in the front gardens. Albion Square Conservation Area is fortunate in retaining many well-maintained front gardens with very few being paved over for parking spaces. The most important trees and gardens are:

- Street trees outside houses in Haggerston Road
- Trees on Stonebridge Common
- Albion Square Gardens
- Trees in back garden of No. 258 Haggerston Road (Figure 32)
- The front gardens in Albion Square
- Trees in front gardens of Nos. 29 & 30 Albion Square
- Planting at the end of Albion Drive
- Mature plane trees in grounds of All Saints' Church



Figure 31: Trees on Stonebridge Common



Figures 32 & 33: Trees and planting in Conservation Area

#### 4.6 Activities and Uses

Albion Square Conservation Area is principally a residential area. Almost all the houses were built in the 1840s as part of a planned development on Middleton family land. Today a few of the largest houses have been converted into flats but in most roads and around Albion Square, most houses are still family homes. A public house, *The Duke of Wellington*, survives overlooking Stonebridge Common adjacent to a terraced group of small houses. It is a welcome survival in an era when many small local pubs have been converted into residential use in recent years.

An important activity within the Albion Square Conservation Area is low-key recreational use, both in the garden square and on Stonebridge Common. These small spaces are used mainly as informal sitting, walking and as green havens for relaxing, rather than for active recreation which takes place on the nearby Stonebridge Gardens or further east in London Fields.

There is one religious building within Albion Square Conservation Area – the grey Ragstone All Saints' Church and the adjacent brick vicarage which form a handsome group in the south. The only public building within the Conservation Area is the former Queensbridge Infants' School and the teachers' centre located in the recently erected Tomlinson Centre.

There is no industrial or commercial (other than the pub) activity within Albion Square Conservation Area today. No empty sites have been identified and opportunities for redevelopment are limited. One potential redevelopment site is Thalia Court, a 1950s low-rise housing development at the end of Albion Drive, opposite Stonebridge Gardens.



Figure 34: Looking towards Queensbridge Infants' School from Hilborough Road

## **SIGNIFICANT BUILDINGS IN THE CONSERVATION AREA**

### **5.1 Introduction**

Albion Square Conservation Area contains an interesting variety of buildings dating to the 19<sup>th</sup> century, some of which are listed or locally listed. The best quality buildings are the Italianate houses surrounding Albion Square, All Saints' Church, Queensbridge Infants School and some of the small terraces in the streets of the Conservation Area, which although unlisted are relatively unaltered and which make a really positive contribution to the character of the Conservation Area. These are called "Buildings of Townscape merit" and are marked on the Townscape Appraisal map. Very few buildings within the Conservation Area make a negative impact, although Talia Court is rather run-down.

The more important of these buildings have been described in section 4.2 above 'The Buildings of the Conservation Area'.

### **5.2 Listed buildings**

There are a significant number of listed buildings or structures within Albion Square Conservation Area, all of which are listed Grade II. They include the houses in Albion Square and All Saints' Church. All the Grade II buildings are included in a list at Appendix B.

### **5.3 Buildings of Local Significance**

There are a number of "locally" listed buildings in the Conservation Area. These are buildings which make a contribution to the character of the Conservation Area and which Hackney Council consider to be of local significance due to their age, architectural detailing or because of some unusual feature. They include a range of villas and terraced houses mainly in residential use and Queensbridge Infants School and the Duke of Wellington PH on Stonebridge Common. These are all included in a list at Appendix B.

### **5.4 Buildings of Townscape Merit**

Apart from the listed and locally listed buildings, a small number of unlisted buildings in the Conservation Area have been identified as "Buildings of Townscape Merit". These are usually well detailed examples of mainly late 19<sup>th</sup> century houses or commercial premises which retain their original detailing. As such, they make a positive contribution to the character and appearance of the Conservation Area, and any proposals to alter or demolish such buildings will be strongly resisted by the

Council (see Policy EQ13 of the UDP of 1995). Together, these buildings provide the cohesive and interesting historic townscape which is necessary to justify designation as a Conservation Area.

Of special note are All Saints' vicarage and Nos. 1-13 Albion Terrace which are an attractive group of small terraced cottages that are worthy of designation as Buildings of Townscape Merit. All such buildings are marked on the map of Albion Square Conservation Area.

### **Listed buildings**

Listed buildings are more tightly controlled than unlisted buildings and are subject to separate legislation. "Listed Building Consent" is required for all alterations and extensions which affect the special architectural or historic interest of the building, and as both the exterior and interior of the building is listed, the Council's approval is therefore required for a wide range of work. Further guidance can be obtained from the Council but briefly, the type of work commonly requiring Listed Building Consent includes:

- The installation of new windows or doors
- All extensions (planning permission may also be required)
- Removing internal features such as fireplaces, walls, timber partitions, panelling, and shutters
- Removing or altering a staircase
- Altering or demolishing a boundary wall

This list is for guidance purposes only and is not exhaustive. If you are in any doubt as to whether you require Consent, please contact the Council's conservation staff before commencing work. It is a criminal offence to alter a listed building without Consent and carry out work illegally can result in a substantial fine or even imprisonment.

When considering applications for Listed Building Consent, the Council will usually require the applicant to submit a detailed archaeological evaluation or report of the building which will describe the historical development of the buildings and its site, as well as identify the special features which contribute to its architectural and historic interest. All proposals which affect listed buildings must preserve these special features, and applications which propose their removal are unlikely to be acceptable. Extensions to listed buildings will be judged in a similar way to those to unlisted buildings (Para. 7.5) but will additionally need to satisfy the following:

- Extensions should be secondary in size, bulk and footprint to the original building.
- Extensions will need to be carefully detailed to marry-in with the original building.

- Traditional materials and details will be required.

Further information about listed buildings can be found in National Planning Policy Framework (March 2012).



## 6 “SWOT” ANALYSIS

Albion Square Conservation Area is notable for its important and well-preserved early Victorian houses, set around a central garden square. The houses in the Albion Square Conservation Area are amongst the best in the borough. A large number are listed, locally listed, or have been identified within this appraisal as making a positive contribution to the character or appearance of the Conservation Area (Buildings of Townscape Merit). Together these form an interesting and unified historic streetscape, contrasting with the nearby Holly Street housing estate. Although small in size the Conservation Area has important green spaces which have a positive impact on the quality of the environment in this part of Hackney.

### 6.1 Strengths

The most positive features of the Conservation Area are:

- The curve of Haggerston Lane as it passes by Stonebridge Common and goes under the railway bridge giving good vistas in places
- A high number of listed and locally listed buildings
- A concentration of streets that have a coherence; are homogenous and contain a completeness of historic fabric
- Large numbers of surviving Victorian buildings, all creating a cohesive townscape
- The survival of well-kept front gardens to many houses
- The predominantly residential nature of the area and its human scale.
- Survival of 19<sup>th</sup> century houses of definable quality, with good external features such as doorcases, iron work, stucco and sash windows
- Little modern development
- Attractive green space at Stonebridge Common
- The well tended central garden in Albion Square
- Survival of Duke of Wellington PH
- Views from conservation area over Stonebridge Gardens
- Refurbished and well-maintained houses in many roads
- Many street trees; mature trees in Albion Square and in gardens

### 6.2 Weaknesses

The most negative features of the Conservation Area are:

- Poor maintenance of some of the houses in Middleton Road and No. 1 Albion Drive
- Poor concrete replacement balconettes in Albion Square and Middleton Road
- Loss of iron railings in some streets

- Poor maintenance of Thalia Court
- Loss of some front gardens in Albion Drive



Figure 35: Replacement balconies in concrete in Albion Square

### 6.3 Opportunities

The following points are “opportunities” which the London Borough of Hackney or private owners could implement, subject to the necessary funds being available:

- Consider setting up a grant scheme for the buildings within the Conservation Area
- Repair railings outside All Saints’ Church
- Preparation of design guidance on the types of designs in the area
- Educational opportunity for the public, schools, colleges exploring design and history.
- Refurbishment of Thalia Court
- Improve the planting and maintenance of Stonebridge Common
- Improved management of gardener’s hut and fountain
- Further restoration of the fountain in the Albion Square garden to remove unsightly metal plate on the west side

## **6.4 Threats**

- Loss of original detailing, especially to single family dwellings which retain certain permitted development rights.
- Loss of small 'estate' pubs for residential use
- Neglect of publicly owned green spaces

## 7 CONCLUSION

Albion Square Conservation Area is a little known enclave of high quality Victorian housing dating from the 1840s. It is one of Hackney's most complete and attractive garden squares and is protected as a designated London Square. Many of the houses are well maintained and restored with sensitivity. All retain their front gardens and original features and together that enhances the overall ensemble. Although located close to major roads including Kingsland Road and Queensbridge Road and close to large public housing schemes (the Holly Street Estate lies just to the north) the streets within the Conservation Area are quiet and leafy. The short terraces on Stonebridge Common, Haggerston Road and Albion Terrace have a 'village-like' atmosphere (especially with the adjacent *Duke of Wellington* PH) unusual for such a central Hackney location. It is an area much favoured by families. The listing of the houses and protecting the square in the 1970s has ensured good levels of preservation of the area. There is an architectural integrity to the houses around Albion Square – although the houses show variety in the individual designs overall there is a unity that has not been damaged by many insensitive alterations.

In parts of the Conservation Area there are some (but relatively few) examples of neglected buildings, poor maintenance, and the use of inappropriate modern materials especially in window and balconette replacement. But overall retention of original features of the 19<sup>th</sup> century houses is high and the current regeneration of nearby Dalston will further benefit the area. New build has been limited in this area and it appears that very few inappropriate extensions to houses have occurred, (apart from at No. 18 Albion Drive).

Both within the Conservation Area and immediately outside there is a variety of green public open space, from the well-planted garden square itself, to the remnants of Stonebridge Common, to Stonebridge Park and the mosaic snake across Haggerston Road. There are bountiful trees both within these open spaces and in the gardens in the Conservation Area and plenty of well-kept street trees and planting in the streets. The survival of front gardens to the majority of the houses in the Albion Square Conservation Area adds to the 'greenness' of the area.

Many of the buildings within the Conservation Area are listed or locally listed and as a result of the research for this report, others have been designated as Buildings of Townscape Merit. They all display a variety of historic features, materials and architectural styles typical of the second quarter of the 19<sup>th</sup> century domestic middle-class villa, a building type that Hackney is famous for. Albion Square today is an attractive mix of well-kept green space and well-preserved houses.

It is proposed to extend the Conservation Area boundary eastwards to Queensbridge Road to take in two additional properties; No.1 Albion Drive and Queensbridge Infants School.

**APPENDIX A:  
HISTORIC MAPS OF THE CONSERVATION AREA**

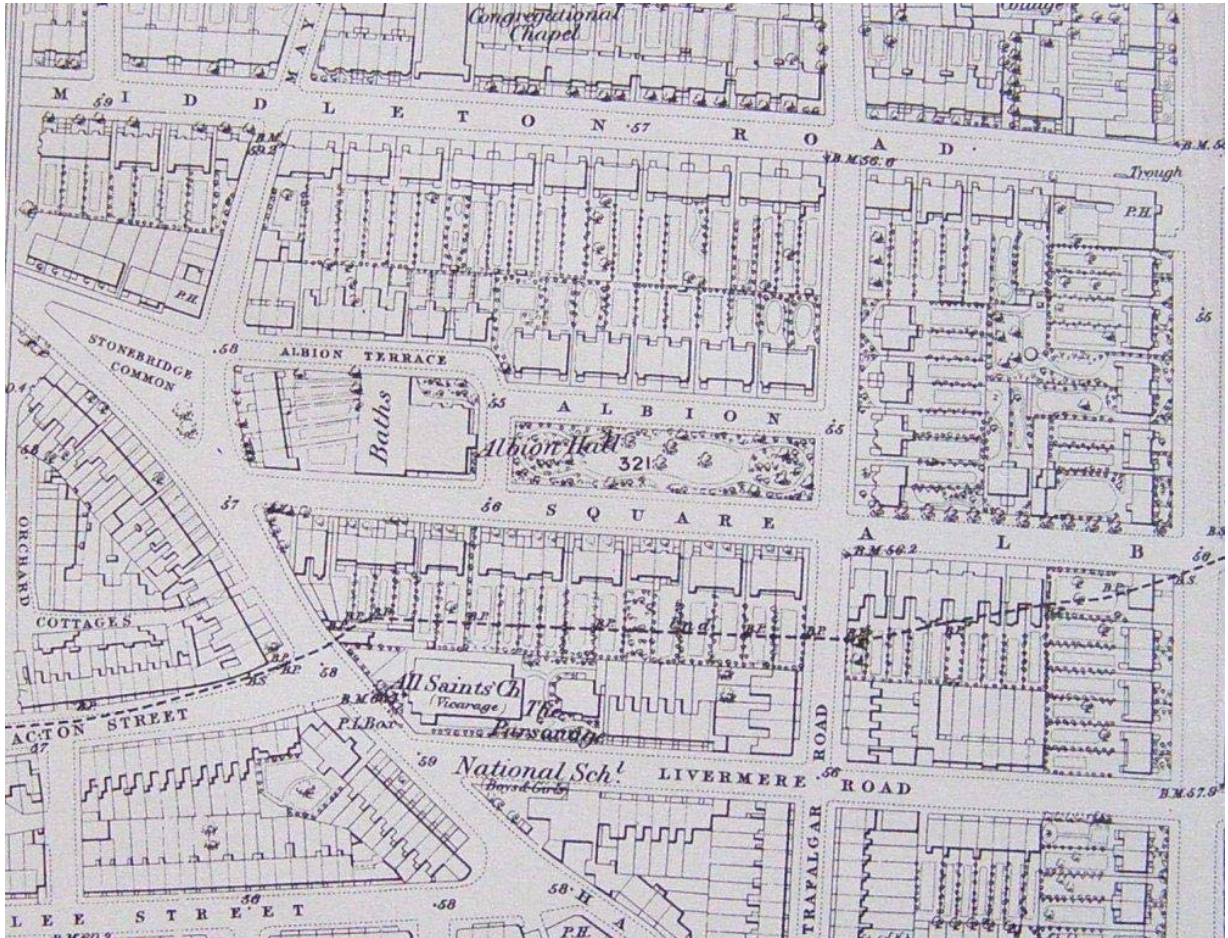
**Roque's Map of 1745**



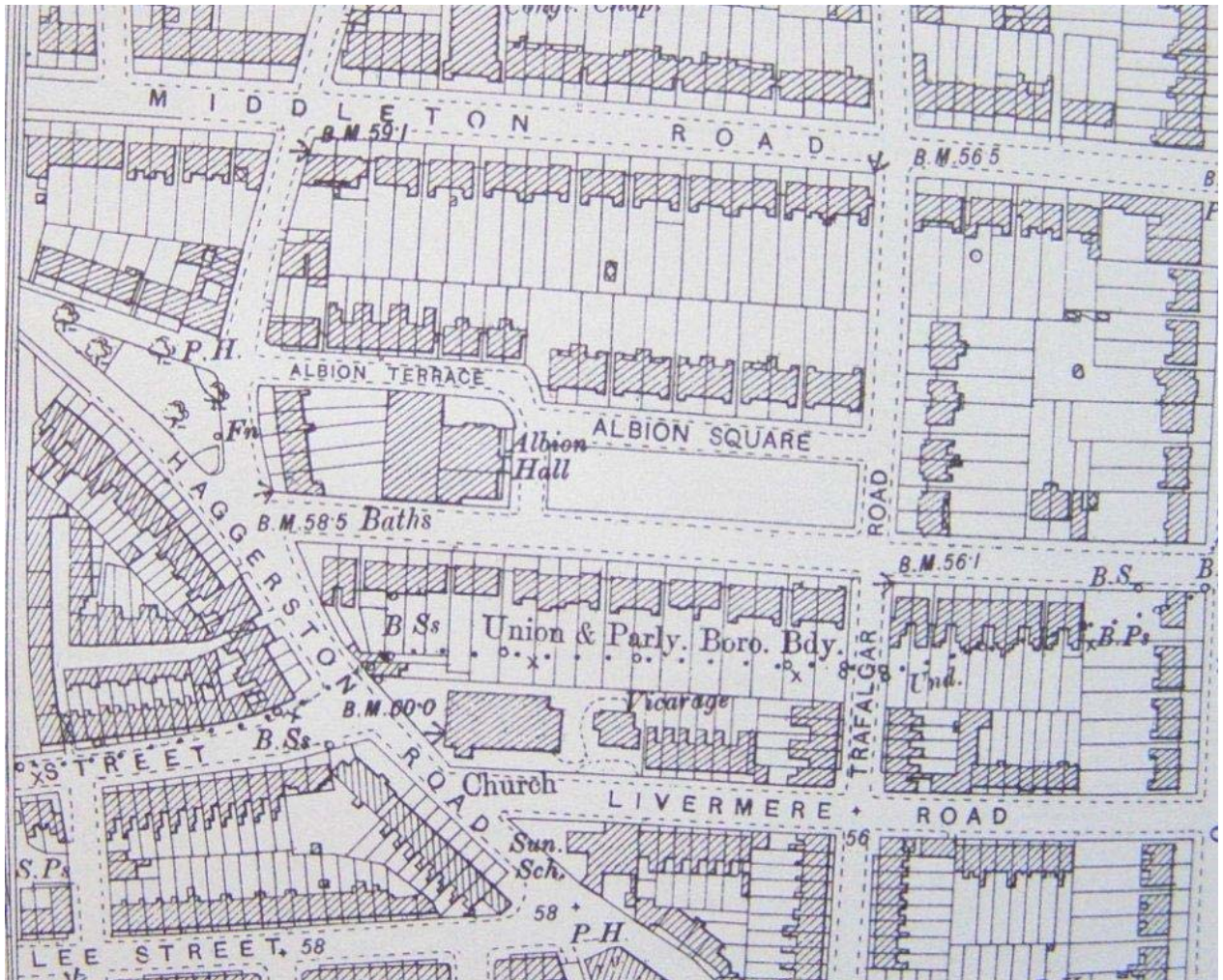
MAP of 1830



OS Map of 1870

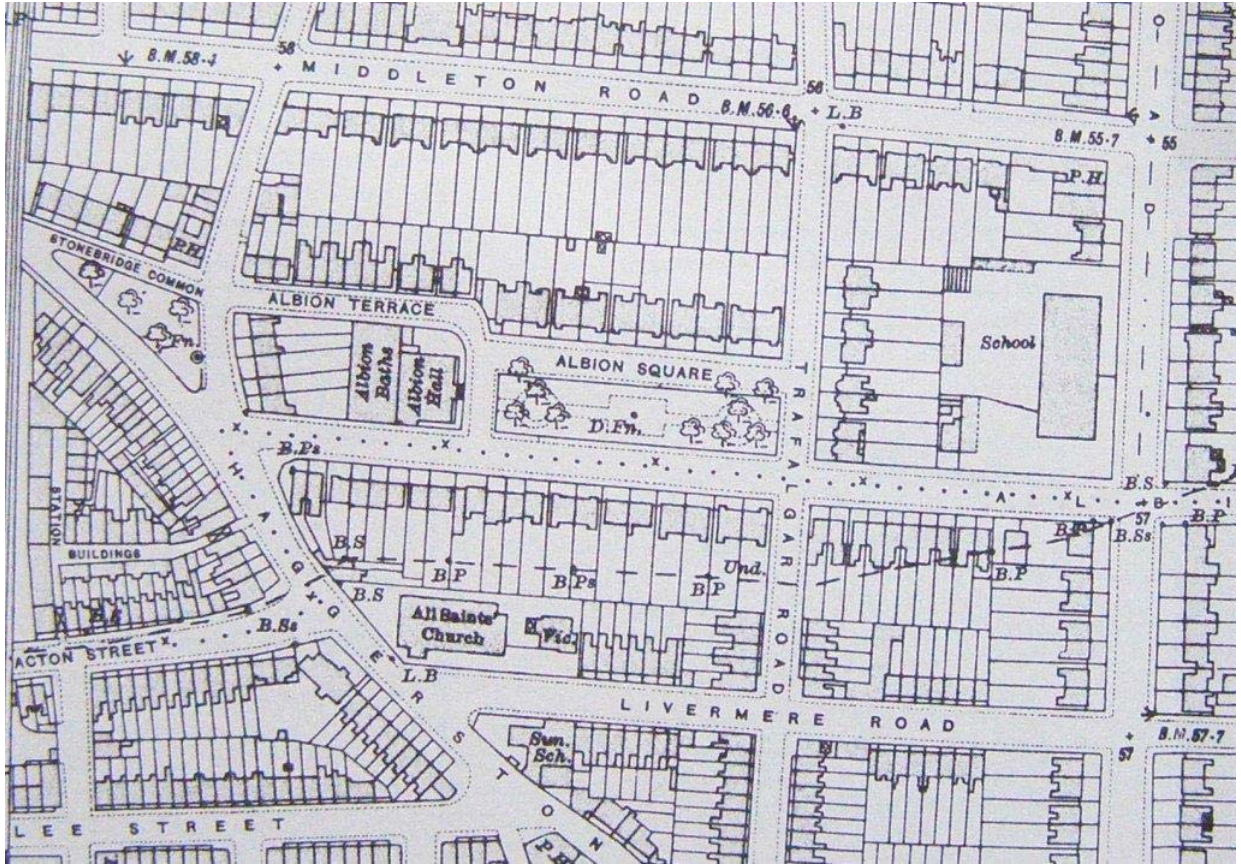


OS Map of 1894





OS Map of 1913



**Contemporary OS Map  
Showing Conservation Area in Wider Setting**

**(To be inserted after Cabinet Meeting)**

## **APPENDIX B**

### **A SCHEDULE OF STATUTORILY LISTED AND LOCALLY LISTED BUILDINGS.**

#### **Statutorily listed buildings (all listed grade II):**

**Albion Square:** Nos. 1 -12 (consec.) South Side  
Nos. 13-22 (consec.) North Side  
Nos. 23-30 (consec.) East Side

**Haggerston Road:** All Saints Church and Railings

#### **Locally listed buildings:**

Locally listed buildings are those which are on the Council's own list of buildings of local architectural or historic interest. The Council's policy (EQ20) in the Unitary Development Plan is to retain the character and appearance of these when determining planning applications.

**Albion Drive:** Nos. 8-16 Albion Drive  
Nos. 18-32 Albion Drive  
Nos. 34-36 Albion Drive

**Albion Square:** Stone water fountain at the centre of Albion Square Garden

**Haggerston Road:** Nos. 250-258 (even)  
Gunpost on corner of Livermere Road  
Duke of Wellington PH  
War Memorial on Stonebridge Common

**Queensbridge Road:** Queensbridge Road Infants School

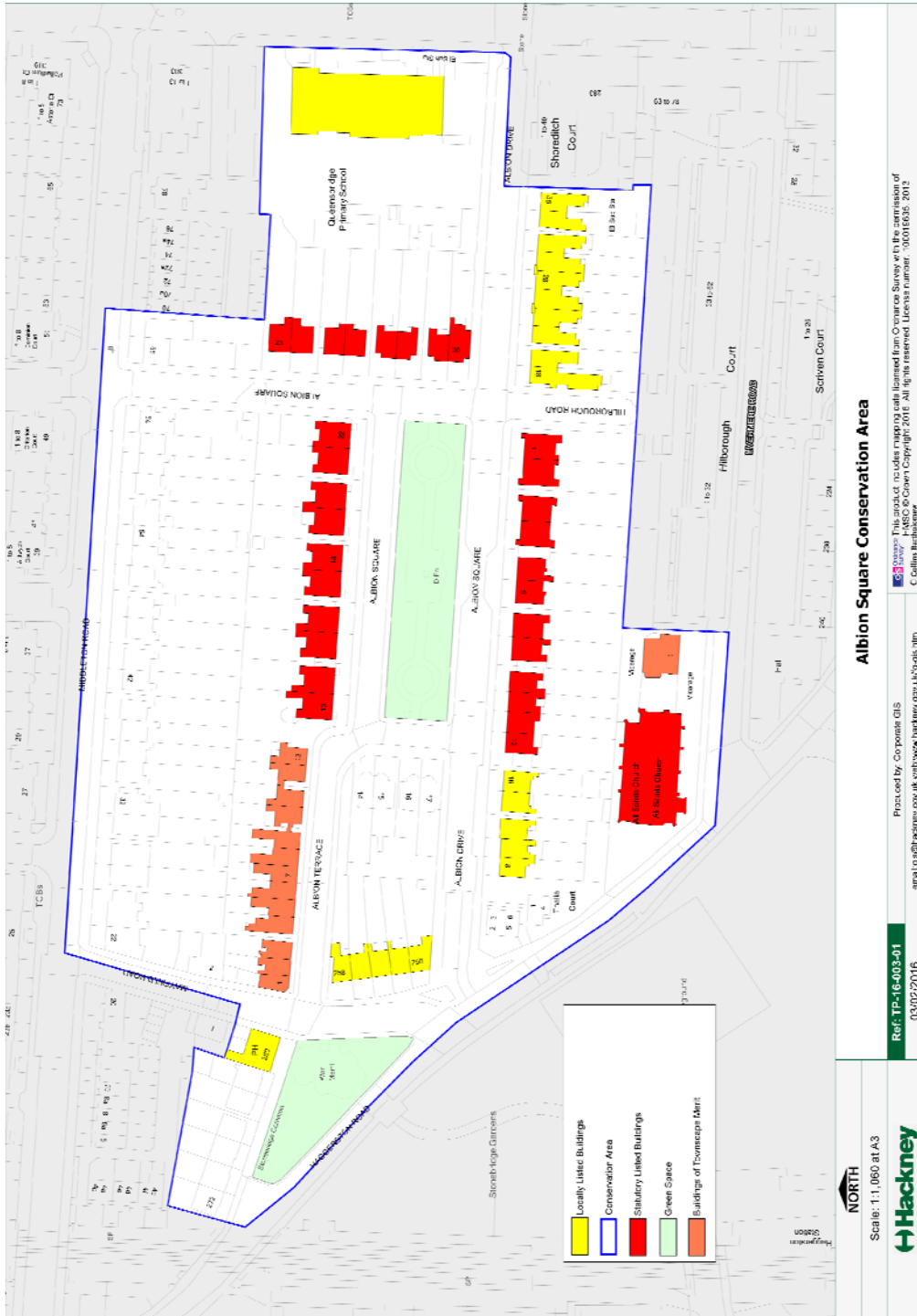
## APPENDIX C

### BIBLIOGRAPHY

- Buildings of England: London 4 North*      Bridget Cherry and Nikolaus Pevsner  
(Penguin Books 1999)
- Historical walk through Shacklewell  
and Dalston*      *Keith Sugden*  
(1990)
- Lost Hackney*      Elizabeth Robinson  
(Hackney Society publication 1989)
- From tower to tower block:  
The buildings of Hackney*      Written and published by  
The Hackney Society 1984
- Victoria County History: Middlesex*

# APPENDIX D

## MAP OF THE CONSERVATION AREA



## APPENDIX E

### LIST OF ILLUSTRATIONS

- Figure 1: Albion Square in 1969  
Figure 2: Stonebridge Common  
Figure 3: Stonebridge Gardens viewed from the Albion Square Conservation Area  
Figure 4: Houses in Albion Square  
Figure 5: Greenwood's Map of 1827: Stonebridge Lane runs up towards Stonebridge Common and the field to the east below Grange's Nursery is where Albion Square was developed in the 1840s  
Figure 6: The neglected Albion Square c. 1900 (note the dead rabbit in the foreground)  
Figure 7: Nos. 4-8 (consecutive) on the south side of Albion Square in 1967  
Figures 8 & 9: View of houses on the south side of Albion Square and Nos. 17 & 18 with Mansard roof on north side of the square.  
Figures 10 & 11: The east side of Albion Square, Nos. 29 & 30 on the right with bowed-bays to the basement and raised ground floor  
Figure 12: Semi-detached 'villas' built in 1994-5 on the West Side of Albion Square  
Figure 13: Layout of Albion Square in 1871  
Figure 14: Layout of Albion Square in 1921  
Figure 15: The restored Drinking Fountain in Albion Square which is Locally Listed  
Figure 16: Planting in Albion Square  
Figure 17: Nos. 30 -18, Albion Drive  
Figure 18: Queensbridge Infants School and the Tomlinson Centre from Queensbridge Road  
Figure 19: No. 1, Albion Drive and the former Queensbridge Board School  
Figures 20, 21 & 22: Cottages in Albion Terrace  
Figure 23: Nos. 262-266, Haggerston Road  
Figure 24: Nos. 250-258 Haggerston Road  
Figures 25 & 26: All Saints' Church and Vicarage  
Figure 27 & 28: Pairs of villas in Middleton Road  
Figure 29: Duke of Wellington PH in 2007  
Figure 30: Formal planting in Albion Square in 2013  
Figure 31: Trees on Stonebridge Common  
Figures 32 & 33: Trees and planting in Conservation Area  
Figure 34: Looking towards Queensbridge Infants' School from Hilborough Road  
Figure 35: Replacement balconies in concrete in Albion Square

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## APPENDIX F

### FURTHER INFORMATION

#### **LB Hackney**

Conservation Team  
Planning & Regulatory Services  
London Borough of Hackney  
2 Hillman Street  
London E8 1FB

[www.hackney.gov.uk/planning](http://www.hackney.gov.uk/planning)

#### **Historic England**

<https://www.historicengland.org.uk/>

***For further information relating to listed buildings and conservation areas***

*For further information relating to listed buildings and conservation areas*

#### **The Victorian Society**

<http://www.victoriansociety.org.uk>

*The Victorian Society is the national organisation that campaigns for Victorian and Edwardian buildings*

#### **The Georgian Group**

<http://www.georgiangroup.org.uk>

*The Georgian Group is the national charity dedicated to preserving Georgian buildings and gardens. Has an excellent range of technical advice leaflets and courses on Georgian architecture*

#### **The Hackney Society**

<http://www.hackneysociety.org>

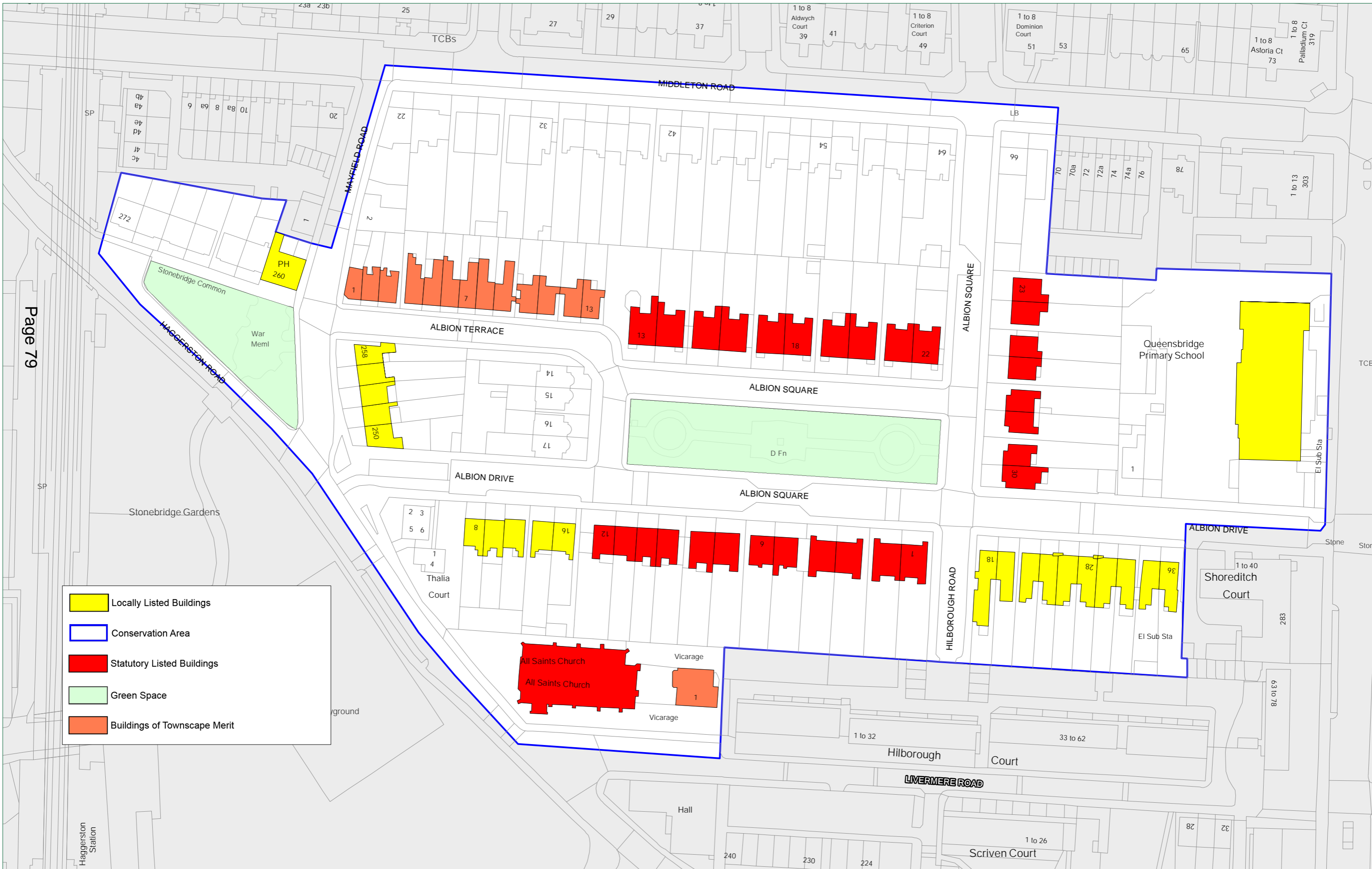
*Hackney's local amenity society and umbrella organisation for conservation area advisory committees The Society was formed in 1967 to involve and support local people in the conservation and regeneration of Hackney's built environment and public spaces.*

## **APPENDIX G**

### **COPY OF COUNCIL'S CABINET REPORT ADOPTING THE CONSERVATION AREA BOUNDARY AND APPRAISAL**

(To be added following formal adoption of the Appraisal & final recommendations)





- Locally Listed Buildings
- Conservation Area
- Statutory Listed Buildings
- Green Space
- Buildings of Townscape Merit



Scale: 1:1,060 at A3



### Albion Square Conservation Area

Ref: TP-16-003-01

03/02/2016

Produced by: Corporate GIS

email:gis@hackney.gov.uk web:www.hackney.gov.uk/fg-gis.htm

Ordnance Survey This product includes mapping data licensed from Ordnance Survey with the permission of HMSO © Crown Copyright 2016. All rights reserved. License number. 100019635. 2013  
Collins Bartholomew

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# London Borough of Hackney Equality Impact Assessment Form

## Title and Purpose of Policy:

**Title:** Albion Square Conservation Area Appraisal and Revised Conservation Area Boundary

**Purpose:** The principal purpose of the review of the conservation area is to ensure that a full conservation area appraisal is in place that clearly sets out the area's qualities and identifies its threats and weaknesses. It is also required in order to ensure that the conservation area boundary accurately reflects the historic environment in this area and affords it appropriate protection.

Albion Square Conservation Area was originally designated in 1975 and as such was one of the earliest conservation areas to receive protection in Hackney. However, despite such early protection, no detailed Conservation Area Appraisal was produced until fieldwork was undertaken in 2007. Due to limited resources at that time, public consultation was not undertaken and the appraisal remained in draft form.

Cabinet approved public consultation of the revised and updated draft appraisal in 2014 and this was carried out in April and May 2015. The research and assessment of the area's special interest undertaken for the appraisal has enabled careful consideration of the existing boundaries and an eastern extension to the designated area has been included in this appraisal.

Following endorsement by Cabinet, the item will be taken to Full Council in July 2016 for adoption.

## Officer Responsible:

<b>Name:</b> Matt Payne	<b>Ext:</b> 8106
<b>Directorate:</b> Legal, HR and Regulatory Services	<b>Department/Division:</b> Planning & Regulatory Services/ Conservation, Urban Design & Sustainability Team

NB: This assessment must be reviewed and agreed by the relevant Assistant Director, who is responsible for ensuring it is made publicly available and is in line with guidance ([staffroom.hackney.gov.uk/equality-impact-assessments.htm](http://staffroom.hackney.gov.uk/equality-impact-assessments.htm)).

**Assistant Director:** Cathy Gallagher  
**Date:** 4 February 2016  
**Comment:**

## 1. Please summarise the service, function, policy, initiative or saving.

Conservation Area designation, review and management is an important part of the planning process. Under the National Planning Policy Framework (NPPF) 2012, Conservation Areas are classed as heritage assets. The NPPF requires local planning authorities to set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, LPAs should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

Conservation Area Appraisals clearly set out the important qualities of the heritage asset and not only does this enable proper protection of those parts of the historic environment that the community genuinely values, but it also provides clarity to developers as to where those heritage assets are located and, critically, what it is about them that is worth considering.

## 2 Who are the main people that will be affected?

The key people who will be affected will be the property owners and occupiers within the conservation area. These owners and occupiers have been consulted as part of the public consultation carried out in April and May 2015.

## 3 What research or consultation(s) have been carried out?

In line with best practice and the Council's Statement of Community Involvement, the Council carried out a six week public consultation with stakeholders as appraisals that have been adopted following public consultation carry greater weight on appeal.

Consultation as also carried out with statutory and local organisations including Historic England, the Hackney Society and the Kingsland Conservation Areas Advisory Committee (CAAC). Responses were also sought from local residents, ward members and other interested parties. Publicity was disseminated through the local groups, *Hackney Today*, the Council's Consultation web page, public drop-in sessions and in local libraries. Officers considered all relevant responses and made appropriate amendments to the appraisal before reporting back to Cabinet and Council.

## 4 Equality Impacts

The following tables outline the main issues in planned consultation that may impact on each equalities strand.

### 4(a) What positive impact could there be overall, on different equality groups, and on cohesion and good relations?

#### **Positive Impact:**

#### **Overall**

**Residents within the conservation area and other key stakeholders had equal**

<p><b>opportunity to have their say through all methods of consultation. The Albion Square Conservation Area Appraisal and Revised Conservation Area Boundary will not impact on any one equality group.</b></p>	
<p><b>a) Age</b> The review does not discriminate against age.</p>	<p><b>b) Disability</b> The review does not impede the ability to require a property to be DDA compliant.</p>
<p><b>c) Gender</b> The review does not discriminate against gender.</p>	<p><b>d) Race</b> Hackney's borough population identifies 37.3 per cent as ethnic minorities (including White Other groups). No impact identified.</p>
<p><b>e) Religion/Belief</b> Close to half (46.6%) of Hackney's residents identify their religion as being Christian, a lower level than that found in London and England &amp; Wales. The borough does, however, have comparatively larger Muslim, Jewish and Buddhist populations.  The review does not discriminate against any one religious or belief groups</p>	<p><b>f) Sexual Orientation</b> The review does not discriminate against sexual orientation.</p>
<p><b>g) Other groups</b> None identified.</p>	

**4(b) What negative impact could there be overall, on different equality groups, and on cohesion and good relations?**

<p><b>Negative Impact:</b></p> <p><b>Overall</b> There are no identified negative impacts.</p>	
<p><b>a) Age</b> None identified.</p>	<p><b>b) Disability</b> None identified.</p>
<p><b>c) Gender</b> None identified.</p>	<p><b>d) Race</b> None identified.</p>
<p><b>e) Religion/Belief</b> None identified.</p>	<p><b>f) Sexual Orientation</b> None identified.</p>
<p><b>g) Other groups</b> None identified.</p>	

**5. Equality and Cohesion Action Planning– specific actions to address equality and cohesion issues raised by this assessment**

None identified.

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**ALBION SQUARE CONSERVATION AREA  
TABLE OF CONSULTATION RESPONSES**

APPENDIX D

<b>Respondent ID</b>	<b>Comment No.</b>	<b>Respondent Comments</b>	<b>Officer Response</b>
ASCA001	ASCA001.01	Albion Sq. fountain and garden shed sited in the square need locally listing-protection.	Local Listing is a separate process that the Council will consider post designation.
ASCA002	ASCA002.01	Concerned that outbuildings at the bottom of the gardens make no attempt at blending into the protection area.	Outside remit of Conservation Area Appraisal.
ASCA003	ASCA003.01	Supports Albion Square CA proposal but requests to pave Albion Sq.(Considers that this will enhance the area more)	Outside remit of Conservation Area Appraisal.
	ASCA003.02	Requesting Stonebridge Common future planned development remains within the conservation ideals. Would like to know more about the development plans.	Outside remit of Conservation Area Appraisal.
ASCA004	ASCA004.01	Attachment outlining the proposals is not available on the website. Please send a PDF copy.	Temporary technical issue. Document available online.
ASCA005	ASCA005.01	Writing on behalf of Albion Square Resident's Assoc. (ASRA).	Noted.
	ASCA005.02	Requesting gardener's hut in the square is listed.	The hut does not meet the requirements for statutory listing. Local Listing is a separate process that the Council will consider post designation.
	ASCA005.03	Questioning why 250 - 258 Haggerston Road (even) are not locally listed as they date from 1837 and are Italianate post-Regency in appearance.	These properties are marked as locally listed in the consultation brochure. First locally listed in 1991.
ASAC006	ASCA006.01	Concerned about comments made about the balustrades in Middleton Road and the restored balustrades at 23 and 24 Albion Square, which appear to have been made with little thought, inadequately researched and without any intellectual rigour.	Comments made based on a walking street survey rather than individual inspection.
ASAC007	ASCA007.01	The draft appraisal contains good material on the history of the area and on the history and architectural detail of buildings. It also provides a better sense of place than appraisals for other conservation areas in Hackney.	Noted.
	ASCA007.02	We support the extension of the CA eastwards to include Queensbridge Infants School and playground.	Noted.
	ASCA007.03	Concern that comments on buildings is largely limited to the facades of buildings whereas the guidance is clear the whole buildings and their back elevations are protected.	CA Appraisals cannot comment on every aspect of every building. However, a section will be included stating that everything within the conservation area comes under the legislation.

**ALBION SQUARE CONSERVATION AREA  
TABLE OF CONSULTATION RESPONSES**

	ASCA007.04	The few inappropriate or unsympathetic alterations, such as that at 18 Albion Drive have not been documented. Concerned that lack of comment indicates acceptability.	CA Appraisals cannot document the condition of every building at the micro level. However, further summary review of inappropriate changes to take place and CA appraisal updated.
	ASCA007.05	Concerns raised with unsympathetic alterations on other properties such as out of keeping railings and satellite changes.	CA Appraisals cannot document the condition of every building at the micro level. However, further summary review of inappropriate changes to take place and CA appraisal updated.
	ASCA007.06	Concerned at lack of map that places CA in its setting.	Noted. Will be included.
	ASCA007.07	Concerned that photographs do not show enough architectural detail and should be more face on.	CA Appraisals cannot document every building in detail.
	ASCA007.08	Concerns that the consultation was inadequate and not wide reaching enough.	Consultation carried out in accordance with best practice and proportionate to the size of the area.
	ASCA007.09	The geology section on page 18 appears to have been cut and pasted from another document dealing with the eastern side of the borough and is factually incorrect.	Noted and amended.
	ASCA007.10	Page 9 reference to other conservation areas in last paragraph of 1.2 omits Queensbridge Road, which is adjacent to Albion Square CA.	Noted and amended.
	ASCA007.11	Page 21 refers to Fig 33 for concrete balconettes at 23 and 24 Albion Sq. However, this figure only shows planting in the conservation area. Fig 35 shows balconettes in Middleton Road.	Noted and amended.
	ASCA007.12	Page 23 should mention the small plaque placed above the door of the gardener's hut in 2001, which commemorates David New and the care he gave to these gardens.	Noted. Document to be amended.
	ASCA007.13	On pages 41 and 42, Thalia Court is misspelt as Thala Court	Noted. Document to be amended.
	ASCA007.14	Weaknesses section should include; 'poor maintenance of some of the houses in Middleton Road and 1 Albion Drive'.	Noted and amended.
	ASCA007.15	Opportunities section should include; 'The Gardener's hut in Albion Square should be repainted before its condition deteriorates' and 'further restoration of the fountain in the Albion Square garden to remove the unsightly metal plate on the west side'.	Noted. Text to be revised to refer to 'improved management of gardener's hut and fountain'
	ASCA007.16	Threats section should include; 'proliferation of visible satellite dishes'.	Disagree. There is not a proliferation of satellite dishes.



ALBION SQUARE CONSERVATION AREA  
TABLE OF CONSULTATION RESPONSES

	ASCA007.17	As there is only one pub in the CA, the threat of 'losing small estate pubs' for residential use is not particularly relevant.	Disagree. Council policy protects pubs as Assets of Community Value.
--	------------	--------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------

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<p><b>DESIGNATION AND APPRAISAL OF DALSTON CONSERVATION AREA</b></p> <p><b>Key Decision No. LHR M5</b></p>	
<p><b>CABINET MEETING DATE</b></p> <p>29 February 2016</p> <p><b>COUNCIL</b></p> <p>20 July 2016</p>	<p><b>CLASSIFICATION:</b></p> <p>Open</p>
<p><b>WARD(S) AFFECTED</b></p> <p>Dalston Shacklewell</p>	
<p><b>CABINET MEMBER</b></p> <p>Cllr Guy Nicholson</p> <p>Regeneration</p>	
<p><b>KEY DECISION</b></p> <p>Yes</p> <p><b>REASON</b></p> <p><b>AFFECTS TWO OR MORE WARDS</b></p>	
<p><b>GROUP DIRECTOR</b></p> <p>Kim Wright, Group Director Neighbourhoods and Housing</p>	

## **1. CABINET MEMBER'S INTRODUCTION**

- 1.1** Dalston is an area that is undergoing great physical change and today the hub of growth is around Dalston Junction itself. Almost nowhere else in Hackney is under such close scrutiny and development pressure as central Dalston.
- 1.2** At the present time, some buildings in the area are statutorily listed and a recent project to expand the Borough's Local List of Heritage Assets has resulted in more individual buildings in the area being recognised as important to the architectural character of the area. However, the need to protect more of the undesignated buildings and the character of the area has been recognised alongside a wider need to carefully manage change and new development, hence the need for this conservation area appraisal.
- 1.3** The proposed Dalston Conservation Area is centred on one of the oldest roads in Britain - the Roman Ermine Street, later known as the Old North Road and now Kingsland High Street. Despite being a continuation of Kingsland Road, it was principally built as a shopping street, and the townscape displays a variety of Victorian and Edwardian architecture.
- 1.4** Following public consultation with the local community, the Dalston Conservation Area Appraisal proposes a carefully considered boundary that reflects the area's special interest and will ensure the quality of future development in the area will make a positive contribution to the local environment. The proposals include drawing in a small part of the existing Kingsland conservation area into the proposed Dalston conservation area.
- 1.5** I commend this report to Cabinet and Council.

## **2. GROUP DIRECTOR'S INTRODUCTION**

- 2.1** This report implements in part the Conservation Areas Review approved by Cabinet in September 2006. The strategy approved as part of the Conservation Review involves an ongoing programme of conservation area appraisals, designations and reviews of existing conservation areas to ensure that each has an up to date character appraisal meeting the Council's statutory duties. This report brings forward for consideration the designation and appraisal of the proposed Dalston Conservation Area and boundary map following a six week public consultation.

### **3. RECOMMENDATION(S)**

#### **3.1 Cabinet to recommend to Council:**

- i. To approve and designate the Dalston Conservation Area, as set out in the Area Map at Appendix B, incorporating 527 to 539 and 596 to 600 Kingsland High Street from the existing Kingsland conservation area;**
- ii. To approve and adopt the Dalston Conservation Area Appraisal.**

### **4. REASONS FOR DECISION**

**4.1** This decision is required in order to ensure that the area's heritage is recognised and a full and up to date conservation area appraisal is in place that clearly sets out the area's qualities and identifies threats and weaknesses.

**4.2** This decision is required in order to ensure that the conservation area boundary accurately reflects the historic environment in this area and ensures that appropriate protection is in place.

### **5. DETAILS OF ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

**5.1** Consideration was given to extending the existing Dalston Lane (West) conservation area to incorporate the area covered by the proposed Dalston conservation area. However, this was rejected as the two areas have distinct characters that are more suited to separate conservation area designations.

**5.2** The option of doing nothing was rejected as the 2013 Dalston Area Action Plan ("AAP") identified a need to undertake a character appraisal of the area's heritage assets.

### **6. BACKGROUND**

**6.1** The Council's conservation strategy includes a continuing programme of designating and reviewing existing conservation areas.

**6.2** In June 2013, the Council thought it timely to look at the current condition and state of the existing Kingsland Conservation Area by testing the robustness of its boundaries.

- 6.3** Consideration was also given to the designation of a completely new conservation area for central Dalston which would extend northwards towards Stoke Newington.
- 6.4** This followed the adoption of the Local Development Framework (LDF) Dalston AAP (January 2013), in which there was a requirement for the Borough to undertake its own character appraisal of Dalston's heritage assets 'to ensure that proposals are informed by a sound appreciation of the town centre's distinct characteristics and which will establish a robust management strategy for their conservation and enhancement'.
- 6.5** The decision to create a new Dalston Conservation Area covering the area around Dalston Junction, north along Kingsland High Street and into Stoke Newington Road was made in 2014 and this appraisal details the building fabric and heritage assets of that area.
- 6.6** Cabinet approved the draft Dalston Conservation Area Appraisal and Boundary Map in March 2015 for community consultation.
- 6.7** The community consultation took place over a six week period in April and May 2015. In response to the community consultation, some minor changes have been made to the proposed boundary along with minor edits to the character appraisal. The proposed conservation area boundary is fully shown on the map in Appendix B.
- 6.8** The appraisal follows best practice as set out in guidance from English Heritage, now Historic England. It begins with an explanation of the national and local planning policies concerning conservation area controls. The historical development of the area is then described, followed by a general description of the area today. Key buildings (Listed, Locally Listed, and those of townscape merit) are then described along with a SWOT analysis of the area.
- 6.9** The preparation and adoption of Conservation Area Appraisals is an important tool in informing and controlling development in those areas and appraisals that have been adopted following public consultation have greater weight in the planning process. Conservation area designation allows the Council to ensure, through the planning system, that the special quality and value that has been identified in a conservation area may be protected. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended ("the Act") requires planning authorities to pay special attention in the exercise of their planning functions to the desirability of preserving or enhancing the character or appearance of a conservation area.

## **6.10 Policy Context**

**6.10.1** The proposal supports the Core Strategy (2010) policies 24 *Design* and 25 *Historic Environment* and Hackney's Sustainable Community Strategy (2009), Priorities 5 (promoting well-designed neighbourhoods) and 6 (protecting Hackney's environment). It also conforms to the National Planning Policy Framework 2012.

**6.10.2** Under the National Planning Policy Framework (NPPF) 2012, conservation areas are classed as designated heritage assets. The NPPF requires local planning authorities to set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, LPAs should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

**6.10.3** *The State of Hackney's Historic Environment* report (2005) set out the Council's responsibilities as planning authority as well as its stewardship role in caring for the historic environment. The report endorsed the Council's commitment to the historic environment and set out a broad conservation strategy, which included the preparation of a comprehensive review of conservation area strategy, including character appraisals and management proposals.

**6.10.4** The *Conservation Areas Review*, which was approved by Cabinet in September 2006, set out a five year programme for the designation of new conservation areas; the review of existing conservation areas in line with best current practice and in a manner consistent with the emerging planning policy structure and management guidelines for each of the Borough's conservation areas.

## **6.11 Equality Impact Assessment**

**6.11.1** The EIA was prepared to assess the potential impact of the designation of the conservation area on different groups within Hackney to ensure there is no undue impact on any particular community groups. The EIA did not identify any negative impacts.

## **6.12 Sustainability**

**6.12.1** The designation and management of conservation areas can contribute to sustainable neighbourhoods and places by highlighting local distinctiveness and character and ensuring these values are taken into account when changes affecting the historic environment are proposed in planning applications. Conservation areas are part of the local cherished scene and are valued by many residents in the Borough. The management of conservation areas aligns with the Council's *Sustainable Community Strategy* (2009) priorities to ensure Hackney remains a pleasant place with sustainable, attractive, well-designed

neighbourhoods where people want to live. Development and refurbishment of buildings within conservation areas will be required, wherever possible, to meet the Council's relevant sustainability targets and requirements.

## **6.13 Consultations**

- 6.13.1** There are no legal or statutory requirements to carry out public consultation for new or existing conservation areas. However, in line with best practice and Council's Statement of Community Involvement, the Council carried out a public consultation with stakeholders as appraisals that have been adopted following public consultation carry greater weight on appeal.
- 6.13.2** Community Consultation was undertaken for six weeks between 13 April 2015 and 25 May 2015 on the Draft Dalston Conservation Area Appraisal and Draft Boundary Map.
- 6.13.3** Copies of the consultation brochure (Appendix D) were distributed to businesses and residents within the proposed conservation area. The consultation was publicised in Hackney Today and the appraisal document and map were published on the Council's consultation and conservation webpages and made available in Dalston and Hackney Central Libraries. Two drop-in sessions were also held within the Kingsland Shopping Centre on a mid-week afternoon and Saturday daytime.
- 6.13.4** Historic England, the Hackney Society, Dalston Conservation Areas Advisory Committee (CAAC) and Kingsland CAAC were notified of the proposals.
- 6.13.5** There were 20 individual responses to the consultation. There were 14 responses principally supporting the proposals and six responses were received raising various concerns. No responses were received opposing designation. There were nine responses seeking further additions to the conservation area or revisions to the proposed boundary.
- 6.13.6** In response to the community consultation, it is proposed to include 4 to 10 Sandringham Road and 46 to 52 Kingsland High Street within the proposed conservation area boundary. Similarly, in response to the consultation, a smaller part of the existing Kingsland conservation area, (comprising 527 to 539 and 596 to 600 Kingsland High Street) is being included within the proposed Dalston conservation area as it shares a closer character and appearance.
- 6.13.7** A full table of consultation responses and the Council's response can be seen in Appendix D.



**6.11 Risk Assessment**

6.11.1 None required.

**7. COMMENTS OF THE GROUP DIRECTOR OF FINANCE AND CORPORATE RESOURCES**

7.1 This report requests Council to approve and adopt the proposed Dalston Conservation Area boundary map and appraisal.

7.2 The conservation area, once adopted, will incur minimal costs for staff time and production of documents. These will be contained within the current Planning budgets.

**8. COMMENTS OF THE DIRECTOR OF LEGAL**

8.1 The Act places a duty on a local planning authority ('LPA') from time to time to determine which part of its area are areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance, and to designate those areas as conservation areas. The proposed designation arises out of this duty.

8.2 An LPA must pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area when determining planning applications. Furthermore, some permitted development rights (pursuant to the Town and Country Planning (General Permitted Development) (England) Order 2015 ("the GPDO")) are applied more restrictively or will not apply at all to conservation areas (e.g. additions to the roof of a dwelling house under class B of Part 1 of Schedule 2 of the GPDO etc.

8.3 The conservation area character appraisal is taken into account in the planning process, and in appeals against refusals of planning permission (including demolition) in a conservation area.

8.4 Although there is no statutory requirement to consult prior to designation, it is desirable and good practice to consult in accordance with the Council's Statement of Community Involvement and the Consultation Guide - Code of Good Practice on Consultation (April 2012). In addition, this will afford the appraisal greater weight as a material consideration.

8.6 Following designation or the variation or cancellation of any such designation the notification requirements under section 70 of the Act must be complied with.

## APPENDICES

**APPENDIX A** – Dalston Conservation Area Appraisal

**APPENDIX B** – Dalston Conservation Area Map

**APPENDIX C** – Dalston Community Consultation Brochure

**APPENDIX D** – Table of Consultation Responses

## BACKGROUND PAPERS

None

<b>Report Author</b>	Matt Payne 020 8356 8106 <a href="mailto:matt.payne@hackney.gov.uk">matt.payne@hackney.gov.uk</a>
<b>Comments of the Group Director Finance and Corporate Resources</b>	Hamza Yusuf Head of Finance 020 8356 3651 <a href="mailto:hamza.yusuf@hackney.gov.uk">hamza.yusuf@hackney.gov.uk</a>
<b>Comments of the Director of Legal</b>	Ben Burgerman 020 8356 6395 <a href="mailto:Ben.burgerman@hackney.gov.uk">Ben.burgerman@hackney.gov.uk</a>

# DALSTON CONSERVATION AREA APPRAISAL



Planning & Regulatory Services  
London Borough of Hackney  
2 Hillman Street  
London E8 1FB

February 2016



This Appraisal has been researched and written by Dr Ann Robey, Heritage Consultant [annrobey@hotmail.com](mailto:annrobey@hotmail.com) on behalf of the London Borough of Hackney

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(Cover image of No. 1 and Nos. 3-23 Kingsland High Street)

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## **APPENDICES**

- Appendix A Historic Maps of Dalston Conservation Area
- Appendix B Schedule of Listed and Locally Listed Buildings and Buildings of Townscape Merit
- Appendix C Bibliography
- Appendix D Map of the Conservation Area
- Appendix E List of illustrations
- Appendix F Further information
- Appendix G Copy of Council's Cabinet Report Adopting the Revised Conservation Area Boundary and Appraisal  
(To be added following formal adoption of the Appraisal & final recommendations)

## 1 INTRODUCTION

The Dalston Conservation Area is centred on one of the oldest roads in Britain - the Roman Ermine Street, later known as the Old North Road and now Kingsland High Street. Despite being a continuation of Kingsland Road, it was principally built as a shopping street, and the streetscape north of Dalston Junction exhibits a different architectural character to that further south. The historic nature of the properties in Kingsland High Street and further north on Stoke Newington Road, which are mainly long rows of purpose-built terraces with shops, is intrinsically different to that south of Dalston Junction where many of the shops tend to be later additions built out into the front-gardens of 18th and early 19th century houses. Much of the building fabric of the conservation area is Victorian and Edwardian and development was encouraged by the opening of the first Kingsland Station by the East and West India Docks and Birmingham Junction Railway in 1850, and the later Dalston Junction Station of 1865 that replaced it.



Figure 1: No. 2 Kingsland High Street looking north

Dalston is an area that is undergoing great physical change and today the hub of growth is around Dalston Junction itself. Almost nowhere else in Hackney is under such close scrutiny and development pressure as central Dalston, with the built heritage facing many threats. In June 2013, Hackney Council thought it timely to look at the current condition and state of the existing Kingsland Conservation Area by testing the robustness of its boundaries and also examining the potential for extending the Dalston Lane (West) Conservation Area. Consideration was also given to the designation of a completely new conservation area for central Dalston which would extend northwards towards Stoke Newington. This followed the adoption of the Local

Development Framework (LDF) Dalston Area Action Plan (Jan 2013), in which there was a requirement for LB Hackney to undertake its own character appraisal of Dalston's heritage assets 'to ensure that proposals are informed by a sound appreciation of the town centre's distinct characteristics and which will establish a robust management strategy for their conservation and enhancement'.

The decision to create a new Dalston Conservation Area covering the area around Dalston Junction, north along Kingsland High Street and into Stoke Newington Road was made in 2014 and this appraisal details the building fabric and heritage assets of that area. Despite some refurbishment in the mid-1990s through City Challenge funding, in 1998 the publication *The Buildings of England* called it 'a crowded down-at-heel thoroughfare with plenty of character, if not much architecture'. For years, fried chicken shops and burger bars, pound shops and cheap clothing stores have dominated the main shopping area along Kingsland High Street, especially the part close to Kingsland (formerly Dalston Cross) Shopping Centre. The area is home to long-standing Caribbean and Turkish communities with a number of culturally associated retail and service outlets including Turkish banks and supermarkets, clubs, restaurants and is adjacent to the multi-ethnic Ridley Road Market.

However, significant change in the use of many shop premises has occurred and is ongoing, much of it associated with the growth of central Dalston, Kingsland High Street and Gillett Square as part of an established evening economy. Traditionally Dalston has always been one of the main entertainment centres of North East London. From the late Victorian and Edwardian era pubs thrived especially close to the railway station, and several theatres and later on cinemas, clubs and dance halls appeared. Kingsland High Street had a Lyons Corner tea shop at No. 23 Kingsland High Street (now Ladbrokes) and F. E. Cooke's jellied eel and pie shop and restaurant at No. 41 Kingsland High Street (Grade II listed) was open from 1910 to 1997. In the late 1990s, the Rio Cinema was restored, reopening in 2000, the same year that the Arcola Theatre was set up in a former factory in Arcola Street. The theatre, together with the relocation of the Vortex Jazz Club to Gillett Square in 2010, helped establish Dalston as a place for entertainment once more. In 2009, Italian *Vogue* described Dalston as the trendiest, coolest neighbourhood in London and the young and fashionable of East London increasingly visit the area's music venues, clubs, bars and restaurants that are changing the shop scene of Kingsland High Street from a 'traditional' lively Victorian high street to something more eclectic and dynamic.





Figure 2: Nos. 68-50 Stoke Newington Road a well preserved terrace

Some buildings in the area are statutorily listed and a recent project to expand the Borough's Local List of Heritage Assets has resulted in more individual buildings in the area being recognised as important to the architectural character of the area. However, the need to protect some of the undesignated buildings has been recognised and to manage change in an area where there is significant development pressure and to guide new growth. Hence the need for this conservation area appraisal. The research and assessment of the area's special interest undertaken for this appraisal, has enabled careful consideration of the boundaries of the new conservation area. The alteration of some of the boundaries of adjacent conservation areas has resulted in some of the properties already within Kingsland Conservation Area (designated in 1998), being moved into the new Dalston Conservation Area (see Appendix D for Map of Conservation Area).

### **1.1 What is a Conservation Area?**

A Conservation Area is an area of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance. Conservation Areas are very much part of the familiar and cherished local scene. It is the area as a whole rather than specific buildings that is of special interest. Listed Buildings within Conservation Areas are also covered by the Listed Building Consent process.

The special character of these areas does not come from the quality of their buildings alone. The historic layout of roads, paths and boundaries; characteristic building and paving materials; a particular 'mix' of building uses; public and private spaces, such as gardens, parks and greens; and trees and street furniture, which contribute to particular views - all these and more make up the familiar local scene. Conservation

Areas give broader protection than listing individual buildings: all the features listed or otherwise, within the area, are recognized as part of its character. Individual properties or sites within a Conservation Area are not just protected for their public facades. Conservation Area legislation applies to the fronts and backs of buildings.

Conservation Areas enjoy special protection under the law. Below are some of the key requirements for works in Conservation Areas:

- With effect from 1st October 2013 under the provisions of the Enterprise and Regulatory Reform Act 2013, Conservation Area Consent is no longer needed for demolition of unlisted buildings in Conservation Areas in England. Instead works of relevant demolition of an unlisted building in a Conservation Area are within the scope of "development" and such works will instead require planning permission. .
- You must give six weeks' notice, in writing, before any work is carried out to lop, top or fell a tree in a Conservation Area. You can contact the Council's Tree Officer for advice and help.
- You will need to demonstrate that any development proposal preserves or enhances the character or appearance of a Conservation Area. Hackney has greater control over building work in Conservation Areas, including materials and detailed design.
- You may need to apply for planning permission for alterations or extensions that would not normally need planning permission, such as minor roof alterations, dormer windows or a satellite dish. If you are in any doubt about whether you need planning permission, you can contact the duty planner.
- Hackney also has greater control over the erection of advertisements and signs. For instance, Hackney has the power to control shop signs, posters or estate agents boards that would not normally need permission.

## **1.2 Location and Context of the Conservation Area**

Dalston Conservation Area lies on the central western side of Hackney, and at places adjoins the borough border with Islington. It is in general a busy bustling location centred on the shopping parades lying adjacent to the main road. The Conservation Area's southern boundary is at Bentley Road and No. 596 Kingsland Road. In the north it extends as far as Princess May Road on the east and Somerford Grove on the west. At various points the road is known as Kingsland Road, Kingsland High Street and Stoke Newington Road. It is, unsurprisingly, a long linear route comprising the terraces of shops to both sides of the main road. However, some parts of the Dalston Conservation Area extend to the streets and squares to the east and the west of the road. These parts of the Conservation Area show different characteristics - generally

being quieter and the properties being smaller scale comprising two-storey flats above small shops in Bradbury Street and three-storey terraces in John Campbell Road, or individual 'one-off buildings' such as the Turkish Mosque on the north side of Shacklewell Lane. A map showing the full extent of Dalston Conservation Area is included at Appendix D.

A number of Hackney's existing Conservation Areas lie close to the Dalston Conservation Area. These include both the Kingsland and Dalston Lane (West) Conservation Areas to the south and east. To the south west is the De Beauvoir Conservation Area and near Ridley Road on the eastern side of the Dalston Conservation Area is the St Mark's Conservation Area.

### **1.3 The format of the Conservation Area Appraisal**

This document is an "appraisal" document as defined by Historic England (formerly English Heritage) in their guidance document "Conservation Area Appraisals".

The purpose of the document is, to quote from the English Heritage document, to ensure that "the special interest justifying designation is clearly defined and analysed in a written appraisal of its character and appearance". This provides "a sound basis, defensible on appeal, for development plan policies and development control decisions" and also forms the basis for further work on design guidance and enhancement proposals.

The Appraisal draws on advice given in *Understanding Place: Guidance on Conservation Area Designation, Appraisal and Management* (2011), and *Guidance on Conservation Area Appraisals* (2006), both by English Heritage. It also notes comments in the *Suburbs and the Historic Environment* (2007) and *Valuing Places: Good Practice in Conservation Areas* (2011) by English Heritage.

This appraisal describes and analyses the particular character of Dalston Conservation Area. This includes more obvious aspects such as its terraces, listed buildings, and architectural details, as well as an attempt to portray the unique qualities that make the area 'special'. These include less tangible characteristics such as the multicultural nature of the shops and stalls close to Ridley Road and in the southern parts of Kingsland High Street. The 'new' London square - Gillett Square is unique in this part of Hackney and includes the architecturally unusual ten market pod kiosks built in 1999. In 2003 Gillett Square was adopted as one of Mayor Livingstone's new urban spaces for London. There are also some individual high quality buildings that add character to the Dalston Conservation Area including the former Simpson's Factory in the north and the Princess May Primary School opposite, and the Rio Cinema on Stoke Newington Road.

The document is structured as follows. This introduction is followed by an outline of the legislative and policy context (both national and local) for the Conservation Area. Next comes a detailed description of the geographical context and historical

development of the Conservation Area and a similarly detailed description of the buildings within it. This is followed by a “SWOT” analysis to clarify and summarise the key issues affecting the area. Appendix A contains historic maps of the Dalston Conservation Area. Further appendices contain supplementary information, schedules of listed and locally listed buildings. Appendix C provides a bibliography. A map of the Conservation Area is Appendix D. A list of illustrations is included at Appendix E. Appendix F notes sources of further information, and a copy of the Council’s Designation Report, endorsing the CAAP, are included at Appendix G.

#### **1.4 Economic and Social Overview of Dalston**

Dalston has an interesting and dynamic profile, especially since the opening of the major transport scheme at Dalston Junction, and the launch of the new East London line. Almost nowhere else in Hackney is under such close scrutiny and development pressure as central Dalston, with the built heritage facing many threats. Dalston’s identity is rapidly changing as a result of gentrification, significant new developments, major regeneration initiatives and an influx of new residents.

Dalston’s population of 12,764 people has grown by 42% since 2001 – the highest rate amongst Hackney’s wards. It is now the fourth densest ward in Hackney. The Ward profile published by the Borough in 2014, shows that Dalston’s economic and social profile (compared to the rest of the Borough) has higher qualification levels and lower unemployment than in Hackney overall. Over two-thirds of Dalston’s working-age population is in work and many people are aged between 20-44,

In the context of the large scale development and change taking place in Dalston, the Conservation Area (and the historic assets within it) are a positive element which can inform regeneration proposals.

#### **1.5 Acknowledgements**

Material for this Conservation Area Appraisal has been gathered from Hackney Archives Department and the London Metropolitan Archives. Other information comes from the Hackney Society’s Love Local Landmarks project website in which volunteers recorded and expanded the number of locally listed buildings in the Borough.

For details of how to become involved with your local Conservation Area Advisory Committee please contact the Hackney Society, contact details of which are given in Appendix F.



Figure 3: Princess May Primary School

## 2 PLANNING CONTEXT

### 2.1 National policies

Individual buildings “of special architectural or historic interest” have enjoyed a means of statutory protection since the 1950s, but the concept of protecting areas of special merit, rather than buildings, was first brought under legislative control with the passing of the Civic Amenities Act in 1967. A crucial difference between the two is that listed buildings are assessed against *national* criteria, with lists being drawn up by the government with advice from Historic England; whereas Conservation Areas, by contrast, are designated by local authorities on more *local* criteria, and they are therefore very varied - small rural hamlets, mining villages, or an industrial city centre. Conservation Areas are designated under the Planning (Listed Buildings and Conservation areas) Act of 1990, primarily by local authorities, for their special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance.

However, general guidance on the designation of Conservation Areas has in recent years been laid out in Planning Policy Guidance Note 15 (PPG15) which set out the government’s policies on the historic built environment in general. These have now been superseded by the National Planning Policy Framework (March 2012) which states ‘When considering the designation of conservation areas, local planning authorities should ensure that an area justifies such status because of its special architectural or historic interest, and that the concept of conservation is not devalued through the designation of areas that lack special interest’. By 2015, the London Borough of Hackney had designated 30 Conservation Areas. Dalston Conservation Area is number 31.

### 2.2 Local Policies

National legislation and guidance emphasises the importance of including firm heritage policies in the Council’s Core Strategy and Supplementary Planning Documents.

Core Strategy Policy 25 on the Historic Environment seeks to ensure that all development makes a positive contribution to the character of Hackney’s historic and built environment. Conservation areas in Hackney include the historic core of Hackney and key urban open spaces such as Clapton Common and Clissold Park. They also cover large areas of Georgian and Victorian housing, some include associated urban squares such as De Beauvoir and areas of industrial heritage like South Shoreditch and Lea Bridge. Hackney’s conservation area review process emphasises the importance of the distinctive features of a place, its spatial qualities, the significance of its historic buildings and assets.

Heritage assets, as defined by the National Planning Policy Framework (NPPF) 2012, contribute to the townscape as do intangible aspects such as historic associations and former uses. Clissold Park, Abney Park Cemetery and Springfield Park are designated parks on Historic England's Register of Parks and Gardens of Special Historic Interest.

Buildings are usually statutorily listed because of their architectural or historical significance, and in Hackney this includes Georgian terraces, Victorian villas, cottages, warehouses, music halls and churches. The Council will use the planning process to maintain the integrity and setting of listed buildings, and the features they contain. The Council is committed to protecting buildings, structures and townscape features of particular local interest, value or cherished landmarks, which are not statutorily designated. These individual and groups of buildings and structures are considered to be assets that inform their localities and are part of the essence of Hackney as it continues to adapt and grow.

Dalston Conservation Area forms part of an ancient thoroughfare from the City of London towards the north and one of the earliest examples of ribbon development in the borough. Within the Conservation Area, there is a recently created urban square, Gillett Square, a welcome open area in a part of the borough that lacks any sort of green or recreational space. Apart from some terraced properties in John Campbell Street, there are few houses in the Conservation Area. Any residential property is above shops (as in Bradbury Street) or in converted industrial buildings in the hinterland of the main road or in purpose-built blocks.



Figure 4: Gillett Square

## **3 HISTORIC DEVELOPMENT OF THE AREA**

### **3.1 Archaeological Significance**

Although there is little remaining evidence of pre-Roman occupation in the Borough, a number of important archaeological finds have been made, such as the Palaeolithic stone axes found at Stoke Newington. Hackney was outside the walls of the Roman city of Londinium. It was during the Roman period that the first recognisable element of Hackney's urban form was built. This was the Roman road, Ermine Street, which remains today as Kingsland Road, Kingsland High Street and continues as Stoke Newington Road and forms the core of the Dalston Conservation Area. Ermine Street ran from the bridge on the Thames to military garrisons at Lincoln and York in the north.

Despite the Roman connections few artefacts of the Roman period have been discovered in Hackney – the only notable find in the Borough is a stone sarcophagus, discovered in Lower Clapton. There are no Scheduled Ancient Monuments in the Borough.

### **3.2 Origins and Historic Development**

In the late Saxon period Hackney formed part of the manor of Stepney, which had been held by the Bishops of London since the early 7<sup>th</sup> century, when King Athelbert gave lands and their incomes to support St Paul's Cathedral. Hackney has no separate entry in the Domesday Survey of 1086, but the name is recorded in 1198 as "*Hacas ey*", a Saxon word meaning "a raised place in the marsh". During the medieval period archaeological evidence suggests that there were numerous small settlements or villages amongst the fields of Hackney. Those relating to the Dalston Conservation Area include the settlements of Dalston first recorded in the 13<sup>th</sup> century, and the hamlet of Kingsland which grew up in medieval times at what we now call Dalston Junction - the corner of Dalston Lane and Kingsland Road.

Up until the 19<sup>th</sup> century Kingsland and Dalston were two separate settlements, with Dalston lying further east towards Shacklewell Green. Before the arrival of the railway, Kingsland was the dominant village, which is why the road north of Dalston Junction was at first known as High Street, Kingsland. Kingsland Leper Hospital was founded here in about 1280 and sited just to the south-west of the junction of Kingsland Road with Dalston Lane. There was also a small chapel there which became known as St Bartholomew's where, from the early 18<sup>th</sup> century, local residents worshipped instead of walking east to Hackney parish church near the Narrow Way.

The road-side settlement of Kingsland was located on the Islington border adjacent to Kingsland Green, a small green on the west side of the main road, remnants of which survived until the 1870s. Kingsland has always been associated with the main road leading out of London. Evidence from cases heard at the Old Bailey suggest that it was notorious for armed robbery and highwaymen, especially at night. The road



(known as the Old North Road) was one of the most popular routes in and out of the City of London and constantly busy with wagons and carts and the road surface became difficult to pass. A Turnpike Trust with a toll gate (known as Kingsland Gate), was established there in the early 18th century with a further gate at Stamford Hill.



Figure 5: Kingsland Toll Gate at Dalston Junction in 1860 looking north with Kingsland Green on the left, when it was in use as a plant nursery

In 1742 there were five inns at Kingsland and by 1779 there were 120 ratepayers (five times more than in Dalston). Historically the area that is covered by the Dalston Conservation Area was known as Kingsland and it was only after the opening of Dalston Junction station in 1865 that the area become better known as Dalston.

On Roque's Map of 1745 (Appendix A) the area of Kingsland around the current Dalston Junction had started to be built up, but the rest of the road northwards towards Stoke Newington remained as arable fields, apart from a group of 4 houses known as the Palatine Houses - a small enclave built for Protestant refugees from the Rhine Palatinate in 1710. On the line of the current Shacklewel Lane, was The Cross Way, remembered today as Crossway.

During the late 18<sup>th</sup> and early 19<sup>th</sup> centuries High Street, Kingsland became more built up as can be seen by the progression of 19th century maps (Appendix A). Housing development in this part of Hackney accelerated in the decades after the opening of the Regent's Canal in 1820. Large numbers of new houses were built between 1840 and 1860, and the former farmland and nursery grounds east and west of Kingsland Road were amongst the first to be developed into respectable middle-class estates. In the St Mark's Conservation Area, just to the east of Kingsland High Street, smart new streets were laid-out, and homes built for those who might commute from Kingsland

Railway Station which opened in 1850, and from the station at Dalston Junction that ran into Broad Street in the City, that replaced that at Kingsland in 1864. In November, 1851 an article on the Camden Town Railway in *The Illustrated London News* reported:

*'In this district, large tracts of land, belonging to the Lord of the Manor, W. G. D. Tyssen, Esq., are now being laid out for building detached villas of a better class: the railway has, no doubt, greatly accelerated the profitable occupation of this very fine estate; for, although it has the advantage, from the nature of its soil, according to the Registrar-General's Return, of being decidedly the most healthy locality near London, yet, until the railway brought it into notice, and opened a communication for it, no measures taken for its improvement appear to have been successful'*

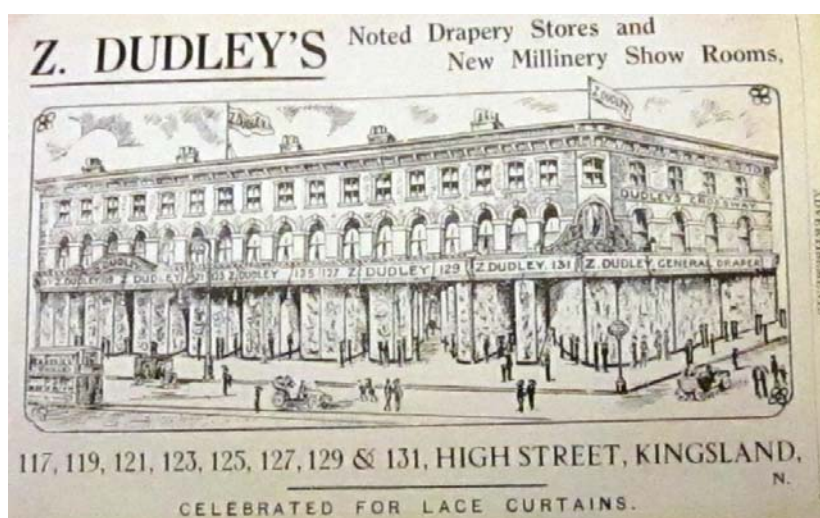


Figure 6: An Advert for Z Dudley's Drapery Stores from c.1898 showing the store before the 'modernisation' of the building in the 1930s

With growth in residential population in both Hackney and eastern Islington to the west, new provisioning and shopping areas were needed. This was largely found in Kingsland Road to the south and High Street, Kingsland which according to the Post Office Directory was almost entirely commercial by 1849. In 1869 the street was renamed Kingsland High Road. By 1877 trams as well as omnibuses connected Kingsland High Street to the City. The London General Omnibus Company ran 304 return journeys a day from the Crown and Castle Public House to the Elephant and Castle every day. In *Old and New London* published in 1878 the area was described as:

*Dalston has lately become an important suburb, on account of being the point of conflux of two railways. Of late years, too, large numbers of streets and terraces have sprung up in this neighbourhood, and the houses are now mainly inhabited by hundreds of City clerks and other industrious families, so that the place is now one of the most populous districts in the suburbs of London.*



Figure 7: View north from Dalston Junction in 1905

By the end of the 19th century Kingsland High Street contained grocery shops such as The Home and Colonial Stores (No. 52), Thomas Johnson Lipton, tea and provision merchants at No. 19; very many other tea merchants, importers and dealers at Nos. 23, 44-46, 62, 89, 78-80 and a ham and beef dealer at No. 73. The beginnings of Dudley's drapers were to be found at Nos. 123-127 and Mrs Mary Dunworth's toy repository was at No. 142. As well as the usual butchers, tobacconists, fruiterers, fish shops, drapers, cheesemongers and chemists, some unusual trades and shops existed in Kingsland High Road in 1898, including the London Machinist Company cycle manufacturers at No. 119, an oyster bar at No. 57c, a glass shade warehouse at No. 115 and the wonderful-sounding Tee-To-Tum Tea Stores at No. 12. In the Edwardian era and especially after the First World War, Kingsland High Street and Stoke Newington Road were well-known as places of entertainment with several theatres and many cinemas - the Rio being the last survival (although the 1936 Art Deco former Savoy Cinema survives as a snooker hall and Turkish community centre, on the corner of Truman's Row). There were many more public houses than today, including The Elephant at No. 81 Kingsland High Street.



Figure 8: Stanford's Map of 1877 showing the northern part of Conservation Area

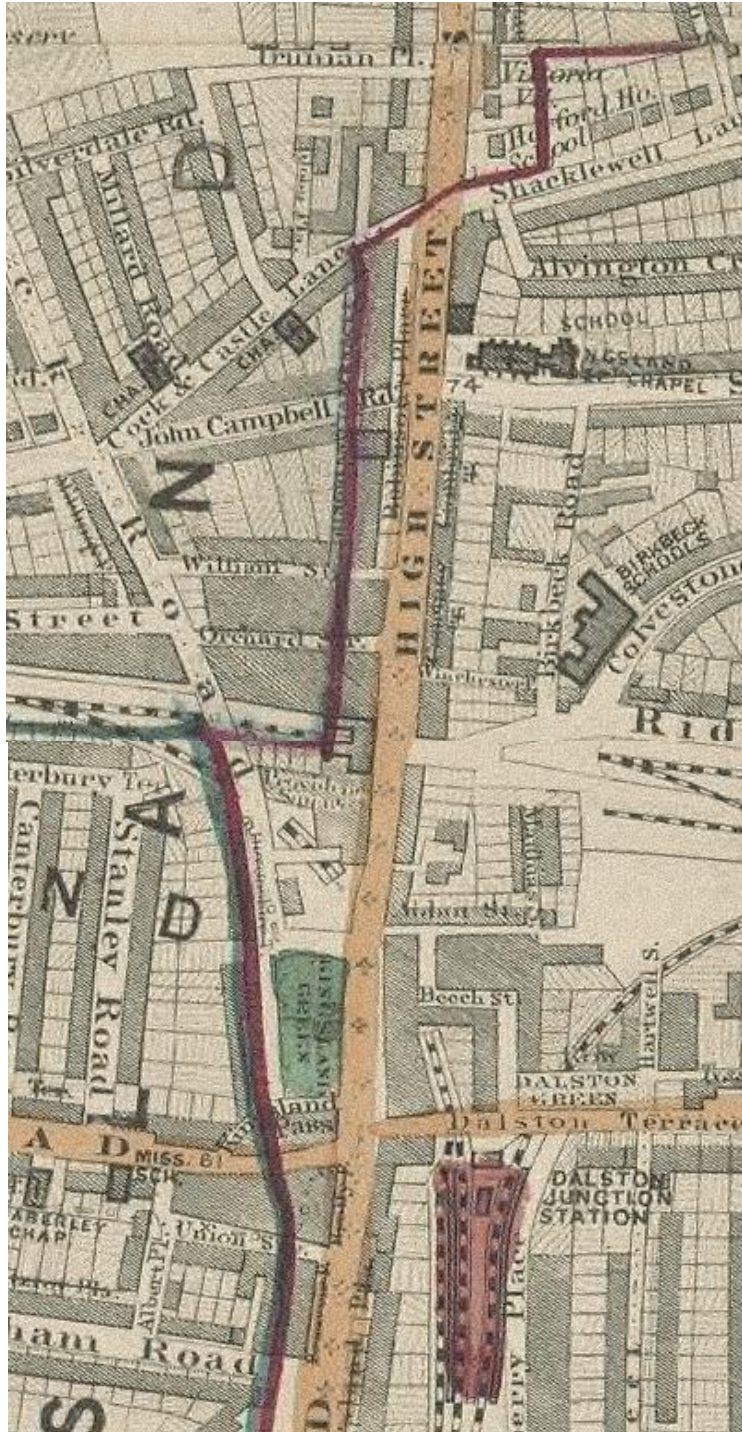


Figure 9: Stanford's Map of 1877 showing the southern part of Dalston Conservation Area

Evidence gathered from the Post Office Directories shows that by the end of the 19th century a fair number of shopkeepers in Kingsland Road were Jewish and it is estimated that by 1880 there were perhaps 5,000 people of Jewish heritage in Hackney, Dalston, and the neighbouring part of Islington. From the 1920s onwards, Ridley Road Market, which lies adjacent to the Dalston Conservation Area, became the most important street market in Hackney. Between the 1920s and 1950s it was largely occupied by Jewish traders. Since that time Asian, Cockney, Turkish, Caribbean and African stallholders have made Ridley Road the most colourful street market in North London and it continues to thrive.



Figure 10: Kingsland High Road in 1915 looking south to Dalston Junction

In the second half of the 20th century Kingsland High Street continued to be an important shopping street for north London and national chains represented there included J Sainsbury at Nos. 51-57 Kingsland High Street, Woolworth's at Nos. 36-40 Kingsland High Street, the Co-operative Society Limited at a store called Asplands at Nos. 102-208 Kingsland High Street and there was even a Lyon's corner house (teashop) at No. 23 Kingsland High Street, which closed in 1972 (now occupied by Ladbroke's). Four trolley bus lines ran along the street until 1961.

Images of Kingsland High Street, Stoke Newington Road and Dalston Junction over the last 120 years show a bustling and popular shopping area and despite some general downmarket trends over the past thirty years, it remains busy today. The opening of the Dalston Cross shopping centre in 1989 was an attempt to regenerate the area. Today the area is the busiest and most prosperous shopping street in Hackney. In the last few years a number of significant changes to the occupation of shops, bars and cafes has occurred in Kingsland High Street and Stoke Newington Road, especially north of the Rio Cinema. The first changes started just north of the Rio with the opening of cafes and bars such as Dalston Superstore, The Mockingbird,

and Dalston Emporium (now Ivy's Mess Hall). Another early cafe was Voodoo Rays south of the Rio. This was followed by shops such as Harvest E8, East London's largest organic and sustainable food store, Beyond Retro, Blue Tit, and Pelican & Parrots. These are small independent and interesting shops for a new Dalston consumer. Some have been short term venues as with The Things we Love bike cafe, but the trend continues to grow especially north of the Rio cinema.



Figures 11 & 12: Two views of Kingsland High Street in the 1930s (top a 1939 view north from Ridley Road)

### 3.4 Geology and Topography

The London Borough of Hackney is located on a mixture of gravel, clay, brick-earth and alluvial deposits. Alluvium lies along the Lea and under Hackney Marsh. Brick-earth can be found below Stamford Hill and Clapton Common, bounded on either side by tongues of London clay, which extend a little to the south of Hackney Downs. Towards the centre and the west are beds of Taplow gravel, covering much of the remainder of the parish. Stanford's Geological Library Map of London and its Suburbs (1878) indicates that much of the Dalston Conservation Area lay over Gravel and Sand of various ages. Elsewhere there was brick earth. Until the 1840s the land to either side of Kingsland High Street was used for agriculture and for supplying clay for bricks. Daniel Lysons in 1810 remarked that 'in Hackney there were nearly 170 acres of brickfields; in the Kingsland neighbourhood the earth is to be found of so good a quality and in such abundance that £300 has been given for the liberty of making bricks besides the usual rent of the land. Vast numbers both of bricks and tiles have been made there and some of the fields in which a vein of clay is exhausted have been put back again into cultivation. The thickness of the brick earth was 4 to 10 feet and it used to be reckoned that an acre yielded a million bricks for each foot of earth'. These bricks were used to build both the Regent's Canal and the later housing developments that were built in this part of Hackney.



## **4 THE CONSERVATION AREA AND ITS SURROUNDINGS**

### **4.1 The Surrounding Area and Setting of the Conservation Area**

Dalston Conservation Area lies within the London Borough of Hackney, which is less than two miles north of the River Thames. The eastern boundary of the Borough is formed by the River Lea, which meanders in a south-easterly direction from Tottenham down to the Thames at Canning Town. To the west lies Finsbury Park and Highbury, and to the south, the City of London. The principal settlements are Stoke Newington, Clapton, Dalston, Hackney and Shoreditch.

The Conservation Area lies in the central-west of the Borough, close to the boundary with Islington. It is a long linear area located to the north of Kingsland Road and south of Somerford Grove in the north. To the north lies Stoke Newington.

### **4.2 General Description of the Conservation Area**

Dalston Conservation Area is a linear but cohesive mid-Victorian to Edwardian shopping street. It is principally a commercial area, characterised by two, three and four-storey terraced properties, many of which contain ground floor shops - many were built in terraces. Many of the shop terraces are of high quality in terms of architecture, despite some being poorly maintained over the recent past. The detailing and features of some of the buildings is of high architectural quality. Some of these sit tightly on the back line of the pavement, and here there is little public open space apart from the pavement itself, which in places has in recent years started to be used for seating for bars and cafes. As well as the shops that form the main street frontage that runs from Kingsland Road, through Dalston Junction, along Kingsland High Street to Stoke Newington Road, there is another element to the Conservation Area. This is the mix of residential, retail and factory/warehouse buildings on the back streets that are located to the west of Kingsland High Street including Bradbury Street and Gillett Square - the latter being the only public space in the Dalston Conservation Area. Other distinctive elements of the Conservation Area are the larger architecturally distinguished buildings that are interspersed with the shop terraces and include the Rio Cinema, the Turkish Mosque in Shacklewell Lane, the former Simpson's factory and Princess May Primary School both on Stoke Newington Road. These buildings have been recognised as contributing to the architectural character of the area and are listed or locally listed.

Many of the buildings date from the later 19th, and early 20th centuries but there are also a few examples in the southern part of the Conservation Area in Kingsland Road of early 19th century town houses, with one storey shop premises built over the former front gardens (largely constructed after the 1870s). The street is notable for its very busy traffic, eclectic mix of traditional and specialist shops, cafes, pubs and a number of derelict and underused sites potentially ripe for redevelopment. Many of the shop fronts are poorly maintained with inappropriate and over-large fascias (although in the

last few years there has been a resurgence of independent shops and restorations). A few buildings in the street are semi-derelict.

#### 4.3 The Streets and buildings of the Conservation Area

##### Kingsland Road East Side

##### Nos. 596-600 Kingsland Road

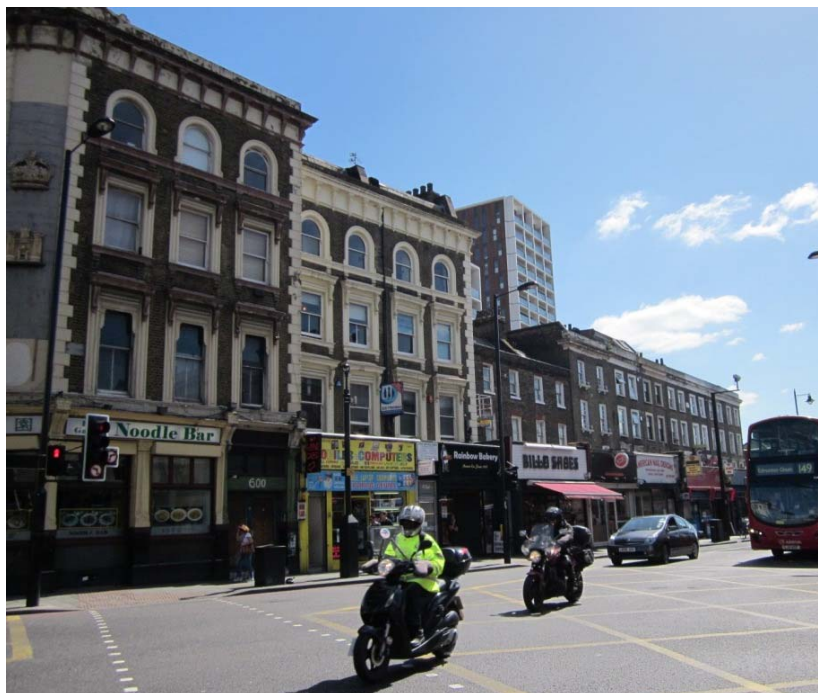


Figure 13: Nos. 576-600 Kingsland Road

Until the creation of the Dalston Conservation Area, the three properties to the south of Dalston Lane were located within the Kingsland Conservation Area. The group are numbered Nos. 596-600 Kingsland Road and include the four-storey corner premises at No. 600 - the East Garden Noodle Bar. This was formerly the Crown and Castle PH which dates from the 1870s and is a fine Italianate building. There had been a pub on the site of No. 600 Kingsland Road from early in the 19th century, which was originally called the Cock and Castle. In the 1970s and 1980s it became an alternative comedy and music venue. It closed in 2006 and reopened as a noodle bar. A photo of c.1940 shows the pub when it was owned by Watney Combe Reid. The signage of the Crown and Castle remains on the corner of the building, but requires restoration. The buildings on all four corners of Dalston Junction are significant in terms of their architecture and contribute to the ensemble that is Dalston Junction.



Figure 14: The Crown and Castle c.1940 when No. 2 Kingsland High Street on the opposite corner retained its cupola and was in use as a bank

### **Nos. 2-8 Kingsland High Street**

Nos. 2- 4 Kingsland High Road forms the corner building to the north of Dalston Lane. It is an unusual three-storey faience-clad structure dating from 1914, with elements of Art Deco styling and is today in use as a beauty salon. For much of its history it was a branch of Barclay's Bank (which later moved to the opposite corner at No. 1) and in 1940 retained its distinctive cupola, on the chamfered corner that has now disappeared. It is a locally listed building.

Nos. 6-8 Kingsland High Street are unremarkable three-storey properties with poor shop fronts and over-sized fascia signs. No. 6 has a curved pediment to the central first floor window, with triangular pediments to the windows on either side. Until 2009, Nos. 10-34 stood adjacent to these two properties, but they were demolished for Dalston Western Curve.



Figure 15: Nos. 2-8 Kingsland High Street



Figure 16: Looking south from No. 76 Kingsland High Street

### **Nos. 68-76 Kingsland High Street**

This is a particularly good group of buildings to the north side of Ridley Road Market. Three properties have yellow stock brick elevations and include the curving corner of No. 68 with tall pedimented windows and a full cornice at the parapet. No. 68 looks as if may have been a public house and in the 1870s was known as Regent House, but by 1898 was a drapers and then a provision merchants. Today it is a Halal butchers.

At Nos. 74-76 an attractive and prominent Victorian building is sited on the corner of Kingsland High Street and Winchester Place. On the northern elevation there is a decorative date plate which reads 'LCB 1891'. It seems to have been purpose-built as a bank for the London and County Banking Company. Established in 1836, it was the largest British bank in 1875. In 1909 it merged with the London and Westminster Bank – a forerunner of the National Westminster Bank, which still remains on the ground floor of the building.

The bright orange-red brick of the upper floors of the building contrasts with the more sombre rusticated stone ground floor on a plain stone plinth - the whole being built in an Italianate style is both striking and distinguished. The building is locally listed and has Classical features including the pediments and scrollwork over the second floor windows. The architect was Horace Cheston, RIBA, who with his partner Joseph Craddock Perkins, designed other banks for the London County and Westminster Bank.



Figure 17: No. 74-76 Kingsland High Street, a locally listed building

### **Nos. 78-88 Kingsland High Street**

This group of buildings is rather a mix of different styles that appears to have been built in a piecemeal way, and is probably of mid-19th century date, although some parts have been refronted, including No. 80 in the 1920s. There was bomb damage to part of this group during World War Two and the site where the single-storey Boots the Chemist at Nos. 82-84 was originally two, three-storey shops - one similar in

design to No. 50, and the other part of the surviving terrace of Nos. 86-88. These two buildings at Nos. 86-88 are now occupied by a branch of Santander and look of mid-19th century origin, but the facade of No. 86 looks rebuilt, probably in the 1950s.



Figures 18 & 19: Nos. 102-80 Kingsland High Street and the former Asplands store at Nos. 102-110

### **Nos. 90-128 Kingsland High Street**

This group is one of the longest terraces built in Kingsland High Street and although parts of the terrace have been greatly altered through the addition of rendering to the original plain brick facade it remains a handsome ensemble. The four-storey purpose-built shopping terrace was built c.1851. Nos. 102-110 in the centre of the terrace were by 1917 a drapers' business (first called Wise, and then Aspland), and run as a small department store. In the 1930s Asplands passed to the London Co-op Society - and the refurbished department store was reopened to shoppers in 1933, an event captured in film. The store had evidently been newly stuccoed as part of the refurbishment - something that it retains today. At No. 118-120, a two-storey red brick Post Office was built in the late 1950s and replaced part of the terrace damaged in the Blitz. Nos. 122-128 are a continuation of the original terrace, although No. 122 has lost its cornice, which survives on most of the other properties.



Figures 20 & 21: Asplands reopening after refurbishment in 1933 and Nos. 128-118 Kingsland High Street

**No. 130A Kingsland High Street**

One of the least attractive buildings on the east side of Kingsland High Street is the one-storey Tesco Express, with the equally unappealing two-storey retail unit behind occupied by Argos. Both are negative elements in the Dalston Conservation Area. Originally the site was occupied by a Gothic style Congregational Church on the corner of Sandringham Road which opened in 1852, but which was bombed in 1940. The site was developed as a garage in the 1950s.



Figure 22: Looking north from No. 130A Kingsland High Street in 1960, when the Tesco site was a garage and car showroom



Figure 23 & 24: Nos. 132 and 148 Kingsland High Street

### **Nos. 132-148 Kingsland High Street**

This is another terrace of mid-Victorian brick buildings with intricate corbelled cornices (similar to those just to the north at Nos. 2-20 Stoke Newington Road). No. 132 has recently been refurbished as Harvest E8. The corner building (now Nando's) was originally The Castle PH at No. 148 Kingsland High Street. It was opened c. 1872 and closed in 2002. Shacklewell Lane crosses at this point and north of this point the street becomes Stoke Newington Road.

### **Nos. 2-20 Stoke Newington Road**

This group of ten three-storey shops is similar in design to the group south of Shacklewell Lane and was probably built as a single group c.1870 (although No. 10 was rebuilt in the 1940s). They have arched windows to the first floor and console-bracket cornices to the parapet. No. 20 has fine arched Italianate windows to the first and second floors.



Figure 25: Nos. 2-20 Stoke Newington Road

### **Nos. 24-48 Stoke Newington Road**

At each end of this long terrace of white stucco houses are projecting stock brick buildings of three-storeys, which form bookends and probably date from the 1860s (No. 24 and at No. 48, the Marquis of Lansdowne PH). The stucco buildings in between are earlier in date, possibly from the 1840s. These buildings are rather elegant, with arched first floor windows and decorative panels in the arches. The terrace incorporates later, single, storey shop premises built into the former front gardens.



In the OS map of 1868 the front gardens of the terrace remained intact and were probably not built on with shops until the 1880s. On Stanford's Map of 1777 the terrace is called Albion Place. The shop fronts have recently been improved with new shops and cafes coming into the terrace. Nos. 44-46 are two storeys in height. On the corner with Arcola Street at No. 48 is the Marquis of Lansdowne PH which has been here since 1868. It is an attractive pub and rather typical of the 1840s with classical architectural features, but is now painted brown, which does not enhance the building.



Figure 26: Nos. 26-42 Stoke Newington Road



Figure 27: Marquis of Lansdowne PH

### **Nos. 50-80 Stoke Newington Road**

This three-storey terrace is one of the best preserved within the Dalston Conservation Area. The brick elevations are enlivened with a variety of decorative features including white plaster string-courses above the second floor windows, red key stones above the first floor windows and slate pitched roofs.



Figure 28: Nos. 90-74 Stoke Newington Road

### **Nos. 82-90 St John's Court**

Formerly known as the North London Magistrates Court, it was built as the Dalston Police Court in 1889 by John Taylor. The symmetrical Italianate building consists of five bays with narrow projecting end bays. The ground floor is constructed of rusticated Portland stone and the upper floors are built in smooth red brick with stone architraves, quoins to end bays and projecting stone cornices with dentils. The building has been converted to residential use. It is Locally Listed.



Figure 29: St John's Court

**Nos. 92-100 Stoke Newington Road (Simpson House) and Nos. 2-26 Somerford Grove (Olympic House)**

One of the largest and most important buildings in the Dalston Conservation Area is the former Simpson's clothing factory, on the corner with Somerford Grove, which was built as a model factory. At the time it was one of the most advanced clothing factories in existence, producing 11,000 garments a day and employing up to 3,000 people. The 1929 building is three storeys with a steel frame and reinforced concrete floors and the west elevation faces Stoke Newington Road, but is now rather blocked from view by trees. The building is Art Deco in style and was designed by Hobden & Porri of Finsbury Square in 1929. In the early 1930s the factory was expanded along Somerford Grove, to the designs of Burnett and Eprile of Jermyn Street. In the early 1930s Simpson's created the DAKS brand and started to sell ready to wear clothing for men, as well as undertaking bespoke tailoring. The DAKS trousers, with their patented self-supporting waistband, became a worldwide best-seller, as men were at last set free from braces. The factory was where DAKS trousers were manufactured. Today the former factory is in use as a self-storage facility, for flats and as a community centre. The Stoke Newington Road frontage is occupied by *Beyond Retro* - a vintage retailer with a cafe. It is locally listed.



Figure 30: The former Simpson's Factory of 1929

## **Kingsland Road West Side**

### **Nos.527-537 Kingsland Road**

These properties south of Dalston Junction were previously included within the Kingsland Road Conservation Area and are being transferred to the Dalston Conservation area. The shops beyond Bentley Road, numbered 527-537 are a mid-to-late 19th century terrace of three-storey buildings with a mansard, which is an attractive composition and well preserved. The corner building was originally a public house.



Figure 31: Nos. 527-537 Kingsland Road

## **Kingsland High Street West Side**

### **No. 1 Kingsland High Street**

No. 1 was originally built with a plain brick facade with stone dressings and rustication to the ground floor (which was originally stone coloured). When the whole building was painted white is unknown. This purpose-built bank probably dates from the late 1870s and by the 1890s was occupied by The London & Provincial Bank Limited. It is three storeys in height with additional attic accommodation in the French Mansard roof and a fine corner composition with plenty of fancy detailing including ground floor rusticated stucco, Corinthian capitals, pedimented first floor windows and decorative wrought ironwork at the ridge of the roof. It is a key building in the Dalston Conservation Area and is locally listed.

To the rear of No. 1 Kingsland High Street is No. 5 Kingsland Passage, a particularly attractive group of Victorian Commercial buildings, probably associated with the bank development that were erected before the 1890s, and are now converted into flats.



Figures 32 & 33: No. 1 Kingsland High Street in 1930 and No. 1 and Nos. 3-23 Kingsland High Street



Figure 34: Kingsland High Street in 1978 when Marks & Spencer occupied part of the terrace comprising Nos. 3-23 Kingsland High Street

### **Nos. 3-23 Kingsland High Street**

A long Victorian terrace built in 1880 on land that had previously been the ancient open space of Kingsland Green (although it had been in use as a tree nursery at the time of the 1870 OS Map). The tall (three storeys of offices and flats above the shops) red-brick parade is one of the best in the Dalston Conservation Area with an intact cornice and a raised central parapet decorated with four urns. For some years during the second part of the 20th century part of the terrace was occupied by a Marks & Spencer store. No. 23 was the home of a Joe Lyon's Corner House for much of the mid-20th century. To the rear, fronting onto Kingsland Green are a series of brick

warehouses (now mainly converted), that were built with Nos. 2-23 Kingsland High Street

**Nos. 33 & 35 and Nos. 37- 49 Kingsland High Street (including the Kingsland PH)**

Before the red-brick terrace at Nos. 37-49, are two small buildings - No. 33 a three-storey mid-Victorian brick building with a projecting shop front, now occupied by Snappy Snaps, and a small two-storey building set back from the road with a larger front shop projection. They may be connected with the original Kingsland Station erected nearby in 1850. Both are earlier than the adjoining flamboyant Edwardian terrace built in 1902-3 by James Hood. The detailing and variety of elevational treatment of this terrace make it one of the most interesting architecturally in the conservation area. No. 37 is the Kingsland, an Irish PH and No 41 is a Grade II listed building, formerly F. Cooke's Eel, Pie & Mash Shop which closed in 1997 and which contained a shop interior and restaurant dating from 1910 and a rear dining room extension from 1936. Today it is the Shanghai Chinese Restaurant but retains the original frontage and much of the interior.



Figure 35: Nos. 39-49 Kingsland High Road

**Nos. 51 – 57 Kingsland High Street**

At Nos. 51-57 is the Peacocks Store, which is to be redeveloped with a seven-storey building fronting the High Street and a tower behind. The previous occupant was Sainsbury's who occupied the large two-storey building that extends back as far as Boleyn Road.

### **Dalston Kingsland Overground Station**

A station was first opened here in 1850 by the East and West India Docks and Birmingham Junction Railway. It closed in 1865 when the Dalston Junction station opened in Dalston Lane. The old station was in use as shops and businesses (at No. 57) and it survived until it was demolished and the current station opened in 1983.

### **Nos. 59 -69 (61-69 terrace) and Nos. 71-79 and 81 Kingsland High Street**

At No. 59, the Railway Tavern, is an attractive four-storey pub dating from the mid-1930s, built in the Moderne style with Art Deco detailing. The two groups of properties that stand either side of Bradbury Street (Nos. 61-69 and Nos. 71-77) date from c. 1860s and are attractive groups of brick properties with stone dressings. No. 71 used to be the Nationwide Building Society, but has recently been extensively restored.



Figure 36: Nos 71-81 Kingsland High Street

An early Kingsland public house - The Elephant - was at No. 81 Kingsland Street. This was established by 1813, and the current building dates from 1851. It closed in 1983 and the two-storey corner premises are in use by the Halifax bank.

### **Nos. 83-101 and the Rio Cinema at Nos. 103-107 Kingsland High Street**

A surviving photograph from the 1930s shows that No. 81 which is part of the four storey terrace that extends as far as the Rio Cinema, once had a very attractive Art Deco shop front with recessed display areas and a jazzy sign advertising Caplan Lewis, Milliners. Today the terrace is rather run down - the original stock brick facade has been painted at No. 95 (which was a Golden Egg restaurant in the 1960s to

1970s) and at Nos. 91-93, a white vaguely Art Deco rippled render has been applied to the fronts - perhaps in imitation of the nearby Rio Cinema.



Figure 37: Caplan Lewis, Milliners at No. 83 Kingsland High Street c. 1934 an Art Deco shop front now demolished



Figure 38: Looking northwards from Voodoo Rays at No. 95 Kingsland High Street, towards the Rio and beyond to Nos. 117-131 Kingsland High Street, the former Dudley's Department Store

The Rio Cinema is Grade II listed and is one of the landmark buildings of the Dalston Conservation Area. The original cinema on the site was the Kingsland Empire which was modernised in the mid-1930s and replaced by the current building designed in Art Deco style by Frank Ernest Bromige which opened in 1937. By the mid-1990s, the Rio was in need of refurbishment and a grant was approved in 1998 with architects Burrell, Foley, Fischer undertaking the redesign. Since that time the cinema has become a real community venue and a building that has jump-started the regeneration of the neighbourhood.



**Nos. 109-131, including Nos. 117-131 (formerly Dudley's Department Store)**

This long terrace of three-storey shops was built as a single unit c.1860 and originally had plain stock brick facades. The first four properties retain much of the original character, although they have been painted white. No. 109 has an attractive curved corner return to John Campbell Road. The shop fronts are generally poor and the terrace suffers from the blight of over large satellite dishes.



Figures 39 & 40: Nos. 109-131 Kingsland High Road and below Dudley's Department Store in 1935



Nos. 117-131 Stoke Newington Road was formerly Dudley's Department Store, a retail institution that started off in the 19th century as a drapers, but by the 1930s was best known for its household goods and furnishings. Sometime in the 1930s the facade was modernised with steel-framed Crittal windows, replacement shop fronts

and a stepped parapet with the store's name emblazoned on it. It gave the Victorian store a new modern look, like other buildings in this part of the Conservation Area. The clock on the corner and the side return to Crossway survives remarkably intact.

**Nos. 1-9 Stoke Newington Road (plus Nos. 2-6 Crossway)**

Although some of these properties are rather run down, with architectural detailing missing, there is a certain charm about this group of eight that sweep round the corner of Stoke Newington Road and Crossway. Rising three-storeys above the shops, they were built to include residential accommodation. Some original sash windows survive and it appears that they were built in pale brick with red diaper brickwork marking out the divisions between the individual properties.

**Nos. 11-17 Stoke Newington Road (the former Savoy or ABC Cinema)**

Although it survived as a cinema into the 1970s, this building has been in mixed use for the last forty years, which has badly damaged and altered the facade and especially the main entrance. The building is Art Deco in style and was built in 1936 to the designs of the ABC house architect, William R. Glen. It was known as the Savoy until 1962, when it became the ABC. The two side wings have always been in retail use, and in the 1970s were used as car showrooms. Today Tava restaurant and a snooker hall occupy the premises.



Figures 41 & 42: The shops on the corner of Crossway and the former Savoy Cinema in 1936

**Nos. 19-47 Stoke Newington Road**

This long range is made up from buildings of three different eras which together form a coherent, if not altogether notable, group between Truman's Row and Barrett's Grove. Nos. 19-29 Stoke Newington Road are a short terrace of six tall orange-red brick properties, probably built in the 1870s. They tower to four storeys with an additional tall parapet with ironwork above. Some of the grandeur is disfigured by metal shop grills and satellite dishes to the front elevations, but they remain distinguished. At Nos. 31-35, a recent (2002) four-storey block blends well with the Victorian terrace and comprises flats above shop premises. An even more recent development of five and seven storey block of flats with six shops has been built at

Nos. 37-47 Stoke Newington Road for the Metropolitan Housing Trust. Designed by Waugh Thistleton Architects they were completed in 2013 and comprise 38 mixed tenure apartments located around a central courtyard.



Figure 43: The tall terrace at Nos.19-47 Stoke Newington Road

**Princess May Primary School**

This imposing and flamboyant Board School was built in 1900 to the designs of T.J. Bailey, Chief Architect to the London School Board. The building is constructed in red brick with ornamental faience details and yellow stock brick chimneys and recessed bays in an Arts and Crafts style. The building is three-storey with pitched roofs, Dutch gables and at the southern end a square tower with an ogee-shaped copper cupola. It is a locally listed building. Unfortunately, in recent years the appearance of the building has been compromised with unsympathetic replacement windows.



Figure 44: The Princess May Primary School

### **Nos. 65 and 67 Stoke Newington Road**

These two properties are all that remained of a terrace of houses that were demolished to build the Princess May School in the late 1890s. The pair date from the mid-19th century and are three-storeys in height and first floor windows with pediments above and both have surviving wooden shopfronts.

### **Properties in the Side Streets to the East**

#### **Nos. 9-15 Shacklewell Lane (mosque, former synagogue)**

This imposing red-brick Edwardian building of eclectic design was originally built as an Ashkenazi Orthodox Synagogue in 1902, designed by Lewis Solomon, FRIBA an important architect to the Jewish community. It closed for Jewish worship in 1976 and the building is now a mosque which was established by the Turkish Cypriot community in 1977. It is an ornate building with red brick facades, which are enlivened by white painted stone dressings. The building has a distinct Andalusian style, which was later enhanced when the central dome was added in 1983 after it became a mosque. The large red-brick building has been important over the years to two immigrant groups who have come to Hackney and made their home in Dalston - Ashkenazi Jews and Cypriot Turks. It is an important landmark building in this part of Dalston and it is a locally listed building.



Figure 45: The Turkish Mosque in Shacklewell Lane

### **Arcola Street**

The street comprises a series of former warehouses and industrial buildings, including the site of the original Arcola Theatre opened in 2000, which was a former textile factory. Today the building is a restaurant - Jones and Sons. There are a number of live/work units and artists' studios and the part of the street closest to Stoke

Newington Road has undergone much refurbishment, including Nos. 4-8 Arcola Street, the headquarters of Cell Studios.



Figures 46 & 47: Looking down Arcola Street and Nos. 48-52 Boleyn Road

### **Miller's Avenue and Miller's Terrace**

These two former mews streets lie to the north and south of Arcola Street behind properties fronting onto Stoke Newington Road. On the western side of Miller's Avenue is a long range of Victorian commercial buildings – two storeys in height that have now become Miller's Junction, a creative space of artists and illustrators. Miller's Avenue is a longer mews and contains a mixture of commercial and residential buildings of two and three storeys and includes Castle Gibson's MC Motors, a large former warehouse and adjoining industrial buildings used for filming and photo shoots. For many years in the mid-20th century parts of Miller's Terrace were stores and workshops for Ascot Lamps and Lighting Ltd., who also occupied Nos. 15-17 Arcola Street. There is also modern social housing in Miller's Avenue.

### **Properties in the Side Streets to the West**

#### **Boleyn Road**

Most of the buildings on the east side of Boleyn Road front onto Kingsland High Street and present only rear facades, extensions and yards to Boleyn Road. However, a number of buildings are worthy of note including one and two-storey industrial buildings to the rear of Nos. 3-13 Kingsland High Street. Nos. 48-52 Boleyn Road on the corner of Bradbury Street have recently been refurbished and are an example of the continuation of the regeneration of the Bradbury Street area. Another building of note in Boleyn Road is the former Cholmeley Boys' Club at No. 68. This late-Victorian mission building was designed by Herbert O Ellis in 1898 for St Mark's Church, Dalston. The building was originally used as a Sunday School, mission hall, working men's club and soup kitchen. Gothic in style, the main west facing elevation onto Boleyn Road is of red brick with natural stone detailing. It is locally listed. Now known as the Old Boys' Club it is a theatre, performance venue and club.



Figure 48: Nos. 23-31 John Campbell Road



Figure 49: Cholmeley Boys' Club at No. 68 Boleyn Road

### **John Campbell Road**

This short street comprises well-preserved terraces of three-storey houses dating from c.1860s and 1870s. The houses are finely detailed and are built in yellow-grey brick with white dressings, including architraves and cornices and many have ground floor bays (Figure 48). There are also a number of converted warehouse buildings now in

use as flats. At No. 2A is Dalston Pier, a former warehouse now a multi-purpose studio.

### **Salcombe Road**

A well-restored and attractive late Victorian mansion block covers the eastern side of Salcombe Road. The purpose-built four-storey block called Eagle Mansions was built in the mid-1890s and finished by 1897 when the freehold of the 48 mansion flats was sold. Originally erected in plain stock brickwork, it seems roughcast was applied to parts of the elevations at a later date. The flats are arranged off six common staircases, each of the stairwells having an entrance doorway from one of the three recessed entrance pathways at the front of the building. They are a particularly well-preserved mansion block, a building type that grew in popularity in the 1880s.



Figure 50: Eagle Mansions, Salcombe Road

### **Truman's Road**

1 Truman's Road (see Figure 56), is a pair of four-storey semi-detached houses and an early architectural work of Dominic Cullinan and Ivan Harbour, that were hand built by the architects and friends for their own use as family homes. Erected between 1989 and 1996, the steel frames structuring the house are clad in glass curtain walling to the street and cement panel screens to the sides. The building is locally listed.

### **Bradbury Street and Gillett Square**

Bradbury Street is a rarity in the Dalston Conservation Area - a small street of terraced houses and shops, mostly three-storey, dating from the mid-Victorian era. Over recent years the shops have been renovated and turned into small independent retail use. There are cafes, jewellers, a book shop, salons and consulting rooms and some offices. The Bradbury Street area was first brought back into use from almost

complete dereliction by Hackney Co-operative Developments and the London Borough of Hackney in 1982. Later in the mid-1990s more work was undertaken in the area with architects Hawkins-Brown to convert a disused car-park to a town-centre square (Gillett Square) which was planned as a community meeting place and a venue for outdoor local cultural events. Recent developments include the white concrete circular building that houses Dalston Jazz Club and cafe that forms the entrance from Bradbury Street to Gillett Square.



Figures 51 & 52: Bradbury Street and the Bradbury Street Workshops

The masterplan for Gillett Square was drawn up in 1998 and it opened in 2006. An important element is the Dalston Culture House, a hub of culture, creative and third sector services that work with the ethnic and cultural heritage of the area. The actual square is an important open space in a built-up area.



Figure 53: Gillett Square with the Dalston Culture House



#### **4.4 Plan Form and Streetscape**

Kingsland High Street and its continuation Stoke Newington Road is a wide street with mainly 19<sup>th</sup> century buildings, of three or four storeys fronting directly onto the pavement. The individual terraces of shops as described above, are an important feature of the Dalston Conservation Area and although some have been allowed to decay, many are excellent examples of Victorian shopping parades. There are few trees and open public spaces in the Conservation Area.

#### **4.5 Views, Focal Points and Focal Buildings**

The most important views within and around Dalston Conservation Area are along the roads themselves. The view towards Dalston Junction from all angles shows the fine quality buildings on the four corners. The view northwards along Stoke Newington Road towards the various shop terraces is eye-catching. Where there are poor shop fronts that take away from the aesthetic appeal of the shops on Kingsland High Street, the buildings at upper floor levels remains of high quality and architecturally interesting. Other important views within and just outside the Conservation Area are:

- The view from the Kingsland High Street/Dalston Lane junction to the Peace Mural
- View from Kingsland High Street to Gillett Square and Vortex Jazz Club
- From Bradbury Street to St Jude's and St Paul's Church in Islington
- The view along Bradbury Street
- View of Princess May Primary School
- The view along the side of the former Simpson's factory in Somerford Grove
- The view of the street trees outside the former Simpson's factory
- The view towards Ridley Road Market
- The view across Gillett Square

Focal buildings include Nos. 1 and 2 Kingsland High Street, The Crown and Castle Public House, Kingsland Road, Princess May Primary School, The former Police Court at No.82-90 Stoke Newington Road. Other focal buildings are the Rio Cinema and the Mosque in Shacklewell Row. The former Simpson's factory is also an important focal building.

#### **4.6 Landscape and Trees**

The Dalston Conservation Area is lacking in trees and green open spaces although the recently constructed Gillett Square is a public open space. However, it lacks much greenery. The only significant street trees in the Dalston Conservation Area are at the northern boundary outside and opposite the former Simpson's factory.



Figure 54: Street Trees in the northern part of the Conservation area in 2013

#### **4.6 Activities and Uses**

Dalston Conservation Area is principally a retail and commercial and entertainment area. Almost all the properties are terraces or parades of retail properties with residential accommodation above. There are many restaurants, bars, cafes and clubs and thriving night time economy.

There is one religious building within Dalston Conservation Area – the red brick Mosque (formerly a synagogue) in Shacklewell Lane. The only public building within the Conservation Area is the Princess May Primary School in Stoke Newington Road.

Today there is almost no industrial use, although a few workshops, craft and artists' studios utilise former warehouses. The huge former Simpson's factory has been largely reused as housing.

There are a few streets with residential accommodation including Bradbury Street and John Campbell Road, along with some housing in Millers Terrace and Avenue. There are almost fifty flats in the Edwardian mansion block Eagle Mansions in Salcombe Road.



Figure 55: Commercial buildings in Kingsland Road

## SIGNIFICANT BUILDINGS IN THE CONSERVATION AREA

### 5.1 Introduction

Dalston Conservation Area contains an interesting variety of buildings dating to the 19th and 20th centuries, some of which are listed or locally listed. The best quality buildings are the shop terraces along Kingsland High Street and Stoke Newington Road; Princess May Primary School and the Rio Cinema. Although the shop terraces are unlisted, many are relatively unaltered and make a really positive contribution to the character of the Conservation Area. These are called 'Buildings of Townscape merit' and are marked on the Townscape Appraisal map. Very few buildings within the Conservation Area make a negative impact, although the Tesco Express site and Peacocks store are poor buildings.

The more important of these buildings have been described in section 4.2 above 'The Buildings of the Conservation Area'.

### 5.2 Listed buildings

There are a few listed buildings or structures within Dalston Conservation Area, all of which are listed grade II. They include the Rio Cinema in Kingsland High Street. All the Grade II buildings are included in a list at Appendix B.



Figure 56: No. 1 Truman's Road, a locally listed building

### **5.3 Buildings of Local Significance**

There are a number of “locally” listed buildings in the Conservation Area. These are buildings which make a contribution to the character of the Conservation Area and which Hackney Council considers to be of local significance due to their age, architectural detailing or because of some unusual feature. They include a number of individual commercial premises, a school, and a religious building - the Turkish Mosque on Shacklewell Lane. These are all included in a list at Appendix B.

### **5.4 Buildings of Townscape Merit**

Apart from the listed and locally listed buildings, a small number of unlisted buildings in the Conservation Area have been identified as 'Buildings of Townscape Merit'. These are usually well detailed examples of mainly late 19<sup>th</sup> century houses or commercial premises which retain their original detailing. As such, they make a positive contribution to the character and appearance of the Conservation Area, and any proposals to alter or demolish such buildings will be strongly resisted by the Council (*CS Policy 25 Historic Environment*). Together, these buildings provide the cohesive and interesting historic townscape which is necessary to justify designation as a Conservation Area.

Of special note are the various terraces of shops throughout the Conservation Area that are worthy of designation as Buildings of Townscape Merit. All such buildings are marked on the map of Dalston Conservation Area.

### **Listed buildings**

Listed buildings are more tightly controlled than unlisted buildings and are subject to separate legislation. “Listed Building Consent” is required for all alterations and extensions which affect the special architectural or historic interest of the building, and as both the exterior and interior of the building is listed, the Council’s approval is therefore required for a wide range of work. Further guidance can be obtained from the Council but briefly, the type of work commonly requiring Listed Building Consent includes:

- The installation of new windows or doors
- All extensions (planning permission may also be required)
- Removing internal features such as fireplaces, walls, timber partitions, panelling, and shutters
- Removing or altering a staircase
- Altering or demolishing a boundary wall

This list is for guidance purposes only and is not exhaustive. If you are in any doubt as to whether you require Consent, please contact the Council’s conservation staff before commencing work. It is a criminal offence to alter a listed building without

Consent and carry out work illegally can result in a substantial fine or even imprisonment.

When considering applications for Listed Building Consent, the Council will usually require the applicant to submit a detailed archaeological evaluation or report of the building which will describe the historical development of the buildings and its site, as well as identify the special features which contribute to its architectural and historic interest. All proposals which affect listed buildings must preserve these special features, and applications which propose their removal are unlikely to be acceptable. Extensions to listed buildings will be judged in a similar way to those to unlisted buildings (Para. 7.5) but will additionally need to satisfy the following:

- Extensions should be secondary in size, bulk and footprint to the original building.
- Extensions will need to be carefully detailed to marry-in with the original building.
- Traditional materials and details will be required.

Further information about listed buildings can be found in National Planning Policy Framework (March 2012) and its associated guidance.

## **6 “SWOT” ANALYSIS**

Dalston Conservation Area is notable for its important and well-preserved mid to late-Victorian shop terraces and some individual stand alone commercial buildings of architectural interest. Although none of the terraces are listed or locally listed, many are amongst the best shopping parades in the Borough. A large number have been identified within this appraisal as making a positive contribution to the character or appearance of the Conservation Area and have been defined as Buildings of Townscape Merit. Together these form an interesting and unified historic streetscape, than runs for much of the length of the western side of the Borough from just south of West Hackney Church to Dalston Junction in the south. Being a long linear Conservation Area focused on the road, it lacks almost any green space or trees that can have a positive impact on the quality of the environment. However, it does have a new public open space - Gillett Square. But because of its intrinsic character, the Dalston Conservation Area is inner city urban.

## **6.1 Strengths**

The most positive features of the Conservation Area are:

- Gillett Square – the only public square within the area, with its contemporary design and use of high quality materials providing a place for cultural and community events
- A number of listed and locally listed buildings especially in Stoke Newington Road
- The survival of Art Deco influences and architecture within the Conservation Area
- A number of mid-Victorian to Edwardian parades of shops that have a coherence and contain a completeness of historic fabric
- A coherent streetscape in terms of height, with buildings in general between three and five storeys
- Large numbers of surviving Victorian buildings, many being designated Buildings of Townscape Merit
- A good mixture of services and goods sold helping to maintain a thriving high street
- A unique multi-cultural flavour to the southern part of the Dalston Conservation Area
- Survival of a number of significant Victorian public houses
- The views up and down the Conservation Area
- The unique and stylish 1920s and 1930s architecture of the Simpson's Factory
- The refurbished Rio Cinema
- The interesting streetscape at Dalston Junction with fine architecture at all corners
- Attractive industrial buildings in back streets, especially the Arcola Street warehouses
- A movement to restore shops as independent retail units, cafes, clubs and bars especially in the north of the conservation area and south of Dalston Junction

## **6.2 Weaknesses**

The most negative features of the Conservation Area are:

- A significant weakness is the lack of public open space (squares, parks, play spaces) that people can enjoy and relax in
- Poor maintenance of individual buildings in the terraces of Victorian shop buildings, broken up visually by varying maintenance and loss or changes to architectural detail
- Very poor fascias to many shops
- The visual clutter of street furniture all along Kingsland High Street
- Satellite dishes on the fronts of the buildings
- The constant very busy traffic along the southern part of the Conservation Area and lack of crossing places
- Unsympathetic replacement windows at Princess May Primary School

- The poor quality shopfronts in parts of the conservation area
- Sites awaiting redevelopment
- Neglected buildings requiring repair

### **6.3 Opportunities**

The following points are “opportunities” which the London Borough of Hackney or private owners could implement, subject to the necessary funds being available: The Dalston Conservation Area contains some well detailed historic buildings and terraces, but some are in poor condition and the setting has been compromised by a general lack of maintenance:

- Consider setting up a grant scheme for the restoration of shop fronts within the Conservation Area
- Wide-spread regeneration and rebuilding of some of the underused sites which is already happening
- Encourage shop owners to improve their existing shopfronts
- Ensure that new shopfronts and advertising conforms to the Council’s published guidance
- Improve the planting of street trees

### **6.4 Threats**

- Small businesses with low profit margins do not generate funds for repairing the buildings
- Poor quality shopfronts reinforce an air of neglect
- Potential inappropriate large scale redevelopment of redevelopment sites
- Loss of architectural integrity and quality through large-scale redevelopment involving the building of larger buildings



## 7 CONCLUSION

The Dalston Conservation Area is essentially a main shopping street road running from the corner of Dalston Junction northwards. Often full of heavy traffic, including many buses it is perhaps not the most obvious candidate to become a Conservation Area. However, it does contain interesting Victorian terraces of shops and some public and commercial buildings of architectural merit. Because the area immediately north of Dalston Junction has not had Conservation Area status there are numerous examples of poor shop fronts, insensitive alterations, huge satellite dishes blighting the streetscape and inappropriate alterations. The overall impression of Kingsland High Road between Dalston Lane and Ridley Road is of a street that is shoddy and unkempt and it is appropriate that redevelopment will be undertaken there and why it is excluded from the Dalston Conservation Area. Designation of the Dalston Conservation Area would enable the distinctive urban grain and scale of the buildings in the area to be better protected, where they survive.

Throughout the Conservation Area are examples of poor maintenance, and the use of inappropriate modern materials especially on shop fronts. Until recently there was little regeneration of the small shops in the area, quite unlike what was happening elsewhere in Stoke Newington and Broadway Market. But this appears to be changing with the opening of small eclectic shops, clubs and bars.

Over the last 25 years Dalston has changed from a disadvantaged inner city area to a popular well-connected commercial and residential location, with an increasingly affluent and young population. In the 1980s the Bradbury Street area was brought back into use from almost complete dereliction by a regeneration initiative by the local authority and Hackney Co-operative Developments and in 2006 Gillett Square became one of the Mayor of London's new urban spaces for London, which saw a former car park turned into a vibrant cultural hub.

A number of the buildings within the Dalston Conservation Area are listed or locally listed and as a result of the research for this report, others have been designated as Buildings of Townscape Merit. They all display a variety of historic features, materials and architectural styles typical of the 19<sup>th</sup> and 20<sup>th</sup> centuries, especially some connected with the Art Deco movement such as the Rio Cinema.

Dalston has a strong background of community regeneration and development that predates the current interest from major property developers and Transport For London, which has meant that interested and engaged local people have been able to become key stakeholders and active participants in planning issues in the area. The desire to create a new Conservation Area in central Dalston has been expressed and many of the buildings identified are worthy of protection.

**APPENDIX A:  
HISTORIC MAPS OF THE CONSERVATION AREA**

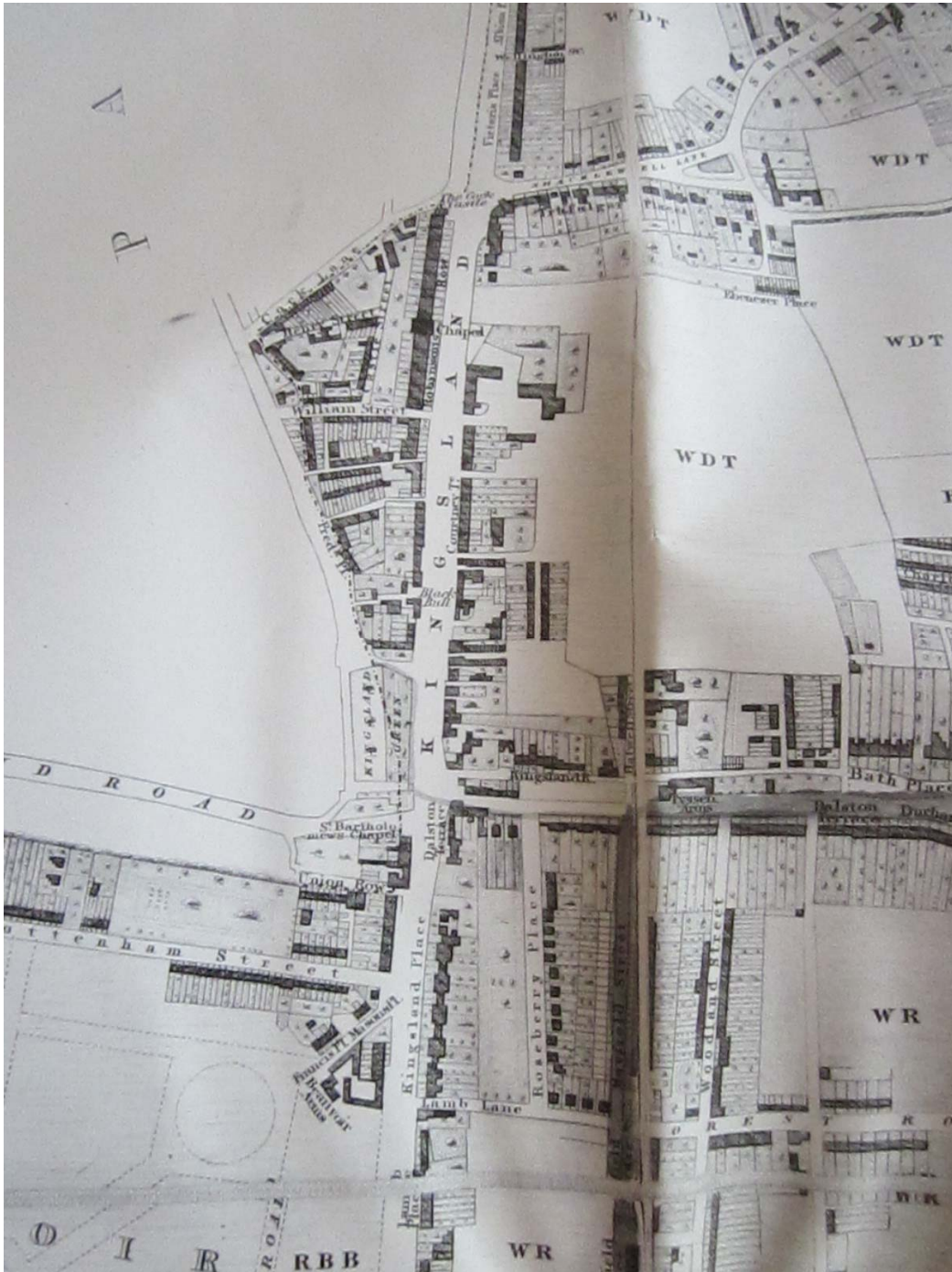
**Roque's Map of 1745**



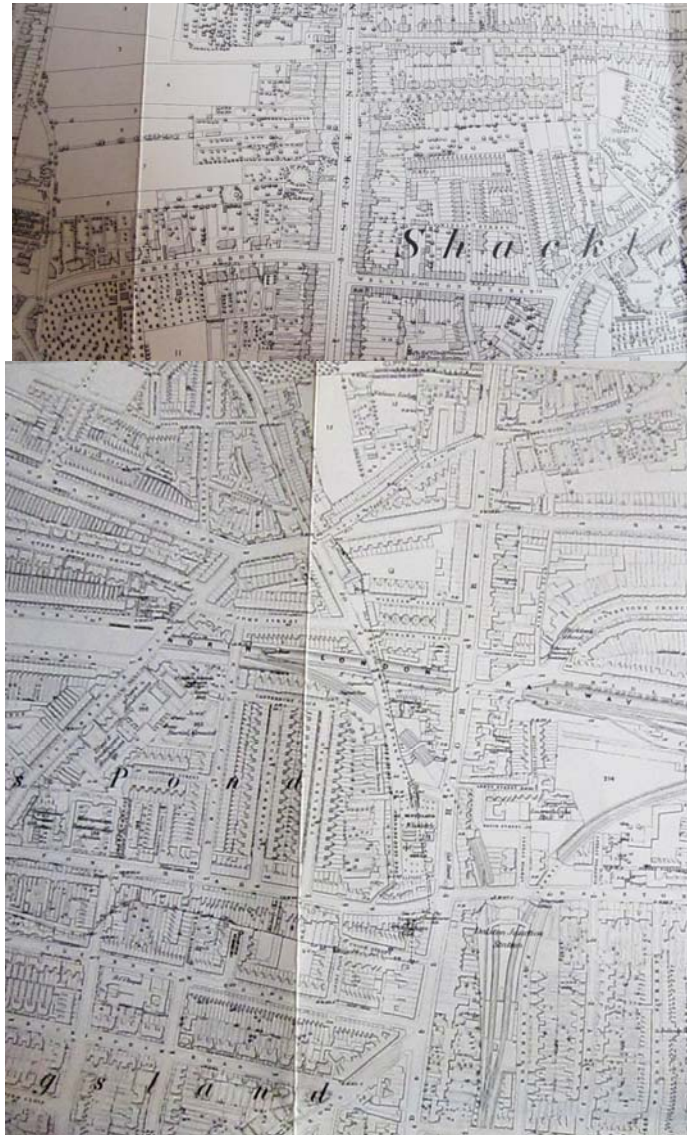
MAP of 1830



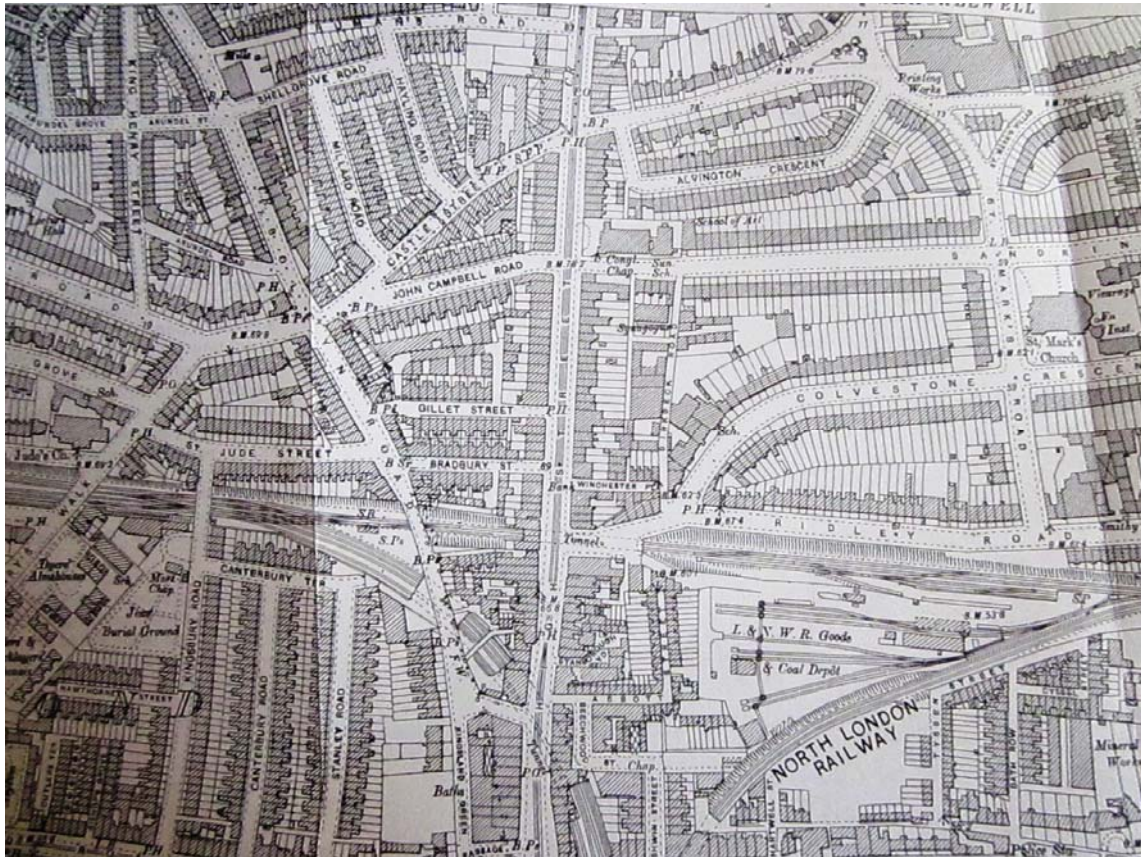
Hackney Map of 1831



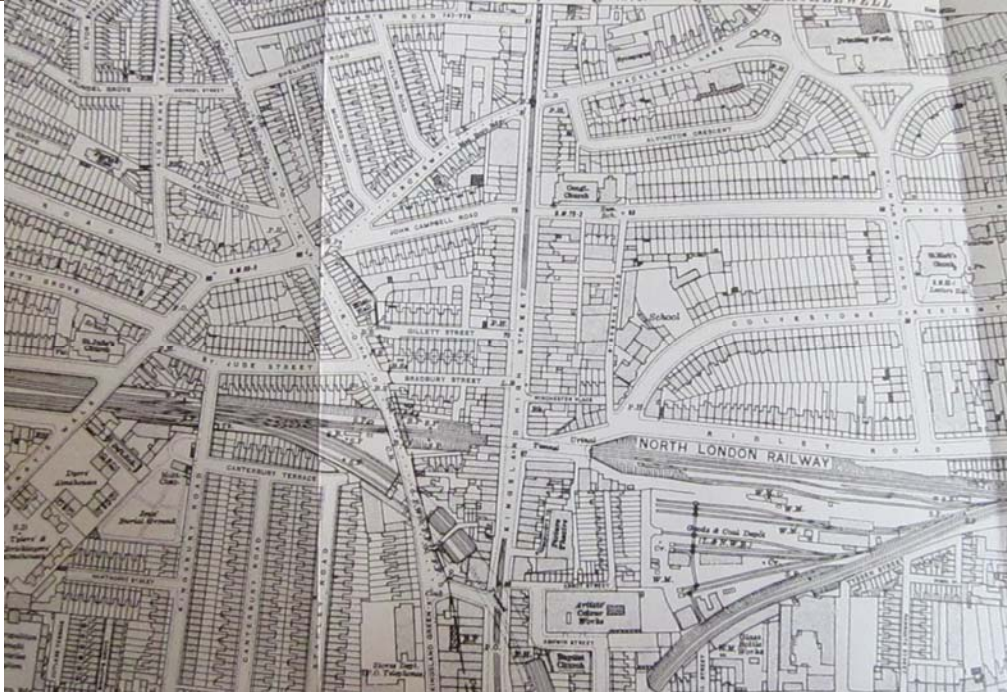
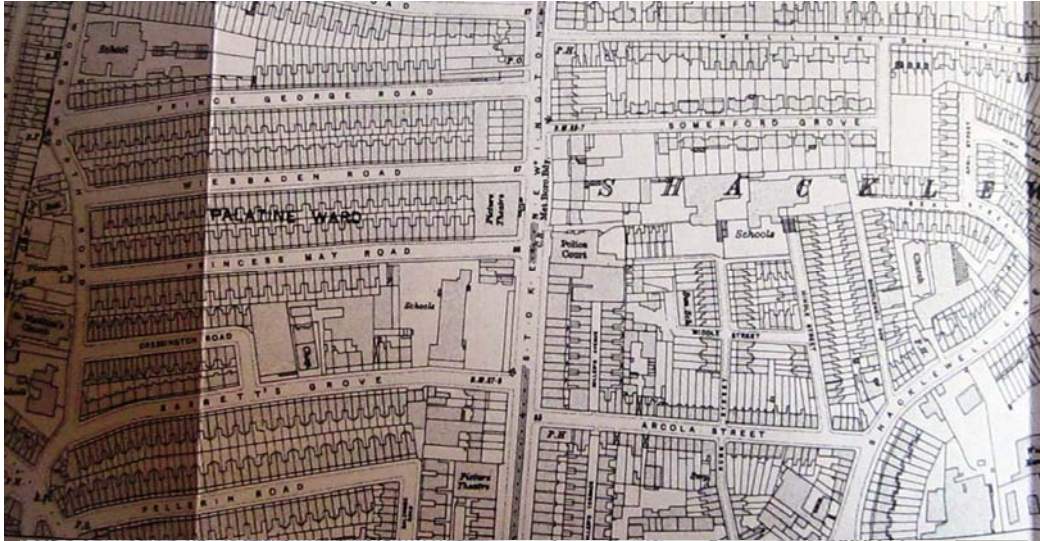
**OS Map of 1870**



OS Map of 1894



OS Map of 1913-14



**Contemporary OS Map  
Showing Wider Setting of Conservation Area**

(To be inserted after Cabinet Meeting)



## APPENDIX B

### A SCHEDULE OF STATUTORILY LISTED AND LOCALLY LISTED BUILDINGS

#### Statutorily listed buildings (all listed grade II):

##### **No. 41, Kingsland High Street (formerly F. Cooke's Eel, Pie and Mash Shop)**

List entry Number: 1235868

Grade: II

Date first listed: 25-Jun-1991

Description: Eel, Pie and Mash shop, restaurant & dining room with accommodation over.

##### **Rio Cinema, Kingsland High Street**

List entry Number: 1244939

Grade: II

Date first listed: 01-Feb-1999

Locally listed buildings:

#### Locally Listed Buildings

Locally listed buildings are those which are on the Council's own list of buildings of local architectural or historic interest. The Council's policy (EQ20) in the Unitary Development Plan is to retain the character and appearance of these when determining planning applications.

Simpson House, 92-100 Stoke Newington Road, N16

Somerford Grove extension, Simpson House, 6 Somerford Grove, N16

Olympic House, Somerford Grove, N16 No. 1 Kingsland High Street, E8

No. 2 Kingsland High Street, E8

Nos. 74-76 Kingsland High Street, E8

Former Magistrates Court, No. 82 Stoke Newington Road, N16

Cholmeley Boys' Club, 68 Boleyn Road, N16

No. 1 Truman's Road, E8

Princess May Primary School, Barretts Grove, N16

Turkish Mosque, Nos. 9-15 Shacklewell Lane

## APPENDIX C

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LB Hackney, Archives Photograph and Archive Collection

*The Times* online

Open Dalston website ([www.opendalston.com](http://www.opendalston.com))

Love Local Landmarks website of Hackney's Locally Listed buildings

([www.hackneybuildings.org](http://www.hackneybuildings.org))

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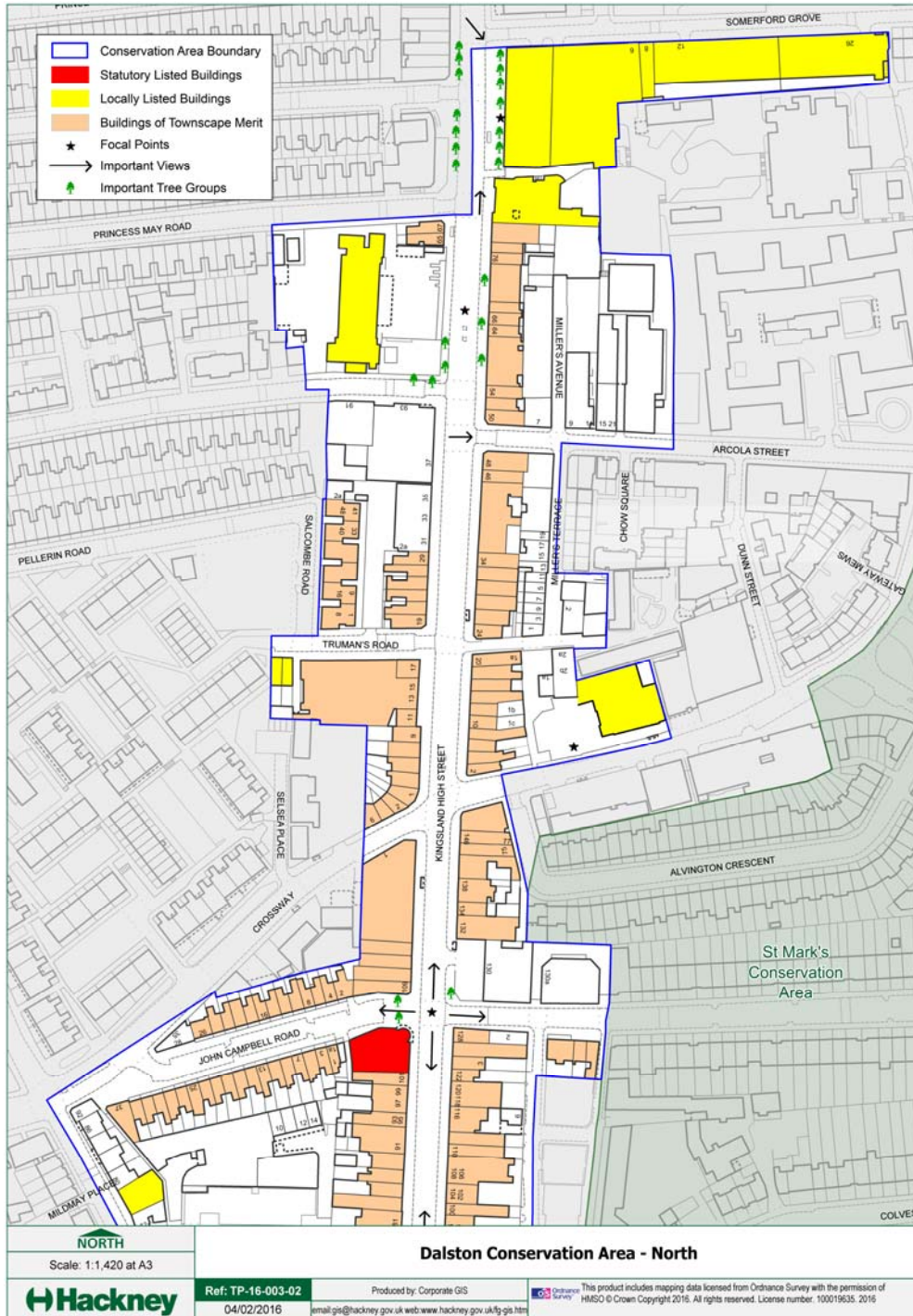
Keith Sugden, Historical walk through Shacklewell and Dalston (1990)

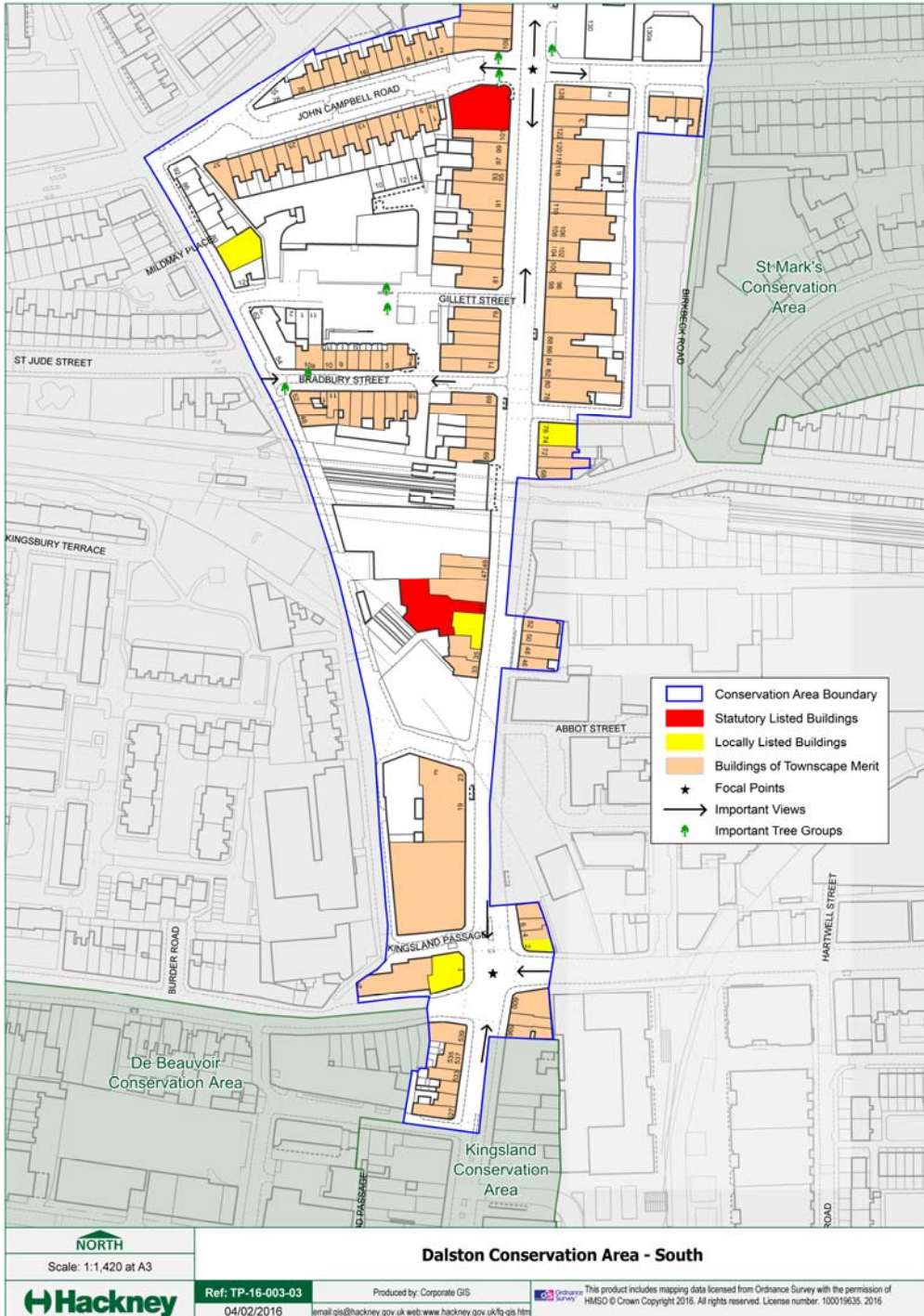
Edmund Bird, Draft Heritage Scoping Study (2012) (unpublished document)

Dalston Area Action Plan (2012)

# APPENDIX D

## MAPS OF THE CONSERVATION AREA





## APPENDIX E

### LIST OF ILLUSTRATIONS

- Figure 1: No. 2 Kingsland High Street looking north
- Figure 2: Nos. 68-50 Stoke Newington Road a well preserved terrace
- Figure 3: Princess May Primary School
- Figure 4: Gillett Square
- Figure 5: Kingsland Toll Gate at Dalston Junction in 1860 looking north with Kingsland Green on the left, when it was in use as a plant nursery
- Figure 6: An Advert for Z Dudley's Drapery Stores from c.1898 showing the store before the 'modernisation' of the building in the 1930s
- Figure 7: View north from Dalston Junction in 1905
- Figure 8: Stanford's Map of 1877 showing the northern part of Conservation Area
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- Figure 13: Nos. 576-600 Kingsland Road
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- Figure 34: Kingsland High Street in 1978 when Marks & Spencer occupied part of the terrace comprising Nos. 3-23 Kingsland High Street
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Figure 37: Caplan Lewis, Milliners at No. 83 Kingsland High Street c. 1934 an Art Deco shop front  
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Figure 39: Nos. 109-131 Kingsland High Road  
Figure 40: Nos. 109-131 Kingsland High Road Dudley's Department Store in 1935  
Figure 41: The shops on the corner of Crossway  
Figure 42: The former Savoy Cinema in 1936  
Figure 43: The tall terrace at Nos.19-47 Stoke Newington Road  
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Figure 53: Street Trees in the northern part of the Conservation Area in 2013  
Figure 54: Commercial buildings in Kingsland Road  
Figure 55: No. 1 Truman's Road - a locally listed building

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London Borough of Hackney

## APPENDIX F

### FURTHER INFORMATION

#### **LB Hackney**

Conservation Team  
Planning & Regulatory Services  
London Borough of Hackney  
2 Hillman Street  
London E8 1FB  
[www.hackney.gov.uk/planning](http://www.hackney.gov.uk/planning)

#### **Historic England**

<https://www.historicengland.org.uk>

*For further information relating to listed buildings and conservation areas*

#### **The Victorian Society**

<http://www.victoriansociety.org.uk>

*The Victorian Society is the national organisation that campaigns for Victorian and Edwardian buildings*

#### **The Georgian Group**

<http://www.georgiangroup.org.uk>

*The Georgian Group is the national charity dedicated to preserving Georgian buildings and gardens. Has an excellent range of technical advice leaflets and courses on Georgian architecture*

#### **The Twentieth Century Society**

<http://www.c20Society.org.uk>

*The Twentieth Century Society was founded as the Thirties Society in 1979, and exists to safeguard the heritage of architecture and design in Britain from 1914 onwards*

#### **The Hackney Society**

<http://www.hackneysociety.org>

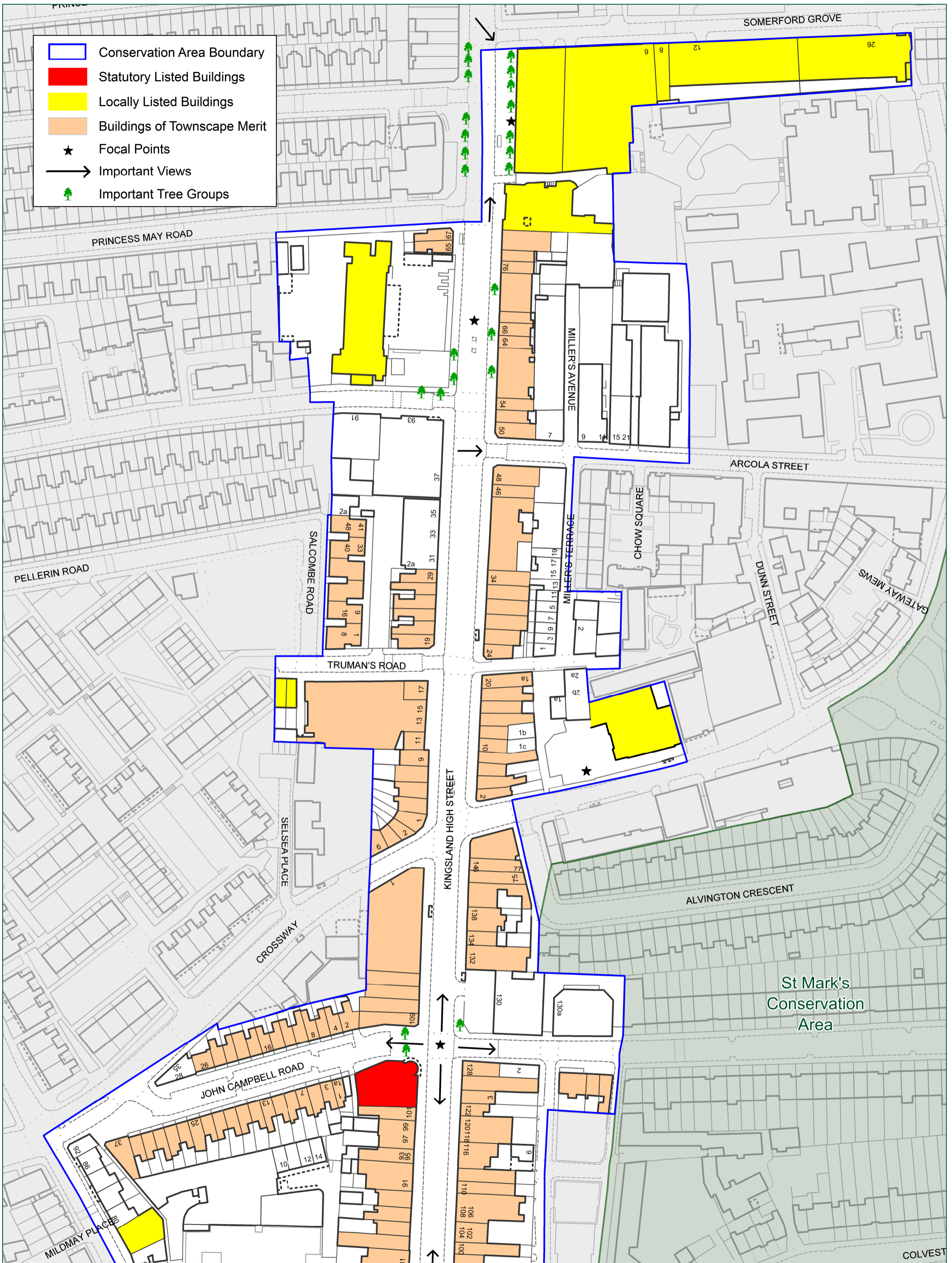
*Hackney's local amenity society and umbrella organisation for conservation area advisory committees The Society was formed in 1967 to involve and support local people in the conservation and regeneration of Hackney's built environment and public spaces.*

## **APPENDIX G**

### **COPY OF COUNCIL'S CABINET REPORT ADOPTING THE CONSERVATION AREA BOUNDARY AND APPRAISAL**

(To be added following formal adoption of the Appraisal & final recommendations)





St Mark's  
Conservation  
Area

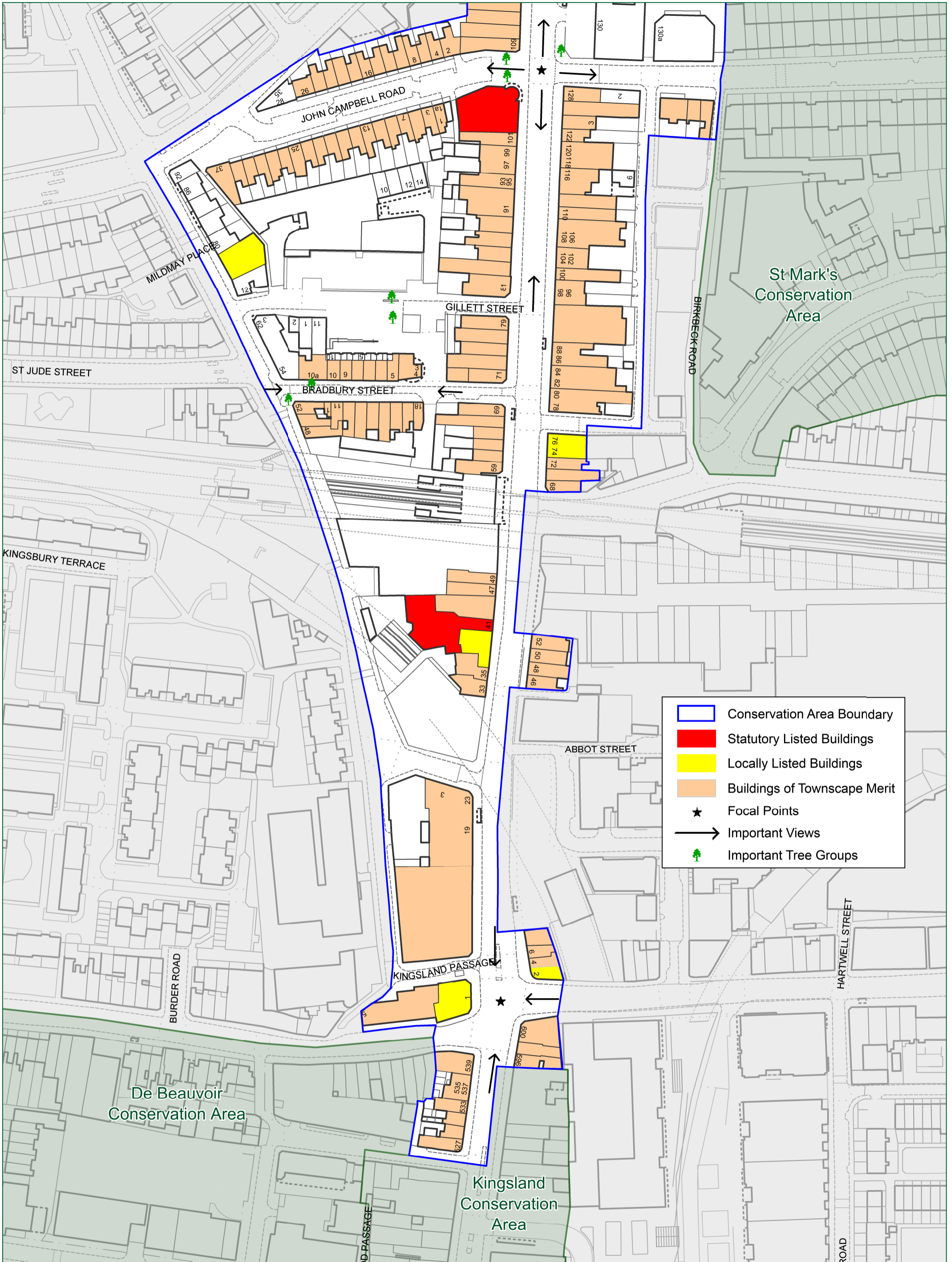
**NORTH**

Scale: 1:1,420 at A3

**Dalston Conservation Area - North**



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NORTH

Scale: 1:1,420 at A3

**Dalston Conservation Area - South**



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# London Borough of Hackney Equality Impact Assessment Form

## Title and Purpose of Policy:

**Title: Designation & Appraisal of Dalston Conservation Area**

**Purpose:** The principal purpose of the designation of the conservation area is to ensure that a full conservation area appraisal is in place that clearly sets out the area's qualities and identifies its threats and weaknesses. It is also required in order to ensure that the conservation area boundary accurately reflects the historic environment in this area and affords it appropriate protection.

The decision to create a new Dalston Conservation Area covering the area around Dalston Junction and north along Kingsland High Street into Stoke Newington Road was made in 2014. Cabinet approved public consultation of the draft appraisal and conservation area boundary in March 2015 and public consultation was carried out in April and May 2015. The research and assessment of the area's special interest undertaken for the appraisal, has enabled careful consideration of the proposed boundary.

Following endorsement by Cabinet, the item will be taken to Full Council in July 2016 for final adoption.

## Officer Responsible:

<b>Name:</b> Matt Payne	<b>Ext:</b> 8106
<b>Directorate:</b> Legal, HR and Regulatory Services	<b>Department/Division:</b> Planning & Regulatory Services/ Conservation, Urban Design & Sustainability Team

NB: This assessment must be reviewed and agreed by the relevant Assistant Director, who is responsible for ensuring it is made publicly available and is in line with guidance ([staffroom.hackney.gov.uk/equality-impact-assessments.htm](http://staffroom.hackney.gov.uk/equality-impact-assessments.htm)).

**Assistant Director:** Cathy Gallagher  
**Date:** 4 February 2016  
**Comment:**

## 1. Please summarise the service, function, policy, initiative or saving.

Conservation Area designation, review and management is an important part of the planning process. Under the National Planning Policy Framework (NPPF) 2012, Conservation Areas are classed as heritage assets. The NPPF requires local planning authorities to set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, LPAs should recognise that heritage assets

are an irreplaceable resource and conserve them in a manner appropriate to their significance.

Conservation Area Appraisals clearly set out the important qualities of the heritage asset and not only does this enable proper protection of those parts of the historic environment that the community genuinely values, but it also provides clarity to developers as to where those heritage assets are located and, critically, what it is about them that is worth considering.

## 2 Who are the main people that will be affected?

The key people who will be affected will be the property owners and occupiers within the conservation area. These owners and occupiers have been consulted as part of the public consultation carried out in April and May 2015.

## 3 What research or consultation(s) have been carried out?

In line with best practice and the Council's Statement of Community Involvement, the Council carried out a public consultation with stakeholders as appraisals that have been adopted following public consultation carry greater weight on appeal.

Consultation was also carried out with statutory and local organisations including Historic England, the Hackney Society and local Conservation Areas Advisory Committees (CAACs). Responses were also sought from local residents, ward members and other interested parties. Publicity was disseminated through the local groups, *Hackney Today*, the Council's Consultation web page, two public drop-in sessions and in local libraries. Officers considered all relevant responses and made appropriate amendments to the appraisal and boundary before reporting back to Cabinet and Council.

## 4 Equality Impacts

The following tables outline the main issues in planned consultation that may impact on each equalities strand.

### 4(a) What positive impact could there be overall, on different equality groups, and on cohesion and good relations?

#### **Positive Impact:**

#### **Overall**

**Residents within the conservation area and other key stakeholders had equal opportunity to have their say through all methods of consultation. The Dalston Conservation Area Appraisal and Proposed Boundary will not impact on any one equality group.**

#### **a) Age**

The designation does not discriminate against age.

#### **b) Disability**

The designation does not impede the ability to require a property to be DDA compliant.

<p><b>c) Gender</b> The designation does not discriminate against gender.</p>	<p><b>d) Race</b> Hackney's borough population identifies 37.3 per cent as ethnic minorities (including White Other groups). No impact identified.</p>
<p><b>e) Religion/Belief</b> Close to half (46.6%) of Hackney's residents identify their religion as being Christian, a lower level than that found in London and England &amp; Wales. The borough does, however, have comparatively larger Muslim, Jewish and Buddhist populations.</p> <p>The designation does not discriminate against any one religious or belief groups</p>	<p><b>f) Sexual Orientation</b> The designation not discriminate against sexual orientation.</p>
<p><b>g) Other groups</b> None identified.</p>	

**4(b) What negative impact could there be overall, on different equality groups, and on cohesion and good relations?**

<p><b>Negative Impact:</b></p> <p><b>Overall</b> There are no identified negative impacts.</p>	
<p><b>a) Age</b> None identified.</p>	<p><b>b) Disability</b> None identified.</p>
<p><b>c) Gender</b> None identified.</p>	<p><b>d) Race</b> None identified.</p>
<p><b>e) Religion/Belief</b> None identified.</p>	<p><b>f) Sexual Orientation</b> None identified.</p>
<p><b>g) Other groups</b> None identified.</p>	

**5. Equality and Cohesion Action Planning– specific actions to address equality and cohesion issues raised by this assessment**

None identified.

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DALSTON CONSERVATION AREA CONSULTATION RESPONSES

APPDENDIX D

Respondent ID	Comment No.	Respondent Comments	Officer Response
DCA001	DCA001.01	Supports Dalston CA proposal.	Noted
DCA002	DCA002.01	Supports Dalston CA proposal.	Noted
DCA003	DCA003.01	Supports Dalston CA proposal and would like wider CA limits.	Noted. Ashwin Street area to be considered under separate proposal CA in 2016.
DCA004	DCA004.01	Supports Dalston CA proposal. However, they consider two additional areas should be included within the CA. Numbers 10 to 66 of Kingsland High Street to ensure that the needed redevelopment follows CA character. As well as the prior, urban block bounded by Dalston Lane, Kingsland High Street, Abbot Street and Hartwell Street should be included within the CA as contains locally listed buildings (more details in the email) and the independent Heritage Scoping Study for the LDF Dalston Area Action Plan of 2012 recommends that this block is worthy so conservation area status.	Following further assessment, numbers 46 to 52 Kingsland High Street have been included as Buildings of Townscape Merit. Any future redevelopment of the Kingsland Shopping Centre will be required to be in keeping with the setting of the CA. The Ashwin Street area will be considered under a separate conservation area proposal in 2016.
DCA005	DCA005.01	Supports Dalston CA proposal.	Noted
DCA006	DCA006.01	Expresses concern regarding how Dalston CA proposal could be an obstacle for the increasing density around transport hubs like Dalston. (Related Economist article attached)	Density targets have already been set in the London Plan and Dalston AAP and is outside the remit of the CA Appraisal.
DCA007	DCA007.01	Supports Dalston CA proposal. However, considers that the "High tower next to the station" will destroy Dalston CA visually.	Noted. Scheme already has consent.
DCA008	DCA008.01	Supports Dalston CA proposal and suggests traffic limitation in Kingsland High Street.	Noted. However outside remit of document.
DCA009	DCA009.01	Supports a robust and inclusive Dalston CA proposal and requests that Reeves Printhouse, Pentecostal Shiloh Church, the 1865 Railway Tavern to be included within the CA.	Noted. Ashwin Street area to be considered under separate CA proposal in 2016.
DCA010	DCA0010.01	Supports Dalston CA proposal.	Noted
DCA011	DCA0011.01	Expresses concern regarding how Dalston CA proposal could a) Delays and put extra cost on planning applications and b) Reduce the potential for altering and extending properties leading to negative consequences in housing needs.	Noted. CA designation does not restrict new development and should not increase development costs.
	DCA0011.02	Considers the proposal one sided, only looking at the historical perspective and not to the socio-economic and environmental impact.	CA appraisals are not obliged to cover these topic areas in detail. A socio-economic context has now been included in the Appraisal at section 1.4.
	DCA0011.03	Requests Council compensation and support to the residents for the long term consequences of the CA and for their new imposed roles	Not upheld
DCA012	DCA0012.01	Supports Dalston CA proposal. However, expresses a number of concerns:	Noted.
	DCA0012.02	First, there is a serious concern that Hackney may not have the capacity to enforce new tighter development regulations, based on a number of experiences of failure to enforce existing regulations in the past.	The CA will be subject to the same enforcement controls as existing conservation areas.

**DALSTON CONSERVATION AREA CONSULTATION RESPONSES**

	DCA0012.03	Second, a number of residents were concerned at the lack of information about plans for Crossrail and information about whether or how any related development would map onto the DCA plans.	Crossrail implications are not confirmed and are outside the remit of this document.
	DCA0012.04	Numbers 4-10 Sandringham Road (the terrace with shop-fronts between Birkbeck Mews and Birkbeck Road) should be included in the DCA.	Noted. This area has been included.
	DCA0012.05	Ridley Road should be included or protected in some other way (e.g. as part of another Conservation Area). And Birkbeck Mews should be regarded as an integral part of Ridley Road Market and also included/protected on the same basis.	This area has an different character and appearance to the conservation area and is not under consideration for inclusion. The future of this area as a market is outlined in the Dalston AAP.
	DCA0012.06	Ashwin Street (including the former Reeves Paint Factory, the terrace on the east side and the Pentecostal Church) and the surrounding area north of Dalston Lane should also be included in a CA.	Noted. Ashwin Street area to be considered under separate CA proposal in 2016.
	DCA0012.07	Number 37 John Campbell Road (at the Islington end of the street) should be given the status of 'Building of Townscape Merit'	Following further assesment this building will be included as a Building of Townscape Merit.
	DCA0012.08	Number 2A John Campbell Road should be included in the DCA in its entirety.	This property is included within the CA.
DCA013		<b>Comments about the approach</b>	
	DCA013.01	There is very little which encourages real comment on values wider than those of architecture and history. This piecemeal approach to defining value and character fails to provide a clear, overarching statement of significance for the whole area and only reinforces the tendency for planning applications to be looked at only on a building by building basis, and with no social context, rather than as part of a vital whole. (Recommended report:LBH's Making Space in Dalston)	Noted. Architectural & Historical issues are key considerations in the CA.
	DCA013.02	There should be a separate section in this Appraisal about values, a "vital element" according to the Guidance. Consultation should have explored what local community, religious, ethnic, political, recreational and economic values are and how these relate to the built environment.	The CA appraisal is comprehensive and follows guidelines from Historic England in their document, "Conservation Area Appraials".
		<b>Comments about the people</b>	
	DCA013.03	There is nothing in the Draft CAA about demographics: how is one to assess Threats/Opportunities if this is not understood?	CA appraisals are not obliged to cover these topic areas. A socio-economic context has now been included in the Appraisal at section 1.4. The multi-cultural character of the CA is noted as a strength in the SWOT Analysis.
	DCA013.04	The Dalton CAA is rather excited about new younger residents and visitors and the new businesses (see p.19-20), but has put much less work into understanding the complexities of the older communities and their structures, spaces, activities and needs regarding the built environment.	The document aims to be inclusive to all sections of the community. However, this is outside the scope of a CA Appraisal.
		<b>Comments about the consultation</b>	

DALSTON CONSERVATION AREA CONSULTATION RESPONSES

	DCA013.05	Kurdish and Afro-Caribbean communities may be under-represented in terms of feedback. The value of the consultation would have been clearer if the Appraisal had included a list of community organisations contacted, meetings held, etc.	Consultation has followed best practice procedures in Hackney's SCI and has been proportionate to the size of the area. Consultation documentation was available on request in a number of languages other than English.
		<b>Comments about elements removed from the Kingsland Conservation Area</b>	
	DCA013.06	Do not agree that Georgian and early Victorian houses at top of Kingsland Road should be moved in to the new CA.	Following further assessment it is proposed to only incorporate numbers 527 - 539 and 596 - 600 Kingsland Road from the existing Kingsland CA.
		Suggest that boundary includes 2 buildings south of Dalton Junction on the west side and draw the boundary at Billo Shoes on the east side.	Following further assessment it is proposed to only incorporate numbers 527 - 539 and 596 - 600 Kingsland Road from the existing Kingsland CA.
		<b>Comments about omissions from the CA</b>	
	DCA013.06	Ridley Road is "local distinctiveness and the sense of place which make the area unique"(Draft Dalston CAA p.7) then Ridley Road, its social complexity and its fabric, need to be recognised as being central to Dalston's character. We would strongly favour the inclusion of Ridley Road Market in the new Conservation Area.	This area has an entirely different character and appearance to the conservation area and is not under consideration for inclusion. The future of the Market is outlined in the Dalston AAP.
	DCA013.07	8, 33 and 35 Kingsland High Street: It is not at all clear why 8 should have been omitted from the category Buildings of Townscape Merit: it is no less attractive than 6, and one wonders whether all 3 buildings have been omitted in order to facilitate possible demolition, given that they fringe the area of the Crossrail development. If not, they should be included in the CA as buildings of Townscape Merit.	Following further assessment these buildings will be added as Buildings of Townscape Merit
	DCA013.08	Victorian buildings between Dalston Lane and Ridley Road: If they have been omitted because it is already known that developers plan to demolish them, this is unacceptable. Edmund Bird, Heritage author of the Draft Heritage Scoping Study for the Local Development Framework Dalston Area Action Plan, describes 36-42 as a good example of 1950's architecture and the red brick facades of 46-52 as attractive, and typical of the period c1900.	Following further assessment, numbers 46 - 52 will be included within the CA as Buildings of Townscape Merit.
	DCA013.09	The Ashwin Street area: should be included in the Dalston CAA as a matter of urgency. The proposed CAA includes the Simpson's factory and the Arcola Street warehouses, and even mentions the view of Arcola Street's warehouses under "Strengths" in the SWOT analysis. The Ashwin Street buildings are Victorian and relate to the Kingsland High Street in the same way. See why in the original doc.	Noted. Ashwin Street area to be considered under separate CA proposal in 2016.

**DALSTON CONSERVATION AREA CONSULTATION RESPONSES**

	DCA013.10	Elements removed from Kingsland Conservation Area: It is particularly illogical that the listed pair of Georgian villas at 592-590 Kingsland Rd, part of a run of identical paired villas going south should be separated out from their fellows and therefore risk being treated differently in comments.	Following further assessment, these buildings will remain in the Kingsland CA.
	DCA013.11	The Eastern Curve Garden and mural: The Eastern Curve garden is Dalston's only open green space and has been the scene of remarkable community work and achievement. This needs to be recognised and protected, just as the surrounding buildings do.	Noted. Ashwin Street area to be considered under separate CA proposal in 2016.
		<b>Comments about Appearance, History and Condition</b>	
	DCA013.12	Architectural details are frequently omitted: see the difference in the description of 33 Kingsland High Street in this CAA and the description in Bird's Draft Heritage Scoping Study. See original doc.	Architectural detail descriptions will vary as appropriate for the level necessary in the Appraisal.
	DCA013.13	Condition is dealt with very sketchily in the Appraisal, and comment is largely limited to the facades of buildings whereas guidelines are clear that the whole buildings and their back elevations are to be protected.	Noted. It is not possible to cover the detail of every building. However, it will be clarified that the CA legislation applies to front and back of buildings.
		<b>Comments about Mapping and Photography</b>	
	DCA013.14	Following recommended items by the "Guidance on Conservation Area Appraisals" have been omitted:	Noted.
		- a map that places the conservation area in its wider setting, whether within a larger settlement, or in the context of a rural landscape hinterland;	Noted. To be inserted following Cabinet meeting.
		- a map or sketch that demonstrate the area's historical development and identifies places or buildings with particular historical associations;	Not required. Beyond remit of CA designation
		- a map illustrating current uses, for example, related to different historic building types (residential, commercial, industrial);	These are under constant change and not relevant here.
		- a townscape analysis map showing, for example, spatial issues such as important views into and out of the conservation area, landmarks, and open or green spaces; or temporal issues, such as the extent to which pre-urban landscape features (such as the lines of former field boundaries) survive in the current townscape;	Views, Open Spaces and Focal Points are covered in the Appraisal
	DCA013.15	The photography is random, not always face on, and sometimes a building is only seen as one of a run of 10 or so and therefore none of the architectural detail can be observed	Noted. Photography is generally focused on the character of the townscape of the CA, not on individual buildings.
		<b>Errors found in the proposal</b>	
	DCA013.16	The geology section appears to have been cut and pasted from another document dealing with the eastern side of the Borough and is factually incorrect. See definition in the original document.	Noted and amended.
	DCA013.17	Page 24 No 6 has a central curved pediment to the first floor window with triangular pediments to the windows on either side.	Noted and amended.
	DCA013.18	Page 29 Nos. 2-20 no mention that number 10 was rebuilt in the 1940's.	Noted and amended.
	DCA013.19	Page 29 Nos. 24-48 the second sentence reads badly, perhaps some commas and 'and' might help. The stucco buildings between are rather elegant, with arched first floor windows with decorative panels in the arches, and are earlier in date possibly from the 1840's.	Noted and amended.

DALSTON CONSERVATION AREA CONSULTATION RESPONSES

	DCA013.20	Page 32 Nos. 92-100 commas before and after 'on the corner with Somerford Grove' would be helpful.	Noted and amended.
	DCA013.21	Page 35 No 41 words missing 'and a rear dining room extension from 1936'	Noted and amended.
	DCA013.22	Page 35 Nos. 51-57 there is superfluous 's' on 'extends' in the penultimate line of the paragraph.	Noted and amended.
	DCA013.23	Incidentally it is more usual to refer to use 'which' rather than 'who' when referring to a company or in the case on page 24 a branch of a bank.	Noted.
	DCA013.24	Page 36 Nos 61-69 and 71-79 what is meant by 'attractive groups of <i>rather</i> brick properties'?	Noted and amended.
	DCA013.25	Page 41. Nos 65 and 67 the windows at first floor are pedimented.	Noted and amended.
	DCA013.26	Page 42 Boleyn Road the first sentence is rather convoluted, suggest 'Most of the buildings on the east side of Boleyn Road front onto Kingsland High Street and present only rear facades, extensions and yards to Boleyn Road'	Noted and amended.
	DCA013.27	Pages 42 and 43 would benefit from some photographs of Millers Junction and the terraces in John Campbell Road.	Noted. Figure 48 shows properties in John Campbell Road.
	DCA013.28	Page 44 a link to the photograph on page 49 of No 1 Truman's Road would be helpful.	Noted and amended.
	DCA013.29	Page 54 The Dalston Conservation area does not run from the City northwards. Later in the paragraph is a reference to Kingsland High Road between Dalston Lane and Ridley Road, this is not designated as such on the map.	Noted and amended.
		<b>SWOT Analysis.</b>	
		<b>See comments of Hackney Society below.</b>	
DCA014	DCA014.01	We acknowledge the factual corrections provided by Kingsland CAAC and Hackney Society in their responses.	Noted
		Numbers 4 - 10 Sandringham Road should be included in the CA.	Following further assessment, these buildings will be included as Buildings of Townscape Merit.
		Buildings at 46 - 52 Kingsland High Street should be included.	Following further assessment, these buildings will be included as Buildings of Townscape Merit.
		The Ashwin Street area and west end of Dalston Lane should be included as they share a similar character to the proposed conservation area.	Noted. Ashwin Street area to be considered under separate CA proposal in 2016.
		Ridley Road market should be included within the CA in order to protect it from inappropriate development.	This area has an entirely different character and appearance to the conservation area and is not under consideration for inclusion.
		Agree that the buildings at Dalston Junction should be in the proposed CA.	Noted.

DALSTON CONSERVATION AREA CONSULTATION RESPONSES

		Agree with Kingsland CAAC that buildings at 590 - 592 Kingsland Road share similarities with buildings to the south and should remain in Kingsland CA. The CA could begin at 594 Kingsland Road.	Following further assessment these buildings will remain in the Kingsland CA.
		539 Kingsland Road could be transferred to the proposed CA.	Following further assessment it is proposed to incorporate 527 - 539 and 596 - 600 from the existing Kingsland CA.
DCA015	DCA15.01	As residents within the proposed CA, writing to give strong support.	Noted
	DCA15.02	We feel that the buildings around Ashwin Street should be included.	Noted. Ashwin Street area to be considered under separate CA proposal in 2016.
DCA016	DCA16.01	A superb idea	Noted
DCA017	DCA17.01	Thinks the proposed Dalston conservation area is a good idea and fully supports it.	Noted
	DCA17.02	Numbers 4 - 10 Sandringham Road should be included in the CA so that there is continuity between the proposed CA and the existing St Marks CA.	Following further assessment, these buildings will be included as Buildings of Townscape Merit.
	DCA17.03	Arrows showing important views on Appendix D should go four ways at the junction of Kingsland High Street/ John Campbell Road/ Sandringham Road to include the views of John Campbell Road and Sandringham Road.	These will be included on the final map.
	DCA17.04	Concerned about protection of Ridley Road and Birkbeck Road/Mews.	This area has an entirely different character and appearance to the conservation area and is not under consideration for inclusion. Protection of this area and the markets is afforded by the Dalston AAP.
DCA018	DCA018.01	Concerned about unsympathetic changes that have taken place to the area since moving away as a child.	Noted.
DCA019	DCA19.01	This is an important historic neighbourhood with a wealth of heritage assets that this designation should protect and enhance.	Noted.
	DCA19.02	The appraisal is comprehensive, well researched and well presented and the inclusion of John Campbell Road is a welcome addition.	Noted.
	DCA19.03	The mixed industrial and residential area around Ashwin Street is also worthy of conservation status. Understand that this will form part of a separate review, which is welcomed.	Noted.
	DCA19.04	It is recommended that the Twentieth Century and its contact details be added to Appendix F, that the reference and website details for English Heritage be updated to Historic England and given the author had reference to the GLA Draft Heritage Report on Dalston of 2012, this should be included in bibliography.	Noted and amended. The Draft GLA report was never officially published by the GLA and has no status. However, it will be noted in the Bibliography and an unpublished background document.
DCA020		<b>Value &amp; Significance</b>	

**DALSTON CONSERVATION AREA CONSULTATION RESPONSES**

	DCA20.01	Consultation does not consider significance fully. Should have explored what local community, religious, ethnic, political, recreational and economic values are and how they relate to the built environment. These should have been consulted on and debated before the draft appraisal was written.	The CA appraisal is comprehensive and follows guidelines from Historic England in their document, "Conservation Area Appraisals".
	DCA20.02	A simple and quick but carefully constructed questionnaire could have identified what residents and visitors consider important about the high street.	Noted. Consultation undertaken in accordance with Hackney Council's SCI and Consultation Team. This will be fed back to the Council's Consultation Team.
	DCA20.03	The appraisal fails to identify the demographic and so cannot explore its vital role in defining the conservation area. Instead it risks defining the future demographic and fails to explore the potential threat of large scale redevelopment on the physical and social character of the area.	Noted. The multi-cultural character of the area is mentioned in the introduction of the report and in the SWOT. A socio-economic section has been added at 1.4.
	DCA20.04	The draft appraisal reads like a template format like others in the borough and has not allowed for thorough consideration of Dalston as a unique place and with reference to HE guidelines.	The Appraisal has been prepared by an independent Heritage Consultant in accordance with Historic England Guidance.
		<b>Errors</b>	
	DCA20.5	Page 8. Conservation Area Consent not required for demolition in a CA. There are no 'two-storey cottages' in Bradbury Street.	Noted and amended.
	SCA20.6	Page 9. The Dalston Lane (West) CA does not lie 'immediately adjacent to Dalston CA.	Noted and amended.
	DCA20.7	Page 12, PPS5 is no longer current and should not be referred to. Buildings are usually <u>statutorily</u> listed. 'Apart for some small terrace properties in Bradbury Street, there are few houses in the CA' - it is assumed that the author is referring to John Campbell Road as there are no houses in Bradbury Street, only flats above shops.	Noted and amended.
	DCA20.8	Page 19, Voodoo Rays is south of the Rio	Noted and amended.
	DCA20.9	Page 20, Harvest sell little organic fruit and veg	Noted and amended.
	DCA20.10	Page 28, Argos not Argus	Noted and amended.
		<b>Illustrations</b>	
	DCA20.11	The appraisal is difficult to follow due to the fact that photographs are not closely located to text and are often taken at an angle. Fig 16 and 21 are the same. Fig 25 should read 2 - 20.	Noted and amended as required.
		<b>SWOT analysis</b>	
	DCA20.12	Strengths: should include, a coherent streetscape in terms of height, with buildings in general between 3 and 5 storeys and none of any greater height. Mix of services and goods maintaining a thriving high street.	Noted and included.
	DCA20.13	Weaknesses: should include, Terraces of Victorian shop buildings broken up visually by varying maintenance, loss of or change to architectural detail. Inappropriate top hung or upvc windows, Overpainting of Victorian brick facades, closed or evening-only opening of premises degrading the daytime shopping scene.	Noted and included regarding maintenance issues. Evening opening hours are outside remit of appraisal.

DALSTON CONSERVATION AREA CONSULTATION RESPONSES

	DCA20.14	Opportunities: should include: Use of developer contributions (CIL and S106) to significantly improve the public realm. Leverage of the increased value of property to require developers to provide more public open space and reductions of rents where possible.	Outside remit of the CA designation. Not included.
	DCA20.15	Threats: should include, increase in night time economy driving out daytime businesses and causing anti social problems, Increases in rents driving out small businesses, particularly those associated with ethnic communities and low cost goods. Loss of architectural quality through comprehensive redevelopment involving significantly taller, bland new buildings fronting the high street.	Noted and included regarding loss of architectural quality. Night time economy and increases in rents are outside the remit of the appraisal.
		<b>Boundaries</b>	
	DCA20.16	117 - 131 Kingsland High Street - should be included in the CA.	These properties are included within the CA
	DCA20.17	4 - 10 Sandringham Road - should be included in the CA.	Following further assessment, these buildings will be included as Buildings of Townscape Merit.
	DCA20.18	46 - 52 Kingsland High Street - should be included in the CA.	Following further assessment, these buildings will be included as Buildings of Townscape Merit.
	DCA20.19	Dalston Junction - agree with Kingsland CAAC that only 596 - 600 Kingsland Road on east side and 593 on west side should be included in the proposed CA.	Following further assessment it is proposed to incorporate 527 - 539 and 596 - 600 from the existing Kingsland CA.
		<b>Significant Omissions/Concerns</b>	
	DCA20.20	Ashwin Street Area - lack of protection here is of grave concern.	Noted. Ashwin Street area to be considered under separate CA proposal in 2016.
	DCA20.21	Ridley Road market and Birkbeck Mews - Lack of protection afforded to special character is concerning. Brixton Market was listed based on communal value, which would also apply here.	This area has an entirely different character and appearance to the conservation area and is not under consideration for inclusion. The future of this area is outlined in the Dalston AAP.





<p><b>SUSTAINABLE DESIGN AND CONSTRUCTION SUPPLEMENTARY PLANNING DOCUMENT (SPD)</b></p> <p><b>Key Decision No. LHR M23</b></p>	
<p><b>CABINET MEETING DATE (2015/16)</b></p> <p>29 February 2016</p> <p><b>COUNCIL MEETING DATE</b></p> <p>20 July 2016</p>	<p><b>CLASSIFICATION:</b></p> <p>Open</p> <p>If exempt, the reason will be listed in the main body of this report.</p>
<p><b>WARD(S) AFFECTED</b></p> <p>All Wards</p>	
<p><b>CABINET MEMBER</b></p> <p>Cllr Nicholson</p> <p>Regeneration</p>	
<p><b>KEY DECISION</b></p> <p>Yes</p> <p><b>REASON</b></p> <p>Affects Two or More Wards</p>	
<p><b>GROUP DIRECTOR</b></p> <p>Kim Wright, Group Director Neighbourhoods and Housing</p>	

## **1. CABINET MEMBER'S INTRODUCTION**

- 1.1 The Council is committed to high quality sustainable development.
- 1.2 It is the experience of the Council that developers often consider sustainability after, and not as part of, the initial design process. It is the intention of this Supplementary Planning Document ("SPD") to ensure that all developments that come forward achieve a high design standard that will ensure a high quality experience for the people that will be using and occupying the buildings for many years to come.
- 1.3 This SPD provides guidance on how sustainable design and construction can be embedded into development in Hackney. It has multiple audiences - the public, developers and those submitting planning applications. It articulates the issues that have been judged to be the most important and matters that should be taken into account and incorporated into any scheme in order to maximise sustainable design in future developments within Hackney.
- 1.4 The objective of this SPD is to provide well designed buildings with sustainability measures incorporated up-front, that will provide carbon and financial benefits throughout the lifetime of the building.
- 1.5 It is intended that this document be used by all parties involved in the development process, from initial design through to construction and final delivery of the building. This is reiterated in the Council's sustainable design led approach.
- 1.6 I commend this report to Cabinet.

## **2. GROUP DIRECTOR'S INTRODUCTION**

- 2.1 The Sustainable Design and Construction Supplementary Planning Document was approved for Consultation in June 2015. The document underwent a 12 week consultation in the autumn of 2015 and the version attached takes into account the changes that were put forward by the Statutory Consultees and Residents.
- 2.2 The need for a Sustainable Design and Construction SPD is set out within Hackney's Development Management Local Plan. This SPD does not focus on the size of the development. Its focal point is on ensuring that the development is designed with the appropriate sustainability strategy in place to minimise environmental impacts. The SPD also provides guidance on the levels of information that the Council will require in order to assess planning applications.
- 2.3 The adoption of the SPD is an important tool in informing and controlling quality of developments. It allows the Council to ensure, through the planning

system, that sustainable design is incorporated into proposals at an early stage and meets national, regional and local standards.

### **3. RECOMMENDATION(S)**

**Cabinet is asked:**

- 3.1 To recommend to Council the adoption of the Sustainable Design and Construction Supplementary Planning Document, as set out in Appendix 1 of this report, in line with the Town and Country Planning (Local Planning) (England) Regulations 2012.**
- 3.2 To authorise the Corporate Director of Legal, HR and Regulatory Services to make any necessary general amendments to the Sustainable Design and Construction SPD before it is published.**

**Council is recommended:**

- 3.3 To note any revisions to the document, and approve the adoption of the Sustainable Design and Construction SPD as set out in Appendix 1 of this report.**
- 3.4 To authorise the Corporate Director of Legal, HR and Regulatory Services to make any necessary general amendments to the Sustainable Design and Construction SPD before it is published.**

### **4. REASONS FOR DECISION**

- 4.1 The decision is required in order to facilitate and provide guidance on the design process undertaken by developers, householders and design officers to ensure that there is a clear understanding of Hackney's design requirements in relation to Sustainability and Climate Change and to facilitate the achievement of sustainable design in order to meet Hackney's requirements to achieve a reduction in carbon dioxide emissions.**
- 4.2 The decision will ensure that standards set nationally and regionally will be achieved and Hackney's Sustainable Community Strategy met to provide better homes for both present and future residents within the borough.**

### **5. DETAILS OF ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

- 5.1 There were no alternative options considered.**

## **6.1 BACKGROUND**

- 6.1.1 Sustainable development can be defined as development that meets the needs of the present without compromising the ability of future generations to meet their own needs (The Brundtland Commission report (1987), *Our Common Future*, Oxford University Press).
- 6.1.2 The intention of the SPD is to provide detailed guidance on how developments are expected to achieve the sustainability requirements as set out within the London Plan, the GLA's Draft Sustainable Design and Construction SPG, Hackney's Core Strategy and Development Management Local Plan.
- 6.1.3 The overarching aim of this SPD is to enable adaption to climate change, resource depletion and environmental damage, and where possible to improve residents health and wellbeing through the built environment. This can be achieved through reducing energy and resource use; decreasing pollution; increasing biodiversity; and through applying best practice standards to the built environment to facilitate climate change adaptation.
- 6.1.4 The SPD has been developed over the last few years, and has gone through informal consultation internally. The draft document has also been subject to academic and industry peer review, before undergoing a formal public consultation.
- 6.1.5 Based on user feedback, the Sustainable Design and Construction SPD is split into two parts. Part one illustrates the most common design types within the borough and the sustainable design measures and priorities that should be incorporated as standard. The second part covers the technical appendices which provide information on the best way to incorporate those measures in order to achieve required national, regional and local standards.

## **6.2 Policy Context**

- 6.2.1 The SPD supports the Core Strategy (2010) policies: Policy 27 Biodiversity; Policy 29 Resource Efficiency and Reducing Carbon Dioxide Emissions; Policy 30 Low Carbon Energy, Renewable Technologies and District Heating; Policy 31 Flood Risk and Policy 32 Waste.
- 6.2.2 The SPD informs Hackney's Development Management Local Plan and it is the intention that this SPD provides specific guidance to applicants on the various standards needed for planning.
- 6.2.3 The SPD supports the Sustainable Community Strategy Priority 6; and also the Sustainable Community Strategy Outcomes 16 and 17.
- 6.2.4 The SPD is informed by the Mayor's London Plan and newly available Sustainable Design and Construction SPG.

6.2.5 The SPD supports the policies under the National Planning Policy Framework including promoting healthy communities by enhancing the sustainability of communities and residential environments; to set the local sustainability requirements of developments in a way that is consistent with the Government's zero carbon buildings policy; and to provide wider sustainability benefits to the community (Paragraphs 95 and 102 respectively).

### **6.2.1 Equality Impact Assessment**

6.2.1 The EqIA was prepared to assess the potential impact of the changes raised as a result of the Consultation SPD on different groups within Hackney to ensure there is no undue impact on any particular community groups. The EqIA did not identify any negative impacts.

### **6.3 Sustainability**

6.3.1 Local Plans are required to have a Sustainability Appraisal (SA) to assess the economic, social and environmental impacts of the policies contained within them. The Sustainable Design and Construction SPD itself is not required to have an SA undertaken as it is not a Local Plan, rather a Supplementary Planning Document which gives further guidance in support of Local Plan policies which themselves have been subjected to an SA.

6.3.2 The draft Sustainable Design and Construction SPD will have a direct impact on the physical design quality of both new and existing developments within the borough. The intention is to ensure developments within the borough are constructed to mitigate the potential impact of climate change and ensure that buildings are efficient to run thus reducing the potential of residents falling into fuel poverty.

### **6.4 Consultations**

The SPD went through a 12 week formal public consultation process, details of which are available in Appendix 2 of this report. The amendments proposed are largely editorial and do not make significant changes to the scope or structure of the document. It is therefore considered that no further consultation is required.

### **6.5 Risk Assessment**

6.6.1 In line with best practice and the Council's Statement of Community Involvement, the Council carried out a 12 week public consultation with stakeholders and the community. This was in line with the consultation requirements of Town and Country Planning (Local Development) (England) Regulations 2012 regarding public consultations.

6.6.2 Consultation was also carried out with statutory and local organisations including Sustainable Hackney, Natural England, CIBSE, Hackney Homes

and the Environment Agency. Responses were also sought from local residents, ward members and other interested parties. Publicity was disseminated through the local groups, Hackney Today and the Council's Consultation web page. Officers considered all relevant responses and made any appropriate amendments to the SPD before bringing it to Cabinet and Council.

## **7. COMMENTS OF THE GROUP DIRECTOR OF FINANCE AND CORPORATE RESOURCES**

This report seeks the Council to adopt the Sustainable Design and Construction Supplementary Planning Document (SPD) in accordance with the recommendations in Section 3 (above).

The immediate consultation outlay relating to officers' time, publicity and printing will be marginal and thus contained within the Planning Service revenue budget.

The SPD will provide specific guidance to applicants including developers on the various standards required for planning. However, future costs for maintenance of the document are expected to be minimal.

## **8. COMMENTS OF THE DIRECTOR OF LEGAL**

- 8.1 The Sustainable Design and Construction Supplementary Planning Document ("the SPD") is drafted taking into account the requirements of the National Planning Policy Framework which contains a presumption in favour of sustainable development. The SPD also supports and must be in conformity with the Council's Core Strategy which is the primary and strategic development plan document for the Council.
- 8.2 The SPD must be prepared, consulted upon and adopted in accordance with the Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2012. Paragraph 6.5 of the Report notes that a 12 week public consultation was undertaken with statutory bodies and parties.
- 8.3 Before the SPD is adopted, the Council as local planning authority must prepare a statement setting out (a) the persons consulted when preparing the SPD; (b) a summary of the main issues raised by those persons; and (c) how those issues have been addressed in the SPD. Appendix 2 of this Report sets out the public participation requirements of regulation 12.
- 8.4 The Council must make available, the SPD, the Adoption Statement and associated documents at the Council's offices and on its website for a period of 3 months after the day the SPD is adopted – Regulation 14 and 35. A copy

of the Adoption Statement must also be sent to any person who has asked to be notified of the adoption of the SPD.

## **APPENDICES**

### **Appendix 1**

Draft Sustainable Design and Construction SPD

### **Appendix 2**

Summary of Consultation Responses to the draft Sustainable Design and Construction Supplementary Planning Document

### **Appendix 3**

Equality Impact Assessment Form

## **BACKGROUND PAPERS**

None

<b>Report Author</b>	Oliver Hombersley, Senior Sustainability Officer 0208 356 8089 <a href="mailto:oliver.hombersley@hackney.gov.uk">oliver.hombersley@hackney.gov.uk</a>
<b>Comments of the Group Director of Finance and Corporate Resources</b>	Philip Walcott, Group Accountant 0208 356 2396 <a href="mailto:philip.walcott@hackney.gov.uk">philip.walcott@hackney.gov.uk</a>
<b>Comments of the Director of Legal</b>	Patricia Narebor, Head of Commercial 020 8356 2029 <a href="mailto:patricia.narebor@hackney.gov.uk">patricia.narebor@hackney.gov.uk</a>

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Response ID	Organisation	Section	Paragraph	Comment	Change Sought	LBH Response	LBH Proposed Change
1.0	TfL			Positive with no changes required		No edits required	
2.1	EA	Appendix TA6 Materials	Contaminated Land	Generally supportive	Addition of references to EA further guidance including Managing and Reducing Land Contamination.	Noted	Links to the EA website have been included.
2.2			Air Quality	Additional guidance required	Add paragraph setting out requirement for waste facilities to be enclosed. Add reference to guidance produced by GLA: Sustainable Design and Construction SPG and control of dust and emissions during	Noted	Paragraph added highlighting the need to design waste facilities taking into account the potential risks of from air quality issues. Link to the GLA's detailed guidance added.
2.3		Appendix TA7 Water and Drainage	Flooding	Generally supportive, however should address fluvial flood risk	Essential to highlight new EA climate change flood allowances to be published in Nov. 2015 include link to EA website and guidance on flooding assessments.	Noted	Wording added to highlight the new guidance available and link provided.
2.4		Appendix TA8 Biodiversity, Landscaping and Urban Greening	Biodiversity	Essential to highlight the importance to protect bio. Along waterways	Inclusion of guidance.	Noted	Wording highlighting the importance of the waterways to protect and improve biodiversity. Link included for further guidance.

3.1	Canal River Trust	General		Information needed in regards to safeguarding waterways	Water quality- green roof runoff, Over shadowing, Wind Microclimate, Lighting and Bats. Provide info on the opportunity to use canals for heating and cooling.	Noted	Wording on Living roof discharge, shading and lighting added. Opportunity to use the canals as a heat sink/supply included within TA4.
4.1	City of London	Part 1		Sustainability Statements	Tables TA1.4 only shows energy targets not BREEAM targets.	Noted	Breeam reference amended.
4.2		Appendix TA4	Low and Zero carbon Technology	Connection to existing heat networks	Update to include wording that existing networks may be located in adjoining boroughs.	Noted	Wording amended to include reference to ensure connection opportunities are investigated in other boroughs.
5.1	GLA	Section 1	Energy Standards	Revise tone and Language: there have been no legislative changes.	Hackney should continue to reference the GLA energy and CO2 targets (Policy 5.2) for major development.	Noted	Wording amended to include that the amendments have not been enacted, and inclusion of the requirement for major residential development to continue to achieve the GLA's energy and carbon targets. SPG referenced.
5.2					Include reference to GLA CHP guidance document.	Noted	Reference included within Technical Appendix 4: Low and Zero Carbon Technologies.
5.3			Air Quality	Additional Info	Reference GLA's air quality guidance and Control of Dust and Emissions SPG.	Noted	Reference included.
5.4			Urban Greening	Generally supportive	Include guidance on over heating and methods to combat the issue.	Noted	Wording and guidance included.

5.5			Water	Additional Info	Refer to GLA Housing Standards transitional statement and note water efficiency target should be conditioned as optional.	Noted	Wording amended.
5.6		Appendix TA10	Monitoring	Generally supportive			
5.7		Appendix TA 4	Exemptions		Wording edited to remove reference to the Governments Allowable Solutions Scheme.	Noted	Wording removed.
6.1	Historic England	Section 1		Highlight need to discuss with conservation team before planning works	Include reference to Historic England guidance.	Noted	Wording added to include the importance of discussing with the Council any works proposed to a listed building at the earliest opportunity, including website link.
6.2		Appendix TA5		Reference to working in Conservation areas	Adapt to include working on listed buildings.	Noted	Paragraph amended to include importance of listed buildings.
6.3				Reference to slim line double glazing	Improve guidance on window upgrades as well as/instead of glazing.	Noted	Wording included to investigate the opportunity to retain and refurbish existing windows, and also investigate the use of traditional building materials when carrying out refurb on Listed and historic buildings.
7.1	Natural England	Green Infrastructure		Include ref to NE guidance to improve Infrastructure and retrofit infrastructure in urban environments		Noted	Amended to contain current guidance and wording.

7.2		Biodiversity		SPD should encourage opportunities to incorporate features that are beneficial to wildlife into proposals for development	Particularly in regards to birds and bats.	Noted	Measures highlighted and included.
7.3		Landscape Enhancement		Encourage planting and management of trees/succession planting		Noted	Paragraph added to cover these points.
7.4		Lighting		Highlight the impact of lighting	Provide measures to reduce the impact.	Noted	Wording included.
7.5		Strategic Environmental Assessment/ Habitats Regulations Assessment		Hackney needs to assess the requirement to carry out a SEA/HRA assessment on the SPD	Assessment required.	Noted	The Sustainable Design and Construction SPD is not required to have an SEA undertaken as it is not a Local Plan, rather the document gives further guidance in support of Local Plan policies which themselves have been
8.1	Sustainable Hackney			Generally supportive with a number of suggested changes			
8.2		How to use this SPD			Add 'reduce resource use and waste' to bullet point list.	Agreed	Bullet point included.
8.3		Development types		In a previous version of the document 'Student Accommodation' was included as a development type. There are specific issues with this development type. Why is this no longer listed as a separate development	Add Student Accommodation as specific development type.	Noted	The Council no longer encourages further development of Student Accommodation in the borough and therefore this typology is no longer covered in the SPD.

8.4				Theatres, Leisure Centres and Hospitals are specified as not listed due to the limited demand for this type of development. However these developments have specific requirements and demands that should be addressed.	Add examples of best practice.	With the limited demand for these types of development the Council feels it appropriate to provide specific advice to applicants through the pre application process for these types of	No change to be made.
8.5			Sustainable Design Measures	Supportive, with the inclusion of further wording. Highlights that every opportunity to reduce energy consumption should be taken.	Include: Fabric first; durability and build quality, Transport; facilitate pedestrian desire lines. Urban Greening; food growing and composting, Rainwater Capture; gravity fed systems, BMS; ensure system is user friendly, Permeable Landscaping; include the word porous.	Noted	Relevant wording included.
8.6			Estate Regeneration		Highlight 'maximise energy efficiency'.	Noted	Amended.
8.7			Community Facilities		Include 'maximise energy and water efficiency'.	Noted	Amended.
8.8			Retail/Restaurants		Highlight energy efficiency and heat recovery from ventilation in kitchens.	Noted	Amended.

8.9			Hotels		Highlight energy efficiency.	Noted	Amended.
8.10			Light Industrial	Agree that safeguarding employment space/industrial processes is essential to the local economy	Highlight energy efficiency.	Noted	Amended.
8.11			Office Space		Add bicycle parking.	Noted	Amended.
8.12			Residential and mixed use		Add water efficiency and tenants' handbook.	Noted	Amended.
8.13			Schools	Schools are ideal for PV as production and usage coincide	Highlight low carbon technologies.	Noted	Amended.
8.14			Conversion and Refurb		Highlight water and energy efficiency and provision of SUDS.	Noted	Amended.
8.15		Interventions	Introduction		Improved fabric efficiency reduces the requirement for technology and therefore reduces costs.	Noted	Wording amended to include: However in the first instance the improvement of fabric efficiency should take priority before the installation of technologies is considered.
8.16			Building Management Systems	Issues with BMS's being too complicated	Refer to the need to install simple systems and provide training.	Noted	Wording amended to include: BMS should be simple and user friendly and training provided to the end user to ensure the system can be managed correctly.
8.17			Ecology, Biodiversity	This section needs strengthening	Include reference to the BAP, safeguarding green spaces, and improved provision of trees.	Noted	Wording amended to refer users to Appendix TA 8 Biodiversity, Landscaping and Urban Greening.

8.18			Minimum Standards		Include requirement for Excellent rating for residential development.	A building assessment is no longer required for residential developments.	No change to be made.
8.19			Windows	It is important we move from incremental measures and make a step change in energy efficiency.	Add wording on the advantage of triple glazing.	Noted	Wording amended
8.20		General comment		The Council should have a preference for Passiv Haus development to create a paradigm shift in energy standards.		Noted	Passiv Haus is very costly (compared to current energy efficient design) to implement. Pursuing this type of development would significantly impact on the viability of residential development in the borough.

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**SUSTAINABLE DESIGN AND CONSTRUCTION SUPPLEMENTARY PLANNING DOCUMENT (SPD) Appendix 2**

**Key Decision No. LHR M23**

**CABINET MEETING DATE (2015/16)**

**29 February 2016**

**COUNCIL MEETING DATE July 2016**

**CLASSIFICATION:**

**Open**

**If exempt, the reason will be listed in the main body of this report.**

**WARD(S) AFFECTED**

**All Wards**

**CABINET MEMBER**

**Cllr Nicholson**

**Regeneration**

**KEY DECISION**

**Yes**

**REASON**

**Affects Two or More Wards**

**CORPORATE DIRECTOR**

**Gifty Edila, Corporate Director of Legal HR and Regulatory Services**

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London Borough of  
Hackney

Sustainable Design and  
Construction  
Supplementary Planning  
Document



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## Sustainable Construction and Design Glossary

ALGG	All London Green Grid
ASHP	Air Source Heat Pump
BAP	Biodiversity Action Plan
BER	Building Emission Rate
BMS	Building Management System
BRE	Building Research Establishment
CfSH	Code for Sustainable Homes
CHP	Combined Heat and Power
CLT	Cross Laminated Timber
COP	Coefficient of Performance
CPET	Central Point of Expertise on Timber
DHN	District Heat System
ECO	Energy Company Obligation
FSC	Forestry Stewardship Council
g- Value	Solar energy transmittance of glass
GPDO	General Permitted Development Order
GSHP	Ground Source Heat Pump
GWP	Global Warming Potential
LED	Light Emitting Diodes
MHRV	Mechanical Heat Recovery Ventilation
NPPF	National Policy Planning Framework
ODP	Ozone Depleting Potential
PV	Photovoltaic
RES	Renewable Energy Source
SuDS	Sustainable Urban Drainage System
SWMP	Site Waste Management Plan
TER	Target Emission Rate
TRV's	Thermostatic Radiator Valves
u values	Heat transfer co-efficient
y value	Thermal bridging factor
VOC	Volatile Organic Compounds

## Foreword Cllr Nicholson

The Council is committed to achieving high quality sustainable development in the borough of Hackney. It is the experience of the Council that developers often consider sustainability after and not as part of the initial design process. It is therefore the intention of our Sustainable Design and Construction SPD to ensure that all developments that come forward achieve a high design standard which ensures a high quality experience for the people that will be using and occupying the buildings for many years to come.

This SPD is intended to provide guidance on how sustainable design and construction can be embedded into development in Hackney. It has multiple audiences - the public, developers and those submitting planning applications. It articulates the issues that have been judged to be the most important matters that should be taken into account and incorporated into any scheme in order to maximise sustainable design in future developments within Hackney.

The objective of this SPD is to provide well designed buildings with sustainability measures incorporated up-front, that will provide carbon and financial benefits throughout the building's lifetime.

# Introduction

## Hackney's Approach to Sustainable Design and Construction

Sustainable development can be defined as development that meets the needs of the present without compromising the ability of future generations to meet their own needs (the Brundtland Commission report (1987), *Our Common Future*, Oxford University Press). The overarching aim of this Supplementary Planning Document (SPD) is to enable people to adapt to climate change, resource depletion and environmental damage, and where possible to improve their health and wellbeing. This can be achieved through reducing energy and resource use, decreasing pollution, increasing biodiversity and through applying best practice standards to the built environment to facilitate climate change adaptation.

This SPD is intended to provide guidance on how sustainable design and construction can be embedded into development in Hackney. It has multiple audiences - the public, developers and those submitting planning applications. It articulates the issues that have been judged to be the most important considerations that should be taken into account and incorporated into any scheme in order to maximise sustainable design and carbon reduction in future developments within Hackney.

This SPD is not intended to be prescriptive. It provides strategic level guidance as a starting point for discussion between the applicant's design team and the Council.

This SPD sets out possible design options. The opportunities to reduce carbon range from simple to technically complex and from low to significant cost. Choices of interventions are available and some which have not been listed will still be appropriate for the specific requirements of a new development. The intention of this SPD is to ensure well-designed buildings with sustainability measures incorporated up front, that will provide carbon and financial benefits throughout the building's lifetime.

The use of high quality, high specification materials which adapt and mitigate for climate change is a design issue. This is reiterated in the Council's sustainable design-led approach.

Hackney is seeking to mainstream sustainability in the developmental design process, rather than it being a consideration after plans have been finalised. Hackney is therefore asking developers to frontload sustainability into the design process. It is intended that this document and the technical appendices be used by all parties involved in the development process, from initial design through to construction and final delivery of the building.



## Policy Update January 2016

Since this document was taken to Cabinet for approval for consultation in May 2015, the Council has received the Planning Inspectorate's report on Hackney's Development Management Local Plan ("DMLP"). Within this report the Inspector recommended modifications to the Council's Energy and Sustainability policies to take into account the recent signposting of the Government's upcoming policy changes in regards to energy standards and amendments to the Energy Act as set out in the Department for Communities & Local Government ("DCLG") Ministerial Statement (March 2015). The Chancellor has also outlined, within the July 2015 Budget, a number changes that may also require amendments to this document.

As such, Hackney Council local policy now requires carbon emissions reduction in line with the Building Regulations. The Council no longer requires Code for Sustainable Homes assessments to be carried out and will not pursue a Zero Carbon Standard. However, the existing energy and carbon polices contained within the London Plan still apply. These include, and are not exclusive to, Policy 5.2 and the GLA's Guidance on preparing Energy Assessments 2015. Full details of the requirements are set out within the London Plan Sustainable Design and Construction SPG:

<http://www.london.gov.uk/what-we-do/planning/implementing-london-plan/supplementary-planning-guidance/sustainable-design-and>

Existing standards for non-residential major developments are still required to be achieved in line with policies set out within Hackney's DMLP.

The below summarises the legislative changes that are expected to be enacted in October 2016 and the implications for policy:

- All residential development (minor and major) will be required to meet the energy standards set out in Building Regulations Part L 2013.
- The Code for Sustainable Homes will not be required for new planning applications.
- The Government will no longer be pursuing the Zero Carbon Standards on domestic development, and the Allowable Solutions Framework will not be enacted.
- Energy Standards within Building Regulations (Part L) will no longer be updated in 2016.
- Standards for non-domestic developments will remain.

## Policy Context

The National Planning Policy Framework (NPPF)<sup>1</sup>, the London Plan<sup>2</sup> and the Mayor of London's Sustainable Design and Construction<sup>3</sup> Supplementary Planning Guidance set out specific priorities in sustainable design and long-term climate change targets for London as a whole in order to meet national carbon reduction targets, while taking into account the outcome of the Housing Standards review.

In 2014 DCLG issued the Housing Standards Consultation<sup>4</sup>. The intention of the review was to streamline current legislation and standards and ensure that one standard is applied across the country. The following legislative amendments have since been issued by the government and are expected to be adopted in October 2016:

- All Energy and Sustainability standards will be set at a national level and Local Authorities will not be able to exceed these national requirements.
- The Code for Sustainable Homes will be phased out and withdrawn from national legislation.
- The Energy and Water standards from the Code will be absorbed into the Building Regulations; assessment of the remaining standards that were covered within the Code will become optional at the developers' discretion.

The Council's Core Strategy incorporates policies on resource efficiency, energy performance and sustainability standards (Policies 29 and 30). The Council adopted the DMLP in July 2015 which provides an up-to-date policy position on sustainability requirements for the Borough taking into account the recent legislative changes. Policies DM38 and 39 set out the sustainability standards for residential and non-residential development and DM40 stipulates the requirements for off-setting should these standards not be achieved. It is the intention that this SPD provides further detail and guidance on the implementation of the Council's energy and sustainability policies. The SPD therefore sets out the Council's aspirations, proposed strategy, and requirements for future developments within Hackney to reach the highest standards of sustainable design. The standards and requirements that are set out within this document will apply until the legislation for the changes proposed by the government has been enacted.

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<sup>1</sup> <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

<sup>2</sup> <https://www.london.gov.uk/priorities/planning/london-plan>

<sup>3</sup> <https://www.london.gov.uk/file/18489/download?token=wkL8tUqw>

<sup>4</sup> <https://www.gov.uk/government/consultations/housing-standards-review-technical-consultation>

## How to use this SPD

Hackney is a vibrant and diverse borough with an appetite for sustainable growth.

The SPD is split into two parts. The first section highlights the different development types (referred to as typologies) of the borough and emphasises the most important sustainable design considerations.

For each development type a range of sustainability measures is illustrated which promotes either individually, or in combination, the following:

- Increased energy efficiency
- Reduced carbon emission
- Reduction of land, water, noise and air pollution
- Increased biodiversity and urban greening
- Increased uptake of sustainable modes of transport
- Reduce resource use and waste

The Technical Appendices, in Part Two, detail the most pragmatic methods to achieve the specific design considerations dependent on the building type. It is not intended that the methods outlined in the separate Technical Appendices are taken individually, but instead the appendices should be used to take a holistic approach to achieve the most sustainable development possible.

## PART 1

### Step One

Review the overarching sustainability measures set out in the Sustainable Design Measures on page 13. Refer to the development typologies and choose the typology that best matches the proposed development.



### Step Two

Review the options and decide which combination of the measures illustrated will be incorporated into the development. Where a measure is not to be included, Hackney will require reasoned justification.



## PART 2

### Step Three

Use the Technical Appendices in Part 2 of the SPD to finesse the approach and finalise the scale of the action to maximise the environmental benefits

## Part 1: Development Types and Interventions

The Council appreciates that modern developments are often mixed use, be it commercial with residential units above or the innovation of mixed use education schemes. Therefore, in structuring your approach to sustainable design, review the typologies and choose the typology which most closely represents the proposed development.

Once chosen, ensure that the design of your development takes into account the design considerations that are highlighted by the specific illustration. It is not expected that every design idea is incorporated into all development, as Hackney understands that in certain situations this will not be possible, but a balanced, holistic and innovative approach should be taken to maximise efficiencies.

## Part 2: Technical Appendices

This suite of appendices sets out minimum standards and technical requirements for sustainable design and construction. The SPD provides an outline to the policy requirements for new developments and refurbishment in Hackney.

Once the decisions about the measures have been made, the Technical Appendices should be used to ensure that the measures chosen are developed and modelled to maximise environmental benefits. The information in the Technical Appendices is, over time, likely to require updating as new regulations are released, technologies improve, and targets are raised. For this reason they will be periodically updated as and when required.

Other documents are available from the Hackney website and may also prove useful to developers, including:

- Refuse and Waste Recycling:  
<http://www.hackney.gov.uk/Assets/Documents/Architects-Recycling-Guide.pdf>
- Noise and Air Quality
- Public Health and Impacts:  
<http://www.hackney.gov.uk/public-health.htm>
- Interim SuDS Guidance:  
[http://www.hackney.gov.uk/Assets/Documents/LBH-Interim-SuDS\\_Policyv6.1.pdf](http://www.hackney.gov.uk/Assets/Documents/LBH-Interim-SuDS_Policyv6.1.pdf)
- Biodiversity Action Plan 2012-2017:  
<http://www.hackney.gov.uk/Assets/Documents/Biodiversity-Action-Plan-2012-2017.pdf>

## Working with Hackney

Hackney takes a flexible, qualitative approach to sustainable design and construction. The development type will determine which sustainable design strategies are included. The Council is committed to high quality sustainable development and currently utilises the BRE's building assessment models to ensure that this is achieved. Details of these schemes are available on the BRE website<sup>5</sup>.

It is the experience of the Council that developers often consider sustainability after and not as part of the design process. As such the building assessment models should be treated as minimum requirements. Further details of the specific requirements are contained within the Technical Appendices in Part 2. The requirements will be updated regularly in line with regulations.

It is not the intention of this SPD to take away the flexibility that BRE's assessment methodology offers. What it does do is ensure that all developments that come forward achieve a high design standard which ensures a high quality experience for the people that will be using and occupying the buildings for many years to come.

This SPD does not focus on the size of the development. Its focal point is on ensuring that the development is designed with the appropriate sustainability strategy in place to minimise environmental impacts. However, the SPD does give guidance on the levels of information that the Council will require in order to assess a planning application.

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<sup>5</sup><http://www.bre.co.uk/>

Hackney requires a 'Sustainability Statement' and an 'Energy Statement' to be submitted in order to allow verification that the design of the proposal complies with the corporate and planning objectives of the Council. The statements should show how the scheme complies with national, regional and local policy. Further details on the level of information required within these statements are available within Technical Appendix TA-1.

In residential and mixed use developments it will be necessary to review the minimum standards and other Technical Appendices.

Included within Appendix TA-10 of this SPD is the Sustainable Measures Monitoring Form. When an application is granted permission it will be conditioned that all applicants complete this monitoring form at design and post completion stages and return it to the Council's Sustainability Officer. This is to enable the Council to monitor the sustainable design measures within all developments undertaken within Hackney.

## Part 1

# Sustainable Design and Construction Supplementary Planning Guidance

## Development Types + Interventions

## Development Types

The diversity of the Borough and those that live, work and play in Hackney is reflected in the range of the different development types. From Hackney's oldest residence, Sutton House, to the Hackney Empire, the Olympics Media Centre, Stadthaus, and everything in between. Environmentally sustainable residential, office and retail units are part of Hackney's requirement for sustainable design. Hackney Council will expect all developments, including those that involve enhancement to existing heritage and conservation buildings, to be sustainable.

This SPD focuses on the following types of development:

- Estate Regeneration
- Community facilities
- Hotels
- Light Industrial
- Industrial (B2 and Industrial processes)
- Offices
- Residential and Mixed Use
- Retail and Food outlets/restaurants
- Schools
- Conversions and Refurbishments

Developments types which have not been listed include:

- Theatres
- Leisure Centres
- Hospitals
- Student Accommodation

For the above four schemes, principles can be taken from other development types and early discussion with the Council will ensure that the appropriate sustainability measures can be incorporated.



## Sustainable Design Measures

A number of sustainable design measures are suitable for all typologies and as such need to be considered and incorporated as standard for all development typologies on major applications. These include:

- Fabric first - improve fabric efficiency, quality and durability of buildings before all other measures.
- Transport – maximise links to public transport, provide cycle storage, car charging points and facilitate pedestrian desire lines.
- Urban Greening - increase biodiversity wherever possible, provision of areas for food growing and composting.
- Rainwater capture - avoid using potable water for irrigation and investigate the opportunity for gravity fed rainwater systems.
- ‘Secured by Design’.
- Passive heating and cooling - prioritise zero or low energy measures to heat and cool the development over non passive systems.
  - Provide ventilation and thermal comfort strategies at application stage.
- Building Management Systems - where feasible incorporate a BMS, and ensure the occupant/management is trained in its use and the system is user friendly.
- Design out waste and minimise resource use - work with the designers and contractors to reduce construction waste and recycle materials for re-use wherever possible.
- Permeable hard landscaping – absorbent and porous materials to be specified in all cases.
- Low Carbon/Communal Heating systems/Decentralised Energy - ensure that plant room is oversized to allow future connectivity, and act as anchor for future developments.

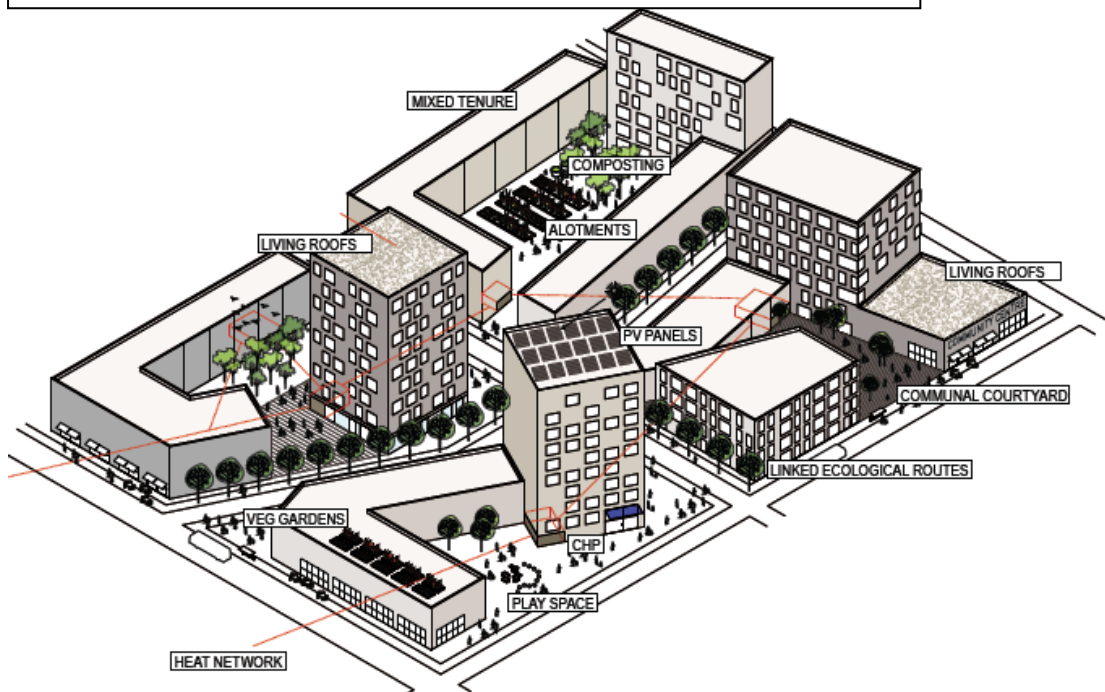
Further sustainable measures specific to each typology are included within the following illustrations.

# 1 Estate Regeneration

The Council has embarked on an extensive estate regeneration programme. A number of large estate regeneration projects are being undertaken across the Borough that will deliver over 8000 new homes as well as refurbishing existing dwellings. The programme will improve the physical environment for thousands of residents and the social and economic impact for existing and new residents will be significant. Estate regeneration projects should prioritise estate-wide District Heat Networks and interconnection with neighbouring developments.

## Sustainability Focus

- Community engagement and ownership throughout the project
- Low Carbon Technologies (with a focus on being a catalyst for District Heat Network connectivity)
- Whole estate rather than block approach
- Fully inclusive and accessible residential and non-residential blocks
- Minimise noise and air pollution
- Provide open space and increase urban greening
- Innovate and increase recycling opportunities
- Maximise energy efficiency

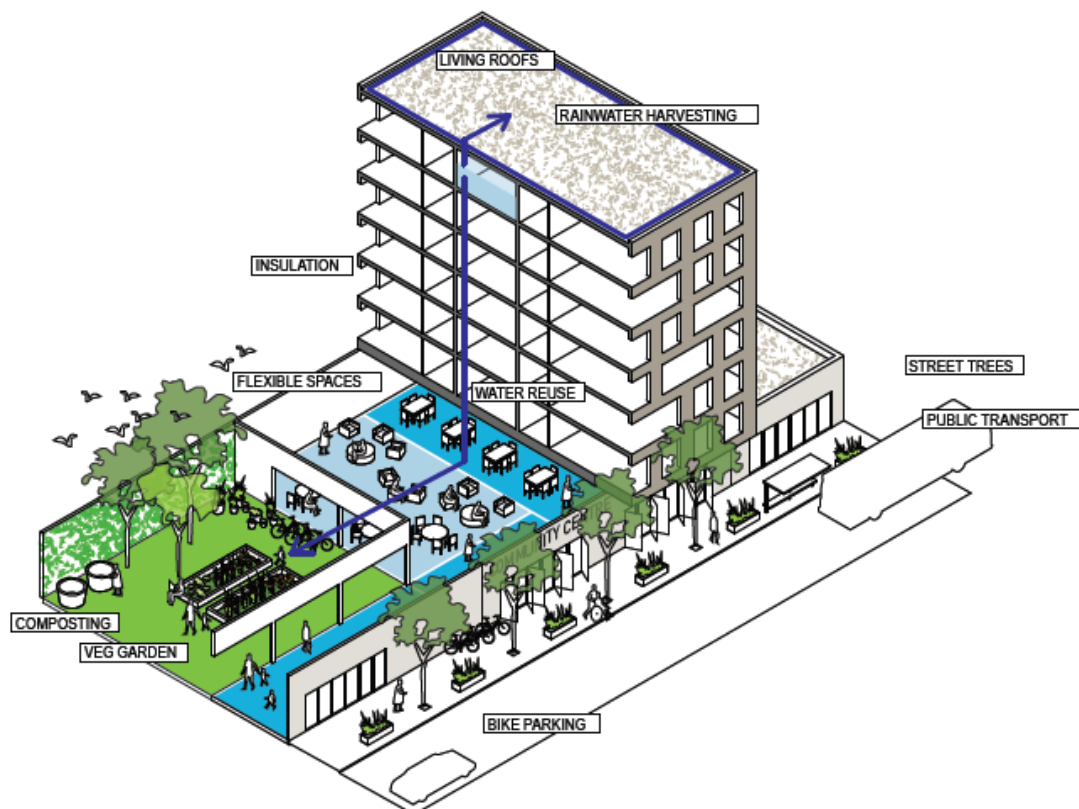


## 2 Community Facilities

Community facilities form an important part of the fabric of new developments, especially as part of a large scheme. They can vary in size and scale, and need to be built to be flexible yet functional to cater for multiple occupancy and the diversity of needs within the Borough. Community engagement should be sought at the earliest opportunity in the design process to ensure that the development will meet the needs of the local community.

### Sustainability Focus

- Secure and inclusive for all users
- Maximise urban greening
- BREEAM Excellent rating
- Funding management plan in place for perpetuity
- Maximise energy and water efficiency

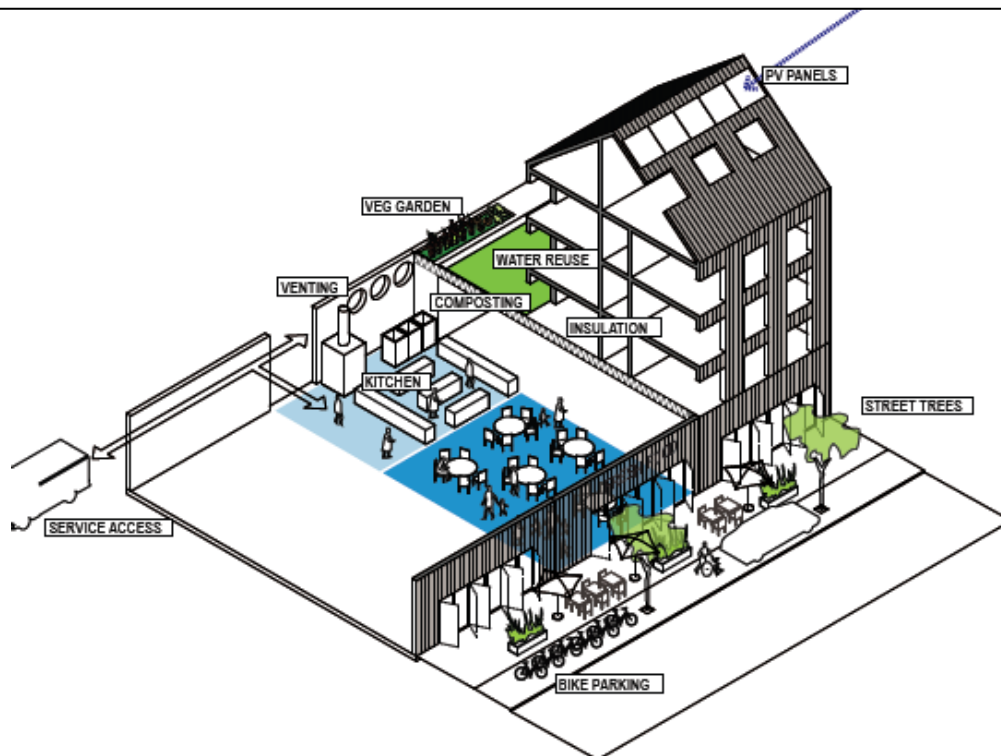


### 3 Retail & Food Outlets/Restaurants

Cafe and restaurant culture is important in Hackney. It not only represents the diversity of the people who live and work here, it also becomes a destination for high quality and highly diverse eateries. The requirements will depend on the size and type of the establishments and will be judged on their individual merits. Wherever possible, new units need to be pre-let to ensure that the fit out is designed to meet BREEAM Excellent.

#### Sustainability Focus

- Minimise noise and air impacts
- Accessible and secure by design
- Install flues at the correct specification
- Investigate opportunities for growing food/sourcing product locally
- BREEAM Very Good rating (Conversions) or BREEAM Excellent rating (New Construction)
- Incorporate MHRV from kitchens
- Reduce potable water consumption

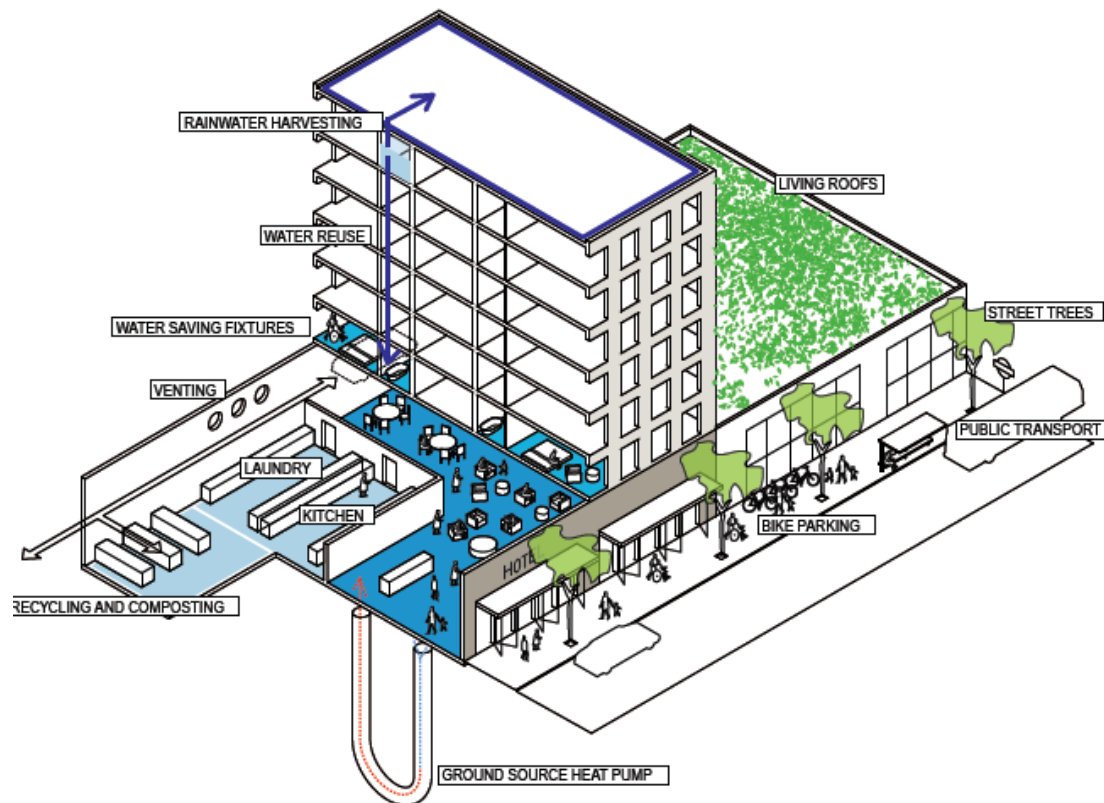


## 4 Hotels

Hackney is situated close to the Olympic Park and the City. It has a thriving night time economy as well as a growing technical industry and an established business community. From small boutique establishments to larger, corporate-focused conference opportunities, budget and high end, Hackney is ideal for hotels.

### Sustainability Focus

- Reduce water consumption
- Maximise energy efficiency
- Low carbon technologies and heating strategy
- Prioritise useable, inclusive rooms
- Incorporate passive cooling strategies

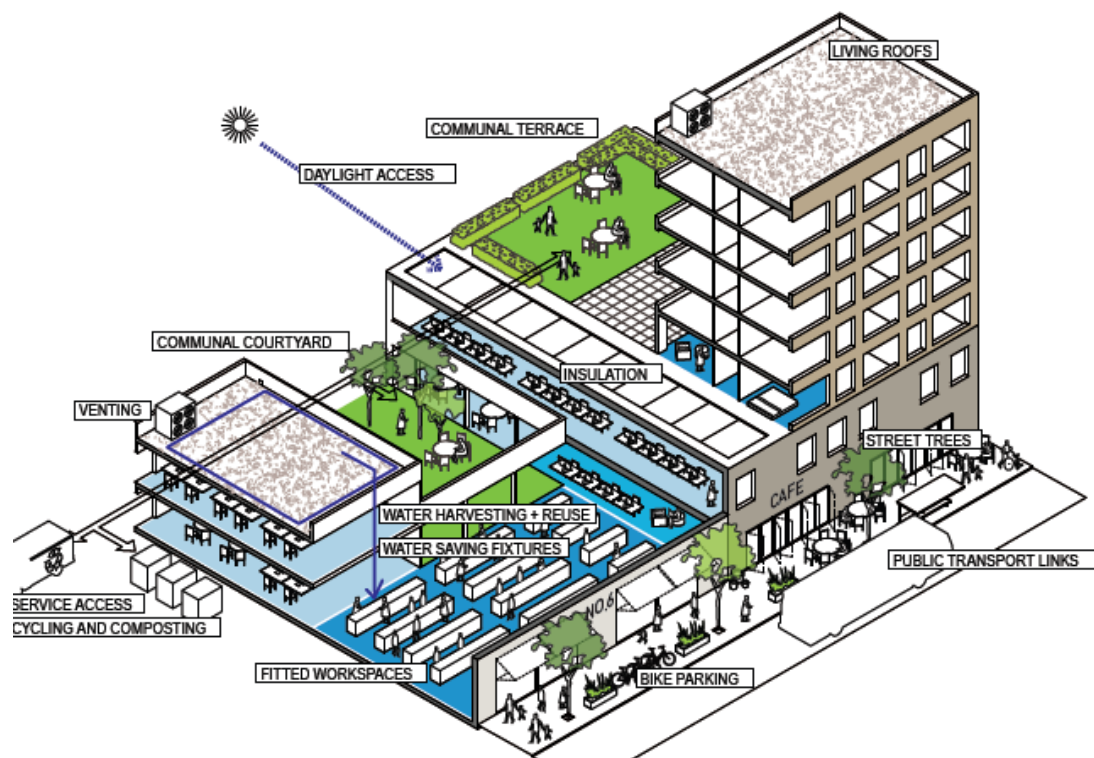


## 5 Light Industrial

Light industrial activities are flourishing in Hackney and often form part of the creative output. This category of development covers a vast range of activities and needs to be considered on a site by site basis.

### Sustainability Focus

- Minimise noise and light impacts
- Maximise urban greening opportunities and energy efficiency
- BREEAM Excellent rating- not shell and core, fit out designed at application stage
- Ensure activity does not impact on neighbours or pollute the atmosphere
- Transport links - provide electric vehicle charging points and cycle storage
- Local jobs/apprenticeships – connections with local education establishments
- Flexibly designed module units that can expand flexibly to provide larger units as businesses grow

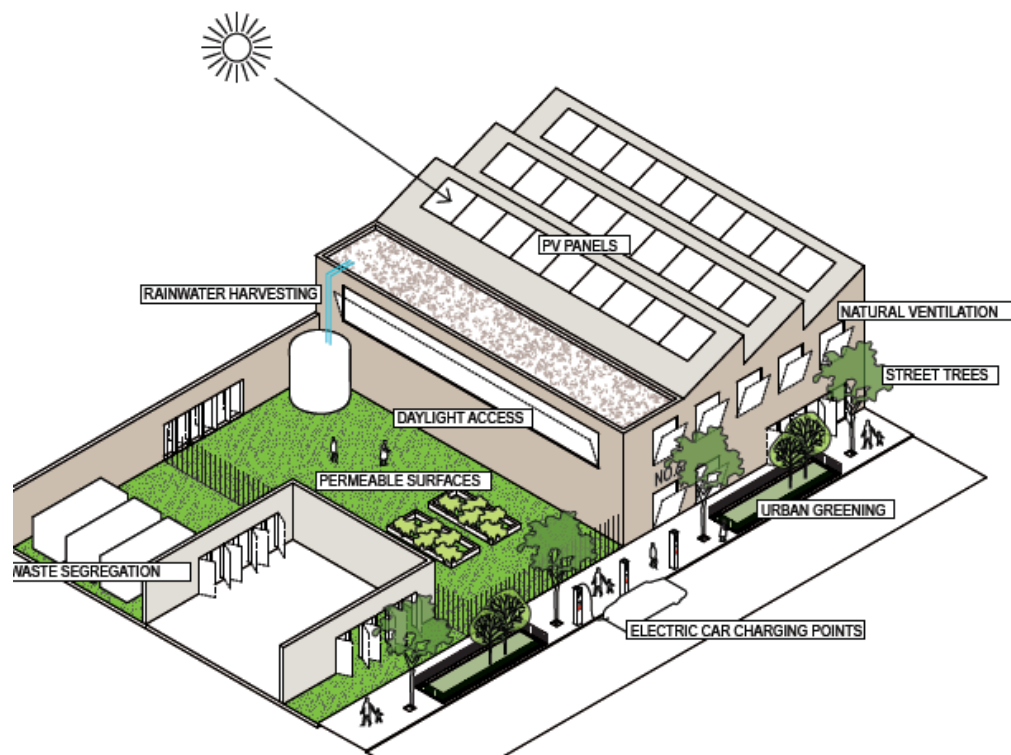


## 5a Industrial processes

Throughout the borough there are locally significant industrial areas that are protected. These areas are important for local employment and when renewal occurs, employment is a priority.

### Sustainability Focus

- Minimise noise and light impacts
- Minimise air pollution
- Increase local employment
- Maximise urban greening opportunities
- BREEAM Excellent rating- not shell and core, fit out designed at application stage
- Transport links- provide electric vehicle charging points and cycle storage
- Safe waste segregation area

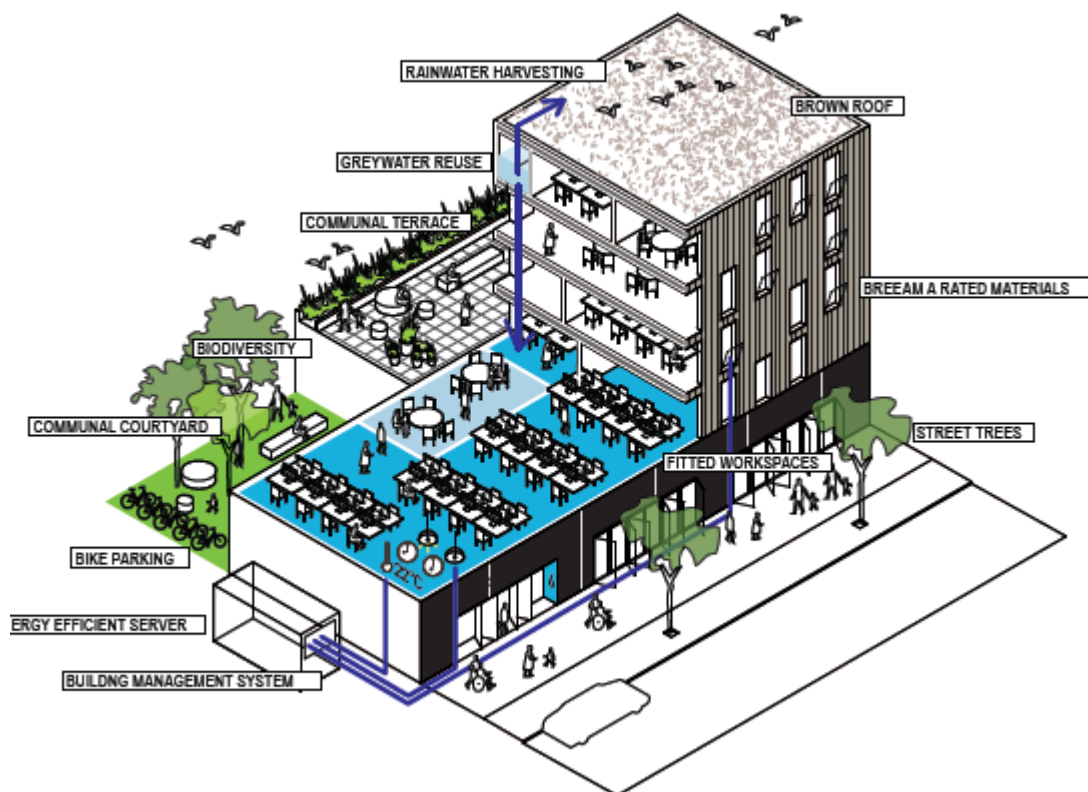


## 6 Office Space

Tech City, a high-tech 'creative cluster' located in south west Hackney, provides different forms of affordable work space with excellent transport links. Hackney is well positioned for local and regional workers. In both traditional and modern organisations office space needs to be flexible to accommodate variable requirements.

### Sustainability Focus

- Energy efficiency, especially in regards to computer servers
- Prioritise passive cooling strategies and heat recovery
- Increase biodiversity and urban greening
- Building Management Systems (BMS) - ensure building managers are qualified in its use
- BREEAM Excellent rating or BREEAM (Refurbishment) Very Good rating
- Internal layout appropriate to end use
- Private/public space and landscaping
- Flexible and adaptable floor plate design
- Multi-purpose living roofs
- Provision of bicycle parking



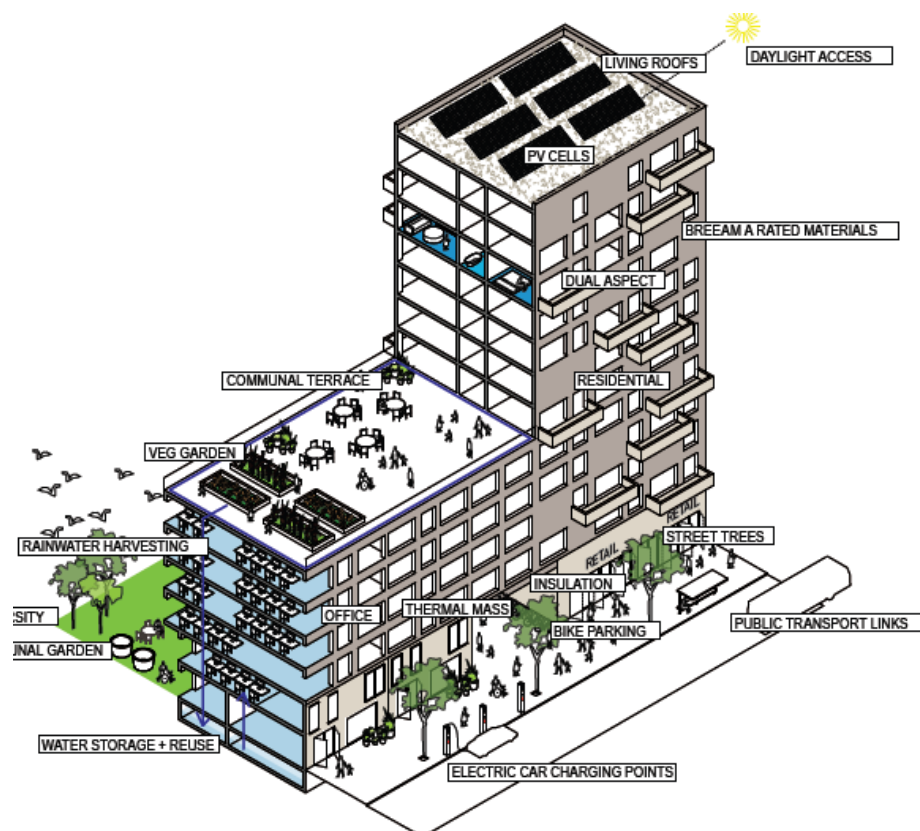


## 7 Residential and Mixed Use

Hackney is a great place to live with attractive open spaces, excellent transport links, schools, culture and employers. Whether designing houses, penthouses or flats, affordable or privately marketed, every new property in the Borough needs to be built to a high quality specification for current and future generations. It is important to ensure that other demands on mixed use sites do not impact on the residents living within the development.

### Sustainability Focus

- Energy and water efficiency
- Provide external space
- Design to GLA space standards
- Smart metering
- Comprehensive waste strategy
- Accessible, secure and inclusive design
- Passive/Low energy cooling and ventilation strategies
- SuDS systems and green roofs/biodiversity
- Provide Resident User Manual



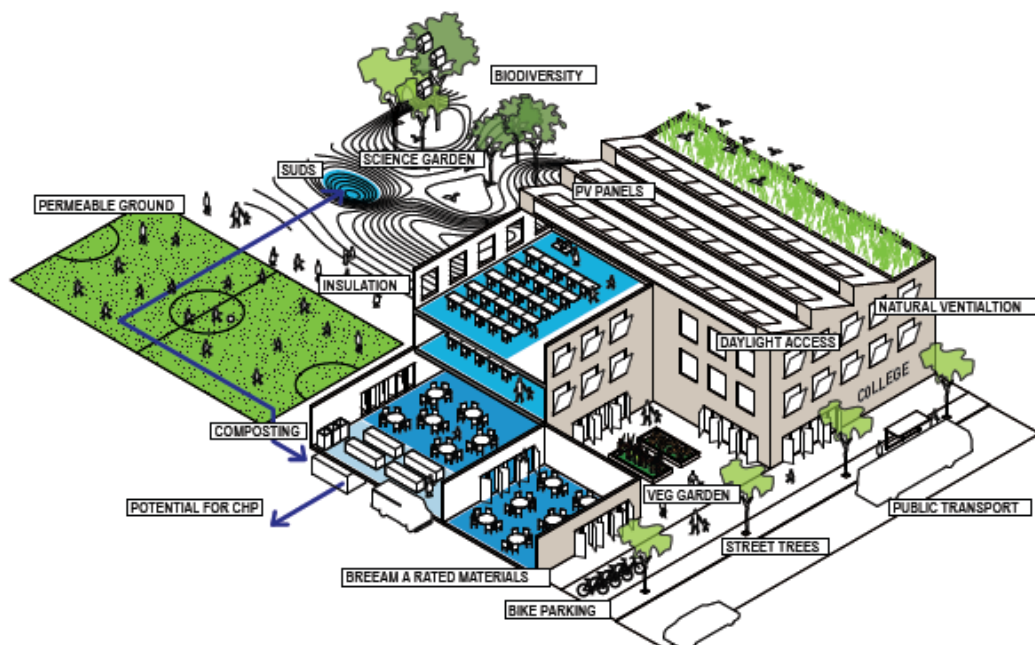
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## 8 Schools

Hackney has a young and growing population. Schools are important not only in terms of formal education but also as places of aspiration. Hackney benefited from a substantial Building Schools for the Future programme and as a result learnt many lessons about which designs do and don't work. New schools in Hackney should incorporate the needs of the existing staff, pupils and parents without hindering the requirement of future generations.

### Sustainability Focus

- Energy efficiency and low carbon technologies
- Incorporate SuDS and a functional and educational landscaping strategy using biodiversity as a resource
- Be inclusive to all
- Orientate buildings to ensure classrooms don't overheat (sunlight analysis)
- Design high quality open space
- Incorporate thermal mass into the structure of the building

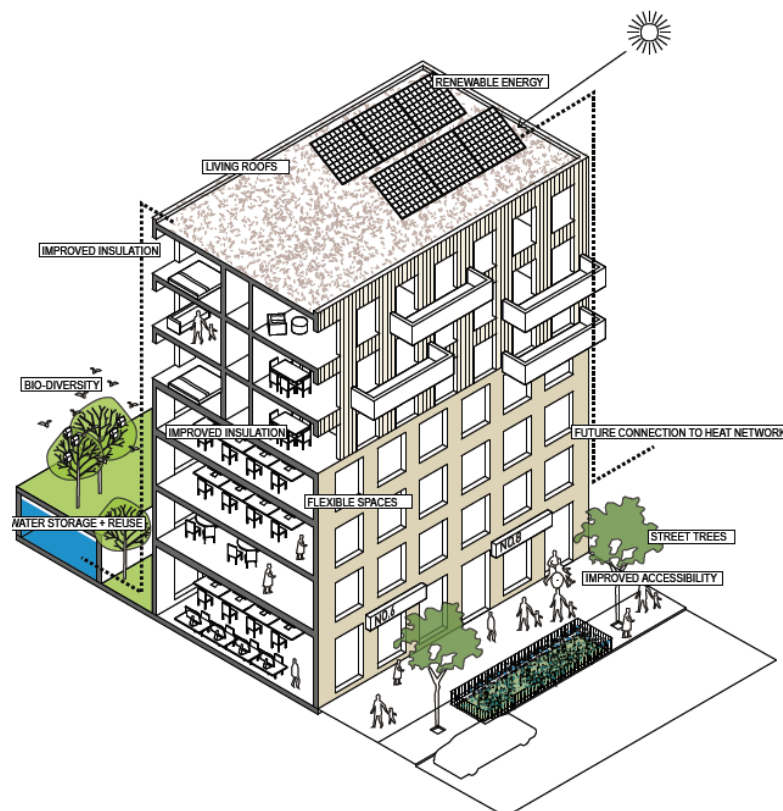


## 9 Conversions and Refurbishments

Refurbishment should be prioritised over building new properties. Demolishing existing buildings to rebuild from new results in an increase in resource usage and consequent carbon emissions. Whilst the argument could be made that the new building will operate more efficiently, high performance levels can be achieved from well considered design and undertaken refurbishment programmes. These can be achieved significantly increasing the embodied energy of the existing structure. The BRE have developed BREEAM Domestic Refurbishment building assessment for dwellings and the non-residential equivalent was released in 2014. Hackney supports the appropriate refurbishment of properties as part of wider redevelopment and will always seek to achieve the highest standard of sustainable design.

### Sustainability Focus

- Indoor air quality
- Energy efficiency and water consumption
- Prevent interstitial condensation where insulation has been up-rated
- Ensure ventilation strategy is updated to take into account the works that are carried out
- SUDS



# Interventions

## Introduction

The following illustrations provide examples of some of the modern technologies that can be installed to reduce the energy consumption of developments or mitigate the impacts of climate change. The technologies shown are not exclusive to certain typologies, but can be adapted to suit most situations. It should not be assumed that by installing one intervention there is no requirement to install other interventions. Instead, a holistic approach should be taken to maximise the carbon and energy savings within a development. However, in the first instance the improvement of fabric efficiency should take priority before the installation of technologies is considered.

Roof spaces can be used for more than one intervention<sup>6</sup>, for example, living roofs and solar installations, but the perception is that this creates a conflicting demand. Current research has shown that where a living roof and solar installation are integrated on the same roof space, the effects can be beneficial. The variation in habitat across the roof increases biodiversity, and the cooling effect of transpiration from the planted area can increase the efficiency of solar PV panels. The Council encourages innovation in this area and wherever possible the integration of systems.

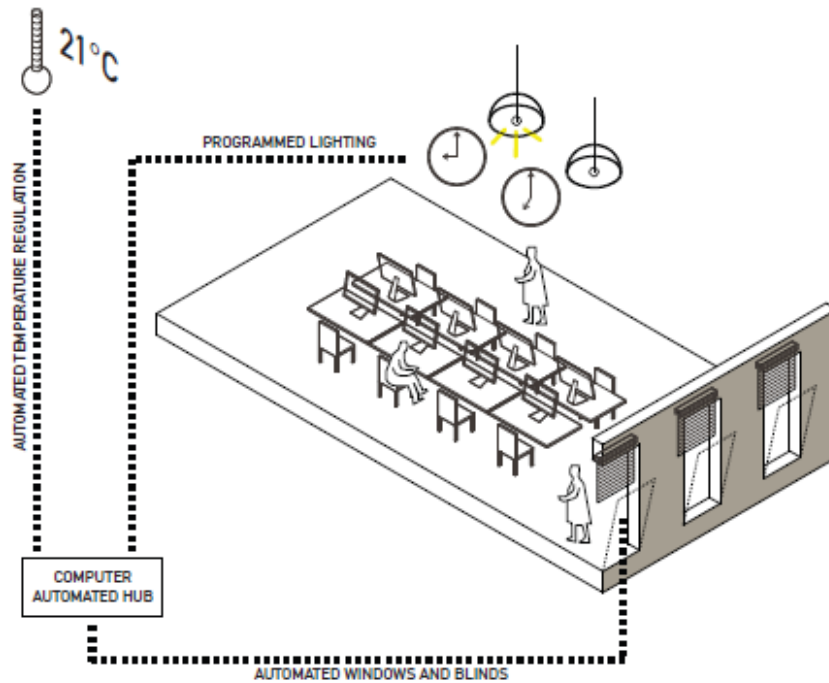
## Building Management Systems

A Building Management System (“BMS”) is used to control, monitor and regulate a building’s energy use. By applying a range of control measures and monitoring routines, both simple and sophisticated, a BMS is capable of operating the building services at optimum efficiency and can reduce the energy consumption of the building, thus reducing the carbon emissions and the energy costs to the building owner or user. Traditionally, BMS was only suitable in larger buildings or commercial schemes. However, smaller systems are now becoming available for the domestic market. It’s essential that building managers/users receive comprehensive training in the use of the BMS on commissioning of the development to maximise the potential energy savings. BMS should be simple and user friendly and training provided to the end user to ensure the system can be managed correctly.

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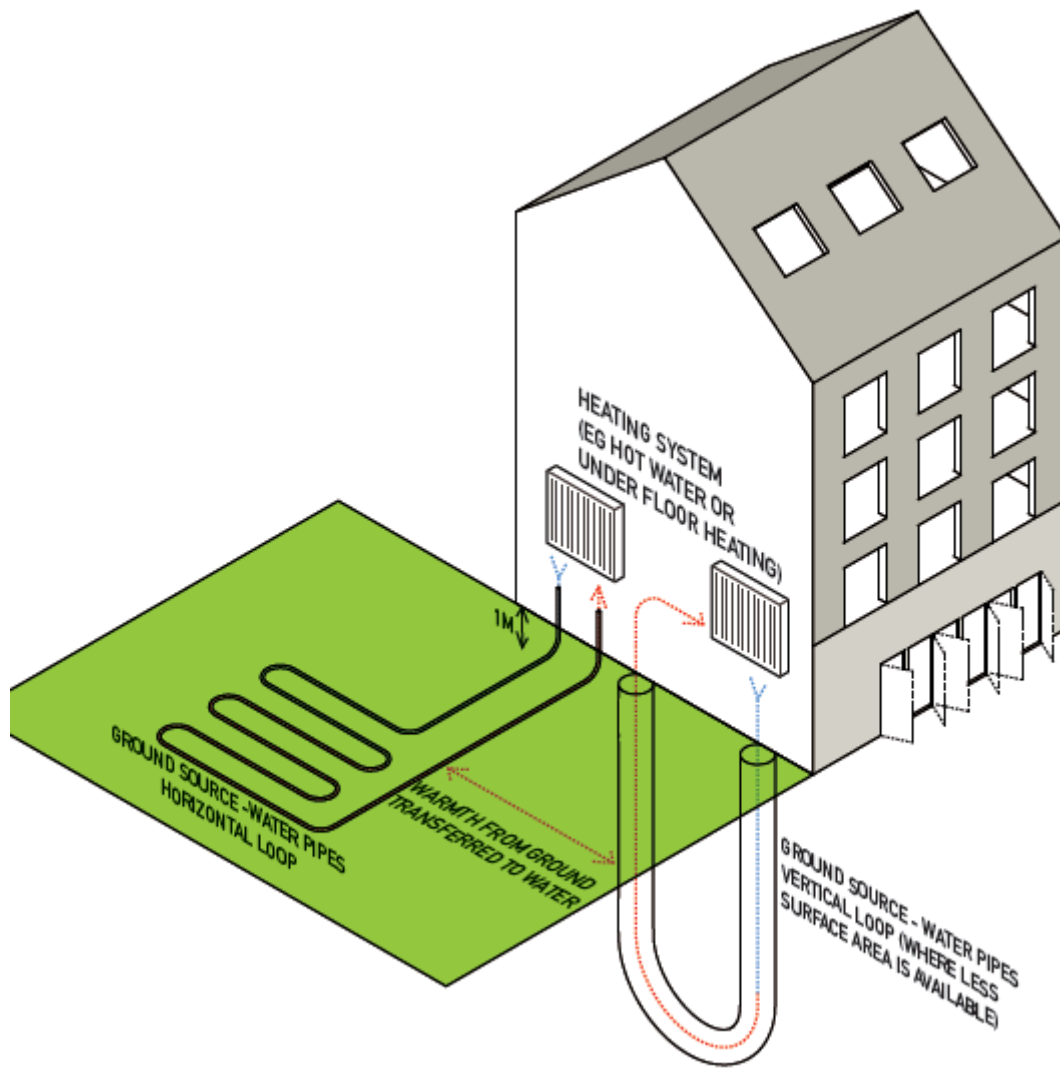
<sup>6</sup> <http://livingroofs.org/pvs-and-green-roofs>

## BUILDING MANAGEMENT SYSTEMS



## 2 Ground Source Heat Pumps

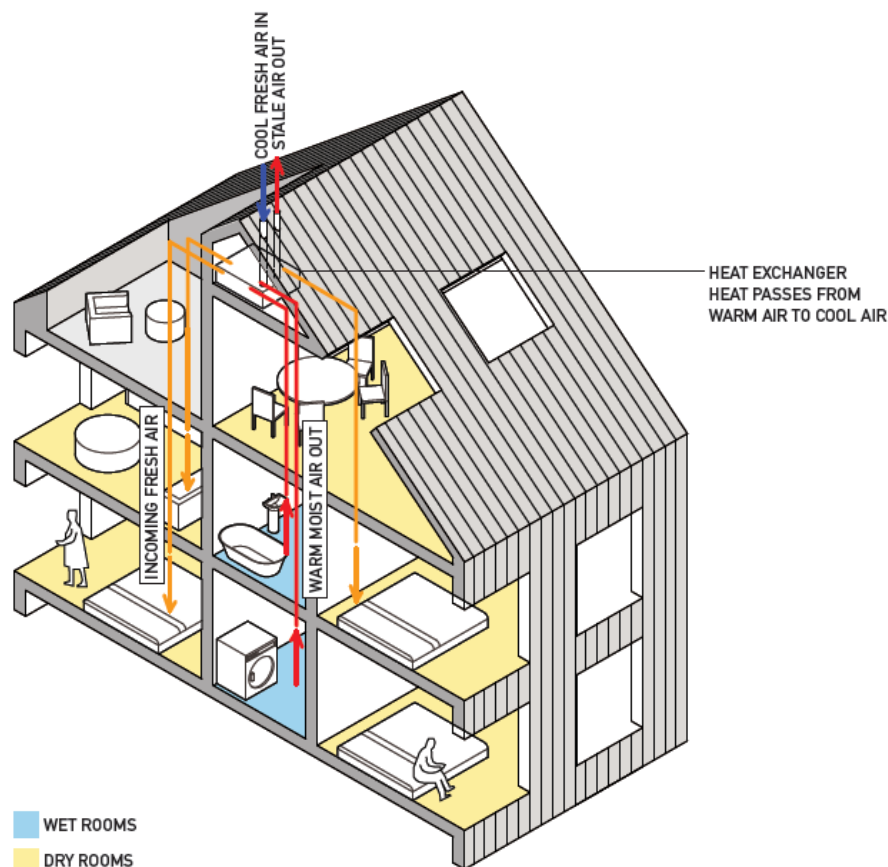
Ground Source Heat Pumps (“GSHP”) work by moving low temperature heat energy stored in the earth and transferring it through a heat pump into a house or building. Depending on the space that is available, there are two different systems: either a horizontal loop buried at around two metres depth, or a vertical loop. GSHP are ideal systems to use with underfloor heating in new build situation, and, although the installation cost can be significant, they can dramatically reduce heating bills, and therefore the carbon emissions of the building, when correctly specified and commissioned. Ensure that end users are provided training in the use of the system and a maintenance schedule is adhered to. Commissioning certificates are to be submitted to the Council before occupation.



### 3 Natural Ventilation and Mechanical Heat Recovery Ventilation

Ventilation is fundamental to the health of a building and its occupants. For example, good ventilation reduces the risk of some allergies and also prevents the growth of mould in humid areas of the building. A building can be ventilated in two ways. Firstly, natural or passive ventilation is the process whereby ventilation measures are designed into the building fabric and require little or no technological component or electricity. Passive systems can be as basic as being able to open windows on two sides of a building to allow a cross current of air through the building, or more complex, including the incorporation of a solar chimney.

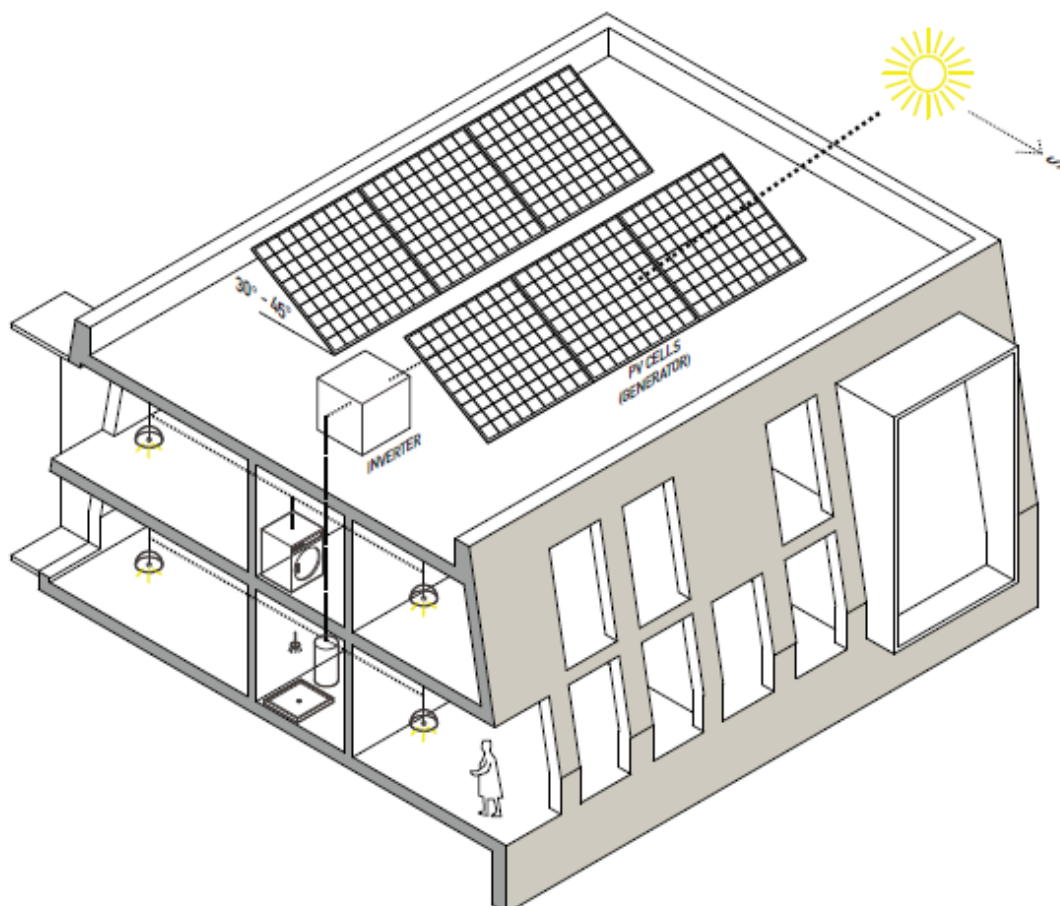
Secondly, mechanical systems, including mechanical heat recovery ventilation (“MHRV”), are more complex and require the installation of fans and ducting and control systems. As a result it can be expensive, and requires energy to run. The advantages are that it is controllable, and modern systems are able to pre-heat fresh air using heat energy recovered from the building. It is therefore possible to reduce heating bills and associated carbon emissions with this type of system. When specifying these systems ensure that occupiers are trained in their use and the maintenance schedule is adhered to.



## 4 Solar Thermal/Solar PV

Solar energy can be harnessed to provide free energy in the home, either through the production of electricity using photovoltaic (“PV”) panels, or through the heating of water to provide hot water from solar thermal panels. There are a number of different types of panels available on the market, and advice should be sought from a qualified professional as to the most suitable to meet the occupier’s requirements. The panels should ideally face due south and be set at a pitch of between 30 and 45 degrees to maximise efficiencies. Systems should be correctly specified and not installed in areas where there could be over shading from other buildings or trees.

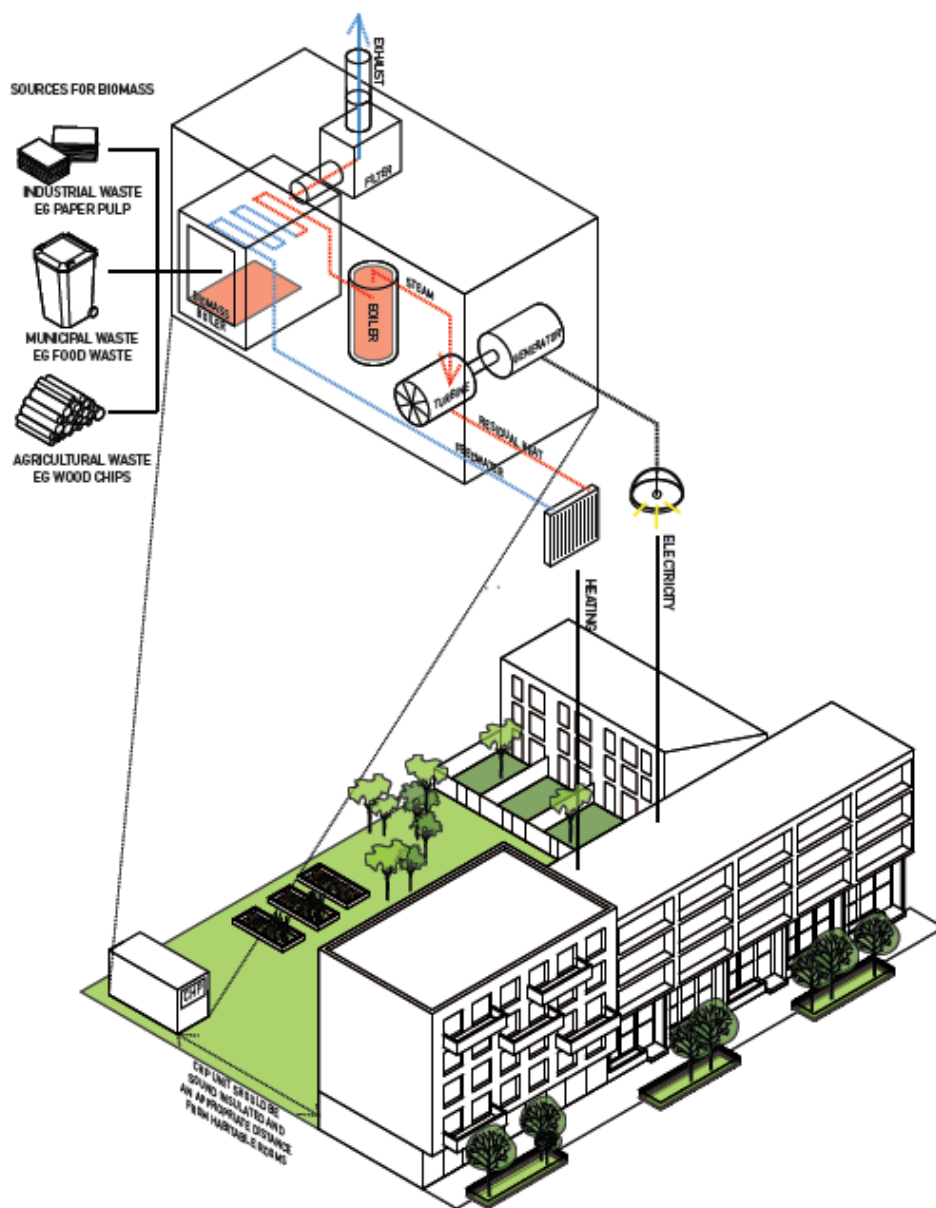
The advantages of installing panels include reducing the occupiers’ energy bills, making the dwelling more self-sufficient and reducing the carbon footprint of the development. The generation of renewable electricity, which includes solar PV installations, is eligible for incentive payments from the government, known as Feed-In Tariffs. There is also a Renewable Heat Incentive scheme, which provides payments for solar thermal installations.





## 5 Combined Heat and Power (CHP)

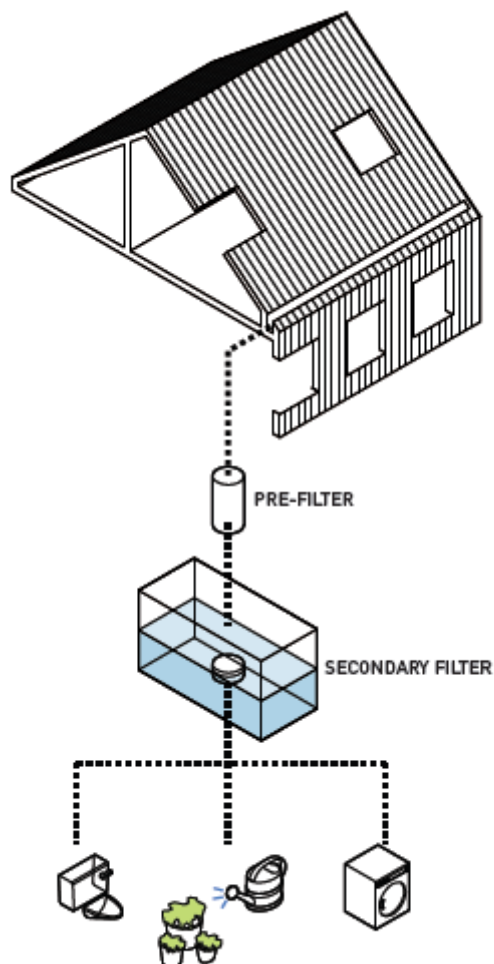
CHP reduces the need for additional fuel consumption for the generation of heat by recycling the waste heat generated by the production of electricity, and thus reduces carbon emissions. In general, CHP – also known as cogeneration - can be applied in all cases where electricity is produced by thermal combustion. CHP can achieve up to 40% higher efficiencies when compared to traditional sources of electricity. However, units have to be sized correctly for expected loads to maximise efficiencies. Attention should be paid to noise attenuation, either through insulation measures or siting at a suitable distance from residential areas, and systems should be specified to meet the emission standards to reduce any localised impacts on air quality required under the London Plan and Hackney policy.



## 6 Saving, Recycling and Harvesting Water

As a priority and wherever possible, rainwater should be used for irrigation and watering of soft landscaping, in order to reduce the demands on potable water. These systems are easy to install, have a low environmental impact and can be relatively cost effective.

Evidence now suggests that more complicated rainwater and 'grey' water harvesting systems for supplying water for flushing toilets and cleaning can, over the long term, have a higher environmental impact than using potable water<sup>7</sup>. This is due to the associated maintenance and purification costs and the embodied energy of the materials. For this reason Hackney does not encourage these types of systems unless their benefits can be clearly justified.



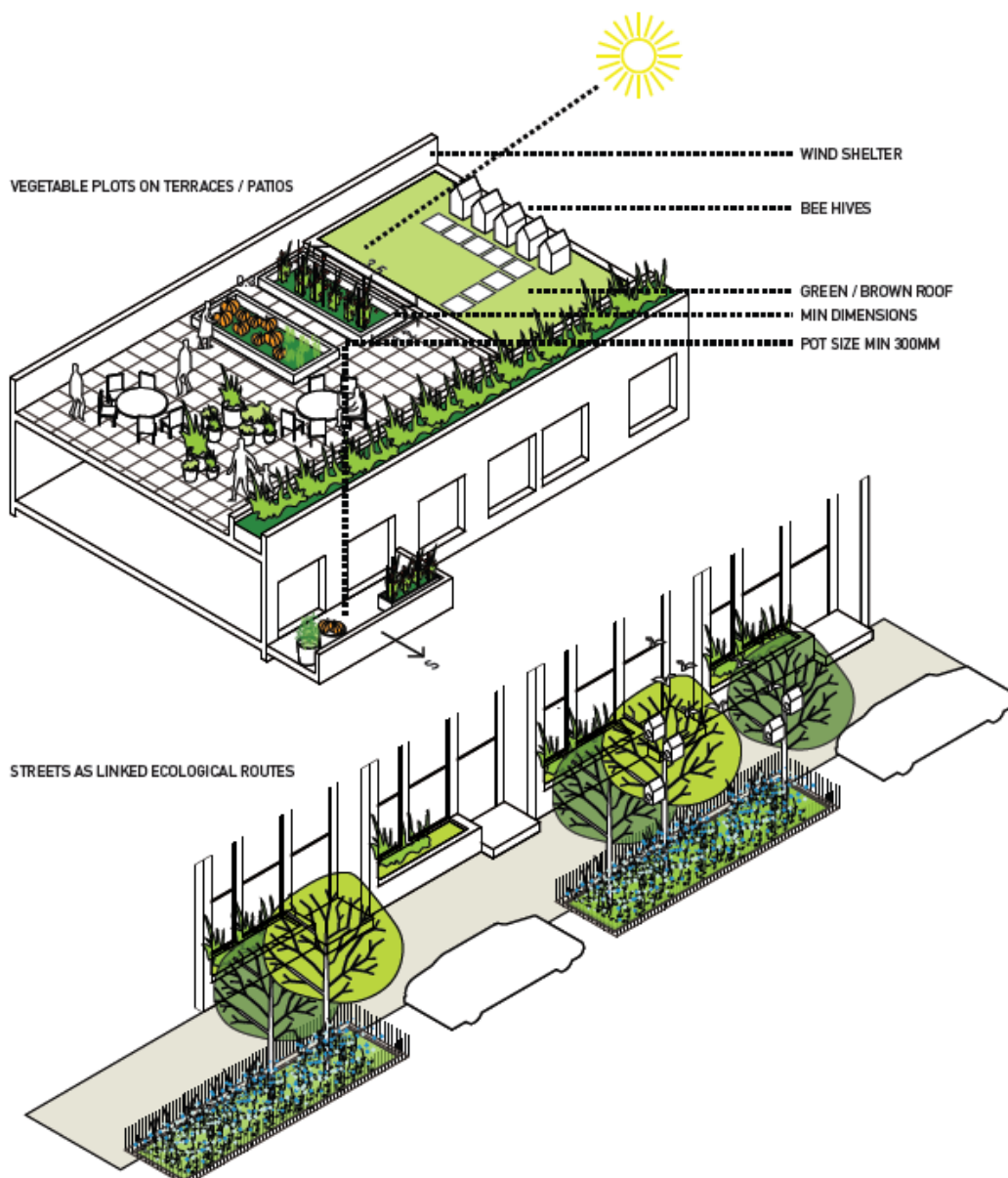
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## 7 Ecology + Biodiversity, Trees and Nest Boxes

Balconies, patios and roofs are all suitable for planting and vegetable growing. Plants growing in pots generally need a pot of at least 25 cm in diameter. Growing areas should have sufficient sun, and if possible be sheltered from the wind. A 3.0m x 1.2m vegetable plot should be sufficient to produce regular pickings at least through the summer.

Attention should be taken to ensure that planted areas for food production at street level are suitably separated from possible street level contaminants. Refer to Technical Appendix TA8- Biodiversity, Landscape and Urban Greening for further information.



## Part 2

# Sustainable Design and Construction Supplementary Planning Document

## Technical Appendices

# SPD Appendix TA-1

## Technical Guidance Notes

### Planning and Development Standards & Performance Requirements

#### Introduction

The following highlights the minimum requirements expected to be met at planning application stage, dependent on the scheme size. Although within the BREEAM models there are minimum requirements already categorised for specific ratings, the Council has set out requirements over and above these that have to be achieved. This Appendix also sets out the minimum documentation required with each planning application.

This Appendix will be updated once the Government has finalised and issued full details on the future requirements.

#### **Sustainability Statements - Content Requirements**

Discussions at pre-application phase with the Council Sustainability Officer are encouraged to ensure that the developer is fully aware of all the requirements.

#### **Major Schemes - over 10 units or 1000m<sup>2</sup>**

All major residential and non-residential schemes are expected to submit a Sustainability Statement. This should include the following information:

- BREEAM New Construction for non-residential developments. BREEAM Refurbishment for refurbishment projects. Expected achieved ratings are available in Table TA 1.4.
- Water Management Strategy- both internal and external.
- Details on the development's approach to materials (see requirements listed in Appendix TA-6) and sustainable drainage, biodiversity and adaptation to climate change.
- Strategy statements for the following:
  - Ventilation and thermal comfort
  - Airtightness targets and proposed testing schedule.
- Management Plan and full maintenance schedule for the following:
  - Living roofs/walls
  - Ventilation systems
  - Proposed renewable and innovation technologies.

All major developments are required to submit a completed Sustainability Monitoring Form at application and an updated version on completion of the development. Full details and a downloadable version of the form are available in Technical Appendix TA-10.

Major non domestic conversion or refurbishment schemes are required to submit information covering the same criteria as new builds, and carry out a BREEAM Refurbishment assessment targeting an 'Excellent' rating.

### **Minor Schemes- under 10 units or 1000m<sup>2</sup>**

#### New Build

**Residential Schemes** are expected to submit a short sustainability statement covering the following aspects of the development:

- materials and sustainable drainage
- biodiversity
- adaptation to climate change
- water efficiency
- approach to reducing energy demand
- fabric energy efficiency
- sustainable transport

**Non Residential Schemes** building assessment requirements will be assessed on a case by case basis, but a statement covering the following will be required:

- approach to reducing energy demand
- fabric energy efficiency, materials and sustainable drainage, biodiversity and adaptation to climate change
- water efficiency

#### Conversion and Refurbishment

Building assessment requirements will be assessed on a case by case basis, but a statement covering the following will be required:

- approach to reducing energy demand
- fabric energy efficiency
- materials
- sustainable drainage
- biodiversity and adaptation to climate change
- water efficiency

Where an applicant is unable to achieve the standards as set out in this SPD, a full written justification is required in order for the Council to take a balanced judgement on the omission.

## Energy Statement- Content Requirements

The Energy Statement should be set out in line with the requirements within chapter 5 of the London Plan. In conjunction with the London Plan requirements, Tables TA 1.1 to TA 1.4 should be used to provide the required information.

### Non Residential Schemes over 1000m<sup>2</sup> gross floorspace across the whole development

All schemes over 1000m<sup>2</sup> are expected to submit a full Energy Statement. Information to be included:

- Energy calculation showing reduction in baseline energy consumption through Lean, Clean and Green design measures in line with the London Plan Energy Hierarchy, including calculations showing the Building Emission Rate (BER) and the Target Emission Rate (TER). Complete and submit a copy of Table TA1.1. Achieving a 35% reduction in regulated carbon emissions against Part L 2013.
- Supply full details of the expected fabric u-values. A completed copy of Table TA1.2 is sufficient.
- Justification for the particular choice of renewable technology proposed, and a Design Statement addressing issues such as orientation, shading etc.
- Capacity of Renewable technologies to be installed: type, size and expected performance and details to be completed in Table TA1.3.
- A Heating and Cooling Strategy giving details of the measures that have been taken to minimise the impact of climate change on the development. If CHP is specified, the details on size, performance and expected efficiency are required, as well as a statement indicating that the plant room will be oversized by 10% in order to allow the potential connection to a District Heat Network should one become available in the future.
- A full air quality modelling assessment will also be required with CHP application.

### Non Residential Schemes less than 999 m<sup>2</sup> gross floorspace

All schemes under 999m<sup>2</sup> gross floorspace will be expected to provide the information required for Tables TA 1.2 and TA 1.3, along with details of the proposed heating system for the development delivering at least a 25% reduction in baseline carbon emissions.

Where it is not possible to achieve the required reductions in Carbon emissions, a payment will be required to Hackney's Carbon Offset Fund through a S106 agreement. The monies generated in this way will be ring fenced and invested in other carbon offsetting measures within the Borough.

Full details of this find and the mechanism for calculating the cost of Carbon are available within Technical Appendices TA-9.

	Energy Demand (kWh/m <sup>2</sup> )	% Energy consumption savings	CO <sup>2</sup> emissions (kg/m <sup>2</sup> )	% CO <sup>2</sup> emissions savings
Notional Building (Part L 2013 compliant)				
Proposed scheme with 'Lean' measures				
Proposed scheme with 'Clean' measures				
Proposed scheme with 'Green' measures				
Total savings against notional baseline				

Table TA1.1 Information required from the energy hierarchy calculations.

Building Element	Minimum Good Practice (u-value W/m <sup>2</sup> .K)		Proposed Building Fabric values	
Roof	0.13			
External Walls	0.20			
Floors	0.20			
Openings	1.4 Windows /1.4 Glazed Door/ 1.0 Solid Door			
	g- value: 0.5 maximum			
Air Permeability (m <sup>3</sup> h.m <sup>2</sup> at 50 Pa)	With MHRV	No MHRV	MHRV?	Y/N
	3.0 or better	5.0 or better		
y-value	0.04			

Table TA 1.2 Proposed building fabric u-values compared to Hackney's minimum standards

Renewable Technology	Size (m <sup>2</sup> /kWp etc)	Output (kWh)	% carbon saved (kg/yr)	Carbon conversion factor used

Table TA 1.3 Capacity and expected performance of renewable technologies installed on site-insert units as required.



## Energy Performance and BREEAM Minimum Standards

The following table indicates the required standards that are to be met through building assessment and the improvement expected over the Building Emission Rate (BER).

Building Type	January 2015		October 2016		From 2019	
	Level	% over BER	Level	% over BER	Level	% over BER
Non Residential	BREEAM Excellent	35%	As Building Regs		As Building Regs	

Table TA 1.4 Energy Performance minimum standards

## Policy Drivers for Building Assessment Models

	London Plan 2015	Hackney Council Guidance	
		Core Strategy	DMLP
<b>Policy</b>	5.2	CS 29	DM 37 DM 38 DM 39
			DM 40

# SPD Appendix TA-2

## Technical Guidance Notes

### Building Assessment Models

#### Retail/Commercial and Residential

#### Major and Minor projects

#### Introduction

This guidance note will cover BREEAM. If other assessment models, such as PassivHaus, CEEQUAL, LEED or SKA Rating are used please contact the Sustainability Officer to discuss requirements and the integration of Hackney's specific standards.

In line with Hackney's definitions, a major development has a footprint of over 1000m<sup>2</sup> or 10 residential units and a minor development has a footprint of less than 999m<sup>2</sup> or under 9 residential units.

Within each assessment model there are minimum standards that have to be achieved with the rating. Nevertheless, care should be taken to ensure that Hackney's minimum standards are also achieved. Details of these minimum standards can be found at the end of this appendix.

#### Assessment Model: BREEAM New Construction

##### Major Developments

Under all circumstances all major units over 1000m<sup>2</sup> are required to meet BREEAM 'Excellent' or similar under an alternative scheme on the fit-out of the unit, whether the developer is carrying out the fit-out, or the client/tenant carries out the fit-out with their own supply chain.

Where units are not pre-let, the developer is to enter into a 'Green Lease' arrangement with the prospective tenant. A 'Green Lease' is a legally binding agreement between the developer and the future tenant of the commercial space to ensure that the fully fitted operational building can demonstrate performance against the proposed BREEAM assessment standard of Excellent.

All non-residential developments, both major and minor, are to achieve an 'Excellent' rating from January 2016.

## Minor Developments

Hackney policy requires, where viable, that the design and construction of new retail/commercial units achieve the following:

- Where the applicant is completing the fit out of the development, an Excellent rating is required.
- Where the applicant is completing the development to shell and core only, the assessment should follow the guidelines set out in Appendix D of the BREEAM New Construction Manual<sup>8</sup>. In this situation, option four within the Criteria of Appendix D would not be acceptable.

## Assessment model: BREEAM Refurbishment

### All Non Residential Refurbishment Developments

BREEAM Refurbishment can be used for the following types of development:

- Alterations to existing dwellings and extensions
- Domestic conversions and change of use projects
- Mixture of refurbished and newly constructed dwellings

On all non-residential refurbishment proposals, where it is intended to upgrade the insulation of the building fabric, all applicants are to carry out and submit an interstitial condensation assessment/modelling (exceeding the Glaser Method) to ensure that the proposed insulation will not lead to condensation forming within the building fabric.

**Minor developments** (less than 10 units or 1000 m<sup>2</sup>) are expected to achieve a 'Very Good' rating as minimum; from 2016 this will increase to 'Excellent'.

**Major developments** (over 10 units or 1000m<sup>2</sup>) are expected to achieve an 'Excellent' rating as minimum.

On all projects, including domestic conversions/extensions and minor change of use schemes, the following should be prioritised:

- Improvements to the thermal performance of the building fabric
- Maintain accessibility after the works are carried out
- Ensure insulation is maximised before considering low carbon or renewable energies
- Ensure the 'Secured by Design' standards are reviewed post-refurbishment

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<sup>8</sup> [http://www.breeam.org/BREEAM2011SchemeDocument/Content/14\\_appendices/appendixd.htm](http://www.breeam.org/BREEAM2011SchemeDocument/Content/14_appendices/appendixd.htm)

- Maximise opportunities to increase biodiversity and urban greening through the installation of green roofs, nesting boxes and planting
- Ensure that internal and external sound insulation is improved as part of the refurbishment process

In addition to these, the opportunity to connect to an existing CHP system/network needs to be investigated.

## Post Completion evidence

All developments that undertake a building assessment are expected to submit both the pre-assessment and post-completion assessment certificates for BREEAM to the Council before occupancy. If the post-assessment score deviates from the pre-assessment score then the following will need to be submitted:

- A report detailing the reasons for the disparity pre- and post-assessment.
- A calculation to indicate whether the disparity has led to a predicted increase in the expected carbon emissions of the building when compared to the emission rate calculated at planning stage.
- Details of remediation measures that will be undertaken to reduce the predicted carbon footprint of the building to pre-assessment levels. If remediation measures are not achievable to reduce the carbon emissions of the development to the level as set out in the original application, a payment will be required to Hackney's Carbon Offset fund through an S106 agreement. The monies generated in this way will be ring fenced and invested in other carbon offsetting measures within the borough. Full details of this fund and the mechanism for calculating the cost of Carbon are available within Technical Appendices TA-9 and TA-10.

## Policy Drivers for Building Assessment Models

	London Plan 2015	Hackney Council Guidance	
		Core Strategy	DMLP
<b>Policy</b>	5.2	CS 29	DM 38 DM 39
			DM 40

# SPD Appendix TA-3

## Technical Guidance Notes

### Energy Efficiency

#### Introduction

Hackney encourages a 'fabric first' approach, whereby the energy efficiency of the building fabric is prioritised before other technological solutions are considered. The energy efficiency measures listed within this Technical Appendix are not intended to be definitive and cover both new build developments as well as refurbishment projects, and are not considered to be dependent on the size of the project.

It is understood that the number of improvements that can be achieved in a refurbishment project can be limited and is dependent on the proposed scope of works. This is specifically the case with listed buildings. When works are scheduled on a listed building, it is imperative to discuss what can be achieved with the Council's Conservation team at the earliest opportunity. The measures in this Technical Appendix cover building design, fabric efficiency measures, and non-fabric efficiency measures. Applying a full package of these measures will achieve Hackney's desire to tackle fuel poverty, enhance the quality of life of the building user, and reduce the carbon impact of the property on the environment.

All major developments are expected to produce an Energy Statement detailing how the development will reduce energy consumption and consequently the production of carbon. Required within the Energy Statement is a calculation detailing the reduction in energy requirements in line with the London Plan's energy hierarchy:

- **Be Lean – Design/ Fabric Efficiency Measures**
- **Be Clean – Supply Energy Cleanly**
- **Be Green – Renewable Energy**

Full details on the information that is required within the Energy Statement is contained within Technical Appendix TA-1.

## Design measures that can make a building more energy efficient

Designers should consider a range of design and siting considerations to make the building more energy efficient. Some of the points listed below when taken together are contradictory. The developer is to therefore choose the most appropriate measures according to the building and its intended use.

### **Building Orientation**

- Maximise solar gain and daylight in those rooms that require it (living areas) and minimise solar gain in areas that don't (IT rooms); avoid deep plan/single aspect designs due to the restrictions these place on natural light access and passive ventilation.
- Usage to take into account demand for heating, cooling and lighting.
- Restrict/provide measures to reduce solar gain in summer, especially on eastern and western aspect rooms.

### **Fabric First approach to energy efficiency**

- Choose materials and levels of insulation that will improve the energy efficiency of the building fabric before investigating the use of Low and Zero Carbon technologies.
- Design developments to ensure that thermal bridging is minimised using accredited construction details and make the supply chain and contractor aware of the requirements.

### **Measures to reduce heat loss**

- Reducing the surface area to volume ratio decreases the external wall area through which heat can be lost.
- Reduce the surface area of windows, especially those facing north.

Passive cooling systems (cross ventilation, solar chimneys/thermal stacks, etc.) can significantly reduce the energy requirements of all building typologies. Figure TA 3.1 shows some of the measures that can be incorporated. It is expected that developers will target passive measures before specifying mechanical measures.

Design in thermal mass to allow buffering of diurnal temperature changes. However, ensure windows are operable (risks include security, noise, pollutants and insects) to allow night time cooling.

Once all of the above design considerations have been taken into account, if mechanical heating or cooling is still required, applicants should assess the cooling requirement following the guidelines in the GLA's 'Creating

Benchmarks for Cooling Demand in new Residential Development' which is available at the following link:

[https://www.london.gov.uk/sites/default/files/gla\\_cooling\\_benchmarking\\_study\\_final2.pdf](https://www.london.gov.uk/sites/default/files/gla_cooling_benchmarking_study_final2.pdf)

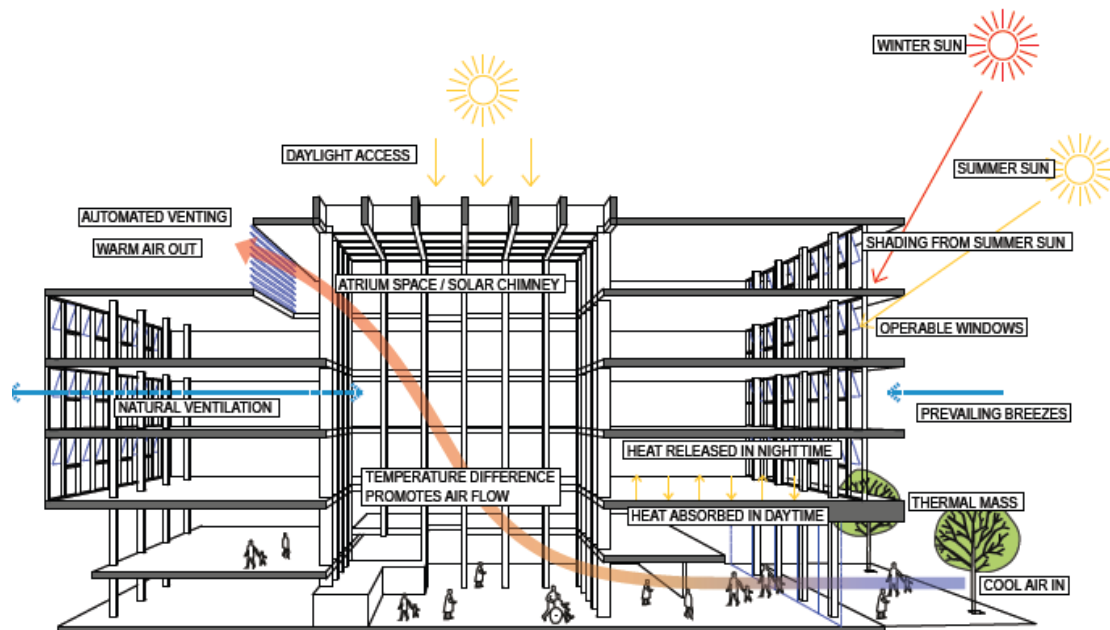


Figure TA 3.1 Examples of passive heating and cooling measures that can be incorporated into the building design.

## Fabric Efficiency Measures

The materials used can make a major contribution to the thermal performance of buildings.

### Insulation

- Solid and Cavity Wall
- Roof/loft
- Floor

### New Glazing Units and Doors

### Draught Proofing

### Living Roofs

The Energy Saving Trust has carried out analysis on the improvements over current Part L Building Regulations required to meet Code for Sustainable

Homes Level 4. The improvements are listed in Table TA-3.1 and it is the expectation that in line with Hackney's 'Fabric First' approach new developments (residential and non-residential) will achieve these u-values as a minimum.

Building Element	Minimum Good Practice (u-value W/m <sup>2</sup> .K)	
Roof	0.13	
External Walls	0.20	
Floors	0.20	
Openings	1.5 Windows /1.5 Glazed Door/ 1.0 Solid Door	
Air Permeability (m <sup>3</sup> h.m <sup>2</sup> at 50 Pa)	With MHRV	No MHRV
	3.0 or better	5.0 or better
y-value	0.04	
g- value	0.08	

Table TA 3.1- Expected building fabric u- values.

In regards to airtightness, it is important that the targeted value is achieved and not exceeded. If the target is exceeded there is potential for the ventilation strategy to become insufficient, which will adversely affect the performance of the building.

The fabric efficiency targets for refurbishment projects are listed, along with other information, within the Retrofit and Microgeneration Appendix TA-5.

## Non Fabric Efficiency Measures

- Hot water tank jacket and insulate all pipework
- Reduce hot water distribution pipe lengths and ensure pipework is fully insulated
- Thermostatic radiator valves
- Replacement condensing boilers
- Boiler controls - preferably climate modulating
- LED lighting units including P  
passive infrared sensors (PIR) and daylight sensors
- Replacement energy efficient appliances (A-rated as minimum)
- Mechanical Heat Recovery Ventilation (MHRV)
- Smart meters

Funding for a number of the above measures is available through Government schemes. Further details are available within the Retrofit and Microgeneration Appendix TA-4. For full details and eligibility please refer to the Energy Saving Trust website [www.energysavingtrust.org.uk](http://www.energysavingtrust.org.uk)



## Policy Drivers for Energy Efficiency Measures

	London Plan 2015	Hackney Council Guidance	
		Core Strategy	DMLP
Policy	5.4	CS 29	DM 37, DM 38
	5.11	CS 30	DM 39
		CS 31	DM 40

# SPD Appendix TA- 4 Technical Guidance Notes

## Low and Zero Carbon Technologies

### Introduction

In line with the London Plan and National Policy, Hackney is committed to tackling climate change and reducing fuel poverty. Hackney adopted its Climate Change Strategy in 2009<sup>9</sup> with targets to cut carbon by 15.9% by 2019, 49.2% by 2035 and 80% by 2050, thus meeting the obligations under the 2008 Climate Change Act.

To achieve these targets, Hackney requires that all new developments carry out assessment studies into Low and Zero Carbon technologies. Renewable technologies should be considered, firstly, when the efficiencies available from upgrading the building fabric have been maximised, and secondly, when an assessment has been carried out to justify their suitability for the building and its location.

As part of the Energy Strategy/Statement applicants are required to establish how the development will achieve the required efficiencies by following the London Plan energy hierarchy:

- **Be Lean** Maximise Energy Efficiency
- **Be Clean** Supply Energy using Low Carbon Technologies
- **Be Green** Supply Energy with Renewable Technologies

Calculations should be carried out using baseline total regulated carbon emissions in line with Building Regulations Part L 2013. Full details on the requirements for the Energy Statement and hierarchy are contained within the Technical Appendix TA-1 and TA- 3.

### Be Lean

These measures are covered within the Energy Efficiency Technical Appendix TA-2.

### Be Clean

Hackney encourages, wherever possible, the use of communal heating and district heating systems and networks (DHN). As a first step, a feasibility statement for connection into an existing heating system/network should be included in the Energy Statement. To aid this, a GIS mapping system is available online at the Council's website that identifies CHP/DHN systems that

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<sup>9</sup> <http://www.teamhackney.org/climatechangestrategyappendix>

could be connected into, and also significant heat loads in and around the borough that could be supplied. For developments close to the borough boundary, the nearest available CHP/DHN network may be in an adjoining borough. The London Heat Map shows CHP/DHN opportunities in neighbouring boroughs and these should be investigated.

Hackney Heat Map report:

[http://www.hackney.gov.uk/Assets/Documents/hackney\\_heat\\_mapping\\_report\\_july2010.pdf](http://www.hackney.gov.uk/Assets/Documents/hackney_heat_mapping_report_july2010.pdf)

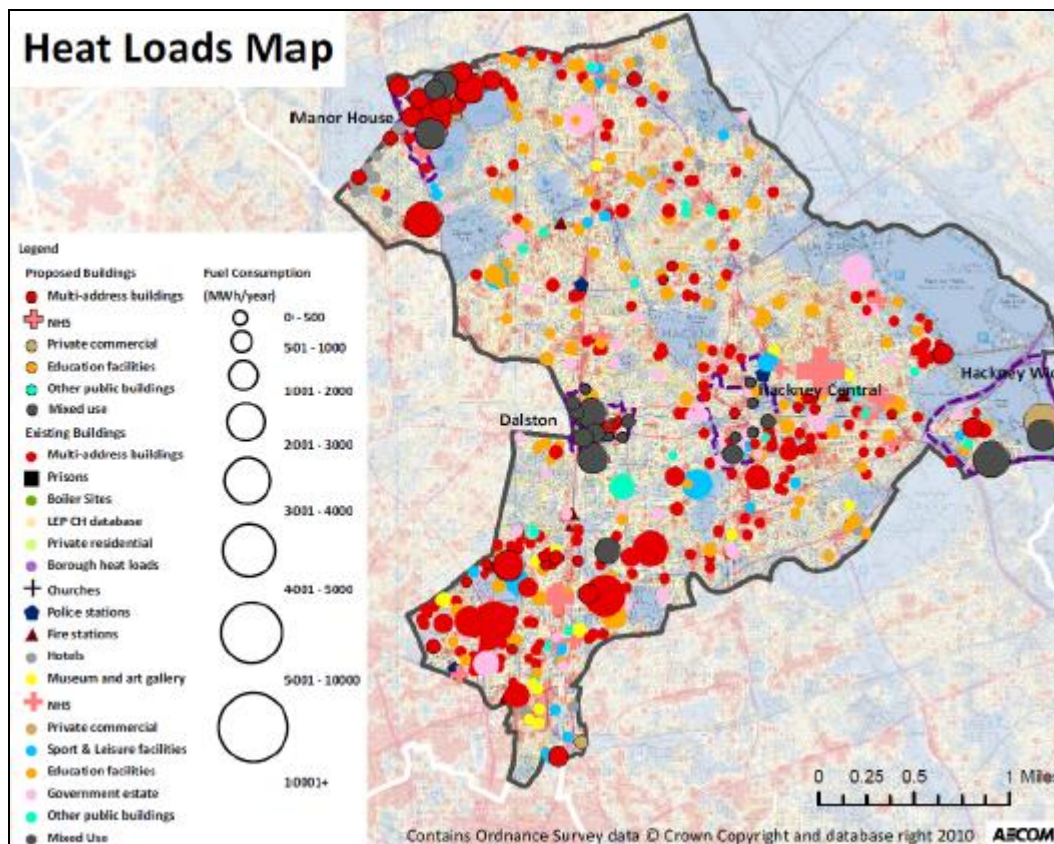


Figure TA 4.1: Hackney Heat Load map. (AECOM- Hackney Heat Mapping Study, 2010)

If connection to an existing DHN system is not possible and a communal system is specified, the following requirements need to be included within the proposal:

- 1) Footprint of plant rooms should be specified to allow a 10-15% increase in capacity. The aim of this is to future proof the system and allow expansion should a neighbouring development require a communal heating system, or to allow the connection into an expanded district heating network.

- 2) Where a development wide heating system is being installed, connection points need to be designed at suitable points on the periphery of the development site to facilitate expansion into future systems in the locale.
- 3) Within buildings, communal pipework is to be insulated, and if possible service ducts are to be ventilated. This will not only reduce heat losses through pipework and prevent overheating of the communal areas.

Table, TA 4.1 gives details of Low Carbon Technologies that may be suitable.

Technology	Suitability
Gas CHP and CCHP	Air quality issues, full feasibility study required to ensure that it is environmentally and financially the best solution
Ground Source Heat Pumps (GSHP)	Where ground conditions allow, most likely suitable for large schemes/hotels. Feasibility study is to be carried out to ensure that system is sized correctly and will run efficiently

Table TA 4.1- Low Carbon Technologies

Further details on the information that should be submitted within an Energy Statement, with specific reference to CHP systems is contained within the GLA's Sustainable Design and Construction SPG:

<https://www.london.gov.uk/what-we-do/planning/planning-applications-and-decisions/pre-planning-application-meeting-service-0>

## Be Green

In order to achieve the reductions in baseline emissions as required under the London Plan and Hackney's policies, once the Lean and Clean scenarios have been taken into account, in all likelihood, a source of renewable energy will be required on site. This can be achieved using a number of technologies as outlined in Table TA 4.2. Please refer to the Retrofit and Microgeneration Technical Appendix (TA-5) on planning requirements for renewable technologies. Renewable technology installations are primarily standalone and periodic maintenance is required to ensure that the installation performs as specified. Details of the maintenance regime, who will undertake maintenance/cleaning and how it will be financed are to be submitted within the Energy Statement.

Technology	Suitability
Biomass	Air quality and fuel transport/supply issues, full feasibility study required to ensure that it is environmentally and financially the best solution
Solar Photovoltaic Panels (PV)	Suitable in most situations, however, ensure that panels are south facing, pitched correctly and will not suffer over shading
Solar Thermal	As above, increased maintenance requirements need

	to be taken onto account
Wind Turbines	Not suitable in the majority of urban situations
Air Source Heat Pumps (ASHP)	Concerns have been raised over the performance and their actual efficiency. Only suitable where no alternative is viable or gas connection is not feasible.

Table TA-4.2- Zero Carbon Technologies

New technologies are emerging all the time and the Council encourages their use, if evidence can be provided as to their efficacy. One example is the opportunity to use the Borough's waterways as a supply of heat and cooling. The GLA has carried out significant research on this and the Canal and Rivers Trust have issued guidance on the opportunity titled 'Sustainable Cooling Solution for Canal side Properties'.

Details that are required to be submitted within the Energy Statement are set out in the Technical Appendix TA-1.

### Exemptions

**It is understood that in some cases it will not be possible to meet the renewable energy target, and therefore the target reduction in baseline emissions, for example due to space restrictions.**

**Where the expected reduction in baseline emissions is not achievable onsite, a calculation of the expected shortfall is to be included within the Energy Statement. The Council will use this figure to calculate the cost of carbon produced and the Carbon Offset payment that will be required under the Section 106 agreement. This fund will be ring fenced and invested in energy efficiency measures within the borough; full details on the Carbon Offset Fund are available in Appendix TA- 9.**

### Policy Drivers for Low and Zero Carbon Technologies

	London Plan 2015	Hackney Council Guidance	
		Core Strategy	DMLP
Policy	5.2	CS 29	DM 37 DM 38
	5.7	CS 30	DM 39
			DM 40

Links:

Chapter 5 the London Plan 2015

<https://www.london.gov.uk/sites/default/files/London%20Plan%20March%202015%20%28FALP%29%20-%20Ch5%20London%27s%20Response%20to%20Climate%20Change.pdf>

# SPD Appendix TA- 5

## Technical Guidance Notes

### Retrofit and Microgeneration, Refurbishment

#### Introduction

The aim of this Appendix is to give guidance on Hackney's aspirations to ensure that existing housing is improved environmentally when modernisation works are undertaken.

In 2008, changes were made to the General Permitted Development Order (GPDO) for dwellings in England, to add permitted development rights for microgeneration renewable energy technologies.

These new rights are contained within Part 40 of the GPDO<sup>10</sup> and permit the installation of specified domestic microgeneration equipment, either attached to or within the curtilage of dwelling houses, provided they meet specified criteria. (For renewables, a dwelling includes a building which consists wholly of flats or which is used for the purposes of a dwelling. A curtilage is the enclosed area immediately surrounding the dwelling)

Specifically, these technologies include:

- Solar Photovoltaic
- Solar Thermal
- Ground Source Heat Pump
- Water Source Heat Pump
- Flues for Biomass heating systems, and
- Flues for CHP systems

It is imperative to understand which planning restraints apply to a property as this will affect the type of works allowed and also the process of applying for planning permission:

- Article 4 Direction – removes specific development rights from the property
- Listed Building Consent – required for most works to statutorily listed buildings

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<sup>10</sup> <http://www.legislation.gov.uk/uksi/2011/2056/made?view=plain>

- Planning permission – gives consent to prescribed activities as set out in the planning application.

### **Domestic Projects**

In the instance of solar panels, you may be able to install these under the GPDO where they:

- Do not extend more than 200mm above the slope of the original roof
- Would not be higher than the ridge-line of the original roof
- Are located on a wall or roof and are not visible from a road

### **Non-Domestic Projects**

In the instance of solar panels, you may be able to install these under the GPDO where they:

- Do not impact on the external appearance of the building and the amenity of the area
- Do not extend more than 200mm from the wall surface or slope of a pitched roof
- Are not more than one metre above the highest part of a flat roof (excluding the chimney)
- Are not within one metre of the external edge of the roof
- Are not within one metre of a junction of the wall on which they are mounted with another wall or with the roof of the building
- Are located on a wall or roof and are not visible from a road
- The panels must not be installed on a listed building or on a building that is within the grounds of a listed building.

Installation of solar panels on listed buildings is not permitted development. Planning permission and Listed Building Consent is required for most external changes to listed buildings.

## **Conservation Areas and Listed Buildings**

Within Hackney there are currently 30 conservation areas and some 1300 listed buildings. A full list of the areas, further information on planning, and a locator map to identify whether your property is within a conservation area or listed is at the following address <http://www.hackney.gov.uk/ep-conservation-areas-511.htm#no.4>

Properties within these areas are subject to limits on the works that can be carried out. Properties which are in a conservation area, listed, or have an Article 4 Direction are not excluded from the installation of retrofit microgeneration or other works. However, the advice of the Council's Conservation Officer should be sought at the earliest opportunity and before any works are carried out.

Extensive information is available through the Historic England website on how listed buildings can be refurbished sympathetically.

<https://historicengland.org.uk/advice/your-home/saving-energy/>

## When is planning permission required?

Any proposals to thermally upgrade the exterior of either a listed building or a building in a conservation area, or to introduce microgeneration equipment to the structure of the building, should be discussed at the earliest opportunity with conservation or planning officers. Please refer to Hackney's Planning website for details.

The following situations require planning permission in all cases:

- Any works carried out in the De Beauvoir and St Mark's Article 4 designated areas
- Any works that affect the special character or appearance of a listed building will require listed building consent

All works carried out on flats will require the freeholder's permission.

Requirements for planning permission on listed buildings and buildings in conservation areas will be judged on a case by case basis and the views of the Council's Planning and Conservation Officers should be sought at the earliest opportunity. If in doubt as to what is allowable under the permitted development rights, please contact the Council's Conservation Officer.

Table TA 5.1 below gives an indication of the relative differences in cost and disruption to households in retrofit situations for different retrofit technologies and an indication of their overall benefits.

Technology	CO2 benefit	Cost	Disruption on installation
Solar technologies (PV and solar hot water) on building	Low	Expensive	Some
Solar technologies (PV and solar hot water) free standing	Low	Expensive	Some
Air Source Heat Pumps	Low	Expensive	Some
Ground Source Heat pumps	Some	Very expensive	Extensive
Biomass	Some	Expensive	Some
Wind turbine	Low	Expensive	Some



Solid wall insulation internal	High	Very expensive	Extensive
Solid wall insulation external	Very high	Very expensive	Extensive
Double glazing	Low	Expensive	Some
MVHR	Medium	Expensive	Extensive
Loft Insulation	Very high	Low	Minimal
Cavity Wall Insulation	Very high	Medium	Some
Floor insulation	Very high	Medium	Extensive
Boiler	Medium	Expensive	Some

Table TA 5.1 - Indication of the cost, carbon dioxide benefit and potential for disturbance to householder of sustainable measures

## Refurbishment Works

The following guidance should be taken into account when refurbishment and extension works are undertaken on domestic and non-domestic projects.

All works undertaken on a listed building would require listed building consent to be sought.

### Domestic

In domestic refurbishments and extensions it is expected that, in line with guidance issued by the Energy Savings Trust, 10% of the project costs should be spent on measures to improve the environmental performance of the properties.

### Non-Domestic

In non-domestic refurbishments, applicants will be required to carry out works to improve the building in line with Building Regulations Part L 2B. Each property and each project is different. There is not a 'one size fits all' approach, but improvements need to be tailored to the specific project.

The measures listed below range from light touch to more extensive and expensive interventions.

### Metering

The installation of smart meters and water meters is required when works are carried out.

### Draught Proofing

It is estimated that between 10% and 15% of the heat losses from a property is through draughts. This is an easily resolved issue with the use of draught strips around windows, doors, loft hatches, skirting boards and sealing openings in the fabric of the building from pipes and cables. It is important to

ensure that there is still adequate ventilation in rooms that require it; especially kitchens and bathrooms, to prevent the build-up of condensation and the growth of mould.

### **Windows**

Windows are important for passive solar gain, and they are also a major source of heat loss. Heat loss can be avoided through draught proofing, the use of thermally lined curtains at night and secondary glazing or the installation of triple glazing. Technology is advancing and triple glazed windows are becoming more available and more financially accessible, therefore when applicants specify glazing this option should be considered.

For older buildings it is now possible to source slim-line double-glazed sliding sash units that will fit within existing timber window frames. However, on listed buildings this work will be viewed on a case by case basis and consultation with the Council's Conservation officer should be sought. It is also possible, rather than removing an existing period window completely, to refurbish and upgrade with similar impacts of thermal performance and in the majority of cases this would be the preferred option. PVC windows are not acceptable on listed buildings, within conservation areas, or on historic buildings.

### **Insulation**

#### **Lofts**

The least intrusive insulation measure is to upgrade loft insulation. Current best practice requires a u-value for lofts of 0.15 W/m<sup>2</sup>K. The Council advises that 300mm of cross layered glass fibre insulation should be installed in lofts to meet this standard.

#### **Cavity Walls**

The majority of domestic buildings constructed post-1930 have cavity walls. It is possible to inject expanded foam insulation into this cavity which will dramatically reduce heat losses. Funding is often available in the right circumstances to carry out surveys to see if your building is suitable for this treatment. This process requires no internal intervention.

#### **Floor Insulation**

It is possible to treat floors for both draught proofing and also insulation under suspended timber floors. If no access is possible from below, installing floor insulation can be highly intrusive due to the requirement to lift floor boards, but the reduction in heat loss and improvements in airtightness can be significant.

#### **Walls**

Most buildings constructed before 1930 have solid walls. It is possible, depending on permission requirements, to install insulation either internally or externally. To be effective it is suggested that a minimum of 100mm of insulation is installed. Externally the insulation is attached to the wall followed by a weather proofing layer. External treatments may require planning permission, and in conservation areas or on listed buildings will be unacceptable. Contact the Council's Planning department to discuss

individual planning requirements. Internal insulation does not require planning permission but it will require the relocation of all the services that are attached to the wall.

The upgrading of the insulation can pose significant risk to the fabric of the building through the build-up of interstitial condensation. In order to avoid this, a qualified professional should carry out an interstitial condensation assessment and provide advice to specify the correct approach, and the opportunity to use traditional building materials. On listed buildings it is recommended to consult the Council's Conservation team.

### **Heating System**

Old heating systems can be easily upgraded to modern efficient versions. Complete packages include replacing old boilers with new condensing versions; flushing to clean existing pipework and apply insulation; installing reflective panels behind modern efficient radiators that are on external walls; installing thermostatic radiator valves (TRVs); and climate modulating thermostatic boiler controls.

### **Lighting**

As a minimum all lighting should use energy saving bulbs. If lighting units are being replaced wherever practicable LED units should be specified.

### **Future Proofing**

Householders should be provided, by the installer, with clear and simple operating and maintenance instructions for all services within the dwelling to ensure that the dwelling is used as efficiently as possible.

If renewable technologies are not initially installed, proposals should take into account the ability to future proof the building/development to allow for its installation at a later date. This should include:

- Suitable fixing points for solar PV and thermal panels - install capped plumbing and electrical pipe runs from the roof to a convenient location in the building
- Space to allow a larger sized hot water tank
- Roof orientation to maximise solar exposure

In line with 2010 Buildings Regulations Part L 1B, the following standards should be met, and wherever possible exceeded, when works are undertaken on the specific retained building elements. Due to the reasons outlined above, care should be taken and advice sought to ensure that the building pathology is not adversely affected when works are carried out.

Building Element	Improved U-value- retained element (w/m <sup>2</sup> .k)
Wall- cavity insulation	0.55
Wall- external/internal insulation	0.30
Floor	0.25
Pitched Roof- ceiling level insulation	0.16

Pitched Roof- rafter level insulation	0.18
Flat roof/roof with integrated insulation	0.18

Table TA-5.3- Building Regulation u-values for retrofitting

## Funding

There are a number of opportunities available that can potentially provide funding to offset the cost of retrofitting energy saving measures. However, these funding streams regularly change and it is advisable to contact the Council for advice on what funding is currently available.

## Policy Drivers for Retrofitting, Microgeneration and Refurbishment

	London Plan 2015	Hackney Borough Guidance Council	
		Core Strategy	DMLP
Policy	5.2	CS30	DM37
	5.4		DM38
	5.7		

### Links:

UK Government Planning Portal Service- Permitted Development Rights:  
<http://www.legislation.gov.uk/uksi/2012/748/made>

BREEAM Refurbishment Technical Guidance:  
<http://www.breem.org/domrefurbmanual/>

Energy Savings Trust Funding Options:  
<http://www.energysavingtrust.org.uk/Take-action/Find-a-grant>

# SPD Appendix TA-6 Technical Guidance Notes

## Materials and Waste and Contaminated Land

### Introduction

The impact on the environment of the construction industry from resource use and disposal of waste is significant. The aim of this Technical Appendix is to highlight the risks and propose measures to minimise waste from construction activities, maximise the efficient use of materials, and aid developers in choosing materials with the lowest embodied energy and ecological impact, thus reducing the impacts of developments within Hackney.

The Council has a corporate commitment to reducing embodied energy and a focus on using the most sustainable materials for the development. Concrete, steel, timber and associated masonry products, when correctly specified, can produce low embodied energy buildings. The Council will expect developers to justify their choice of structural materials and will welcome innovative approaches to material specification and construction techniques.

There are successful examples of cross-laminated timber (CLT) buildings in Hackney, and the Council seeks to continue to build high quality, low carbon buildings using CLT or other sustainable materials. Despite this, the use of CLT and other sustainable materials does not negate the requirements to achieve the other sustainable design standards as set out in the Sustainable Design and Construction SPD, these Technical Appendices, and Hackney's other policy documents.

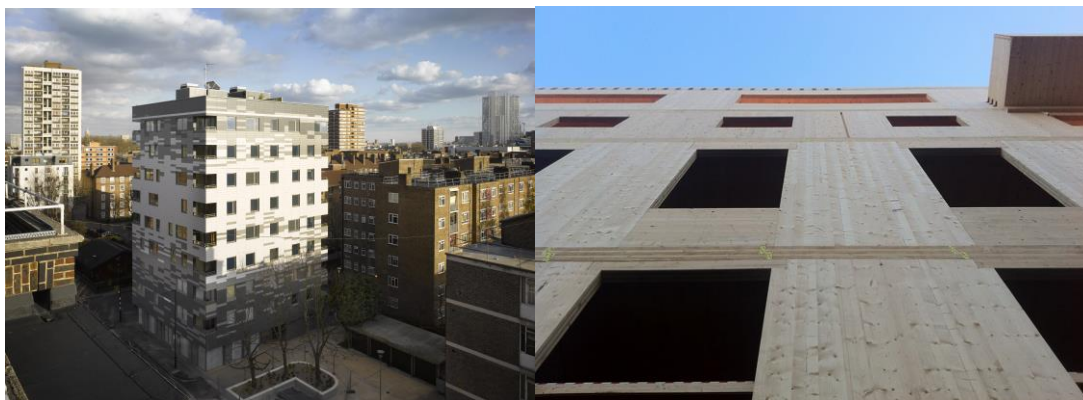


Figure TA 6.1: Examples of high quality, well designed, award winning developments in Hackney constructed from Cross Laminated Timber. Images of Stadhaus and Whitmore Road courtesy of Waugh Thistleton Architects (W. Pryce)

## Construction Waste

In line with Policy 5.3 of the London Plan, applicants should demonstrate the efforts made to reduce waste arising from construction activities. The Council has set the following minimum target recycle rates:

- Residential, 85% target
- Non-Residential, 80% target

Hackney requires all developers to work with their construction teams to meet this target. A comprehensive Site Waste Management Plan (SWMP) is to be submitted with planning applications for projects with a value of over £300,000 and referenced within the Sustainability Statement.

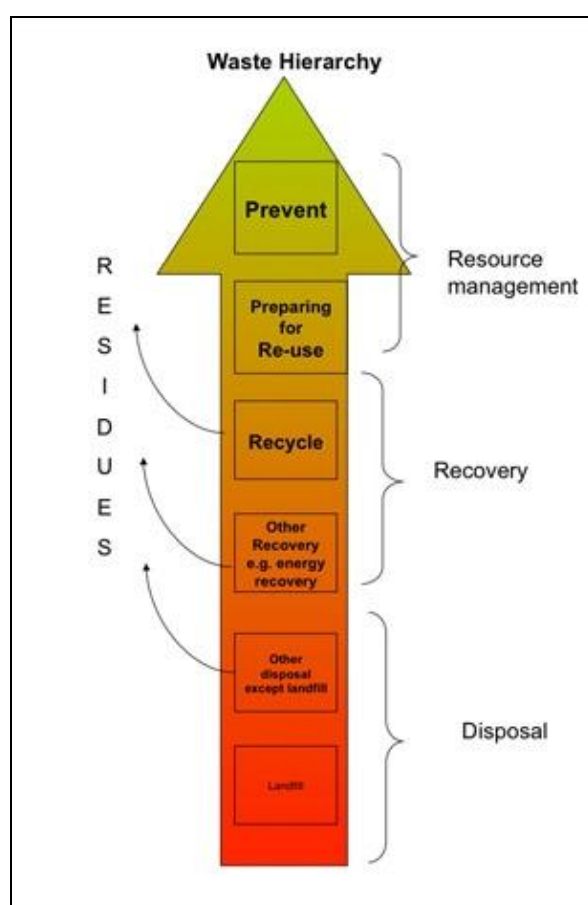


Figure TA 6.2: Construction waste recovery and disposal hierarchy

The waste hierarchy set out in Figure TA 6.2 is intended to classify the options for waste management in order of their impact on the environment. By following the principles of the waste hierarchy, from concept to completed project, construction waste will be minimised. This will generate construction cost savings as well as reduce the development's impact on the environment.

Guidance on completing SWMPs is available through the Waste and Resources Action Plan (WRAP) website.<sup>11</sup> It is expected that developers will

<sup>11</sup> <http://www.wrap.org.uk/>

work within the WRAP waste hierarchy to reduce waste to a minimum, and ideally achieve zero waste to landfill while increasing the recycling and reuse of materials directly on site. In line with the London Plan, Hackney will expect that 95% of construction wastes will be reused or recycled by 2020.

## Reduce Material Use

Reducing material use could have a significant impact on reducing climate change through both decreasing high energy mining and manufacturing processes, and reducing the release of pollutants to the atmosphere by reusing materials. In order to achieve this goal Hackney will expect developers to address the following in the Sustainability Statement:

- Wherever possible, retain and refurbish existing structures
- Should demolition take place, recycle aggregates and prioritise reuse on site
- Use WRAP's designing out waste criteria to increase material efficiency by using the following strategies/actions:
  - Set, and work, towards targets within the Site Waste Management Plan
  - Prioritise material reuse on site
  - Design to standard material sizes
  - Maximise floor area to perimeter ratio
  - Design for offsite construction
  - Work with suppliers to reduce packaging and put in place take back agreements
  - Design for deconstruction and flexibility

Full details and design toolkits are available on the WRAP website:

<http://www.wrap.org.uk/>

## Sustainable Materials

Choice of materials has a significant impact on the environment. Material choice needs to be integrated into the initial design of the building and the following needs to be considered:

- embodied energy - the amount of energy required to produce the material
- durability - its ability for a long life
- potential for material reuse if the building is taken down
- sourcing - materials available locally should be chosen over those imported over long distances

- renewable materials should be sought from sustainable sources wherever possible.

## Material Requirements within the Sustainability Statement

Included within the Sustainability Statement should be a report on the efforts that will be taken to reduce the environmental impact of the specified materials. Reference should be made to the following:

- A nationally recognised assessment methodology providing guidance on the relative environmental impacts of material specifications
- As stated, wherever possible demolition and construction wastes should be reused on site and not taken off site for processing
- Specification of materials should take into account the carbon savings from sourcing materials locally to the site
- Materials with a high recycled content should be chosen over those without. For example, reuse aggregates for ballast/foundations, within concrete mixes and for hard landscaping
- Insulation materials and refrigerants are required to have a Low or Zero Global Warming Potential (GWP) and Zero Ozone Depleting Potential (ODP)
- All timber should be sourced as FSC or PEFC certified inline with the governments CPET requirements and no species to be specified that are prohibited under CITES
- All materials, finishes and adhesives are to be specified Low or Zero Volatile Organic Content (VOC)

Further details on sustainable materials, embodied energy and material choices can be found at the following links:

Inventory of Carbon and Energy (ICE):  
<http://web.mit.edu/2.813/www/readings/ICE.pdf>

Office of Government Commerce - Strategy for Sustainable Construction:  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/15370/strategy-for-sustainable-construction.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/15370/strategy-for-sustainable-construction.pdf)

## In-Use Waste

Both internal and external waste storage and recycling requirements are set out within Hackney's Policies. Further information on all aspects, including full specifications and requirements for each development type, are set out within Hackney's Refuse and Recycling Storage Requirements document, available for download at the following link:

<http://www.hackney.gov.uk/Assets/Documents/Architects-Recycling-Guide.pdf>



All applicants are strongly advised to review the Council's guidance and if required seek further advice from the Waste and Recycling team at Hackney before submitting applications.

## Contaminated Land

The contamination of land normally arises as a result of industrial processes and waste management practices. Other more dispersed sources of contamination have also resulted from the transport network, successive phases of redevelopment and bombing during the Second World War. As a result contamination is likely to be found on industrial and commercial sites, but may also be present in any part of the Borough. There are a wide range of potential contaminants that, if not properly dealt with, may result in harm to people and the environment or the pollution of controlled water.

There are three key routes to address contaminated land including:

**Part 2A of the Environmental Protection Act 1990:** This legislation addresses land that maybe/is resulting in harm to people, property or the environment, or the pollution of controlled waters, where the event that caused the contamination or pollution took place before 1<sup>st</sup> March 2009.

**The Environmental Damage (Prevention and Remediation) Regulations 2009:** This legislation covers environmental damage, which refers to adverse effects on specified protected areas of land, habitats or species, deterioration of surface water or groundwater and the contamination of land resulting in a significant risk of adverse effects on human health; where the damage occurred on or after 1<sup>st</sup> March 2009.

**Town & Country Planning Acts and the National Planning Policy Framework:** The National Planning Policy Framework requires contaminated land to be addressed during the planning process so that land is not capable of being determined as contaminate land under Part 2A of the Environmental Protection Act 1990. Contaminated land should also be dealt with through the Building Control regime.

Addressing contaminated land will require the provision of information during the application stage and once planning permission has been granted. This should typically be in line with Table TA 6.1.

Table TA 6.1: Information required at each phase of a development

Development	Known area of potential contamination	Application stage	Once permission is granted	Comments
Smaller residential extensions	Yes	n/a	RAP, Ver	Action required to report any observed contamination and protect existing/new development
	No	n/a	n/a	
Refurbishment/conversion of residential property for residential use - ground floor	Yes	DS, Prop. SI	SI, RAP, Ver	Generally simpler requirements unless associated with a more significant industry
	No	n/a	SI, RAP, Ver	RAP and Ver only required if contamination found above background concentrations.
Refurbishment/conversion of residential property for residential use - first floor and above	Yes	DS	n/a	Action only necessary if DS identifies a potential risk to future occupants
	No	n/a	n/a	
New residential, school, community building, open space or other sensitive use	Yes	DS, Prop. SI	SI, RAP, Ver	
	No	DS, Prop. SI	SI, RAP, Ver	
Commercial/industrial including extensions	Yes	DS, Prop. SI	SI, RAP, Ver	DS and SI may not be required for smaller extensions
	No	See comments	See comments	Consider on site by site basis. Need to obtain baseline information and ensure development won't result in contamination.
Note: DS=Desk Study; Prop. SI = Site Investigation Proposal; SI = Site Investigation; RAP = Remedial Action Plan; Verification.				

There is a wide range of guidance available which identifies how desk study, site investigation, risk assessment, remediation and verification work should be undertaken. This includes documents such as the British Standard BS10175, the Environment Agency's Model Procedures Document (CLR11)

and the Council's own guidance for planning and contaminated land. Further information and guidance on contaminated land and planning is available from the following link on the Hackney website:

<http://www.hackney.gov.uk/ee-pollution-contaminated-land-418.htm>

Other key guidance that must be referred to when undertaking desk study, investigation, remediation and verification work includes that produced by the:

- DEFRA – <http://www.defra.gov.uk/>
- Environment Agency – <http://www.environment-agency.gov.uk/>
- Specific guidance is available from the Environment Agency at the following links:

GPLC 1-3 - <https://www.gov.uk/government/publications/managing-and-reducing-land-contamination>

CRL11 - <https://www.gov.uk/government/publications/managing-land-contamination>

- British Standards Institute – <http://www.bsigroup.com/>
- Building Research Establishment – <http://www.bre.co.uk/>
- CIRIA guidance – <http://www.ciria.org/>
- Other reputable national and international organisations

Reference must also be made to the current version of the Council's contaminated land strategy as it may contain specific policies relating to development on contaminated land. The Council's contaminated land strategy is available from

<http://www.hackney.gov.uk/ee-pollution-contaminated-land-418.htm>

The Council's guidance for planning and contaminated land identifies the level of information that is expected at each stage of development works. The following development specific advice and standard templates for providing information are to be produced and must be used where available. Other guidance may also be developed in the future.

## **Guidance**

- Introductory guidance
- New build sensitive end uses
- Changes in use to a sensitive end use
- Conversions of a sensitive use to another sensitive use
- Large areas of landscaping, public open space or playing fields
- Developments with extensive basements
- New build commercial development
- Changes of use to a commercial development
- Extensions and excavating basements

## Templates

- Written and signed statement and checklist for developer and ground workers
- Investigation report for small residential new builds and conversions not situated on a site of potential concern
- Remediation action plan for small residential new builds, conversions and extensions
- Verification report for small residential new builds, conversions and extensions

Developers will be expected to incorporate readily available information from the Council in to relevant reporting including information from the Pollution Control Team (<http://www.hackney.gov.uk/environmental-searches-and-information.htm>) and <http://www.map.hackney.gov.uk/LBHackneymap/>) and from the Hackney Archives (<http://www.hackney.gov.uk/ca-archives.htm>).

## Air Quality

The London Borough of Hackney is designated an air quality management area for nitrogen dioxide and particulate matter. Both nitrogen dioxide and PM10 are associated with significant health effects. It is estimated that air pollution contributes to the earlier death of about 96 people in Hackney every year. It is therefore essential that new development doesn't add to air pollution in the Borough and that, wherever possible, development positively enhance air quality to achieve air quality objectives.

The most recent apportionment study for the Borough (2013) predicts that the key contributions to air pollution within the Borough in 2015 will be:

- nitrogen dioxide - main roads (52%), minor roads (3%) and residential and commercial gas boiler emissions (39%)
- particulate matter - main roads (55%), minor roads (5%) and industry (10%), domestic and commercial gas (5%)

The National Planning Policy Framework (NPPF) requires Planning Authorities in England to address air quality during development to protect peoples' health and sustain compliance with EU legislation. In particular the planning process offers opportunities to:

- Monitor and control development activity to minimise impacts on air quality
- Reduce the longer term contribution of development on air quality
- Protect those using developments from poor air quality in the vicinity of a development

Considering the main sources of air pollution within the borough the key local factors to consider during the development process are the:

- Management and reduction of traffic on the Borough's roads and particularly main roads
- Mitigation of significant air pollution resulting from roads
- Reduction of nitrogen dioxide emissions from gas fired boilers and combined heat and power systems through the use of more efficient systems
- Reduction of nitrogen dioxide emissions by increased use of alternative sources of energy and greater energy efficiency

Demolition and building works have local and - depending on the scale of development - wider impacts on air quality. It is therefore also important to consider the following issues on a site by site basis:

- Emissions of dust and smoke during demolition and development work
- Traffic associated with a development site.

### **Waste Management Facilities**

Waste management facilities can contribute to poor air quality particularly dust and particulate pollution. Although traditional dust abatement measures do make a positive contribution to reducing dust and particulate pollution, the preferred option which is most cost effective and environmentally sustainable in the long-term is full enclosure i.e. waste storage and treatment activities carried out inside a covered building enclosed on all sides with access and egress points covered by fast acting doors which default closed. Large open-fronted buildings should be avoided as this provides a low pressure pathway for dust and particulates to escape the control of the operator. The GLA's London Plan Sustainable Design and Construction SPG along with The Control of Dust and Emissions From Construction and Demolition SPG, provide detailed guidance on the best practice for designing waste facilities in an urban environment and should be referred to in the early stage of the design process.

Links:

<https://www.london.gov.uk/what-we-do/planning/implementing-london-plan/supplementary-planning-guidance/sustainable-design-and>

<https://www.london.gov.uk/what-we-do/planning/implementing-london-plan/supplementary-planning-guidance/control-dust-and>

Table A identifies the types of impacts that may be expected from different development types. Planning air quality guidance covering the above issues, monitoring data and other information is available from the following link:

<http://www.hackney.gov.uk/ee-pollution-air-413.htm>

Development type	Description	Development types not included	Impacts
Major building works	Includes all new build, changes of use and refurbishments for residential, commercial/industrial and public buildings. Major works are classed as development comprising 10 or more properties, or that are 100 square metres or larger.	None excluded.	<ul style="list-style-type: none"> <li>• Dust and smoke</li> <li>• Travel and transport to and from site</li> <li>• Site machinery and energy use</li> <li>• Energy use/boilers emissions from final development</li> <li>• Transport of end user</li> </ul>
Minor building works	Includes new build, changes of use and refurbishments for residential, commercial/ industrial and public buildings. Minor works are classed as development comprising less than 10 properties, or smaller than 100 square metres.	<ul style="list-style-type: none"> <li>• Small extensions and additions typical of householder applications</li> <li>• Auxiliary structures to house telecommunications or other similar equipment</li> <li>• Developments that present opportunities to improve energy efficiency or boiler emissions</li> </ul>	
Major amenity work	Development of amenity not associated with construction of significant buildings. Including the development of public amenity, landscaping, gardens, allotments or other similar developments. In such cases major works would include areas 5000 square meters or larger.	None excluded.	<ul style="list-style-type: none"> <li>• Dust and smoke</li> <li>• Travel and transport to and from site during development</li> <li>• Site machinery and energy use</li> </ul>
Transport – major	Any significant development of the transport network including roads, rail and cycle networks.	None excluded.	<ul style="list-style-type: none"> <li>• Dust and smoke</li> <li>• Travel and transport to and from site during development</li> <li>• Mode of transport</li> <li>• Traffic flows</li> </ul>
Transport – minor	The less significant development of the transport network including roads, rail and cycle networks.	Development that will not result in any change to existing traffic flows or rates.	
Traffic hubs	Any use that may result in vehicles collecting around a specific hub including taxi offices, taxi ranks, bus stops, etc.	Development that will not result in any change to existing traffic flows or rates. For example changes to an existing taxi office that will not affect the existing capacity of the office.	<ul style="list-style-type: none"> <li>• Increased concentration of traffic in local areas</li> </ul>

Table TA 6.2: Development types and key impacts

Table B identifies minimum BREEAM criteria that must be met for different development types. BREEAM guidance will be kept under review and any updates to Table 1.3 will be produced on the Pollution Control Team's webpage.

Table TA 6.3: BREEAM criteria for different development types

Issue ID	Issue Title	Minimum credits		Typical standard to be achieved*
		BREEAM UK 2008 versions	New non-domestic buildings UK 2011	
Hea 8 (2)	Indoor Air Quality	1 (wherever feasible)	1 - items 1-4 (wherever feasible)	<ul style="list-style-type: none"> <li>Air conditioned/mixed mode buildings – air intakes 20m from external sources of pollution</li> <li>Naturally ventilated buildings – openable windows/ ventilators are over 10m from sources of external pollution</li> </ul>
Ene 1	Reduction of CO2 emissions	10 (ideally exemplar credit 1 or 2 should be achieved)	10	<ul style="list-style-type: none"> <li>EPC rating for new build of ≤25</li> <li>EPC rating for refurbishment of ≤31</li> </ul>
Ene 5 (4)	Low or zero carbon technology (LZC)	2 (wherever feasible)	2 (wherever feasible)	<ul style="list-style-type: none"> <li>Feasibility study by energy specialist considering identified technologies</li> <li>A LZC has been specified for the development</li> </ul>
Tra 3	Cyclist facilities	2	Maximum credits	Specified measures for development type
Tra 5	Travel plan	1	1	Specified measures for development type
Pol 4 (2)	NOx emissions from heating source	3	3 (or 1 for industrial buildings)	<ul style="list-style-type: none"> <li>Space heating &amp; cooling ≤40mg/kwh</li> <li>Water heating ≤100mg/kwh (at 0% excess O2)</li> <li>Industrial buildings space heating and cooling ≤70mg/kwh</li> </ul>

Note: \* = Reference must be made to the current appropriate BREEAM documentation for the type of development as standards may be revised over time. () = reference Non-domestic 2011 guidance where different from earlier guidance.

Tables TA 6.4 to TA 6.8 set out “Air Quality Neutral”<sup>12</sup> requirements which must be met by all major developments. The requirements consist of ‘benchmarks’ for the total emissions from a building and associated development and explicit emissions limits for some types of plant; where applicable both sets of requirements must be met. As with the BREEAM standards Air Quality Neutral sets out minimum standards that should be improved upon wherever possible. Any updates to the Air Quality Neutral standards will be produced on the Pollution Control Team’s webpage.

Table TA 6.4: Air Quality Neutral benchmarks for building emissions associated with different development types

Land Use Class	NOx (g/m <sup>2</sup> /annum)	PM10 (g/m <sup>2</sup> /annum)
Class A1	22.6	1.29
Class A3 - A5	75.2	4.32
Class A2 and Class B1	30.8	1.77
Class B2 - B7	36.6	2.95
Class B8	23.6	1.90
Class C1	70.9	4.07
Class C21	68.5	5.97
Class C31	26.2	2.28
D1 (a)	43.0	2.47
D1 (b)	75.0	4.30
Class D1 (c -h)	31.0	1.78
Class D2 (a-d)	90.3	5.18
Class D2 (e)	284	16.3

Note: Gross Floor Area (GFA) is used to define the area.

Table TA 6.5: Air Quality Neutral benchmarks for transport emissions associated with different development types

Land use	Central Zone	Activity	Inner London	Outer London
<b>NOx (g/m<sup>2</sup>/annum)</b>				
Retail (A1)	169		219	249
Office (B1)	1.27		11.4	68.5
<b>NOx (g/dwelling/annum)</b>				
Residential (C3)	234		558	1553
<b>PM10 (g/m<sup>2</sup>/annum)</b>				
Retail (A1)	29.3		39.3	42.9
Office (B1)	0.22		2.05	11.8
<b>PM10 (g/dwelling/annum)</b>				
Residential (C3,C4)	40.7		100	267

<sup>12</sup> The full details of Air Quality Neutral are set out in the Greater London Authority guidance “Sustainable Design and Construction SPG”  
<https://www.london.gov.uk/priorities/planning/consultations/draft-sustainable-design-and-construction>



Table TA 6.6: Banding for emissions limits on Solid Biomass Boilers and CHP Plant

Band	Applicable Range	
	Baseline Annual Mean NO <sub>2</sub> and PM <sub>10</sub>	Baseline 24-Hour Mean PM <sub>10</sub>
Band A	> 5% below national objective	> 1-day less than national objective
Band B	Between 5% below or above national objective	1 day below or above national objective

Table TA 6.7: Emission Standards for Solid Biomass Boilers and CHP Plant in the Thermal Input Range 50kWth to less than 20MWth for development in Band A

Combustion Appliance	Pollutant/ Parameter	Emission Standard at Reference O <sub>2</sub> (mg Nm <sup>-3</sup> )	Equivalent Concentration at 0% O <sub>2</sub> (mg Nm <sup>-3</sup> )	Likely Technique Required to Meet Emission Standard
Spark ignition engine (natural gas/biogas)	NOx	250	329	Advanced lean burn operation (lean burn engines) NSCR (rich burn engines)
Compression ignition engine (diesel/bio-diesel)	NOx	400	526	SCR
Gas turbine	NOx	50	177	None above standard technology for modern turbines
Solid biomass boiler (including those involved in CHP applications)	NOx	275	386	Modern boiler with staged combustion and automatic control
	PM	25	35	Modern boiler with staged combustion and automatic control including cyclone/multicyclone
All (stack heat release less than 1MW)	Stack discharge velocity	10 ms <sup>-1</sup>	N/A	Appropriate design of stack discharge diameter to achieve required velocity
All (stack heat release greater than or equal to 1MW)	Stack discharge velocity	15 ms <sup>-1</sup>	N/A	Appropriate design of stack discharge diameter to achieve required velocity

Table TA 6.8: Emission Standards for Solid Biomass Boilers and CHP Plant in Thermal Input Range 50kWth to less than 20MWth for development in Band B

Combustion Appliance	Pollutant/ Parameter	Emission Standard at Reference O <sub>2</sub> (mg Nm <sup>-3</sup> )	Equivalent Concentration at 0% O <sub>2</sub> (mg Nm <sup>-3</sup> )	Likely Technique Required to Meet Emission Standard
Spark ignition engine (natural gas/biogas)	NO <sub>x</sub>	95	125	SCR (lean burn engines) NSCR (rich burn engines)
Compression ignition engine (diesel/bio-diesel)	NO <sub>x</sub>	400	526	SCR
Gas turbine	NO <sub>x</sub>	20	71	Latest generation DLN burners and / or SCR
Solid biomass boiler < 1MWth input (including those involved in CHP applications)	NO <sub>x</sub>	180	252	Modern boiler with staged combustion, automatic control and/ or SNCR
	PM	5	7	Fabric/ceramic filter
Solid biomass boiler ≥ 1MWth input (including those involved in CHP applications)	NO <sub>x</sub>	125	175	Modern boiler with staged combustion, automatic control and/ or SNCR Fabric/ceramic filter
	PM	5	7	
All (stack heat release less than 1MW)	Stack discharge velocity	10 ms <sup>-1</sup>	N/A	Appropriate design of stack discharge diameter to achieve required velocity
All (stack heat release greater than or equal to 1MW)	Stack discharge velocity	15 ms <sup>-1</sup>	N/A	Appropriate design of stack discharge diameter to achieve required velocity

Table 6.9 identifies information that must be submitted to the Planning Authority at the planning application stage for the development types identified within Table TA 6.2. All information must be prepared in line with best practice guidance and any guidance provided by the Council. Planning air quality guidance is available from the following link:

<http://www.hackney.gov.uk/ee-pollution-air-413.htm>

Table TA 6.9: Pre-planning application decision matrix for Air Quality

Development reference	Air quality assessment	Recommendations for programme of air quality monitoring	Assessment of BREEAM criteria (see Table 1.3)	Boilers and CHP schemes*	Alternative technologies assessment*	Green walls and roofs assessment
Major	Yes	Yes	Yes	Yes	Yes	Yes – within 50m of main road only
Minor	No	No	Yes	Yes	Yes	Yes – within 50m of main road only
Major amenity	Yes	Yes	N/A	N/A	N/A	N/A
Transport	Yes	Yes	N/A	N/A	N/A	No
Transport hubs	Yes	N/A	N/A	N/A	Yes	N/A

Conditions will typically be attached to the decision notices of planning applications in line with Table TA 6.10. For many applications conditions will only be attached if development is taking place within an area that is known or predicted to fail National Air Quality Objectives. This information will be made available at the following link:

<http://www.map.hackney.gov.uk/LBHackneymap/>

Table TA 6.10: Decision matrix for attaching air quality conditions

Development reference	Description	Air quality assessment	Air quality monitoring	Energy efficiency potential of buildings	Gas fired boilers to be used?	Combined heat and power to be used?	Alternative technologies	Green walls and roofs	Electric charging points?	Dust suppression	Air Quality Neutral
Major	General	Yes	Yes*	Yes*	Yes	Yes	Yes*	Yes*	Yes*	Yes	Yes
Minor	General	Yes*	-	Yes*	Yes	Yes	Yes*	Yes*	Yes*	Yes*	
Amenity areas	Major	Yes	Yes*	-	-	-	-	-	-	Yes*	
Transport	Major	Yes	Yes	-	-	-	-	-	-	Yes*	Yes
	Minor	Yes	Yes	-	-	-	-	-	-	-	
	Transport hubs	Yes	-	-	-	-	-	-	-	-	Yes

Note: a) A *major development* includes: 10 or more properties, or larger than 100 square metres. b) a *minor development* includes less than 10 properties, or smaller than 100 square metres. c) \* = typically conditions will be applied only in areas of the borough that exceed or are predicted to exceed National Air Quality Objectives.

<http://www.hackney.gov.uk/what-is-contamination-and-contaminated-land.htm>

### Policy Drivers for Sustainable Materials and Construction Wastes

	London Plan 2015	Hackney Council Guidance	
		Core Strategy	DMLP
Policy	5.3	CS 29	DM41
	5.16	CS 32	DM42

# SPD Appendix TA- 7

## Technical Guidance Notes

### Water and Drainage

#### Introduction

The Council's intention is to reduce the pressure on infrastructure and the environment through the reduction of water usage within developments. This will be achieved through conservation measures while reducing the impact the development has on surface water runoff and mitigating the potential for flooding events. The Environment Agency has carried out significant flood mapping work in Hackney and it is the expectation that proposals take account of the guidance released by the Environment Agency.

#### In-use Water Consumption

##### Non-Residential Developments

The requirements are as follows:

- New construction projects are required to achieve BREEAM 'Excellent' standard or equivalent under an alternative assessment model.
- Refurbishment projects are required to meet BREEAM 'Very Good' standard or equivalent under an alternative assessment model.

Wherever possible, proposals for measures to reduce the use of potable water (low flush WCs, aerated taps, flow restrictors) should be included within the Sustainability Statement of the planning application.

In the case of all other developments - minor, conversion, domestic and extensions – an optional target is in place to reduce water consumption to a maximum of 105 litres per person per day as set out in the Mayor's Housing Standards Transitional Statement and information on how this will be achieved is to be included in the Sustainability Statement to be submitted with the planning application.

#### Landscaping and Irrigation

If soft landscaping is provided, a management statement and water storage plans will be required to provide evidence that rainwater or recycled water will be used for irrigation. Hackney will reject proposals that rely solely on the use of potable water for irrigation. Planting for soft landscaping should be specified

to include species that are able to survive drought or conditions where water is limited.

## External Water Attenuation

Full details of the Council's requirements in regards to Flooding and Flood Risk Assessments are included in Policy DM 44 within the draft Development Management Plan.

Major sites of over 10 units or 5000m<sup>2</sup> floor area are to submit full details in line with national standards. Applicants should contact the Senior Flooding Officer in the Council's Streetscene team for full details.

Figure TA 7.1 gives an indication of the measures that can be incorporated by developers to reduce surface water runoff. In all cases the following hierarchy needs to be followed:

- 1) Discharge into the ground
- 2) Discharge to a surface water body
- 3) Discharge to a surface water sewer
- 4) Discharge to a combined sewer

Minor sites of under 10 units are to submit evidence of the following:

- Living roofs
- Permeable landscaping
- Betterment over existing conditions

New national guidelines are currently being written by DEFRA; on release, the above information may be updated.

Within Hackney, nine Critical Drainage Areas have been identified, and within these areas Local Flood Risk Zones identify the actual spatial extent of predicted flooding, with Hackney Wick identified as being particularly at risk<sup>13</sup>. Developments within these areas may be required to complete a site specific Flood Risk Assessment in line with Hackney's Policy that takes into account a Fluvial Flood Risk assessment. In November 2015 the Environment Agency published revised climate change allowances. Flood risk assessments carried out by applicants will need to incorporate these allowances into their assessments in line with the published guidance. This information is now available at the following link:

<https://www.gov.uk/guidance/flood-risk-assessment-for-planning-applications>

Hackney's main requirements in regards to water attenuation are as follows:

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<sup>13</sup> [http://www.hackney.gov.uk/Assets/Documents/Hackney\\_SWMP\\_Draft.pdf](http://www.hackney.gov.uk/Assets/Documents/Hackney_SWMP_Draft.pdf)

- All developments, where work is carried out on hard landscaping, or where there is a net increase in the area of hard landscaping, are to ensure all new landscaping is fully permeable.
- The Council will expect developments to propose methods to reduce the impact of surface water runoff. Full details and specifications can be obtained from the Council's Interim SuDS Guidance Policy.
- Developments that include the construction or refurbishment of flat roofs, or roofs of a pitch of less than 20 degrees or more than 20 m<sup>2</sup>, are to install an extensive living roof. This is to have a minimum substrate depth of 80mm, not including the depth of the chosen vegetative mat. Full details of the requirements for these types of roofs are contained within the Hackney Biodiversity Action Plan and the London Plan Technical Policy Report: Living Roofs and Walls.
- There is a potential impact from the effluent of living roofs being high in nutrients. Where living roofs are specified near water courses in the Borough it should be ensured that runoff from the installed living roof are not able to enter the adjacent waterway.

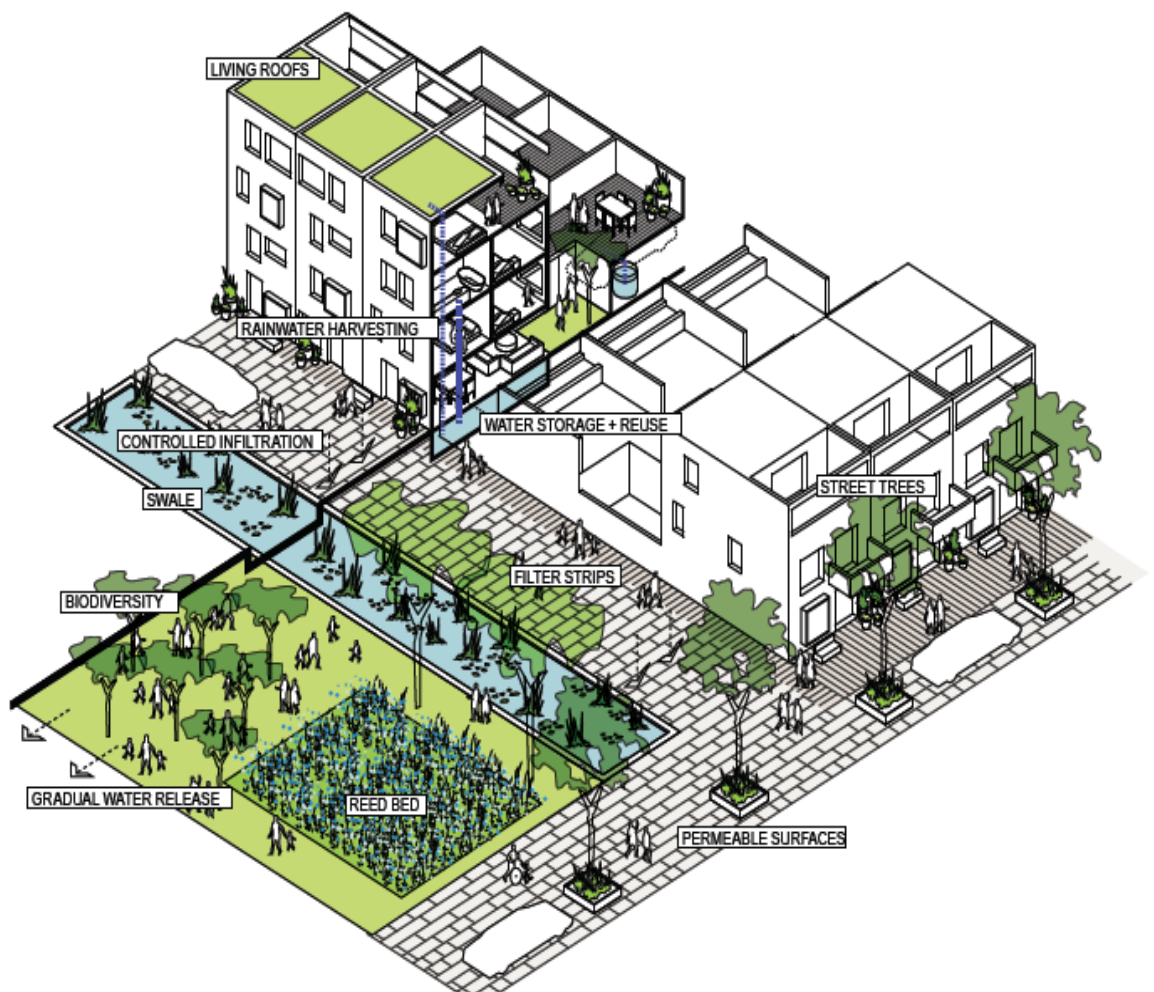


Figure TA 7.1 External water attenuation

## Policy Drivers for Water- Internal Consumption and External Attenuation

	London Plan 2015	Hackney Council Guidance	
		Core Strategy	DMLP
<b>Policy</b>	5.3	CS31	DM42
	5.12		DM43
	5.13		
	5.14		
	5.15		

### Links:

London Plan Technical Policy Report: Living Roofs and Walls  
<http://www.london.gov.uk/sites/default/files/living-roofs.pdf>

Hackney Council Interim SuDS Guidance Policy TBC

Hackney Biodiversity Action Plan 2012-17  
<http://www.hackney.gov.uk/Assets/Documents/BAP-2012-2017.pdf>

Code for Sustainable Homes Technical Guidance  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/5976/code\\_for\\_sustainable\\_homes\\_techguide.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/5976/code_for_sustainable_homes_techguide.pdf)

BREEAM Technical Guidance  
<http://www.breem.org/BREEAM2011SchemeDocument/>



# SPD Appendix TA-8

## Technical Guidance Notes

### Biodiversity, Landscape and Urban Greening

#### Introduction

The Council has a statutory requirement to ensure that development results in the protection, creation and enhancement of existing biodiversity and optimises the distinctive character of the existing landscape. All major developments will be expected to submit a biodiversity study. Minor development requirements will be reviewed on a case by case basis. These biodiversity studies are required to identify the existing habitats and species present on site and those in the vicinity of the site which may be impacted by the proposed development.

#### Hackney's Waterways

Waterways provide particular types of water-related habitats and provide ecological corridors for birds, bats, mammals and aquatic wildlife. River corridors make an important contribution to green infrastructure and urban greening so development of sites that are in close proximity to waterways should aim to preserve, enhance or create green corridors along the waterways and maximise the habitat value with native planting and minimise lighting impacts. There are multiple benefits associated with this such as reducing flood risk, allowing access for maintenance, improving water quality and climate change adaptation. New development along the Lee Navigation, River Lea and Hackney Cut should ensure that measures are incorporated to protect and enhance biodiversity. Further details are available in Hackney's Biodiversity Action, and the London Plan Policy 7.28 *Restoration of the Blue Ribbon Network*.

Particular attention should be given to the following aspects of development near waterways:

- Living Roofs: the runoff from Living Roofs may be high in nutrients and should be prevented from entering adjacent waterways. This can cause algal blooms.
- Applications should consider the impact and minimise the risk of over shading of the waterways.
- The impact of lighting from new development can adversely affect wildlife, including bats - lighting 'spill' should be reduced wherever possible and 'bat friendly' lighting should be specified.
- Applicants should ensure provision of bird and bat boxes where applicable, and seek to incorporate measures to enhance biodiversity.

## Multi-functional Landscaping and Biodiversity

Landscaping comprises hard and soft materials. As well as being a visual amenity and foil to buildings, and contributing to the particular character of the locality, it should contribute to delivery of a range of other functions. These include: physical and sensual amenity; defining space; use and ownership; sustainable urban drainage systems (SuDS); improving microclimate; and creating or enhancing biodiversity. Developers should consider how the landscaping:

- Accommodates and uses surface water: 'source control' and SuDS
- Does not place demands on potable water
- Improves microclimate (wind, water, air quality, temperature, sun/shade, humidity) and reduces the urban heat island effect
- Benefits the landscape/townscape/streetscape beyond the site boundaries
- Maintenance is affordable/realistic/sustainable and if the landscaping is sufficiently robust to survive the likely pressures on it
- Uses sustainably sourced materials
- Integrates into the design of surrounding buildings- for example deciduous trees can provide solar shading to prevent overheating in summer.

Developers are required to ensure that construction activities are planned to take into account trees on site – not just overhanging branches, but also the root protection zone – and ensure that adequate protective barriers are in place before works commence. If work on trees is unavoidable, ensure that it takes place outside the growing and nesting season.

Biodiversity can be enhanced through a number of measures, including diverse planting, bird/bat boxes, insect stacks and bee hotels. Full details of the biodiversity measures that Hackney expects to be incorporated into new development and regeneration projects, and addressed within applications, are available within the Hackney Advice Note: *Biodiversity and the Built Environment*<sup>14</sup>.

## Urban Greening

The GLA has a target to increase urban greening by at least 5% by 2030 and a further 5% by 2050. To enable this, development proposals should integrate green infrastructure at the initial design stage. Opportunities should be identified where urban greening can make an impact on mitigating the effects of climate change and the urban heat island effect.

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<sup>14</sup> <http://www.hackney.gov.uk/Assets/Documents/Hackney-Advice-Note-Biodiversity-and-the-Built-Environment.pdf>

As a minimum, all developments that include the construction or refurbishment of a flat roof, or a roof with a pitch of less than 20 degrees, are to install an extensive living or biodiverse roof. If roof mounted renewable energy installations are proposed, these should be integrated into living roofs.

Research has shown that both systems benefit when integrated.

- The living roof is expected to be specified with a minimum of 80mm substrate depth, and where possible a varied substrate depth of up to 150mm made up of recycled crushed aggregates, soil and waste compost. If a sedum mat is specified, the thickness of the mat cannot count towards the substrate depth.
- A full living roof management plan is expected to be submitted, including the following details:
  - Management process: expected interventions throughout the year and timings
  - Access plan
  - Details of the person/organisation who has responsibility to carry out the maintenance/management

Full details, design principles and recommended species for living roofs are available within the Biodiversity Action Plan Document, available to download from the Hackney Website.

Further information on Green Infrastructure and its incorporation into planning can be found at the following two links:

<https://www.gov.uk/government/publications/planning-guidance-and-green-infrastructure>

<http://www.tcpa.org.uk/pages/planning-for-a-healthy-environment-good-practice-for-green-infrastructure-and-biodiversity.html>

## Landscape Enhancements

Developers should take the opportunity to enhance the landscape of a development and its surrounding areas to ensure that it makes a positive contribution in terms of design, form and location, even in situations of retrofitting. For example trees can be of a species capable of growth to exceed building height and thus provide summer time shading, and should be managed to do so. Mature trees should be maintained and succession planting planned to allow for new trees to be established before old trees die off.

## Green Grid

Hackney falls within two zones of the 'All London Green Grid'<sup>15</sup>, zone 1 and zone 2. Hackney's network of open spaces should be regarded as integral infrastructure which will contribute to the 'All London Green Grid', and the quality of the overall environment as advocated in the All London Green Grid (ALGG) SPD and London Foundations (March 2012). The network forms part of Hackney's character and has a vital role in the well-being of communities. In order to facilitate the linking of the borough's open spaces into the All London Green Grid, the Council encourages all development providing new or replacement open space to submit a feasibility study to connect to the existing green grid.

### Policy Drivers for Biodiversity and Landscaping

	London Plan 2015	Hackney Council Guidance	
		Core Strategy	DMLP
Policy	5.7	CS26	DM1
	5.10	CS27	DM2
	5.11		DM31
	5.13		

#### Links:

Hackney Biodiversity Action Plan 2012-17:

<http://www.hackney.gov.uk/Assets/Documents/BAP-2012-2017.pdf>

Hackney Advice Note: Biodiversity and the Built Environment:

<http://www.hackney.gov.uk/Assets/Documents/Hackney-Advice-Note-Biodiversity-and-the-Built-Environment.pdf>

London Plan Technical Policy Report: Living Roofs and Walls:

<http://www.london.gov.uk/sites/default/files/living-roofs.pdf>

All London Green Grid:

<http://www.london.gov.uk/priorities/environment/greening-london/improving-londons-parks-green-spaces/all-london-green-grid>

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<sup>15</sup> <https://www.london.gov.uk/priorities/environment/greening-london/improving-londons-parks-green-spaces/all-london-green-grid>

# Technical Appendix TA- 9

## Technical Guidance Notes

### Carbon Offsetting

#### Introduction

Financial viability is an important part of the decision making process for which sustainability measures will be incorporated into a development. In planning terms this is not a first consideration, but Hackney accepts that developments are associated with a finite financial investment. Hackney is supportive of opportunities for innovation in this regard, but in line with local and regional policy will always require that applicants demonstrate how carbon emissions have been minimised in the scheme as a first principle.

A Carbon Offsetting requirement arises when a development is unable to meet the required reduction in baseline regulated carbon emissions through Lean, Clean and Green measures on site. Any shortfall should be met either by the developer offsite, or through a cash in lieu contribution to the Council.

There are two situations which will trigger a requirement for carbon offsetting:

- Firstly, there will be some developments where, due to spatial constraints, it is impossible to incorporate all the measures required to meet the carbon emission targets set out in planning policy
- Secondly, if it becomes apparent on completion that the as-built development differs significantly from the development approved at the time of planning, then the developer will be required to submit a second Energy and Sustainability Statement with all associated energy calculations. If the new statement shows that the as-built development's carbon emissions exceed the original proposal, a carbon offsetting requirement will be triggered

The Council can agree with the developer for the developer to directly offset any shortfall in carbon dioxide reductions by undertaking a carbon saving project/s within the vicinity of the proposed site. However, if this is not feasible or the developer chooses not to, the developer can make a one off payment into the Council's Carbon Offset Fund, including a management fee of 5%.

Outline details of the mechanism of the Carbon Offset Fund are contained within the Council's S106 Supplementary Planning Document. Full details of how payments will be calculated and managed are set out below.

The Council will negotiate a charge (commuted sum) through the S106 process to be paid into the Council's Carbon Offset Fund. This will be

negotiated in all situations where the applicant is unable to meet the required reduction in carbon emissions on site.

**The Cost of Carbon** - The cost per tonne of carbon is set at the nationally recognised price for Carbon Dioxide, as set by the Zero Carbon Hub, of £60 per tonne. Following London Plan guidance the overall contribution is calculated over a 30 year period. Therefore the total cost per tonne of Carbon is £60 x 30 years = £1,800 per tonne of carbon to be offset. This price will be reviewed at the beginning of each financial year and set in accordance with the Zero Carbon Hub.

**The Carbon Offset Fund** - The funds generated will be ring fenced and managed directly by the Council and invested in the following types of projects;

- Community owned renewable projects on social housing and schools
- Behavioural change projects (where the reduction in carbon can be quantified)
- Delivery of low carbon DHN infrastructure within the borough, provision of CHP units where connection to an existing DHN will take place
- Retrofit of insulation to the existing social housing stock.

It is important that both the Council and developers are able to account for the reduction in carbon dioxide emissions through offsetting projects. Therefore the savings will be measured and apportioned in proportion to the capital funding provided by each party for each project.

The Council will ensure that the offsetting measure will provide added value- that is the project/measure would be unlikely to be funded through another means.

The price set for carbon dioxide does not fully reflect the costs of the delivery of carbon offsetting projects. Following guidelines, it is therefore not necessary that the ratio of carbon saving to the offsetting price is 1:1. That is the cost of the measures to save one tonne of carbon dioxide does not have to be equal to the off set price per one tonne of carbon. This is because the offset price does not fully cover the actual price to save carbon, in order to ensure that the price is viable for development to proceed.

**Policy Drivers for Carbon Offsetting:**

	<b>Hackney Council Guidance</b>	
		<b>DMLP</b>
<b>Policy</b>		DM39

# SPD Appendix TA-10

## Technical Guidance Notes

### Monitoring and Post Completion Information

#### Introduction

The Council has a commitment to monitor the sustainable performance of developments that are built in Hackney. In order to achieve this, developers are required to supply the information and certificates as outlined within this Technical Appendix as evidence that developments have been built as proposed and will meet the targets that have been set.

#### Monitoring data required to be submitted to Council

##### **Airtightness**

On completion of work, a full airtightness test is expected to be carried out confirming that the development achieves the air-permeability standard as set out in the original application and the resulting certificates submitted to the Council.

##### **Post Construction Assessment Certificates and Maintenance Strategies**

Within three months of completion Post Construction Assessment certificates, for the building assessment that was carried out, are to be delivered to the Council along with a post-completion Sustainability Monitoring form which is available at the end of this appendix.

Applicants are to submit maintenance strategies for the following:

- Ventilation Systems
- Low carbon and renewable technologies
- Living roof and other planted areas

The strategies should clearly identify who is responsible for maintenance and cleaning of the above systems and when it will be carried. This is to ensure that the systems continue to perform as specified over the long-term.

##### **Sustainability Monitoring Form**

A Sustainability Monitoring form is to be completed/updated at each of the following stages: Application; Pre-Construction; and a final updated copy to be issued within three months of Post-Construction. Each updated version is to be sent to Hackney's Sustainability Officer.

If any of the above information supplied deviates from the information that was supplied at application stage a new Energy Statement will be required indicating whether the as-built development will achieve the required reduction in baseline energy performance.

If a building's as-built energy performance does not meet the required standard set out in the initial planning application there are two options available to remedy the energy shortfall:

- The developer is to carry out remediation works to bring the building up to the specified standard, and a follow up test/assessment is to be carried out to corroborate that the standards specified within the application have been met;

or

- If the performance is below that expected then the Council will expect a payment into the Carbon Offset fund through the Section 106 structure to ensure that the extra carbon produced by the development is offset through the installation of other efficiency measures within Hackney.



## London Borough of Hackney

### Sustainability Monitoring Form

Project Name	Submittal Date	Address	Application no.	Stage (delete as appropriate)
				Application/Pre or Post Construction

#### Development Details

Type	Number Units	Total Size (m <sup>2</sup> )	Assessment Method
Residential			
Commercial			
Office			
Industrial			
Hotel			
School			
Other			

#### Assessment Method

Building Assessment Method	Assessment Stage	Expected Score	Level Achieved

#### Energy Hierarchy- Expected CO<sup>2</sup> savings

Hierarchy	Be Lean (tCO <sub>2</sub> /yr)	Be Clean (tCO <sub>2</sub> /yr)	Be Green (tCO <sub>2</sub> /yr)	Air Permeability (m <sup>3</sup> /hr.m <sup>2</sup> @50Pa)
Planning App				
Design Stage				
Post Completion				

#### Sustainable Measures- add rows as applicable

	Y / N	Management Plan Submitted	Type	Fuel	Size m <sup>2</sup> /m <sup>3</sup>	Output	Future connection possible	10 % extra capacity
Communal Heating		y/n	CHP/Gas		n/a	kWt kWe	y/n	y/n
Solar PV		y/n		n/a		kWp	n/a	
Solar Thermal		y/n				kWth		
Rainwater harvesting		y/n				n/a		
Green Roof		y/n				n/a		
MHVR		y/n						





# London Borough of Hackney Equality Impact Assessment Form

**Title and Purpose of Policy:**

**Title of Policy: Sustainable Design and Construction Supplementary Planning Document– for Public Participation.**

**Purpose:** The principal purpose of the Sustainable Design and Construction SPD is to provide detailed guidance to developers, home owners and council officers to ensure that works or new developments are completed in line with national and regional sustainability policies. It elaborates and provides more detail on the Core Strategy and the Development Management Local Plan in respect of particular development pressures and typologies in Hackney. The draft policies are in line with the spatial vision and objectives set out in the Core Strategy, the spatial expression of the Council’s Sustainable Community Strategy, while taking into account policies set out in the GLA’s Draft Sustainable Design and Construction SPD

Following endorsement by Cabinet, the SPD and Technical Appendices underwent Public Participation in accordance with Regulation 12 of the Town and Country Planning (Local Planning) (England) Regulations (2012 (‘Regulations’) over a period of 12 weeks in order to inform residents, businesses and stakeholders of the preparation of the SPD and to invite representations (feedback and ideas) on the content of the SPD.

**Officer Responsible:**

<b>Name: Olly Hombersley</b>	<b>Ext: 8089</b>
<b>Directorate: Legal, HR and Regulatory Services</b>	<b>Department/Division: Spatial Planning</b>

NB: This assessment must be reviewed and agreed by the relevant Assistant Director, who is responsible for ensuring it is made publicly available and is in line with guidance ([staffroom.hackney.gov.uk/equality-impact-assessments.htm](http://staffroom.hackney.gov.uk/equality-impact-assessments.htm)).

**Assistant Director: Cathy Gallagher**

**Date:**

**Comment:**

**PLEASE ANSWER THE FOLLOWING QUESTIONS:**

- 1. Please summarise the service, function, policy, initiative or saving.**

The SPD will support the delivery of the Core Strategy and the Development Management Local Plan, the Borough wide spatial planning documents and promote the sustainable growth, development and regeneration of the Borough. In particular, it supports the ‘Growth Area’ strategy of sustainable development for the growth areas of Dalston, Hackney Central, Hackney Wick, Shoreditch and the City Fringe, the ‘Kingsland Corridor’, Manor House, rail corridors and the areas of the Council’s housing estate regeneration programme.

The SPD seeks to provide technical guidance and information to developers, home owners and development management officers in order to inform them on the specific aspects of sustainable development that are prioritised by the Council to provide the most sustainable and adaptable buildings possible, in line with current legislation.

## 2. Who are the main people that will be affected?

The SPD is a Borough-wide document and as such is likely to affect the following external groups:

- Residents, businesses, community/third sector groups and people that visit the Borough;
- Developers, landowners and investors in the Borough; and
- Other public sector bodies and Infrastructure providers.

Internally, the SPD will be used to help guide decision making on development proposals and in the consideration of planning applications. It will be of particular relevance to Council Officers in Development Management, Spatial Planning, Regeneration and Delivery, Housing, Policy and Strategy, Transportation and Conservation and Urban Design and Pollution.

## 3. What research or consultation(s) have been carried out?

To date, both pre-consultation on the SPD has been undertaken internally within the Council and had been peer reviewed by sustainability experts, and also externally through a 12 week public consultation to ensure that the document provides sound and coherent advice

The content of the SPD has been informed by The London Plan, the GLA's Draft Sustainable Design and Construction SPG, Hackney's Core Strategy, the draft Development Management Local Plan, Planning Policy Statements and Guidance notes.

Following endorsement by Cabinet, the SPD has undergone a public consultation that ran for a period of 12 weeks from the 13th August 2015 (exceeding the requirements of the 'Regulations' and Council's Statement of Community Involvement') to inform residents, businesses and stakeholders of the preparation of the guidance and to invite representations / comments / feedback on the content of the SPD.

The consultation received a total of 8 submissions from Statutory Consultees and local stakeholders, raising a total of 42 points for amendment. These covered general issues from updating reference materials and improving definitions to minor amendments.

The thorough consultation programme as set out, involved publication of information on Hackney's website, taking out adverts in the Hackney Today to inform resident's community and faith groups, business groups, and other key stakeholders. The facility to provide non English language copies of the SPD was made available as required. Comments and feedback were also be sought from stakeholders including; the Environment Agency, English Heritage, CIBSE, Hackney Homes, Sustainable Hackney and Industry bodies. The Council also held two drop in sessions at the Hackney Service Centre on the 16th and 30th September to allow members of the public to come and discuss the document with a Council Officer.

## 4. Equality Impacts

As detailed above, this EQIA focuses on the consultation process for the SPD, however the overarching spatial policy framework of the Core Strategy and the DMLP was identified in its final EqIA as having a positive impact on the built environment and different groups in the Borough. As the SPD will help to deliver the Core Strategy and the DMLP, the following spatial themes have been included to help demonstrate the positive effect the SPD can have:

- Delivering sustainable growth – supporting potential population growth, and economic growth, by emphasising the appropriate type and location of development;
- Supporting neighbourhoods and communities – providing supporting social and environmental infrastructure over the next 15 years;

- Dynamic and creative economy – promoting and supporting the vitality and viability of Hackney’s shopping centres and delivering and protecting high quality commercial and employment space;
- Providing better homes – supporting the delivery of new energy efficient residential development including affordable housing;
- A safer, cleaner and greener place – helping to protect the natural environment, enhancing the quality of the Borough’s open space and supporting positive strategies to seek quality environmental design; and
- Climate change and environmental sustainability – tackling climate change including flooding, water consumption, soil, renewable energy, waste production and sustainable transport.

The following tables outline the main issues in planned consultation that may impact on each equalities strand.

#### 4(a) What positive impact could there be overall, on different equality groups, and on cohesion and good relations?

<b>Positive Impact:</b>	
<b>Overall</b>	
Residents within the borough and other key stakeholders had an equal opportunity to have their say throughout the whole of the consultation process. The SPD is expected to help drive sustainable development within the Borough and aid in the delivery of high quality, climate adaptable housing within the borough that will benefit all residents groups equally.	
<b>a) Age</b> None Identified at present	<b>b) Disability</b> The SPD will actively ensure that all developments are built in accordance with the Lifetime Homes criteria
<b>c) Gender</b> The SPD will not discriminate against gender	<b>d) Race</b> The SPD will not discriminate against race
<b>e) Religion/Belief</b> The SPD will not discriminate against religious belief	<b>f) Sexual Orientation</b> The SPD will not discriminate against sexual orientation
<b>g) Other groups</b> None identified	

#### 4(b) What negative impact could there be overall, on different equality groups, and on cohesion and good relations?

<b>Negative Impact:</b>	
<b>Overall</b>	
<b>a) Age</b> None identified at present.	<b>b) Disability</b> None identified at present.
<b>c) Gender</b> None identified at present.	<b>d) Race</b> None identified at present.
<b>e) Religion/Belief</b> None identified at present.	<b>f) Sexual Orientation</b> None identified at present.
<b>g) Other groups</b> None identified at present.	





<p><b>ADOPTION OF SITE ALLOCATIONS LOCAL PLAN</b></p> <p><b>KEY DECISION NO. NH M27</b></p>	
<p><b>CABINET MEETING DATE</b></p> <p>18<sup>th</sup> July 2016</p> <p><b>COUNCIL MEETING DATE</b></p> <p>20<sup>th</sup> July 2016</p>	<p><b>Classification:</b></p> <p><b>Open</b></p> <p><b>If exempt, the reason will be listed in the main body of this report.</b></p>
<p><b>Ward(s) affected</b></p> <p>All</p>	
<p><b>Cabinet Member</b></p> <p>Cllr Guy Nicholson</p> <p><b>Regeneration</b></p>	
<p><b>Key Decision</b></p> <p>Yes</p> <p><b>Reason</b></p> <p>Affects One or More Wards</p>	
<p><b>Group Director</b></p> <p>Kim Wright , Group Director of Neighbourhoods and Housing</p>	

## **1. CABINET MEMBER'S INTRODUCTION**

- 1.1 The Site Allocations Local Plan (SALP) is a key planning policy document which will shape regeneration and development in the borough. It identifies key strategic sites and allocates these sites for particular uses.
- 1.2 The allocation of sites is part of a strategic approach to guiding and managing development and growth in the Borough. This approach allows more effective planning of infrastructure to support growth, and provides a degree of certainty to landowners, developers and the public about the Council's position and requirement for individual sites. The Plan will support the implementation of the Council's existing Core Strategy by identifying the location of sites that can assist in delivering the housing, employment land and floorspace, community and other uses. It will also be a key document to inform the new Local Plan for the borough – LP33, which will plan for the period 2018-2033 and Area Action Plans for Shoreditch and Stamford Hill.
- 1.3 The SALP identifies a range of sites across the Borough, including a large concentration of sites in Shoreditch and Hoxton. The Plan also includes sites from the Council's Housing Estate Regeneration Programme which began in 2011. The site allocations will help ensure that the Council is well placed to effectively guide and influence the nature and quantum of any development proposal and resist inappropriate proposals.
- 1.4 The adoption of SALP follows an extensive consultation process and examination by an independent Planning Inspector appointed by the Government.
- 1.5 This report, therefore, seeks Cabinet's approval for the adoption of SALP so that it can proceed to Council for adoption. I commend this report to Cabinet.

## **2. GROUP DIRECTOR'S INTRODUCTION**

- 2.1 The Site Allocations Local Plan is a key planning policy document, which forms part of the Council's Local Plan to guide and manage development and growth in the Borough. It identifies key strategic sites and allocates uses and provides site-specific policy for the next 15 years. This is important as it allows the Council to plan ahead for the future, identify where uses such as housing, employment and community uses will be located, and provides a degree of certainty to landowners, developers and the public about the Council's position and requirement for individual sites. It is a proactive policy document that, together with the Core Strategy, Development Management Local Plan, and the Area Action Plans, will provide a strong policy framework for the assessment and determination of planning applications. This



will improve the operations of the Planning Service in terms of guiding development to the most appropriate sites, and in the quality of decision-making on applications.

- 2.2 A final version of the SALP has been produced in line with the statutory regulatory process for formal plan-making and following examination by a Planning Inspector appointed by the Government. This report, therefore seeks the approval of Cabinet to formally recommend the SALP to Council for adoption.

### **3. RECOMMENDATIONS**

#### **3.1 Cabinet is asked to:**

**(a) Approve the adoption of the Site Allocations Local Plan (appendix 1)**

**(b) Recommend that Full Council adopt the Site Allocations Local Plan.**

#### **3.2 Council is asked to:**

**(a) Adopt the Site Allocations Local Plan.**

### **4. REASONS FOR DECISION**

- 4.1 To guide and manage development for the identified strategic sites and to assist in attracting investment in the Borough.

### **5. DETAILS OF ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

- 5.1 The alternative not to adopt the SALP has been rejected as without the allocation of sites, the Council would have less ability to manage development and forward plan for infrastructure provision effectively.

### **6.0 BACKGROUND**

- 6.0.1 The Council adopted the Core Strategy in November 2010. This is the overarching strategic spatial planning document for the Borough, and provides the context for other planning policy documents. The Development Management Local Plan adopted in July 2015, provides a suite of criteria-based development management policies. Work is now underway to update these documents for the next plan period and produce a consolidated new Local Plan (LP33).

- 6.0.2 The SALP will sit alongside the existing Core Strategy and Development Local Plan. The Plan will support the implementation of

the Council's Core Strategy by identifying the location of sites to deliver housing, employment, community and other uses. This function was previously provided by the Council's Unitary Development Plan (1995), and the SALP will supersede the site allocations in the Unitary Development Plan.

- 6.0.3 The SALP provides policy on land use and guidance on site development, but full planning applications are still required, and will be assessed against other relevant Local Plan policies.
- 6.0.4 Production of the SALP was front-loaded with stakeholder engagement, including Ward Member engagement sessions. Formal statutory consultation was undertaken in July 2012 and July 2013, prior to a public examination by an independent Inspector appointed by the Government, which was held in January 2015.
- 6.0.5 The Inspector's Report on the Examination of the Hackney Site Allocations Local Plan was received by the Council on the 14<sup>th</sup> March 2016 and is set out in Appendix 2.
- 6.0.6 The Inspector's Report concluded that the SALP complied with the statutory duty to co-operate, and was positively prepared, justified, effective and consistent with national policy, subject to Main Modifications (detailed in appendix 2). The modifications fall into a number of broad categories:
- Clarifying the expected source of housing supply;
  - Clarifying the relationship between plan documents;
  - Clarification of land use allocation and site policies;
  - Introducing a clear commitment to addressing the needs of gypsy and travellers through a Local Plan Review
- 6.0.7 The modifications have been incorporated into the Plan. In addition each site Profile includes a new section providing some factual updates regarding the status of relevant planning applications and where there has been on site activity i.e. site cleared, construction started / completed.
- 6.0.8 Site visits undertaken in May 2016 found that development on some 'smaller sites' has commenced and others are nearing completion. Development has also commenced been made on larger phased sites. Going forward the SALP will be periodically monitored through the Authority Monitoring Report. In addition, new and future development opportunities will be identified as part of the Local Plan Review (LP33).

## **6.1 Policy Context**

- 6.1.1 The SALP, is part of the Council's Local Plan, and was prepared to ensure compliance and cohesion with:

- National and regional planning policy, as contained in the London Plan as well as the National Planning Policy Framework (NPPF);
- Policies contained within the Council's adopted Core Strategy, which in turn is compliant with Hackney's Sustainable Community Strategy;
- The adopted Area Action Plans, and Development Management Local Plan.

6.1.2 The Plan will assist in delivering and supporting the objectives and principles of the Core Strategy and the Sustainable Community Strategy. The Plan also complies with the NPPF requirement for local authorities to identify deliverable (5 years) and developable (6-15 years) sites for housing development, as part of the delivery of the London Plan housing target.

6.1.3 The document has been produced during a time of change in the planning system. The Government has over this time implemented and consulted on a number of changes. The site policies contained within this document comply with the NPPF. The Localism Act introduced Neighbourhood Planning and the policies contained within the SALP are strategic policies for the identified sites that any future Neighbourhood Plans must have appropriate regard to. Finally, the Housing and Planning Act which received royal assent in May 2016 introduces the grant of a 'Permission in Principle' for housing led development. Upon the introduction of a Development Order 'Permission in Principle' may be granted for sites in the SALP that have been allocated for housing led development. Applicants seeking to develop these sites would also need to apply for a detailed application termed a 'Technical Details Consent' to agree the technical details of the scheme following which full planning permission can be granted. The SALP also identifies a number of sites for employment led development, which are located within the borough's Priority Employment Areas. Upon adoption of SALP the Council will safeguard these sites for employment led development and these will not be subject to Permission in Principle for housing led development.

## **6.2 Equality Impact Assessment**

6.2.1 The document has been subject to an Equality Impact Assessment (EqIA). The EqIA assessed the potential impact of the document on different groups within the Borough and concluded that there is no undue impact on any particular community groups. The overall result is predominantly positive on the community.

6.2.2 The EqIA recognises the Gypsy and Traveller community as a race and minority group in the Borough for which the Council needs to seek to address identified accommodation requirements.

- 6.2.3 The Inspector's Report concluded that given the SALP focuses on the supply of conventional housing, it does not seek to meet national and regional policy requirements relating to the Gypsy and Traveller community. However, the Local Plan Review (LP33) currently being undertaken by the Council, as well as the replacement London Plan, have been identified as the appropriate policy documents to respond to the needs of the Gypsy and Traveller community.
- 6.2.4 It should be noted that the Council has continued to engage with the Gypsy and Traveller Community outside of the SALP process.

### **6.3 Sustainability**

- 6.3.1 Underpinning the approach to the development of the document is the process of formulating and undertaking a Sustainability Appraisal (SA). The SA concluded that the SALP would contribute significantly towards delivering the social, economic and environmental objectives set out in the SA framework.
- 6.3.2 The SALP has economic, social and environmental sustainability, and sustainable development, at its core. Sites are concentrated in areas of high public transport accessibility. The majority of the site profiles advocate mixed-use development to make the most efficient use of land.

### **6.4 Consultations**

- 6.4.1 The SALP has been shaped and informed partly through front loaded stakeholder engagement, including input received through Ward Member Engagement sessions, made available to all wards, which took place between October 2011 and January 2012.
- 6.4.2 Extensive consultation has taken place on the Public Participation and Publication version of the SALP. There was also an Examination in Public held by the Planning Inspector which included participation from members of the public, and representatives of land owners and the development industry. Post examination, further consultation was undertaken and written representations were forwarded to the Planning Inspector in his consideration on the soundness of the SALP and subsequent modifications.

### **6.5 Risk Assessment**

- 6.5.1 There is a small risk associated with adopting SALP in advance of the secondary legislation for the Housing and Planning Act coming into force (see 6.1.3). Without the secondary legislation it is uncertain whether the SALP will give permission in principle for site allocations or which elements of the SALP would form part of the permission. This risk is mitigated by the fact that the SALP contains sound policies on

land uses and indicative quantum of housing. Furthermore, the Act states that Permission in Principle is for housing led development. It is therefore considered expedient to adopt SALP to safeguard sites allocated for employment led development within the borough's Priority Employment Areas.

## **7 COMMENTS OF THE GROUP DIRECTOR OF FINANCE AND CORPORATE RESOURCES**

- 7.1 This report seeks Cabinet approval to adopt the Site Allocations Local Plan (appendix 1) and recommends that Full Council adopt the Site Allocations Local Plan (SALP).
- 7.2 The immediate financial implications of the plan are minimal. The cost of officer time, publicity and printing will be met from the Planning service revenue budgets.

## **8. COMMENTS OF THE DIRECTOR OF LEGAL**

- 8.1 The preparation of the Site Allocations Local plan (the "SALP") must follow a statutory process and be assessed by an Independent Inspector in accordance with the Town and Country Planning Act 2004, section 20(5).
- 8.2 The Independent Inspector's conclusion is that the SALP is legally sound and meets the legal requirements as outlined under paragraphs 86 and 87 of the Inspector's Report – Appendix 2. The allocations are found to be adequately consistent with national policy, the London Plan and the Core Strategy; the allocations are justified and deliverable.
- 8.3 The Inspector also concludes that the SALP meets with the legal requirements. The Plan is identified within the Local Development Scheme; was consulted on in accordance with the Statement of Community Involvement; a Sustainability Appraisal has been undertaken; the SALP complies with national policy and modifications will be made as noted in the Inspector's report and the GLA has confirmed that the plan is in general conformity with the London Plan.
- 8.4 To enable the Plan to be adopted, the main modifications outlined in the Inspector's Report must be made to the Plan to satisfy the requirements of the 2004 Act and the criteria for soundness in the National Planning Policy Framework.
- 8.5 As soon as reasonably practicable after receipt of the Inspector's Report, the Council is obliged to (a) make available the recommendations of the Independent Inspector and the reasons given for those recommendations in accordance with [regulation 35](#) of the Town and Country Planning (Local Planning) (England) Regulations 2012; and (b) notify those who requested to be notified, that the Inspector's recommendations are available.

- 8.6 As soon as reasonably practicable after the Council adopts a local plan they must
- (a) make available in accordance with [regulation 35](#)
    - (i) the local plan; (ii) an adoption statement; (iii) the sustainability appraisal report; and (iv) details of where the local plan is available for inspection and the places and times at which the document can be inspected;
  - (b) send a copy of the adoption statement to any person who has asked to be notified of the adoption of the local plan; and
  - (c) send a copy of the adoption statement to the Secretary of State.

## APPENDICES

Appendix 1 - Site Allocations Local Plan

Appendix 2 – Planning Inspector’s Report 14 March 2016

### Background Paper

None

<b>Report Author</b>	Keung Tsang, Policy Planner, Strategic Policy Keung.Tsang@hackney.gov.uk 0208 356 8753
<b>Comments of the Group Director of Finance and Corporate Resources</b>	Philip Walcott, Group Accountant <a href="mailto:Philip.Walcott@hackney.gov.uk">Philip.Walcott@hackney.gov.uk</a> 0208 356 2393
<b>Comments of the Director of Legal</b>	Patricia Narebor, Head of Commercial <a href="mailto:Patricia.Narebor@hackney.gov.uk">Patricia.Narebor@hackney.gov.uk</a> 020 8356 2029

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# **Appendix 1**

**London Borough of Hackney  
Local Plan**

**Proposed Site Allocations Local Plan**

**Cabinet  
18<sup>th</sup> July 2016**

**Council  
20<sup>th</sup> July 2016**

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Strategic Policy Team, Freepost RSLH-ARTC\_GXRA,  
Planning, Public Realm Services, London Borough  
of Hackney, 3<sup>rd</sup> Floor, 2 Hillman Street, London, E8 1FB

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The 53 sites allocated for development are divided into four areas / categories:

- Housing Estate Regeneration Programme
- Site in and around Shoreditch (sites within the wards of Haggerston, Hoxton and De Beauvoir)
- Hackney Central and Environs
- Sites in north Hackney

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## Part One – Introduction

### Introduction

1.1. The Site Allocations Local Plan (SALP) is an important planning policy document which will guide development on 53 key strategic sites in the borough. The SALP was adopted by the Council on **20<sup>th</sup> July 2016** and along with the Core Strategy, Development Management Local Plan, and Area Action Plan has local plan status. Planning applications for the development of site allocated through this document must be determined in accordance with the SALP unless material consideration determine otherwise.

### 2. What is the Site Allocations Local Plan

2.1. The purpose of is to identify key strategic sites in the Borough, and provide site-specific policy and allocate particular uses for those sites. Allocating sites is part of a strategic approach to guiding and managing development and growth in the Borough. By identifying sites fewer sites will come forward as ‘windfall’ development, thereby ensuring more effective planning of infrastructure to support growth, and providing a degree of certainty to landowners, developers and the public about the Council’s requirements for individual sites. The SALP will support the delivery of the Core Strategy and Development Management Local Plan by identifying specific sites for development. This is in accordance with the National Planning Policy Framework (NPPF) which carries a presumption in favour of sustainable development.

2.2. A Site Allocation defined in Regulations<sup>1</sup> as “the allocation of sites for a particular type of development or use“. Site allocations set out a preferred use or mix of uses for a site and help to safeguard these. Sites are identified for a variety of uses, including housing, employment, leisure, and community facilities. Paragraph 157 of the NPPF states that Local Plans should “allocate sites to promote development and flexible use of land, bringing forward new land where necessary, and provide detail on form, scale, access and quantum of development where appropriate.”

2.3. The SALP allocates sites across the Borough, but not within the Area Action Plan (AAP) areas of Dalston, Hackney Central, Hackney Wick and Manor House – the AAPs have already allocated ‘opportunity sites’ within their respective areas. The emerging North London Waste Plan, which is being produced by seven boroughs including Hackney, will seek to identify and allocate sites for waste management in those boroughs. The proposed SALP does not list every site that it is considered will or has the potential to be developed; It focuses on larger sites or strategic smaller sites which will deliver significant amounts of development or development that supports specific objectives. It is important to note that the identification of a given site does not mean that that site will inevitably be the subject of a development proposal. Rather, these are sites that have the potential to come forward for development during the plan period. The existence of a specific site allocation will help ensure that the Council is well placed to effectively

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<sup>1</sup> Town and Country Planning (Local Planning) (England) Regulations 2012 Part 3, para 5 (a) (ii)

guide and influence the nature of any development proposal and prevent inappropriate development.

- 2.4. The sites in this SALP have been identified through a range of means, including a 'Call for Sites' exercise inviting land owners to put forward sites and proposed uses for those sites and by identifying unimplemented planning permissions and potential sites that have been brought to the Council's attention through enquiries, and through studies such as the Housing Capacity Study. Ward Members have also been invited to shape and inform the document through Ward Member Engagement Sessions which took place between October 2011 and January 2012.
- 2.5. Essentially, the allocations and policies for each site are set out in the format of a site profile, which includes a map and text showing the location and size of the site, the existing use and any 'constraints' (e.g. rail safeguarding), and allocation which provides guidance on certain issues.

### 3. Relationship with the Core Strategy and other documents

#### 3.1. Hackney's Local Plan

- **Core Strategy** – the adopted Core Strategy is essentially the spatial expression of the Council's Sustainable Community Strategy. It essentially sets out a spatial planning framework for growth in the Borough, which focuses on the Borough's 'growth areas' (e.g. 'town centres of Dalston and Hackney Central, Hackney Wick, Shoreditch, designated employment land, rail corridors and the Council's major estate regeneration sites). It also sets out plans to meet the Borough's London Plan target<sup>2</sup> including the delivery of affordable housing, and protects and improves other land uses such employment, retail, open space and leisure floorspace. Given the pressure of these competing land use demands, and the facts that brownfield sites in the Borough are relatively scarce, the SALP identifies sites that will assist in delivering those land uses, and essentially seeks to make the best use of land resources through promoting mixed use development. The SALP policies need to be read in conjunction with the Core Strategy policies.
- **Development Management Local Plan** – the adopted Development Management Local Plan provides detailed criteria-based policies for the assessment and determination of planning applications. The site specific allocations and policies in the SALP essentially proactively set out appropriate uses and identify certain issues that need to be addressed in potential development proposals. The assessment of applications on these sites will be based on the principles set out for each site in the proposed SALP and the detailed policies of the DMLP.
- **Area Action Plans** – Area Actions Plans have been adopted for Dalston, Hackney Central, Hackney Wick and Manor House. These outline the plans and proposals for land use, physical development and environmental

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<sup>2</sup> Hackney's Core Strategy was adopted November 2010, and the Borough's London Plan target was 1,160 net additional new dwellings each year from 2011 to 2021. The London Plan 2015 sets a minimum annual target of 1,599 per annum for 2015/16 – 2024/25 for Hackney.

improvement in each of their areas. They include site specific allocations, and the Council is working on detail masterplanning for Dalston and Hackney Central to help delivery the AAPs.

- 3.2. **North London Waste Plan (Local Plan)** – will set out the spatial arrangement and site proposals for facilities to handle the municipal, commercial, industrial and construction waste within the seven Boroughs that make up the North London Waste Disposal Authority. This emerging document will seek to identify sites in those boroughs for allocations for waste management. At the time of writing, the NLWP is at pre-submission stage of the Local Plan process.
- 3.3. **CIL and supplementary planning guidance** - The Council's Community Infrastructure Levy Charging Schedule was adopted on the 1<sup>st</sup> April 2015. The Revised Planning Contribution SPD was adopted in November 2015, and the Sustainable Design and Construction SPD is scheduled to be adopted by Council in July 2016.
- 3.4. **London Plan 2015** - the London Plan is part of the Council's 'Local Plan'. It is considered that the proposed SALP is in conformity with the London Plan, as it identifies land for housing, seeks to maximise employment opportunities in the Central Activities Zone.

#### **4. National and Regional Planning**

- 4.1. The policies in this document are in conformity with national planning policy guidance contained in the National Planning Policy Framework (NPPF), and the London Plan 2015.
- 4.2. The policies contained within this plan in taking a positive approach that reflects the presumption in favour of sustainable development comply with the principles of the NPPF. The Council's committed to always working proactively with applicants to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area. The NPPF also states that local planning authorities preparing plans for and taking decisions on travellers sites should also have regard to the policies in this Framework so far as relevant. Additionally, Government planning policy for traveller sites advises that local authorities should identify a supply of specific deliverable sites for gypsies and travellers and travelling showpeople.
- 4.3. It is not the role of SALP to meet paragraphs 47 and 182 of the NPPF in terms of identifying and addressing Objectively Assessed Housing Need. The Council has commenced work on a Local Plan review (which includes a renew of the Core Strategy. This Core Strategy review will focus on addressing paragraphs 47 and 182 of the NPPF in terms of objectively assessed housing need.
- 4.4. A table showing the anticipated net new housing delivery from anticipated sources during the SALP plan period (2013-2028) can be viewed at Appendix 2.

- 4.5. Government planning policy guidance in “Planning Policy for Traveller Sites (August 2015, CLG)” advises that local authorities should identify a supply of specific deliverable sites for gypsies and travellers and the travelling showpeople communities.
- 4.6. Criterion (i) of Policy 3.8 ‘Housing Choice’ of the London Plan (2015) determines that local authorities in co-ordination with neighbouring boroughs and districts are best placed to assess the needs of and make provision for the gypsies and travellers including travelling show people. The London Gypsy and Traveller Accommodation Needs Assessment identified that the Borough needs to provide between 13 and 34 additional pitches up to 2017, additional to the pitches/sites already accommodating such communities in the Borough. The Council commissioned a Gypsy and Traveller Accommodation Needs Assessment to provide more detail on the level of need in the Borough since the last GLA study of 2008. This study was completed in July 2015, and was overseen by a Working Group comprising various departments in the Council, the Learning Trust, the London Gypsy Traveller Unit and representatives from the local community.
- 4.7. The findings of the updated Gypsy and Traveller Needs Assessment will help inform the preparation and adoption of a boroughwide Local Plan that will review, update and supersede existing Hackney Core Strategy Policy 23 on provision for Gypsies and Travellers. The Local Plan review will;
- draw on needs identified in the 2015 study, and set pitch targets for Gypsies and Travellers that address the likely permanent and transient site accommodation needs of Gypsies and Travellers in the borough;
  - identify a supply of deliverable sites sufficient to provide five years’ worth of sites against locally set pitch targets for the period 2017 – 2028;
- 4.8. The specific commitment to undertaking the Local Plan review and the timetable for it is set out in Hackney’s Local Development Scheme.
- 4.9. The Council will continue to maintain an enabling role to accommodation provision including:
- facilitating a positive approach in the application of the criteria of Core Strategy Policy 23 on the provision for gypsies and travellers on a case by case basis. The Council will resist the loss of existing sites and would promote the granting of permanent planning permission as it has done for the site at Bartrip Street as identified in the LLDC's Local Plan (July 2015). Should a planning application for a gypsy and traveller site come forward the Council will consider such an application against the relevant Core Strategy Policy 23 criteria which support the protection of existing and the delivery of new sites and pitches.
  - fostering a multi-agency approach to monitoring actual need in the borough and engendering a co-operative working relationship with other adjoining boroughs on how to move forward in meeting the accommodation needs of gypsies and travellers within the area.

- and ensuring that the representative bodies, individuals and groups of the gypsies and travellers community are engaged in the preparation of relevant plans and strategies.

4.10. The policies within this document are considered to generally comply with both national and regional policy. However, it is generally not considered appropriate within policies and justifications for policies to repeat the content of the NPPF, and London Plan policies, except where pertinent to do so.

## **5. Sustainability Appraisal, Equalities Impact Assessment, and Habitat Regulations Assessment**

5.1. The SALP has been informed by a Sustainability Appraisal, Equalities Impact Assessment, and Habitat Regulations Assessment.

## **6. Monitoring and Implementation**

6.1 During the production of the SALP progress have been made on many of the sites allocated, and where applicable the SALP has been a consideration in informing discussions and planning applications. The status of any planning application for each site considered at the Examination was updated in May 2016 prior to the adoption of the Plan. The delivery of the sites and effectiveness of site policies will continue to be monitored through the Council's Authority Monitoring Report. Updates on the status of sites and progress made in site delivery will be recorded annually in the Authority Monitoring Report. This is required to enable an understanding of the extent to which the Site Allocations Local Plan delivers what is intended over the lifetime of the plan. The SALP will be reviewed and amended if changes are necessary following monitoring.

6.2 Indicators to monitor the impact of the site policies on various groups will be recorded in the Authority Monitoring Report to assist in understanding whether the needs of different communities in Hackney are being met and how this can be improved.

6.3 With the majority of sites, phasing, responsibility/delivery, capacity and funding are all indicative and will need to be worked on in detail as the plan progresses. The Council will work with landowners to assist in the delivery of the sites and also regularly assess supporting infrastructure requirements.

## **7. Production of this Local Plan**

7.1. The process for the adoption of this plan has followed a statutory process set out in the Regulations. These stages are summarised below –

Plan Making Stage	Dates
Evidence Gathering and Drafting	August 2010 to Jan 2012
Regulation 18 Public Participation Stage	16 July to 25 September 2012
Review of consultation responses and preparation of Proposed Submission version	October 2012 to May 2013



Regulation 19 Publication Version	July 2013
Submission to Planning Inspectorate	December 2013
Focussed hearing	23 <sup>rd</sup> September 2014
Examination in Public	13 <sup>th</sup> 14 <sup>th</sup> and 15 <sup>th</sup> January 2015
Consultation on Post Submission Modifications	11 <sup>th</sup> May to 19 <sup>th</sup> June 2015
Inspector's Report Received	14 <sup>th</sup> March 2016
Adoption by Council	20 <sup>th</sup> July 2016

## 8. The Sites

8.1. The sites are contained in Part Two of this document in group order. Each site has a profile, setting out the location of the site (including a map), the current use, and relevant constraints and site size, and proposed allocated land uses and other considerations, likely timeframe for development in five year periods (short, medium and long term) and policies where appropriate or pertinent relating to mix and possible scale, height, massing, accessibility, and other planning or other considerations. The profiles guide appropriate form, scale, and quantum (in Appendix A 'Indicative Capacity Schedule'), of development generally for each site, and access where relevant.

8.2. A variety of information sources was used to identify the sites for inclusion in this document:

- Planning applications approved between 01 September 2007 and April 2011, where the total area is above 0.15 hectares and at April 2011 the permission had not started or been completed.
- Sites included in the Hackney Urban Capacity Study (2005) and the London Strategic Housing Land Availability Assessment and Housing Capacity Study (SHLAA /HCS) (2009) as assessed by the London Borough of Hackney. For the purpose of this document, where this is the primary source for the identification of a site, it has been referred to as the 'Housing Capacity Study.'
- Potential sites that have been brought to the Council's attention through enquiries and database.
- A 'Call for Sites' exercise carried out between October and November 2010.
- Studies and plans for housing, employment, retail, waste and energy.
- The Borough's Infrastructure Assessment, used to support development of the Core Strategy that brought together information from a range of key infrastructure providers' capital programmes.
- Sites identified by the Council.
- Sites nominated as result of Regulation 18 Public Participation between July 2012 and October 2012.
- During the progression of the SALP the sites have been periodically reviewed to monitor any development in planning applications and approvals.

8.3. As the Site Allocations Local Plan focuses on those sites that are of strategic importance or have the capacity for significant development, the initial criteria for site identification was as follows:

- Sites above 0.15 hectares, and / or
- Sites that have significant capacity (i.e. 25 residential units and / or 1000 sqm of non residential space), and/or
- Sites where there is a realistic potential of the land becoming available for development within the next 15 years, up to 2025, and/or
- Sites in a strategic location or potential use that supports the objectives of the Core Strategy, and may not necessarily satisfy the quantitative criteria above.

8.4. All of these criteria were used to consider and assess sites for potential inclusion in the SALP, and not solely on a site's threshold of 0.15 ha. Sites with significant capacity have also been included in the document (generally if they are in areas of high accessibility and high existing development density to support high density development of at least 25 residential units and/or 1000 sq.m of non-residential floorspace), and that are in a strategic location or potential use that supports the objectives of the Core Strategy. Sites have to be deliverable in the plan period, i.e. there is a realistic potential of the land becoming available for development in the plan period (15 years).

8.5. Site profiles have been produced to be consistent with other Local Plan policies, in particular those contained in the Core Strategy, and the DMLP, including those policies related to Priority Employment Areas. In May 2013, the Council was successful in seeking exemption from the Government to the permitted development right change allowing change of use without the need for planning permission from office to residential for part of the borough. This exemption area covers many of the Borough's larger PEAs in the south around the City Fringe and areas of Dalston and Hackney Central. The site profiles indicate sites located within the exemption area.

8.6. Where necessary, discussions have occurred with key service providers, such as the Metropolitan Police and Learning Trust, about their specific land requirements. As with other public sector organisations, both are undergoing reviews of their operations and assets. Discussions will continue with such infrastructure/service providers throughout the development of this document and beyond, with the situation monitored as part of future Annual Monitoring Reports.

8.7. Appendix 1 contains an 'Indicative Capacity Schedule', in line with the NPPF requirement to provide detail on quantum of development. This Schedule is an indicative 'capacity' estimate for each site, giving an indication of the potential growth and development levels within each site to assist with further forward planning, rather than defining acceptable or prescriptive proposals for sites. The Schedule is intended to be an 'evolving' document and will be used as, and reviewed through, the Annual Monitoring Report to monitor the provision of new floorspace as individual applications come forward. It is important to note that as development applications come forward, they are expected to meet the relevant site policies, and other Council planning policies. The main purpose of the

Schedule is to give an indication to the Council on potential floorspace that may come forward, rather than defining acceptable proposals for sites.

- 8.8. In each of the individual site profiles, specific planning considerations affecting the site such as heritage assets, local plan designations including Priority Employment Areas, and Critical Drainage Areas have been identified. The identification of these considerations means that the relevant policies in the adopted Hackney Core Strategy (2010) and Development Management Local Plan (2015) are applicable when determining the plan approach, in particular when balancing different uses for mixed use schemes, and when developing detailed proposals for the sites. In addition, there are generic adopted and planning policies that will be applicable to most if not all of the sites. These include but are not limited to policies on housing mix (DM22), affordable housing including social/affordable rented and intermediate housing (CS20 and DM21), loss of housing (DM20) affordable workspace (DM16), proposals on sites in Priority Employment Areas (PEAS) (DM17), community infrastructure levy and planning contributions (DM4), open space (CS26 and DM31) sustainability (CS29, DM37, DM38, DM39 and DM40). The SALP site policies provide a policy framework on land use and guidance on site development, but applications on sites will also be assessed against all other relevant Local Plan policies.
- 8.9. Furthermore, the scale of development means that there could be implications on infrastructure facilities including those in the neighbouring boroughs. Developers / landowners must consider potential impact on infrastructure at an early stage of any development process. They should contact relevant service providers, in particular the utility service providers, about potential capacity issues. In some circumstances it may be necessary for developers to fund studies to ascertain whether the proposed development will lead to overloading of existing infrastructure. If work to infrastructure is necessary, and developers have not identified how any necessary upgrade will be delivered, planning conditions or other provisions would be imposed to ensure the infrastructure is in place before the development can be implemented or occupied.
- 8.10. For the purpose of the SALP land use allocations an explanation of the meaning of land use types is provided as follows:
- Residential (conventional general needs housing);
  - Employment use generally means Class B; and would also include activity of an industrial nature not falling within Class B1, B2 and B8 use;
  - Retail means uses falling within the 'A' use Class;
  - Leisure use would include sports and recreation facilities, hotels and uses falling within use Class D2 'Assembly and leisure';
  - Community uses means health, education, community halls, libraries, cultural facilities, religious institutions, children and youth centres and other uses usually falling within use class 'D1', and includes emergency services.
- 8.11. There may be a degree of overlap between community and leisure uses especially where they serve a local catchment area. Mixed use generally means a variety of uses that can in most instances include residential use but in many cases the dominant preferred use specified in the profile is employment-led. Any

residential or other non employment uses as part of an employment-led mixed use scheme must be secondary to the `primary' employment use, in that the majority of the floorspace should be for the primary employment use, and that such uses, particularly residential should not compromise the on-going operations of any adjacent businesses, and the amenity of potential occupiers of the residential component should not suffer from a poor level of amenity.

## Part Two – Site profiles (53)

### Index of Sites (Category order)

The subject site lies within the red boundary. On some of the images there are other sites identified in this Plan, these are mask in blue, and their details will be in their individual profile.

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10	Bridge House, Homerton High St, E9 6JL	26
12	Tower Court, Clapton Common, E5 9AJ	28
15	King Edwards's Road, E9 7SL	30
16	St Leonard's Court, New North Road, N1 6JA	32
283	Nightingale Estate, Downs Road, E5 8LB	34
286	Woodberry Down, Seven Sisters Road, N4 1DH	36
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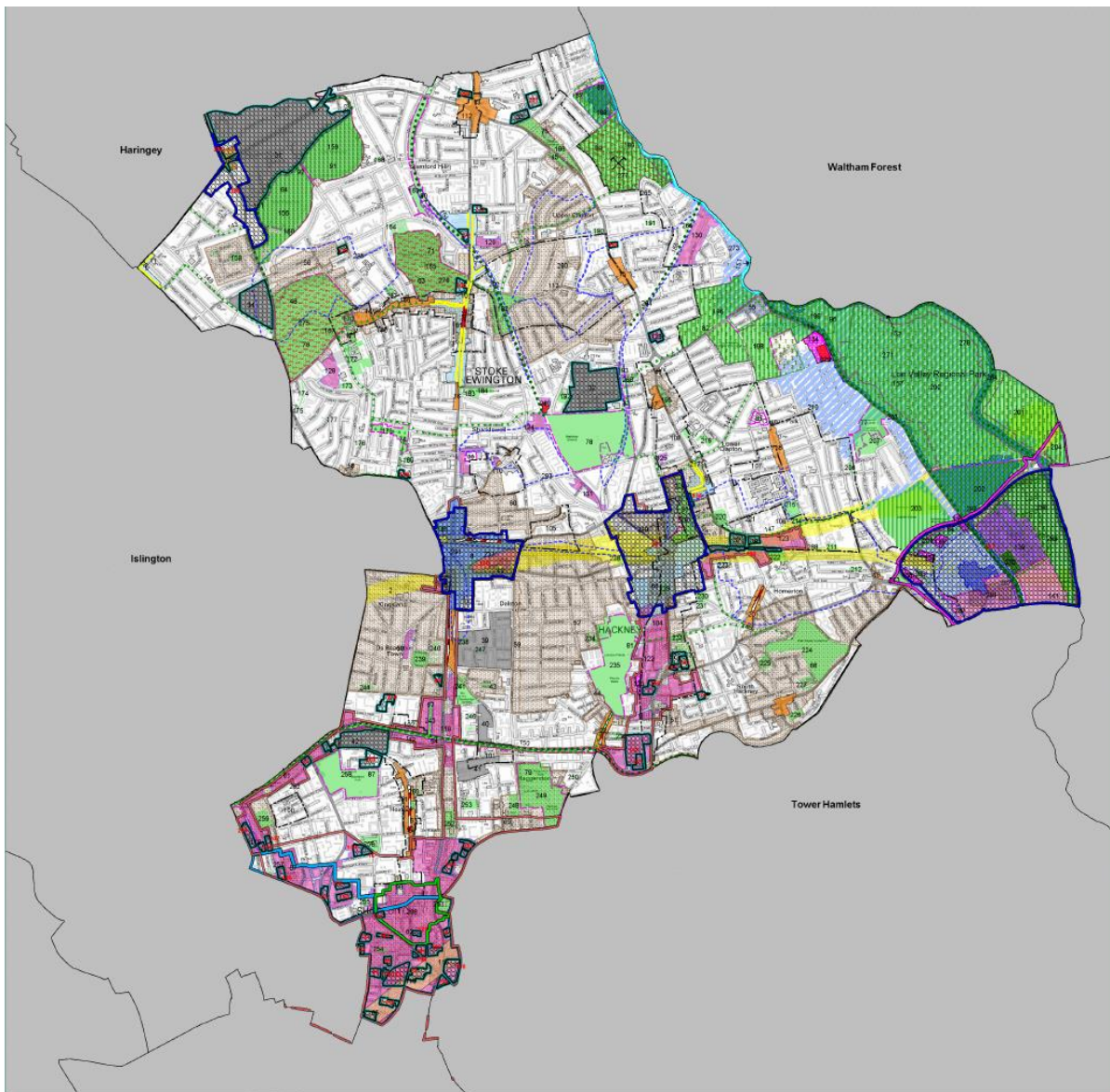
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Clissold	279	71-73 Lordship Road N16 0QX
De Beauvoir	84	337 Kingsland Road Adjacent Car Park E8 4DA
De Beauvoir	270	Rose Lipman Library, Downham Road N1 5TH
Hackney Downs	283	Nightingale Estate, Downs Road E5 8LB
Haggerston	233	113-137 Hackney Road E2 8ET
Haggerston	244	1-13 Long Street E2 8HN
Homerton	10	Bridge House, Homerton High Street E9 6JL
Homerton	9	Marian Court, Homerton High Street E9 6BT
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Hoxton East and Shoreditch	103	35 – 45 Great Eastern Street EC2A 3ER
Hoxton East and Shoreditch	107	Telephone Exchange, Shoreditch High Street E2 7DJ
Hoxton East and Shoreditch	108	Bishopsgate Goodsyards, Shoreditch High Street E1 6JU
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Hoxton East and Shoreditch	128	Land bounded by Curtain Road EC2A 3LP
Hoxton East and Shoreditch	129	London College of 100-102 Curtain Road EC2A 3AE
Hoxton East and Shoreditch	130	Site at Junction of Shoreditch High St E1 6PG
Hoxton East and Shoreditch	137	84-90 Great Eastern Street EC2A 3DA
Hoxton East and Shoreditch	138	Site bounded by Tabernacle Street EC2A 4EA
Hoxton East and Shoreditch	139	Land bounded by Shoreditch High Street; Holywell Lane and King John Court London E1 6HU
Hoxton East and Shoreditch	204	10-50 Willow Street EC2A 4BH
Hoxton East and Shoreditch	268	Britannia Leisure, Hyde Road N1 5JU
Hoxton West	16	St Leonard's Court, New North Road N1 6JA
Hoxton West	27	213-215 New North Road N1 6SU
Hoxton West	126	225 City Road EC1V 1LP
Hoxton West	127	Crown House, 145 City Road and 37 East Rd EC1V
Hoxton West	206	Wakefield House, Chart Street, N1 6DD
Leabridge	256	Tram Depot, 38-40 Upper Clapton Road E5 8BQ
London Fields	143	Ash Grove Bus Andrew Road E8 4RH
London Fields	166	Land bounded by Warburton Rd E8 3RH
London Fields	225	Works Andrews Road E8 4RL
Springfield	12	Tower Court Clapton Common E5 9AJ
Springfield	251	ARRIVA / Stamford Rookwood Road N16 6SS
Springfield	281	Telephone Exchange, Upper Clapton Road E5 9JZ
Springfield	285	151 Stamford Hill N16 5LG
Stamford Hill West	272	41-45 Stamford Hill N16 5SR
Stoke Newington	135	Wilmer Place, Stoke Newington N16 0LH
Victoria	15	King Edwards' Road E9 7SL
Victoria	133	London College of Fashion, 182 Mare Street E8 3RF
Victoria	223	27-37 Well Street London E9 7QX
Victoria	271	164-170 Mare Street E8 3RH
Woodberry Down	286	Woodberry Down Est, Seven Sisters Road N4 1DH



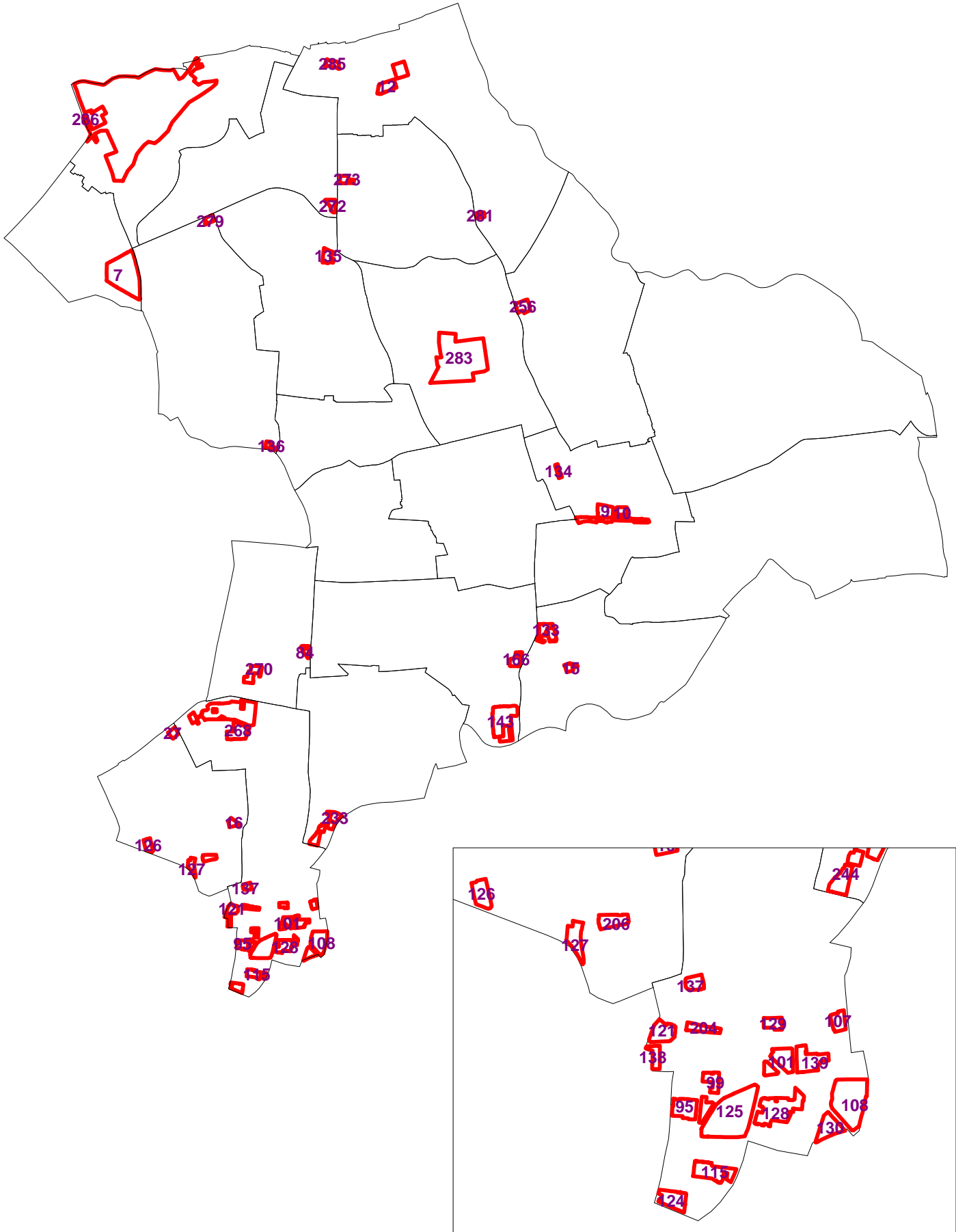
# Map 1 Policies Map with SALP Sites



<p><b>Delivering Sustainable Growth</b></p> <ul style="list-style-type: none"> <li>Strategic Transport Infrastructure</li> <li>LLDC Boundary</li> <li>Central Activities Zone</li> <li>Area Action Plans</li> <li>Site Allocation Local Plan Sites</li> </ul> <p><b>Providing Better Homes</b></p> <ul style="list-style-type: none"> <li>Estate Renewal</li> </ul> <p><b>A Dynamic and Creative Economy</b></p> <ul style="list-style-type: none"> <li>Major Town Centre</li> <li>District Town Centre</li> <li>Primary Shopping Frontage</li> <li>Secondary Shopping Frontage</li> </ul>	<ul style="list-style-type: none"> <li>Local Shopping Centre</li> <li>Street Market</li> <li>Priority Employment Area</li> <li>Other Industrial Areas</li> <li>Strategic Industrial Locations</li> <li>Locally Significant Industrial Sites</li> <li>North London Waste Plan Sites</li> <li>Shoreditch SPA</li> <li>City Fringe OAPF</li> </ul>	<p><b>Cleaner Greener Safer</b></p> <ul style="list-style-type: none"> <li>Conservation Area</li> <li>Strategic View Background Area</li> <li>Archaeological Priority Areas</li> <li>Green Links</li> <li>Green Corridors</li> <li>Metropolitan Open Land</li> <li>Regionally Important Geological Site (Potential)</li> </ul>	<ul style="list-style-type: none"> <li>Open Space Excluding Amenity Space</li> <li>Potential New Open Space</li> <li>Sites of Importance for Nature Conservation</li> <li>Lea Valley Regional Park</li> <li>Registered Parks and Gardens</li> </ul> <p><b>Climate Change and Environmental Sustainability</b></p> <ul style="list-style-type: none"> <li>Flood Zone 2</li> <li>Flood Zone 3a</li> <li>Flood Zone 3b</li> <li>Critical Drainage Areas</li> </ul>
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**NORTH**  
Scale 1:12,540 at A1

**Appendix 2 - Proposed Development Management Local Plan Policies Map**  
Revised Map



NORTH

Scale: 1:33,770 at A4

SALP 2016

Page 320



Produced by: Corporate GIS

26/05/2016

email:gis@hackney.gov.uk web:www.hackney.gov.uk/fg-gis.htm

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## Housing Estate Regeneration Programme

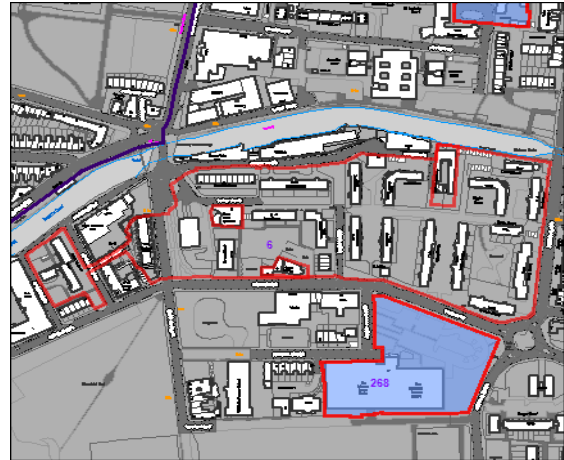
<b>Ref</b>		<b>Page</b>
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283	Nightingale Estate, Downs Road, E5 8LB	34
286	Woodberry Down, Seven Sisters Road, N4 1DH	36

## 6 Colville Estate Hyde Road N1 5PT

Ward: Hoxton East and Shoreditch



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**Ownership:** London Borough of Hackney

**Area in Hectares:** 4.02

**Existing Use:** Residential (438 units), plus retail and community facilities.

### Consideration:

- Colville Estate Renewal
- The northern boundary abuts the Regent's Canal Conservation Area
- PTAL Level 2
- Hoxton CPZ

### How was the site identified?

The site is part of the Council's Estate Regeneration Programme and was also identified in the Housing Capacity Study. An outline planning application (ref 2011/0734) was approved in March 2012 for the demolition of existing buildings comprising of 412 dwellings and 350 sqm of non-residential floorspace, and the development of a residential-led mixed use scheme of replacement buildings comprising 884 dwellings, and 1,010 sqm of business space. In addition, the application included facilities for retail, restaurants, takeaways, drinking establishments, leisure, community / health facilities and an energy centre. Discussions have been undertaken regarding different elements and phases of the estate's regeneration.

**Timescale:** Short / Medium and Long Term - different phrases.

### Allocation

Residential and supporting employment, retail, health D1 and other community facilities.

### Development Principles and Issues

Redevelopment and refurbishment of the Estate to reprovide and increase the number of dwellings and additional supporting uses. A range of unit sizes and mix of tenure is appropriate for the regenerated Estate.

The general design principles of layout, height and massing, provision of private and public space are embedded in the application 2011/0734. There is capacity to intensify residential

density to assist in meeting housing need, and the redevelopment provides the opportunity to upgrade and improve the environment of the Estate. There are three sites within the Colville Estate Masterplan and the planning application area which are currently omitted from the Housing Estate Regeneration Programme. It would be beneficial if these areas were incorporated into future plans to enable a comprehensive regeneration of the Estate. Underground utility apparatus have been identified on this site, and thus any development needs to take this and other potential impacts on infrastructure facilities including utilities and those in neighbouring boroughs into consideration. Outline planning consent granted however planning conditions or other measures may be imposed to ensure that the infrastructure is provided within subsequent reserved matters applications and completed before occupation of the new development.

#### **Update May 2016**

Submission of planning applications for details in relation to planning application ref 2011/0734 (phases II, III and the Colville Masterplan (IV onwards)) approved in 2015.

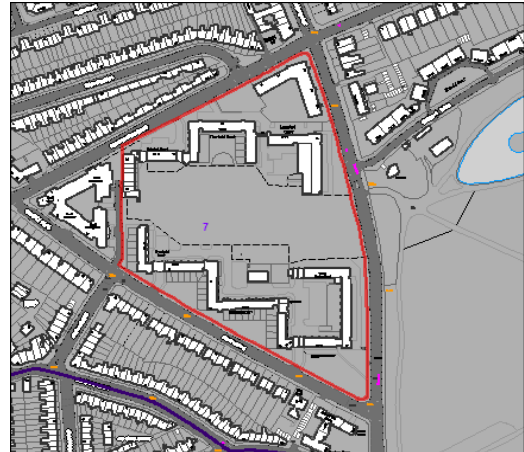
Construction on site in various parts of the estate, Phases II and III is estimated to be complemented by 2021. More information regarding the regeneration of the estate can be viewed at <http://www.hackney.gov.uk/colville-estate>

## 7 Kings Crescent, Green Lanes, N4 2XG

Ward: Brownswood



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**Ownership:** London Borough of Hackney

**Area in Hectares:** 4.51

**Existing Use:** Housing estate (residential)

### Consideration:

- King's Crescent Estate Renewal
- PTAL 4
- Brownswood CPZ
- Critical Drainage Area (eastern section in Group4 029)
- Clissold Park and Lordship Conservation Areas lie to the East of the estate, while Stoke Newington Reservoirs, Filter Beds and New River Conservation Area are to the North. Furthermore, Clissold Park is an English Heritage registered Park and Garden.

### How was the site identified?

The site is part of the Council's Estate Regeneration Programme. An outline application was granted in March 2013 (ref 2012/0676) for the renovation and extension of existing buildings and erection of new buildings between 4 and 11 storeys in height. This will create 765 new or renovated dwellings, 477sqm retail floorspace, 97sqm restaurant and cafe floorspace, 230sqm assembly and leisure floorspace and 205sqm community centre floorspace. Another outline application (ref 2013/1128) was approved in November 2013 for the renovation and extension of existing and the erection of new buildings ranging from 4-12 storeys comprising an overall floorspace of up to 45,720sqm GIA with new and renovated buildings to comprise up to 44351sqm of residential accommodation (equating to a maximum of 765 new and replacement dwellings), 629 sqm retail, café/ restaurant; up to 500 sqm mixed use (use class A1/A3/D2) and up to 240sqm community centre (use class D1), car parking, landscaping, multi-use games area and associated energy centre.

**Timescale:** Medium Term

### Allocation

Residential and supporting uses including retail and community facilities.

### **Development Principles and Issues**

Redevelopment and refurbishment of the Estate to reprovide and construct additional dwellings to include a mix of sizes and tenure and supporting uses.

The general design principles will be based upon the masterplan being developed by the Council's Housing Regeneration team. There is capacity to intensify residential density to assist in meeting housing need, and redevelopment will allow the opportunity to upgrade and improve the environment of the Estate. Any regeneration will need to take into account and address potential impact on infrastructure capacity including those in neighbouring boroughs. Outline planning consent granted however planning conditions or other measures may be imposed to ensure that the infrastructure is provided within subsequent reserved matters applications and completed before occupation of the new development. In addition the eastern part of the site falls within an identified area at risk from surface water flooding, therefore a Sustainable Drainage System(s) and where appropriate a Flood Risk Assessment must be installed / produced. Furthermore, any regeneration should include additional car club bays in the vicinity, and perhaps other highway improvements.

### **Update on Planning Status 2016**

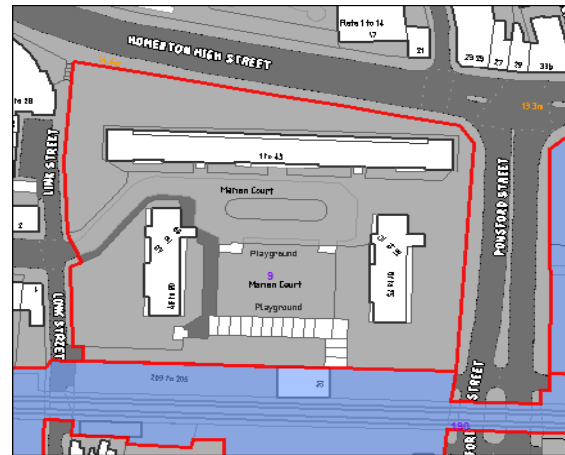
Planning application (2013/1128) relating to phases I and II of the regeneration was granted in November 2013.

Work on refurbishment and new build on going on the estate, Phase I is expected to be completed 2017. More information regarding the regeneration of the estate can be viewed at <http://www.hackney.gov.uk/kings-crescent-estate>

**9 Marian Court, Homerton High E9 6BT**  
**Ward: Homerton**



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**Ownership:** London Borough of Hackney

**Area in Hectares:** 0.78

**Existing Use:** Housing estate, residential use in three blocks consisting of 75 units, which are scheduled to be demolished.

**Consideration:**

- Marian Court Estate Renewal
- The eastern boundary abuts the Homerton Archaeological Priority Area
- PTAL 5
- Hackney (Central) CPZ
- Crossrail 2 safeguarded Strategic Transport Infrastructure
- Critical Drainage Area (Group4 017)

**How was the site identified?**

The site is part of the Council's Estate Regeneration Programme and was also identified in the Housing Capacity Study. Outline planning permission (ref 2012/1731) was approved in July 2014, the application also related to Bridge House (SALP ref 10). The Marian Court site part of the scheme comprised part 3,4,5,6 and 8 storey buildings creating 116 residential units and 56sqm of community floorspace.

**Timescale:** Medium Term

**Allocation**

Residential and supporting uses including retail, employment and community facilities.

**Development Principles and Issues**

Redevelopment and refurbishment of the Estate to reprove and construct additional dwellings which should include a mix of sizes and tenure and supporting uses.

Although currently a residential development, the site lies within the Homerton Priority Employment Area and supporting uses especially towards Homerton High Street would be supported. The Council's Housing Regeneration team are developing proposals for the



regeneration of the Estate. There is capacity within the Estate to intensify residential density to assist in meeting housing need, and redevelopment will allow the opportunity to upgrade and improve the environment of the Estate. Any redevelopment needs to take into consideration the fact that the site falls within an identified area at risk from surface water flooding.

**Update May 2016**

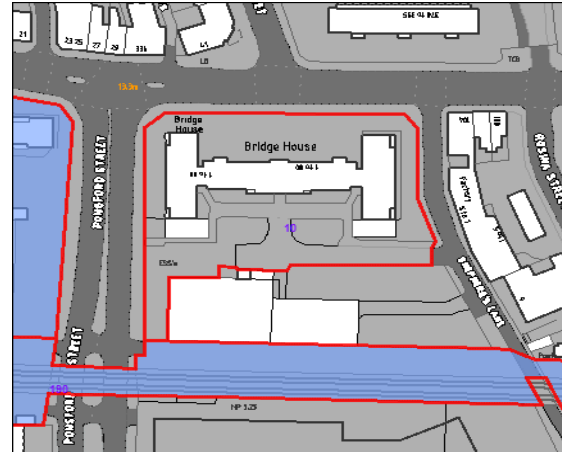
Planning permission (ref 2012/1731) was granted in July 2014 for phases III and IV of the regeneration. More information regarding the regeneration of the estate can be viewed at <http://www.hackney.gov.uk/marian-court>

## 10 Bridge House, Homerton High Street E9 6JL

Ward: Homerton



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**Ownership:** London Borough of Hackney

**Areas in Hectares:** 0.36

**Existing Use:** Housing estate, residential block of 60 units which is scheduled to be demolished.

### Consideration:

- Bridge House Estate Renewal
- Homerton Archaeological Priority Area
- PTAL 5
- No CPZ but on the edge Hackney (Central) CPZ
- Crossrail 2 safeguarded Strategic Transport Infrastructure
- Critical Drainage Area (Group4 017)

### How was the site identified?

The site is part of the Council's Estate Regeneration Programme and was also identified in the Housing Capacity Study. Outline planning permission (ref 2012/1731) was approved in July 2014, the application also related to Marian Court (SALP ref 9). The Bridge House site part of the scheme comprised part 5 and 6 storey buildings creating 78 residential units and 104sqm of commercial space. The Bridge Houses garages which is not part of this site allocation or planning permission has recently been redeveloped to create 40 residential units.

**Timescale:** Medium Term

### Allocation

Residential and supporting uses including retail employment and community facilities.

### Development Principles and Issues

Residential-led mixed use development including employment / retail frontage along Homerton High Street.

The Council's Housing Regeneration team are developing proposals for the regeneration of the Estate. There is capacity within the Estate to intensify residential density to assist in meeting housing need, and the redevelopment will allow the opportunity to upgrade and improve the environment of the Estate, including active frontages on Homerton High Street. Any redevelopment needs to take into consideration the fact that the site falls within an identified area at risk from surface water flooding, therefore a Sustainable Drainage System(s) and where appropriate a Flood Risk Assessment must be installed / produced.

#### **Update on Planning Status 2016**

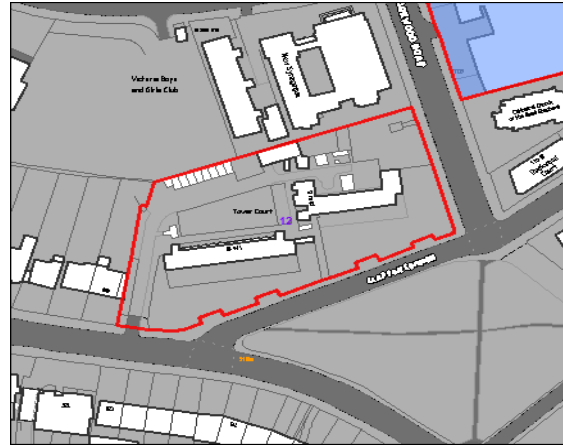
Planning permission (ref 2012/1731) was granted in July 2014 for phase II of the regeneration.

Work began on site, and estimated to be completed by 2019. More information regarding the regeneration of the estate can be viewed at <http://www.hackney.gov.uk/bridge-house>

## 12 Tower Court, Clapton Common E5 9AJ Ward Springfield



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**Ownership:** London Borough of Hackney

**Areas in Hectares:** 0.7

**Existing Use:** Housing estate in two blocks consisting of 67 units scheduled to be demolished

### **Consideration:**

- Tower Court Estate Renewal
- Potential Child Play Area
- PTAL 4
- No CPZ
- Clapton Common Conservation Area abuts the southern boundary of the site

### **How was the site identified?**

The site is part of the Council's Estate Regeneration Programme. Pre-application discussions are in progress regarding a residential scheme of approximately 130 residential units.

**Timescale:** Medium Term

### **Allocation**

Residential

### **Development Principles and Issues**

Redevelopment to maximise the site for residential use. The site fronts onto Clapton Common, which forms a significant part of the Conservation Area and there is an opportunity to provide facilities and design a new scheme that improves the attractiveness and usability of this open space.

The Council's Housing Regeneration team are currently developing proposals for the regeneration of the Estate. Any regeneration should include additional car club bays in the vicinity, and perhaps other highway improvements.

**Update May 2016**

On going pre-application discussions, the latest proposal comprises 132 residential units and a small Hatzola Ambulance service, and a planning application is expected in May 2016.

More information has been cleared. Full details regarding the regeneration of the estate can be viewed at <http://www.hackney.gov.uk/tower-court>

## 15 King Edwards's Road E9 7SL

Ward: Victoria



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**Ownership:** London Borough of Hackney

**Areas in Hectares:** 0.26

**Existing Use:** A secured vacant brownfield site on a housing estate, currently overgrown with vegetation.

### Consideration:

- Northern boundary abuts Mare Street Priority Employment Area (PD Exemption Area)
- Potential Child Play Area
- PTAL 4
- No CPZ but on the edge of Hackney (South) CPZ

### How was the site identified?

The site is part of the Council's Estate Regeneration Programme. Planning application (ref 2013/2159) was approved in November 2013 for the erection of buildings up to four storeys comprising of 32 residential units, (17 private and 15 social rented).

**Timescale:** Long Term

### Allocation

Residential

### Development Principles and Issues

Redevelopment for a mixed tenure residential scheme providing a range of unit sizes, including some open space and childrens' play space. Although there are no planning designations on the site, it abuts Mare Street Priority Employment Area.

The site is vacant and overgrown with vegetation, however it is a brownfield site. The Council's Housing Regeneration team are developing proposals for the regeneration of the site.

**Update May 2016**

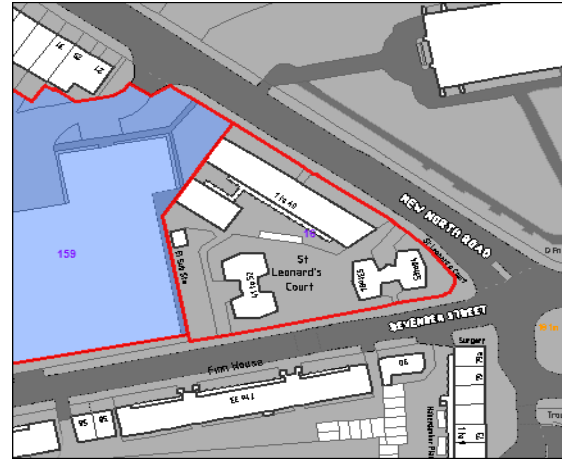
No recent planning activity since the approval of application 2013/2159. Site has been cleared and expected to be completed by 2018. More information regarding the regeneration of the estate can be viewed at <http://www.hackney.gov.uk/king-edwards-road>

## 16 St Leonard's Court, New North Road N1 6JA

Ward: Hoxton West



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**Ownership:** London Borough of Hackney

**Areas in Hectares:** 0.25

**Existing Use:** Residential

### **Consideration:**

- Western boundary abuts Wenlock Priority Employment Area (PD Exemption Area)
- PTAL 5 - 6a
- Wenlock CPZ

### **How was the site identified?**

The site is part of the Council's Estate Regeneration Programme. Planning permission (ref 2012/2915) was approved in March 2013 for demolition and redevelopment to provide 72 residential units within part 4, 3 and 8 storey buildings with roof terrace.

**Timescale:** Medium Term

### **Allocation**

Residential

### **Development Principles and Issues**

The site lies within the wider Shoreditch area identified as being possibly appropriate for taller buildings. There is potential for a relatively taller building on the Pitfield Street corner of the site, while the heights along New North Road and Bevenden Street should be consistent with emerging and existing heights. The character of the development should draw from the neighbouring 19th and early 20th century buildings. Any development will need to take into account the setting of St John the Baptist Church which is Grade II\* listed.

The Council's Housing Estate Regeneration team are developing proposals for the regeneration of the Estate. Full details regarding the regeneration of the estate can be viewed at



**Update May 2016**

Pre-application advice provided in 2015 in relation to proposed amendments to approved planning application 2012/2915.

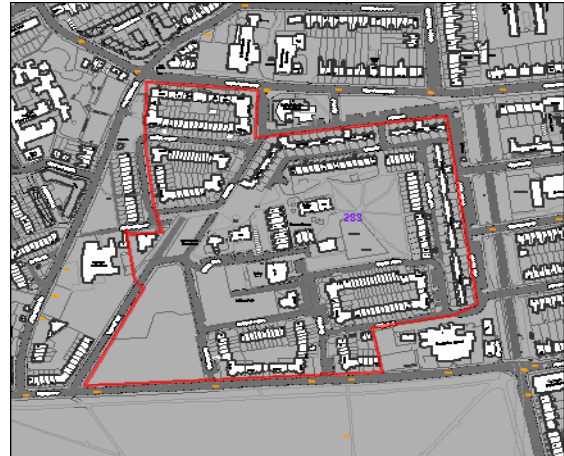
Work has begun on site, expected to be completed by 2019. More information regarding the regeneration of the estate can be viewed at <http://www.hackney.gov.uk/st-leonards-court>

## 283 Nightingale Estate, Downs Road E5 8LB

Ward: Hackney Downs



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**Ownership:** London Borough of Hackney

**Area in Hectares:** 8.54

**Existing Use:** Housing estate

### **Consideration:**

PTAL 5

No CPZ but abuts Hackney North CPZ.

### **How was the site identified?**

The site is part of the Council's Estate Regeneration Programme. The regeneration scheme is mainly a joint partnership between the Council and a housing association. The main outline permission (ref 2004/0075) is for the erection of a part 2, part 3 and part 4-storey terrace together with blocks ranging between 4 to 6 storeys in height to provide 98 residential units, together with 3 retail units and a pump station.

**Timescale:** Medium Term

### **Allocation**

Residential and supporting uses including retail and community facilities.

### **Development Principles and Issues**

Regeneration has started on the Estate as a whole and several phases are complete, which comprises of new builds and refurbishment of residential and new retail units. However, there are still significant phases to be implemented accounting for around 2 hectares which needs masterplanning for residential-led mixed use including enhancement of open space. -Outline planning consent has been granted however planning conditions or other measures may be imposed to ensure that the infrastructure is provided within subsequent reserved matters applications and completed before occupation of the new development.

The Council's Housing Estate Regeneration team are about to embark on the masterplanning of phases 4, 5 and 8. The residential will be a mixture of public and private housing.

**Update of Planning Status January 2016**

Detailed planning applications relating to part of the estate have been approved. In addition there is a 2015 application (ref 2015/2492) for a “screening opinion request in relation to residential-led mixed use scheme comprising up to 425 mixed-tenure dwellings, community and retail facilities, provision of open space, landscaping, public realm and highway works.”

**Update May 2016**

Detailed planning applications relating to part of the estate have been approved. In addition there is a 2015 application (ref 2015/2492) for a “screening opinion request in relation to residential-led mixed use scheme comprising up to 425 mixed-tenure dwellings, community and retail facilities, provision of open space, landscaping, public realm and highway works.”

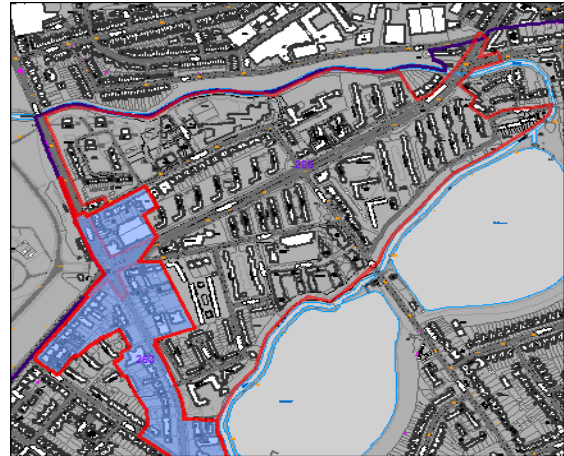
More information regarding the regeneration of the estate can be viewed at <http://www.hackney.gov.uk/nightingale-estate>

## 286 Woodberry Down, Seven Sisters Road N4 1DH

Ward: Woodberry Down



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**Ownership:** London Borough of Hackney

**Area in Hectares:** 30.64

**Existing Use:** Housing estate and supporting uses including retail, public space and community facilities.

### Consideration:

- Woodberry Down Estate Renewal
- Statutory Listed buildings on the site
- PTAL 6a
- No CPZ
- Stoke Newington Reservoir, Filter Beds and New River Conservation Area (encloses the northern, southern, eastern boundary of the estate).

### How was the site identified?

This large Estate is part of the Council's Estate Regeneration Programme. Outline planning permission (ref 2008/1050) was granted for the redevelopment of this large housing estate. The outline permission is for approximately 4,500 residential units and 40,000sqm of non residential floorspace, and other facilities. Phases 1 and 2 of the regeneration programme have been completed, and an outline planning permission (2013/3223) was approved in August 2014 relating to phases 3 to 8 of the regeneration for the demolition of existing buildings and structures at Woodberry Down Estate to provide up to 275,604sqm floorspace GEA (excluding car parking); comprising up to 3,242 residential units and a maximum of 10,921sqm non-residential floorspace within Classes A1 (Retail), A2 (Financial Services), A3 (Restaurants and Cafes), A4 (Drinking Establishments), Class B1 (Offices), Class D1(Non Residential Institutions), and D2 use and Energy Centres; along with provision of new open space and public realm and associated car parking. The gross number of residential units resulting from the regeneration will be approximately 5500 units.

**Timescale:** Short, Medium, Long Terms

### Allocation

Residential and supporting uses including retail, employment, education, other community and leisure facilities.

### **Development Principles and Issues**

This is a major regeneration scheme, being carried out in a number of phases. Construction and development has started on several sites, including a new school, it is estimated that the final phase of work will not be completed until 2032. As planning details and applications for subsequent phases are submitted there will be opportunities to refine and improve the scale, layout and design of the overall scheme, and give detail consideration to any heritage assets that may be affected directly or indirectly by the proposal. Any regeneration will need to take into account and address potential impact on infrastructure capacity including those in neighbouring boroughs. Planning conditions or other measures may be imposed to ensure that the infrastructure is provided and completed before occupation of the new development. Furthermore, any regeneration should include additional car club bays in the vicinity, and perhaps other highway improvements.

### **Update May 2016**

Various applications relating to details in accordance with the Woodberry Down, Masterplan including phase 2 and 3 have been approved. Ongoing discussions regarding an Early Learning / Children centre, Kick Start 4 and improvements to Seven Sister Road and Woodberry Down (road).

More information regarding the regeneration of the estate can be viewed at <http://www.hackney.gov.uk/woodberry-down>

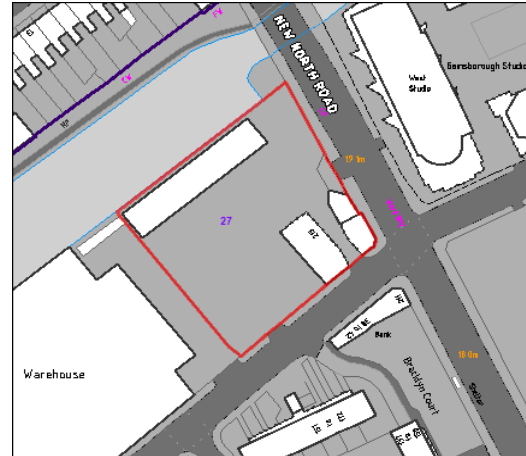
## Sites in Shoreditch and Environs

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**27 213-215 New North Road N1 6SU**  
**Ward: Hoxton West**



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**Ownership:** Private

**Area in Hectares:** 0.27

**Existing Use:** Royal Mail distribution centre, there are some other activities on the site including a hand car wash.

**Consideration:**

- Wenlock Priority Employment Area (PD Exemption Area)
- Regent's Canal Conservation Area
- PTAL 4
- Wenlock CPZ

**How was the site identified?**

Planning Permission (ref 2009/2102) was granted in February 2011 for the demolition of existing buildings and erection of a part one, part two storey delivery office for the Royal Mail to reprovide 1745m<sup>2</sup> of floorspace. Furthermore, a planning application (ref 2006/2696) for a part 5, part 6 storey development for retail, office, industrial and residential was approved in January 2008.

**Timescale:** Short to Medium Term

**Allocation**

Employment or employment-led mixed use.

**Development Principles and Issues**

The site has had planning permissions for both an employment only and mixed use (employment and residential). Given the site's location within the Wenlock Priority Employment Area, employment floorspace including any operational requirement of Royal Mail must be the primary use. The surrounding development is a mixture of employment uses and residential use, with building heights ranging from 15m (3 storeys) to 40m (12 storeys), while the building envelope coverage of sites varies from around 65% to over 90% in the immediate vicinity. The site may be a location appropriate for taller buildings (up to 5/6 storeys), although it does lie within the Regent's Canal Conservation Area and has canal frontage. There are residential moorings occupying the adjacent waterspace which are accessed from the road bridge,

therefore, any development must not adversely affect the boat occupiers access or conditions. Planning conditions or other measures may be imposed to ensure that the infrastructure is provided and completed before occupation of the new development.

The site is currently underused, and offers an opportunity or more intensive use, to establish active frontages on both New North Road and Eagle Wharf Road and utilise its canal location. Any development should respect the PEA and Conservation Area status and the heritage assets in neighbouring boroughs. The site is in a CPZ and transport nodes are Essex Road, Old Street and Angel stations between 750m to 1500m away.

**Update May 2016**

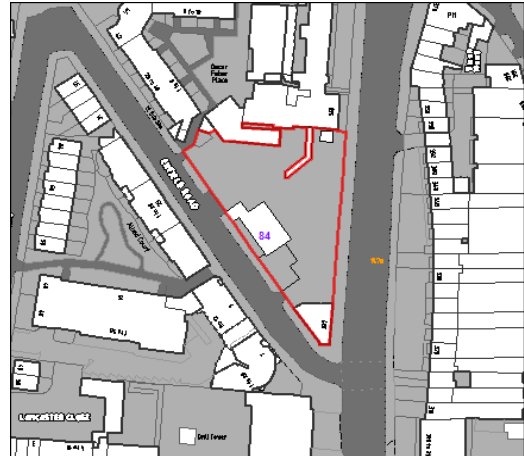
Submission of details and non material amendment planning applications relating to approval 2009/2102 were granted in 2014 and 2015. The site has been redeveloped as a Royal Mail centre.



**84 337 Kingsland Road and Adjacent Car Park E8 4DA**  
**Ward: De Beauvoir**



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**Ownership:** Private

**Area in Hectares:** 0.24

**Existing Use** Surface level car park.

**Consideration:**

- Kingsland Conservation Area
- PTAL 4
- De Beauvoir CPZ

**How was the site identified?**

The site was identified through a survey by Council officers, and further investigation revealed a planning approval (ref 2008/0622) was approved in March 2009 for a part six-, part seven-storey building containing a 290-room hotel and associated uses including theatre workshop space on the lower ground floor.

**Timescale:** Short to Medium Term.

**Allocation**

Residential and /or leisure (hotel).

**Development Principles and Issues**

The site lies within the Kingsland Conservation Area, the locally listed former Metropolitan Hospital, Kingsland Road abuts the northern boundary of the site. Furthermore, on the opposite side of Kingsland Road is a Grade II listed terrace. As such, any development will need to respect these heritage assets. The surrounding uses are predominately residential and commercial, and range from recent 5 storey residential blocks to the six storey Metropolitan Hospital built in 1886.

As an underused site, hotel and other secondary uses is in accordance with the planning permission, but there is an opportunity for other uses including residential which could help towards housing need in the Borough. If residential use forms part of a scheme the general guidance in terms of density is 650-1100 hr/ha, and a scheme must take into account the Conservation Area designation and the adjacent listed buildings. A high quality development

with active frontages will enhance this prominent location, which has extensive Kingsland Road and Enfield Road frontages. The site is in a CPZ and Haggerston Station is approximately 50m away.

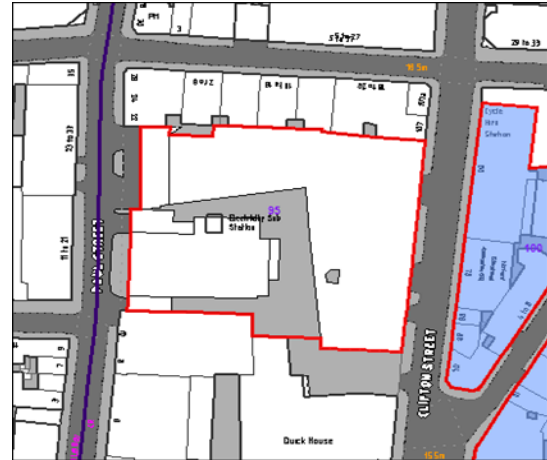
**Update May 2016**

An extension of time application (ref 2011/2876) for planning approval 2008/0622 was approved in March 2012, and submission of planning applications for details relating to the approvals were submitted in 2015. Site has been cleared for a number of years, does not appear to be operational as a commercial car park.

**95 12 – 20 Paul Street EC2A 4JH**  
**Ward: Hoxton East and Shoreditch**



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**Ownership:** Private

**Area in Hectares:** 0.4

**Existing Use** Industrial /warehouse including vehicle storage.

**Consideration:**

- Central Activities Zone
- Shoreditch Priority Employment Area (PD Exemption Area)
- South Shoreditch Conservation Area
- Shoreditch Archaeological Priority Area
- Potential Child Play Area
- PTAL 6b
- South Shoreditch CPZ

**How was the site identified?**

Site was identified in the Housing Capacity Study and is identified within the South Shoreditch Supplementary Planning Document. There is also planning permission (ref 2007/1871) approved on appeal in January 2009 for the demolition of existing buildings and erection of three buildings (6, 7 and 10 storeys, including basements) comprising of 5400sqm of office space, 135 sqm of commercial ground floor space and 419 flats for student accommodation. An extension of time application (ref 2011/1922) was approved in March 2012.

**Timescale:** Short Term

**Allocation**

Employment or employment-led mixed use including ancillary residential use.

**Development Principles and Issues**

Given its location within the Central Activities Zone and Shoreditch Priority Employment Area, a development should essentially be for employment use. If a mixed-use scheme is proposed, the majority of any proposed floorspace should be for employment purpose. It is also within the South Shoreditch Conservation Area.

The main development opportunity on this site is the building with frontages on both Clifton Street and Paul Street. Residential is acceptable but needs to be justified as appropriate within any scheme, and secondary to any employment use. If residential use forms part of a scheme the general guidance in terms of density is 650-1100hr/ha which must take into account local character. The design principles of height, scale, massing and layout should accord with the extant permission. Any regeneration will need to take into account and address potential impact on infrastructure capacity. Planning conditions or other measures may be imposed to ensure that the infrastructure is provided and completed before occupation of the new development. The site lies within a CPZ and Old Street and Liverpool Street stations are both within 600m.

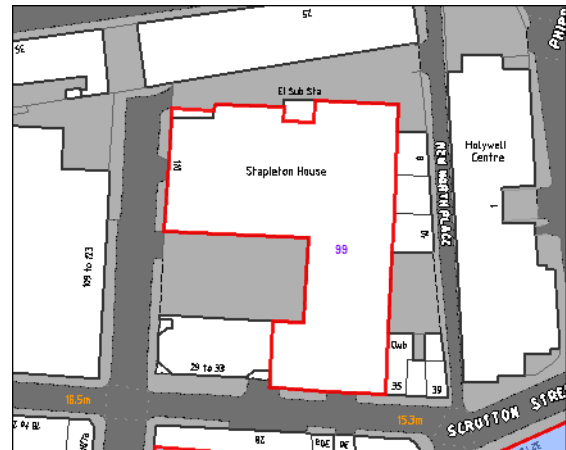
**Update May 2016**

Submission of details and non material amendment planning applications in relation to planning approval 2011/1922 have been granted. Development was completed on site by October 2015.

**99 110 Clifton Street EC2A 4HT**  
**Ward:** Hoxton East and Shoreditch



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**Ownership:** Private

**Area in Hectares:** 0.21

**Existing Use:** Vacant dairy distribution / light industrial.

**Consideration:**

Central Activities Zone  
Shoreditch Priority Employment Area (PD Exemption Area)  
South Shoreditch Conservation Area  
Shoreditch Archaeological Priority Area  
Potential Child Play Area  
PTAL 6b  
South Shoreditch CPZ

**How was the site identified?**

The site is identified in the South Shoreditch SPD for mixed use comprising office, light industrial and residential. Planning permission (ref 2008/ 1689) was approved in October 2008 for a change of use of 110 Clifton Street from vacant dairy distribution to flexible office and warehousing use.

**Timescale:** Short Term

**Allocation**

Employment, or employment-led mixed use and including residential use.

**Development Principles and Issues**

Given the site's location within the Central Activities Zone and Shoreditch Priority Employment Area, the majority of proposed floorspace must be for employment purposes. It is also within the South Shoreditch Conservation Area. Redevelopment must establish active frontages on both Clifton Street and Scrutton Street. The height, scale and massing should reflect that of the surrounding area, which includes some relatively smaller buildings to the east and south as well as some larger buildings, including the existing building occupying the majority of the site.

Residential may be acceptable but needs to be justified as appropriate within any scheme, and secondary to any employment use. If residential use forms part of a scheme the general guidance in terms of density is 650-1100hr/ha which must take into account local character. The site lies within a CPZ and Old Street station is about 500m away.

**Update May 2016**

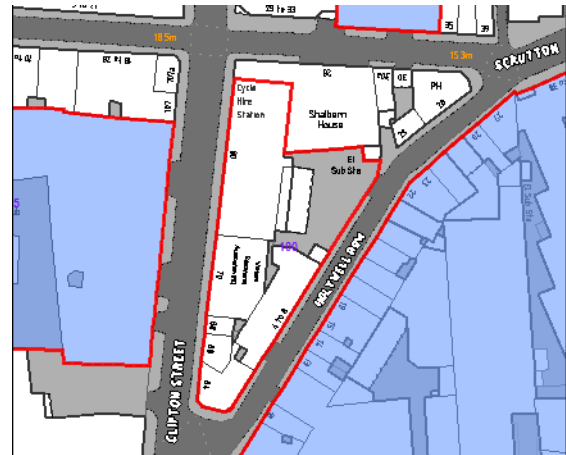
No substantial recent planning activity on 110 Clifton Street since planning approval 2008/1689.

**100 64 - 80 Clifton Street and 4 - 8 Holywell Row EC2A 4HB**

**Ward:** Hoxton East and Shoreditch



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**Ownership:** Private

**Area in Hectares:** 0.17

**Existing Use:** Mixed use including industrial.

**Consideration:**

Central Activities Zone  
Shoreditch Priority Employment Area (PD Exemption Area)  
South Shoreditch Conservation Area  
Shoreditch Archaeological Priority Area  
Potential Child Play Area  
PTAL 6b  
South Shoreditch CPZ

**How was the site identified?**

The site is identified in the South Shoreditch Supplementary Planning Document for office and light industrial, and Council officer survey.

**Timescale:** Medium Term

**Allocation**

Employment, or employment-led mixed use including residential use.

**Development Principles and Issues**

Given the site's location within the Central Activities Zone and Shoreditch Priority Employment Area, the majority of proposed floorspace should be for employment purposes. It is also within the South Shoreditch Conservation Area and Archaeological Priority Area, which will inform the height of any redevelopment (approximately 5-6 storeys). The southern part of the site contains 'Buildings of Townscape Merit' which should be retained and enhanced, whilst on the opposite side of Holywell Row some of the historic buildings are locally listed. Any redevelopment of the site should include communal or public open space.

The main development opportunity is along the frontage on Holywell Row and on Clifton Street. 64 -66 Clifton Street and 4 - 8 Holywell Row should be retained. Any redevelopment of

the remaining buildings needs to preserve and enhance the setting of the `retained' buildings and the character of the conservation area. Any residential use is acceptable but it has to be justified and secondary to any employment use. If residential use forms part of a scheme the general guidance in terms of density is 650-1100hr/ha which must take into account local character. The site lies within a CPZ and Old Street station is approximately 600m north west of the site.

**Update May 2016**

No planning activity covering the allocation, there have been various planning permission relating to individual properties / sites.

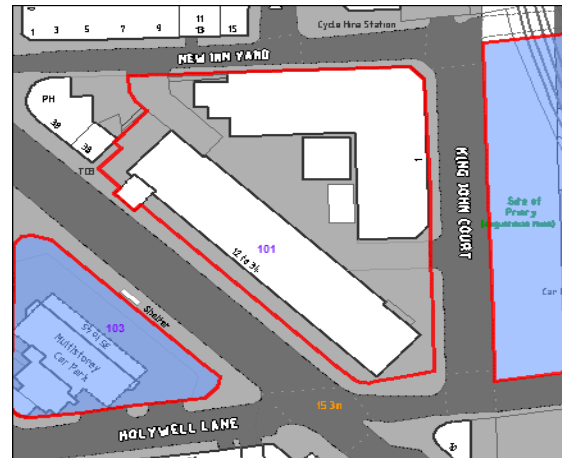


**101 Holywell Lane EC2 at Junction of King John Ct and Great Eastern St, EC2A 3NT**

**Ward:** Hoxton East and Shoreditch



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**Ownership:** Private

**Area in Hectares:** 0.35

**Existing Use:** 4-5 storey office

**Consideration:**

- Central Activities Zone
- Shoreditch Priority Employment Area (PD Exemption Area)
- South Shoreditch Conservation Area
- Shoreditch Archaeological Priority Area
- Potential Child Play Area
- PTAL 6b
- North Shoreditch CPZ

**How was the site identified?**

The site is identified in the South Shoreditch SPD and Council officer survey.

**Timescale:** Medium Term

**Allocation**

Employment, or employment led mixed use residential use.

**Development Principles and Issues**

Given the site's location within the Central Activities Zone and Shoreditch Priority Employment Area, any redevelopment should lead to an increase in employment floorspace. The majority of proposed floorspace should be for employment purposes. It is also within the South Shoreditch Conservation Area and Shoreditch Archaeological Priority Area, while 36-38 Great Eastern Street to the north west corner of the site but outside of the site boundary are locally listed. With the exception of the north west corner, the site should create active frontage on the other three sides. Any redevelopment of the site should include communal or public open space especially a childrens' play area if applicable.

The existing buildings are a large seven storey office block of little historic interest with an extensive frontage onto Great Eastern Street, and a lower building fronting onto King John Street and New Yard Inn. If residential use forms part of a scheme the general guidance in terms of density is 650-1100hr/ha. The overall density, and design principles around height scale, massing and layout must take into account local character and appearance. Old Street station is approximately 600m north west of the site.

**Update May 2016**

Planning application (ref 2014/3268) was granted in December 2014 for a side extension to East Anglia House, and work has commenced on site. There is no planning activity covering the whole site.

**103 35 – 45 Great Eastern Street EC2A 3ER**

**Ward:** Hoxton East and Shoreditch



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**Ownership:** Private

**Area in Hectares:** 0.11

**Existing Use** Multi storey garage and car wash.

**Consideration:**

- Central Activities Zone
- Shoreditch Priority Employment Area (PD Exemption Area)
- South Shoreditch Conservation Area
- Shoreditch Archaeological Priority Area
- Potential Child Play Area
- PTAL 6b
- South Shoreditch CPZ

**How was the site identified?**

The site is identified in the South Shoreditch SPD and Council officer survey.

**Timescale:** Medium Term

**Allocation**

Employment, or employment-led mixed use.

**Development Principles and Issues**

Given the site's location within the Central Activities Zone and Shoreditch Priority Employment Area, the majority of proposed floorspace should be for employment purposes. It is also within the South Shoreditch Conservation Area. Any redevelopment of the site should include communal or public open space including a childrens' play area if applicable.

An island site at the junction of Curtain Road and Great Eastern Street currently occupied by a single nine storey (27m) building, this site provides a redevelopment opportunity. If residential use forms part of a scheme the general guidance in terms of density is 650-1100 hr/ha. The overall density, and design principles around height scale, massing and layout must

take into account local character and appearance. Old Street station is approximately 600m north west of the site.

**Update May 2016**

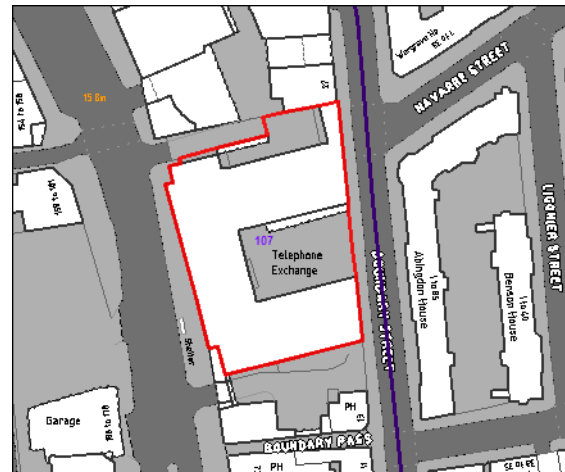
Pre-application discussions in 2015 and 2016 for office/commercial development.

## 107 Telephone Exchange, Shoreditch High Street, E2 7DJ

Ward: Hoxton East and Shoreditch



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**Ownership:** Private

**Area in Hectares:** 0.22

**Existing Use** Office and utility.

### Consideration:

- Central Activities Zone
- South Shoreditch Priority Employment Area (PD Exemption Area)
- Shoreditch Archaeological Priority Area
- Potential Child Play Area
- PTAL 6a
- South Shoreditch CPZ

### How was the site identified

The site is identified in the South Shoreditch SPD, and Council officer survey.

**Timescale:** Medium Term

### Allocation

Employment, or employment-led mixed use with ancillary residential use.

### Development Principles and Issues

Given the site's location within the Central Activities Zone and Shoreditch Priority Employment Area, redevelopment should be for employment or employment-led redevelopment use. It is in the Shoreditch Archaeological Priority Area, and adjacent to the South Shoreditch Conservation Area. Taller buildings may be appropriate subject to site and surrounding area considerations, and exemplar design.

The site is occupied by a single four storey building covering much of the site area. There is an 8/9 storey (32m) hotel development to the north, while 3 / 4 storey terraces are located to the south. Any redevelopment should establish active frontages on both Shoreditch High Street and Boundary Street, and take account of any telecom requirements on the site. The general guidance in terms of residential density for the site is 650-1100hr/ha, subject to other

planning and design considerations. The site lies within a CPZ and the nearest station is Shoreditch High Street.

**Update on Planning Status 2016**

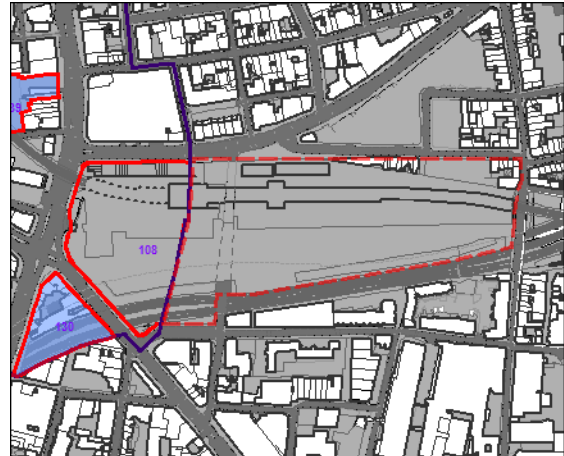
No relevant planning activity.

## 108 Bishopsgate, Shoreditch High Street E1 6JU

Ward: Hoxton East and Shoreditch



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**Ownership:** Private

**Area in Hectares:** 1.25

**Existing Use:** This site is a former rail goods yard, and part of the site is currently being used as a 'pop up' retail mall. Planning permission (ref 2011/0255) was granted in May 2011 for recycled shipping containers to be used as retail and other commercial units for up to 5 years.

### **Consideration:**

Central Activities Zone

Shoreditch Priority Employment Area (PD Exemption Area)

Shoreditch Archaeological Priority Area

The northern and western sides of the site lies within the Westminster Pier to St Paul's

Strategic View Background Area

Potential Child Play Area

PTAL 6b / South Shoreditch CPZ

Listed structures on site

### **How was the site identified?**

The site is identified in the South Shoreditch SPD, and the Bishopsgate Goods Yard Interim Planning Guidance 2010. The site straddles the borough boundary between Tower Hamlets and Hackney. For Hackney's section of the site, employment-led development is required. An outline application (2014/2425) was submitted – decision pending - for the comprehensive mixed use redevelopment of the whole site. For that part of the site within LB Hackney, the proposed development comprises the following mix of uses:

- Up to 64,193 m<sup>2</sup> (GIA) of Residential use (Class C3);
- Up to 32,873 m<sup>2</sup> (GIA) of Business Use (Class B1);
- Up to 3,359 m<sup>2</sup> (GIA) of Retail Use (Class A1, A2, A3);
- Up to 2,474 m<sup>2</sup> (GIA) of Retail Use (Class A1, A2, A3, A5);
- Up to 6,605 m<sup>2</sup> (GIA) of ancillary and plant space.

**Timescale:** Medium Term

**Allocation**

Employment - led mixed use and supporting uses including residential, retail and public open space.

### **Development Principles and Issues**

The London Borough of Hackney's section of the identified area is approximately 1.25 hectares. The site lies within the Central Activities Zone, and the Shoreditch Priority Employment Area. Taller buildings may be appropriate on the site, subject to site and surrounding area considerations. Furthermore, the north east section and a small part of the south west corner of the site fall within the background area of two strategically important views. These are Westminster Pier to St Paul's Cathedral and King Henry's Mound to St Paul's Cathedral.

The Braithwaite Viaduct, oriel and forecourt wall fronting Shoreditch High Street on the western edge of the site are Grade II listed. The historic viaduct should be re-used and incorporated into any redevelopment. Hackney's section of the site does not fall within a conservation area, although a section of the north east corner of the whole site (LBTH section) does, and the site as a whole is surrounded by conservation areas ( South Shoreditch, Boundary Estate, Brick Lane & Fournier Street and Elder Street) and other identified heritage assets. Underground utility apparatus and a London Underground Line have been identified on this site. The London Overground Line runs east-west across the site, while there are also rail lines to the southern part of the identified area. Any development needs to take these and other potential impact on infrastructure facilities including utilities and those in neighbouring boroughs into consideration.

A park is proposed on the Tower Hamlets' side of the larger site, and as part of the overall scheme, childrens' play facilities should be included.

The site is a major development opportunity, and should be developed in cooperation with the London Borough of Tower Hamlets and have regards to the planning guidance for the site. The site covers an area of approximately 4.5 hectares across the London Boroughs of Hackney and Tower Hamlets. In terms of land uses the objectives of the guidance for Hackney are an appropriate form of new employment or employment-led development comprising employment, housing (in particular affordable and family housing), leisure, culture, health, community facilities and open spaces. Temporary uses should accord with the guidance.

### **Update May 2016**

The planning application (ref 2014/2425) was called by the GLA in 2015, and a public representation hearing was scheduled for April 2016.

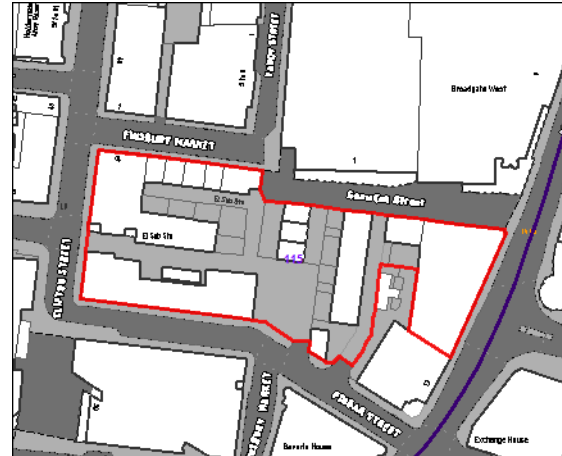
Following a request from the applicant to defer the Representation Hearing in order to allow time to amend the application to address the concerns raised in the Stage 3 Report, the Mayor decided to defer the Representation Hearing.



**115 EDF Energy, 10 Appold Street EC2N 2BN**  
**Ward: Hoxton East and Shoreditch**



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**Ownership:** Private

**Area in Hectares:** 0.5

**Existing Use:** Utility station.

**Consideration:**

- Central Activities Zone
- Shoreditch Priority Employment Area (PD Exemption Area)
- Shoreditch Archaeological Priority Area
- Westminster Pier to St Paul's Strategic View background area
- Potential Child Play Area
- PTAL 6b
- South Shoreditch CPZ

**How was the site identified**

Nominated through the 'Call for Sites' exercise in late 2010. The proposed use put forward was for office-led mixed use development of the airspace with a suggested indicative height of 133 metres. The site is also identified in the South Shoreditch SPD.

**Timescale:** Medium Term

**Allocation**

Employment, or employment-led mixed use including ~~with ancillary~~ residential use.

**Development Principles and Issues**

Given the site's location within the Central Activities Zone and the Shoreditch Priority Employment Area the majority of the proposed floorspace should be for employment use and must incorporate any operational requirements by the power supplier. Taller buildings may be appropriate on the site, subject to site and surrounding area considerations, furthermore the site falls within the background area of the Westminster Pier to St Paul's Cathedral strategic view.

The existing buildings on the site are relatively low rise. If feasible, a development could utilise the airspace above, however proposals need to consider the strategic view designation. Also

the operational requirement of the existing occupiers needs to be considered. The adjacent building on the eastern section of the site fronting onto Appold Street is very tall (up to approximately 55m) while those on the western side are lower. There is an opportunity to have a taller building(s) on the eastern section, with 4-5 storey buildings on the western side of the site. If residential use forms part of a scheme the general guidance in terms of density is 650-1100 hr/ha, which must take into account local character. Liverpool Street station is approximately 300m south east of the site.

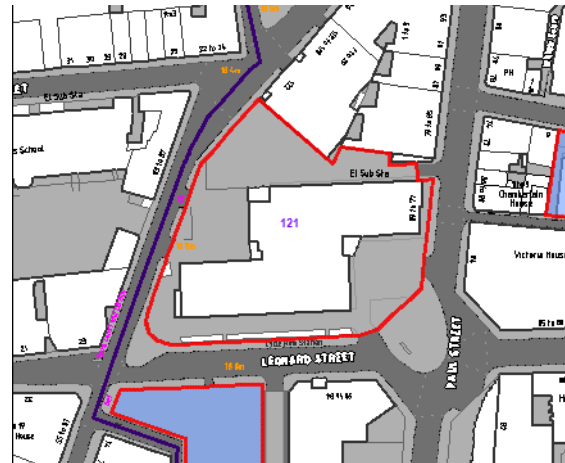
**Update May 2016**

No relevant planning activity.

**121 110 Tabernacle Street EC2A 4LE**  
**Ward: Hoxton East and Shoreditch**



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**Ownership:** Private

**Area in Hectares:** 0.38

**Existing Use** Offices, commercial.

**Consideration:**

- Central Activities Zone
- Shoreditch Priority Employment Area (PD Exemption Area)
- The northern part of the site lies within the South Shoreditch Conservation Area
- Shoreditch Archaeological Priority Area
- Potential Child Play Area
- PTAL 6b
- North Shoreditch CPZ

**How was the site identified?**

The site is identified in the South Shoreditch SPD for a mixed use development comprising office, retail and residential. Planning permission (ref 2005/1652, lapsed-November 2010) was granted for the erection of a seven storey plus basement level building to provide 426 sqm of retail, financial & professional services, restaurant or office/ light industry floor space at ground and first floor level with 14 residential units above.

**Timescale:** Long Term

**Allocation**

Employment, or employment-led mixed use.

**Development Principles and Issues**

Given the site's location within the Central Activities Zone and the Shoreditch Priority Employment Area the majority of the proposed floorspace should be for employment use. The northern end of the site lies within South Shoreditch Conservation Area and an Archaeological Priority Area. Any redevelopment should not detrimentally affect the listed buildings to the west of Tabernacle Street (which is in the neighbouring borough of Islington). Development

should be lower in height and larger in footprint than the existing seven storey buildings, and broken up into more than one building of different design.

Residential use may be acceptable but needs to be justified as appropriate within any scheme, and secondary to any employment use. If residential use forms part of a scheme the general guidance in terms of density is 650-1100hr/ha which must take into account local character. The site lies within a CPZ and Old Street station is approximately 400m north of the site.

**Update May 2016**

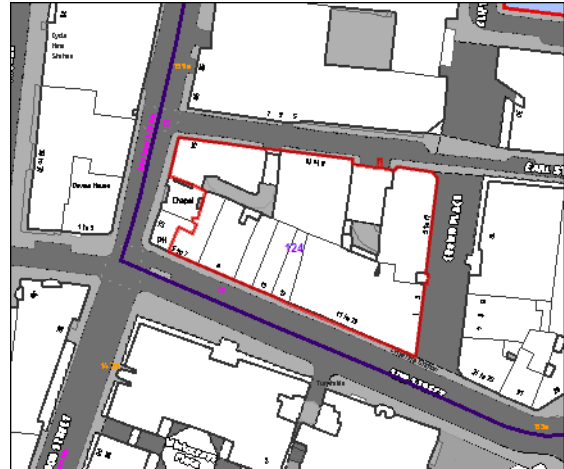
Pre-application discussions in 2015 for roof and side extensions for offices.

## 124 Land Bounded by Sun Street, Crown Place EC2A 2AL

Ward: Hoxton East and Shoreditch



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**Ownership:** Private

**Area in Hectares:** 0.37

**Existing Use:** commercial

### Consideration:

- Shoreditch Archaeological Priority Area
- Shoreditch Priority Employment Area (PD Exemption Area)
- Central Activities Zone
- Strategic View Background area - Westminster Pier to St Paul Cathedral
- Sun Street Conservation Area
- Local Listed buildings on the site.

### How was the site identified?

Nominated through the Public Participation stage in 2012. In January 2012 planning permission (ref 2009/2464) was granted for the "Demolition of existing buildings on site excluding 5-11 Sun Street and the construction on the eastern part of the site of a 2 basement plus part 11, part 12, part 17, part 20, Part 21, part 24 (105 m) office building providing 53,279 sqm of B1, 1568 flexible (A1, A2, A3, A4 and B1) floorspace. Refurbishment of 5-11 Sun Street within the western part and construction of ground plus three storey terrace for a 34 room hotel and 194 flexible retail (A1, A2, A3) and associated parking and landscaping.

**Timescale:** Short to Medium Term

### Allocation

Employment, or employment-led mixed use with supporting retail and hotel uses, leisure, community and residential uses as secondary uses.

### Development Principles and Issues

The site has planning permission for an office-led mixed use scheme including hotel and retail. If the extant planning permission is not implemented, leisure, community and residential will be acceptable provided that they are ancillary to the employment use which must form the majority of the floorspace in any mixed use scheme. The site lies within the Central Activities

Zone, and the Shoreditch Priority Employment Area. Sun Street Conservation Area and an archaeological priority area covers the site, while 5-15 Sun Street, 8-16 Earl Street, which are within the site and the Wilson Street Chapel, which abuts the site, are all locally listed. Taller buildings may be appropriate on the site, subject to site and surrounding area considerations, and exemplar design. The site falls within the background area of the Westminster Pier to St Paul's Cathedral strategic view. If applicable any amenity space provided should incorporate space for children's play.

The site has good public transport access (level 6), and South Shoreditch Controlled Parking Zone operates in the area.

#### **Update May 2016**

Planning application (ref 2015/0877) was granted in December 2015 for the "demolition of 17-29 Sun Street, 1-17 Crown Place and 8-16 Earl Street (excluding front façade) and construction within the eastern part of the site of a 3 level basement plus lower ground, ground level and mezzanine and part 6, part 10 storey podium building above ground level/mezzanine level with two towers of 29 and 33 storeys above ground/mezzanine level. The new building provides flexible office/retail floorspace at lower ground level (Class B1/A1/A3/A4), retail at ground and mezzanine level (Class A1, A3 and A4), office (Class B1) at lower ground, ground, mezzanine and levels 1-6 and 247 residential units (Class C3) at levels 7 - 33. Refurbishment of 5-15 Sun Street with roof extension and three storey rear extension (plus basement) to provide a 32 bed hotel (Class c1), Class A3 restaurant, Sui Generis clubhouse and hotel courtyard. Refurbishment and extension of 54 Wilson Street to provide a 7 storey (plus basement) office building (Class B1) with flexible office/retail (Class b1/A1/A3) at ground floor level. Provision of vehicle access, public courtyard, amenity space, car parking, with associated plant and works."

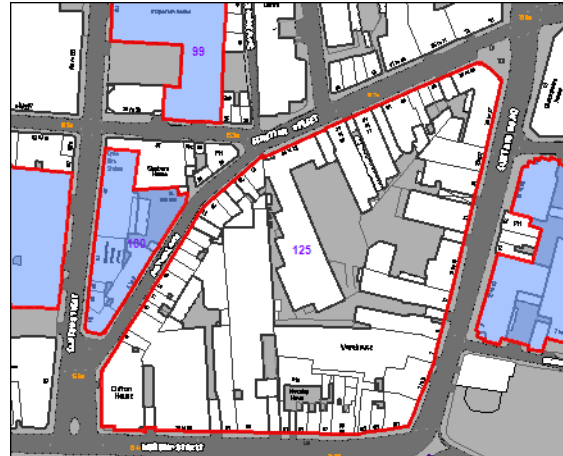
Planning applications for details relating to approval 2015/0877 have been submitted. Work has commenced on the site.

## 125 Street block bounded by Curtain Road EC2A 2BF

Ward: Hoxton East and Shoreditch



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**Ownership:** Private

**Area in Hectares:** 1.7

**Existing Use:** Offices with some retail and residential.

### Consideration:

- Central Activities Zone
- Shoreditch Priority Employment Area (PD Exemption Area)
- South Shoreditch Conservation Area
- Local and Statutory Listed buildings on the site
- Shoreditch Archaeological Priority Area
- The south east corner of the site lies within the Westminster Pier to St Paul's Strategic View background area
- Potential Child Play Area
- PTAL 6b
- South Shoreditch CPZ

### How was the site identified?

Nominated through the 'Call for Sites' exercise in late 2010. The proposed use was for a range of commercial, residential and retail / leisure uses, as part of a large scale development integrating conservation issues through redevelopment and refurbishment.

**Timescale:** Medium Term

### Allocation

Employment-led mixed use with supporting retail, leisure and residential uses.

### Development Principles and Issues

Given the site's location within the Central Activities Zone and the Shoreditch Priority Employment Area the majority of the proposed floorspace should be for employment use. However, given the complexity of this site, and the presence of a number of listed buildings, a conservation area, the multi-ownership of property, and the layout of the site, viability will be a consideration and exceptionally a lower proportion of employment floorspace may be

acceptable provided that the development at least replaces the existing employment floorspace across the site.

91-101 Worship Street are Grade II\* listed, and 103 and 105 Worship Street are Grade II listed. In addition, Clifton House and 10-27 Holywell Row are locally listed. All the listed buildings should be retained and any proposal must be of exemplar design and consider the impact the development would have on the character and setting of these buildings and on the conservation area. Furthermore, the south east corner of the site falls within the background area of the Westminster Pier to St Paul's Cathedral strategic view. If applicable any amenity space provided should incorporate space for childrens' play.

This is a large site with some development opportunity especially within the 'inner core' of the site, fronting Curtain Road, the northern section of Holywell Lane and western section of Worship Street. The heritage quality of some of the buildings and the conservation area status do not prevent redevelopment, however, they would inform the height and scale of new development (the prevailing height across the site is generally 4-6 storeys). Taller elements may be appropriate subject to the appropriate approach in relation to listed buildings and the conservation area. The size of the site and differing character of buildings and setting requires new development to contain a series of buildings of varied design, rather than a single or a few buildings. There are fewer buildings of architectural or historic merit to the north of the site on Curtain Road. Any regeneration will need to take into account and address potential impact on infrastructure capacity including those in neighbouring boroughs. The site is within a CPZ, with Liverpool Street and Old Street being the closest stations.

#### **Update May 2016**

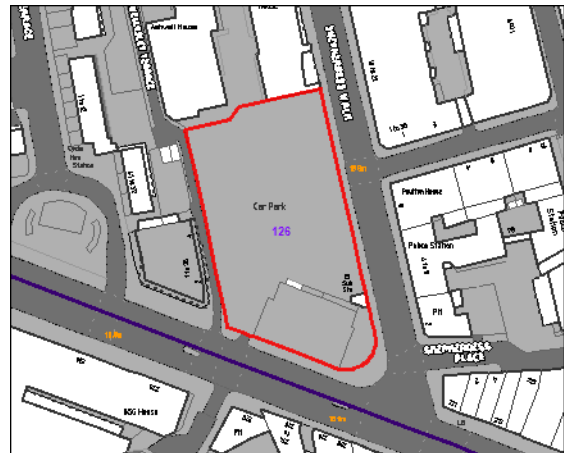
Applications relating to individual properties /site have been approved, however, there is no planning activity relating the whole site.



**126 225 City Road EC1V 1LP**  
**Ward: Hoxton West**



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**Ownership:** Private

**Area in Hectares:** 0.37

**Existing Use:** Vacant site, used as car park.

**Consideration:**

- Central Activities Zone
- Wenlock Priority Employment Area (PD Exemption Area)
- PTAL 6a
- Wenlock CPZ

**How was the site identified?**

Nominated through the 'Call for Sites' exercise in late 2010. The uses put forward were for mixed use redevelopment for ground floor retail, commercial (hotel and office) residential and/or student use.

**Timescale:** Short to Medium Term.

**Allocation**

Employment, or employment-led mixed use development with supporting retail and residential uses.

**Development Principles and Issues**

Given the site's location within the Central Activities Zone and the Wenlock Priority Employment Area the majority of the proposed floorspace should be for employment use although consideration will be given to the quantum of floorspace proposed in relation to the accepted bulk, scale, height and massing of development. Retail or other active frontage uses fronting on to City Road and Shepherdess Walk will be acceptable provided such a use satisfies the requirements set out in the Council's Development Management Local Plan. Development should reinstate a building frontage along the perimeter of the site with frontages on both City Road and Shepherdess Walk. The prevailing height immediately around the site is 5-6 storeys, there is potential for a taller element facing City Road, subject to site and surrounding area considerations and exemplar design. The site, on the eastern boundary

abuts the Underwood Street Conservation Area, while the other side of City Road lies within the London Borough of Islington's designated Moorfields Conservation Area. Therefore, the southern and eastern boundary of the site abuts two Conservation Areas.

The site is vacant and used as a car park. Given that the site is highly accessible, and there are few site constraints, there is potential for a relatively high density development here with some potential for a taller building providing it satisfies the above. Old Street station is approximately 500m to the south east of the site.

**Update May 2016**

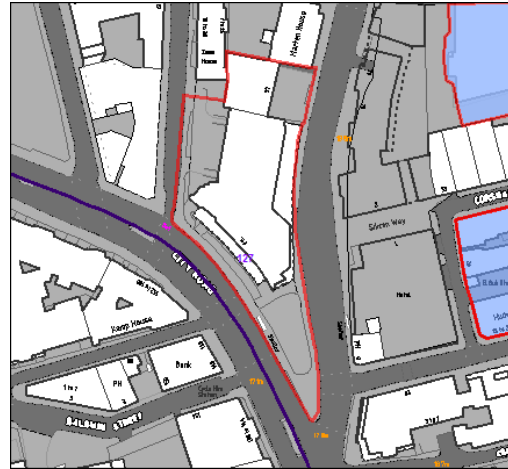
Pre-application discussions in 2015 for an employment-led mixed use development including residential. An application (ref 2016/0179) for a screening opinion has been submitted, and a planning application is anticipated to be submitted in 2016.

## 127 Crown House 145, City Road London EC1V 1LP

Ward: Hoxton West



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**Ownership:** Private

**Area in Hectares:** 0.38

**Existing Use** Seven storey office block

### Consideration:

- Central Activities Zone
- Wenlock Priority Employment Area (PD Exemption Area)
- PTAL 6a
- Wenlock CPZ

### How was the site identified?

Nominated through the 'Call for Sites' exercise in late 2010. The nomination was for the demolition of the existing building and replacement with a tall building for education use with student accommodation and other residential use above. Planning permission (ref 2012/3259) was granted in December 2013 for the demolition of existing buildings and erection of a 39 storey residential building, a 10 storey office building, and a single storey retail or café / restaurant kiosk. The development consists of a total of 302 residential units (26 x studios, 121 x 1 bed, 126 x 2 bed and 29 x 3 bed), 10625sqm of Use Class B1 (Office) floorspace and 943sqm of Use Class A1 (Retail) or A3 (Restaurant or Cafes) floorspace plus basement, associated landscaping, car and cycle parking.

**Timescale:** Short Term

### Allocation

Employment or employment-led mixed use including retail and residential uses.

### Development Principles and Issues

The site has extant planning permission, however, if the permission is not implemented. given the site's location within the Central Activities Zone and the Wenlock Priority Employment Area the majority of the proposed floorspace should be for employment use. However, there is an opportunity for significant uplift in overall floorspace and providing there is an increase in the quality and quantum of existing employment floorspace a higher proportion of non employment

floorspace may be acceptable. A taller building(s) on the City Road frontage may be appropriate on the site, subject to exemplar design, impact on the legibility of City Road and cluster of buildings leading to Old Street roundabout, and other considerations, such as the relationship with the neighbouring Eagle House development. The quantum of existing open space on the site should be maintained or exceeded, enhanced and made publicly accessible. Any development should also take into consideration the site is opposite the Moorfields Conservation Area in the London Borough of Islington.

The site is in a prominent location, and highly accessible, and there is potential to intensify and increase the range of uses on the site. If residential use forms part of a scheme the general guidance in terms of density is 650-1100 hr/ha, which must take into account local character, and subject to other planning and design considerations. Old Street station is approximately 150m south east of the site.

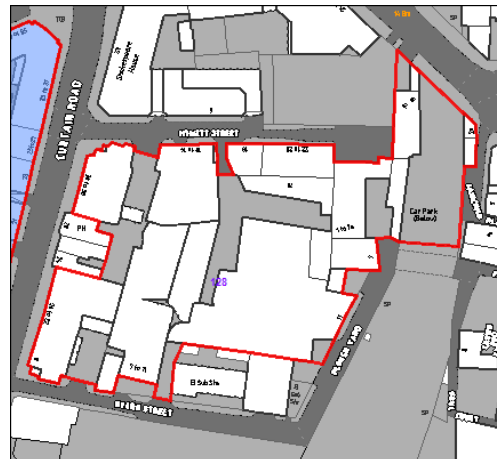
**Update May 2016**

Submission of details and non material amendment planning applications relating to approval 2012/3259 were granted in 2015. The existing building has been demolished, and construction has commenced.

**128 Land bounded by Curtain Road, Hewitt St, Hearn St & Plough Yard EC2A 3LP**  
**Ward: Hoxton East and Shoreditch**



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**Ownership:** Private

**Area in Hectares:** 0.86

**Existing Use** Predominately business use.

**Consideration:**

- Central Activities Zone
- Shoreditch Priority Employment Area (PD Exemption Area)
- Shoreditch Archaeological Priority Area
- Westminster Pier to St Paul's Strategic View background area
- Potential Child Play Area
- PTAL 6b
- South Shoreditch CPZ

**How was the site identified?**

Nominated in the 'Call for Sites' exercise in late 2010 and pre-application discussions for mixed use. The Council in July 2013 resolved to grant planning application (ref 2012/3871) for the demolition of existing buildings and the excavation and exhibition of the remains of the Curtain Theatre (D1 Use). Erection of 4 buildings around an area of new landscaped open space to comprise: a 40-storey residential tower, a 9 storey office with ancillary retail/ restaurant/ bar, a 13 storey office building with flexible commercial floorspace, & 2 storey education & events building. Erection of a 4 storey temporary structure to provide flexible retail/restaurant/bar floorspace units & office units. Associated works to the railway viaduct to provide flexible retail/ restaurant/bar floorspace within the refurbished arches, open space & a two storey extension to the top of the viaduct to provide retail/restaurant/bar floorspace. New open space to provide a link between Great Eastern Street, Hewett Street & Plough Yard, (see proposed nomination for Railway Viaduct). Associated works including the protection and treatment of buildings to be retained, temporary removal & reinstatement of 3 Grade II listed bollards on Curtain Road.

**Timescale:** Short to Medium Term.

**Allocation**

Employment-led comprehensive redevelopment, with supporting retail, community, leisure and residential use.

### **Development Principles and Issues**

Given the site's location within the Central Activities Zone and the Shoreditch Priority Employment Area, the majority of the proposed floorspace should be for employment use. However, there is an opportunity for significant uplift in overall floorspace and providing there is an increase in the quality and quantum of employment floorspace a higher proportion of non employment floorspace may be acceptable.

Any retail use proposed must satisfy the requirements of the Council's Development Management Local Plan policies for retail uses. There is potential for taller buildings on the north-east of the site, although reduction in the height and volume of buildings to the south may be a potential design requirement. Any proposals fronting Great Eastern Street should take account of the 4-6 storey scale which characterise the corner of Great Eastern Street and Shoreditch High Street. The site is not in a conservation area, but is adjacent to South Shoreditch Conservation Area whilst nos 24 - 26 Curtain Road are Grade II listed and, along with the adjacent public house, must be retained. There is also a Grade II listed gunpost on the south west corner of the site, and an interesting but undesignated industrial building north of Plough Yard which should be assessed for its heritage value as part of any proposal. Much of the site lies in the designated background area of the strategic view from Westminster Pier to St Paul's Cathedral. Furthermore, the excavation, preservation and possible public display of the remains of the Curtain Theatre should be explored in any redevelopment of the site.

There is also an opportunity to incorporate the viaduct to the north east thus providing an opportunity to create an open space and pedestrian link between the site and Great Eastern Street.

There are several large buildings on this large site, and there is an opportunity to improve the quality of the environment and open space, and there is potential to intensify and increase the range of uses. Furthermore, there is also a utility sub-station abutting the current boundary of the site which may need to be taken into consideration. In general any redevelopment will need to take into account and address potential impact on infrastructure capacity. Planning conditions or other measures may be imposed to ensure that the infrastructure is provided and completed before occupation of the new development. The site benefits from having road frontage on four sides, although the focus of ground floor activity should be on Curtain Road. If residential use is considered acceptable the density range is 650-1100 hr/ha subject to the site and area characteristics and other policy considerations given the PEA designation. Any proposal must take into consideration the setting of the listed buildings and the presence of the sub-station. The site lies within a CPZ and Shoreditch High St is the nearest station.

### **Update May 2016**

Planning application (ref 2015 / 3276) was granted in October 2015 for "Non-material amendment to planning permission 2012/3871, dated 07/10/2014. Amendment seeks removal of reference to number and mix of residential units in the development description. Revised development description to read as follows:

Demolition of existing buildings and the excavation and exhibition of the remains of the Curtain Theatre (Class D1). Excavation of a basement structure containing flexible commercial floorspace, plant, car & motorbike parking & cycle storage. Erection of 4 buildings around an area of new landscaped open space to comprise: a 40-storey tower to provide residential units (Class C3), shared space and flexible retail/restaurant/bar floorspace at ground floor; a 9 storey building with office floorspace (Class B1) and flexible office/retail/professional services/restaurant/bar (B1/A1/A2/A3/A4) floorspace; a 13 storey building with office floorspace (Class B1) and flexible office/retail/professional services/restaurant/bar (B1/A1/A2/A3/A4) floorspace and loading bay; & 2 storey education & events building (Mixed

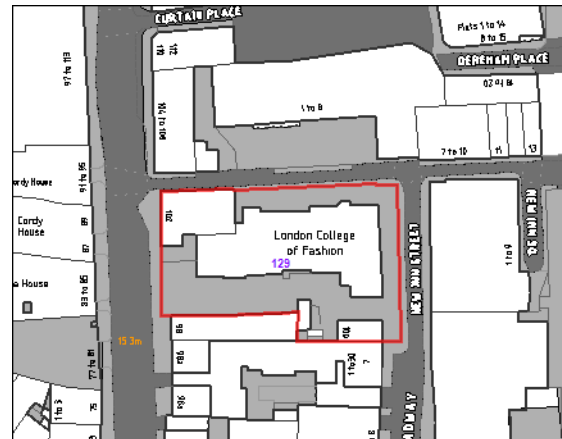
Use Class D1 and D2). Erection of a 4 storey temporary structure to provide flexible retail/professional services/restaurant/bar floorspace units (A1/A2/A3/A4) and office units (Class B1). Works of demolition, alteration, extension to the railway viaduct and change of use to provide flexible retail/professional services/restaurant/bar floorspace (Class A1/A2/A3/A4) within the refurbished arches, open space and a single storey extension to the top of the viaduct to provide retail floorspace (class A1). New open space to provide a link between Great Eastern Street, Hewett Street & Plough Yard. Associated works including the protection and treatment of buildings to be retained, temporary removal & reinstatement of 3 Grade II listed bollards on Curtain Road, surfaces, landscaping, lighting & cycle storage.”

The development has commenced.

**129 London College of Fashion, 100-102 Curtain Road EC2A 3AE**  
**Ward: Hoxton East and Shoreditch**



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**Ownership:** Public

**Area in Hectares:** 0.17

**Ownership:** Public

**Existing Use:** Education use

**Consideration:**

- Central Activities Zone
- Shoreditch Priority Employment Area (PD Exemption Area)
- South Shoreditch Conservation Area
- Shoreditch Archaeological Priority Area
- South Shoreditch Special Policy Area
- Potential Child Play Area
- PTAL 6a
- North Shoreditch CPZ

**How was the site identified?**

Nominated through the 'Call for Sites' exercise in late 2010. The nomination was for mixed use including office, hotel or residential, with potential conversion or redevelopment of the existing buildings. This site is intrinsically linked to the College's site on Mare Street (ref 133).

**Timescale:** Short to Medium Term.

**Allocation**

Education and other uses including residential if such use can be accommodated and is secondary to the education function.

**Development Principles and Issues**

Any scheme needs to take into account that the site is in Shoreditch Special Policy Area, in relation to evening economy uses and is in a Priority Employment Area. The building has been granted a Certificate of Immunity from listing in 2012, but is designated as a Building of



Townscape Merit, and lies within the South Shoreditch Conservation Area and an Archaeological Priority Area.

The future of this site and that of the College's site on Mare Street (ref 133) must be considered within the context of further educational requirements within the Borough in general, and the requirements of the College in particular. If residential use forms part of a scheme the general guidance in terms of density is 650-1100 hr/ha, which must take into account local character, design and other planning considerations. The site is located within the Central Activities Zone and Shoreditch Priority Employment Area, therefore residential may be acceptable but it has to be justified and auxiliary to other uses. Old Street to the north west and Shoreditch High Street to the south east are the nearest stations to the site.

**Update May 2016**

There are ongoing discussions between the Council and the College regarding the College's future plans for its' various sites in London including the Mare Street site (see ref 133).

## 130 Site at Junction of Shoreditch High Street and Commercial St E1 6PG

Ward: Hoxton East and Shoreditch



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**Ownership:** Private

**Area in Hectares:** 0.37

**Existing Use:** Buildings mainly in commercial use, with railway cutting occupying the majority of the site.

### Consideration:

- Central Activities Zone
- Shoreditch Priority Employment Area (PD Exemption Area)
- Shoreditch Archaeological Priority Area
- Potential Child Play Area
- PTAL 6b
- South Shoreditch CPZ

### How was the site identified?

Nominated through the 'Call for Sites' exercise in late 2010 for office with retail. The site was identified in the 1995 UDP as being suitable for major office development, and is in the South Shoreditch SPD.

**Timescale:** Medium Term

### Allocation

Employment, or employment-led mixed use.

### Development Principles and Issues

Given the site's location within the Central Activities Zone and the Shoreditch Priority Employment Area the majority of the proposed floorspace should be for employment use. The main building on the corner is of some architectural interest. The site is not within a conservation area, however, South Shoreditch Conservation Area lies to the west and Elder Street Conservation Area in the London Borough of Tower Hamlets lies to the south, and therefore any development would need to have regard to these designations and other heritage assets. The site abuts the boundary with the London Borough of Tower Hamlets and so their planning guidance must be taken into consideration.

The site is opposite Bishopsgate Goods Yard, which has development potential with advanced plans for redevelopment. The railway cuttings would make development of the site very difficult and viability would be an issue. The general guidance in terms of any residential use on the site is that residential density range is 650-1100 hr/ha. Shoreditch High Street station is approximately 100m north of the site.

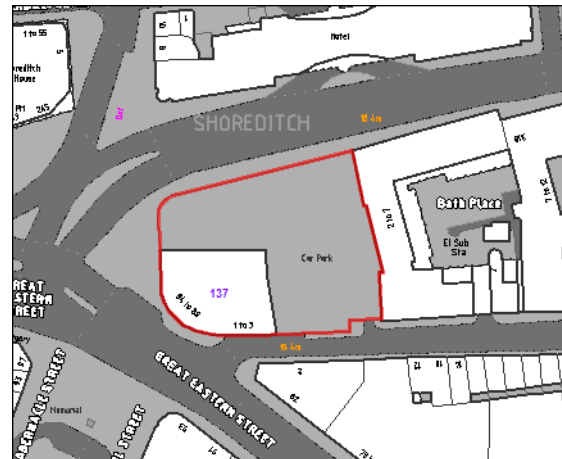
**Update May 2016**

No planning activity relating to the whole site.

**137 84-90 Great Eastern Street, EC2A 3DA**  
**Ward:** Hoxton East and Shoreditch



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**Ownership:** Private

**Area in Hectares:** 0.21

**Existing Use:** Vacant site, previous use included the 'Foundry' bar and art gallery.

**Consideration:**

- Central Activities Zone
- Shoreditch Priority Employment Area (PD Exemption Area)
- Shoreditch Conservation Area
- Shoreditch Archaeological Priority Area
- Shoreditch Special Policy area
- Potential Child Play Area
- PTAL 6b
- North Shoreditch CPZ

**How was the site identified?**

The site was identified in the 1995 Unitary Development Plan as being suitable for mixed development including retail, restaurants and leisure development. Planning permission (ref 2009/2405) was approved in January 2011 for the demolition of the existing buildings on the site and construction of a 5-18 storey buildings to be used as hotel plus retail, bar and restaurant, art gallery and art cinema, offices and roof top bar and restaurant. In 2013 there has been pre-application discussion to introduce residential use and reduce the size of the hotel and other elements of the planning approval.

**Timescale:** Short Term

**Allocation**

Hotel, Employment, or employment-led mixed use including leisure and residential use.

**Development Principles and Issues**

If the extant planning permission is not implemented, given the site's location within the Central Activities Zone and the Shoreditch Priority Employment Area the majority of the proposed floorspace should be for employment use, which include hotel use, or office use in this location. The Shoreditch Special Policy Area may influence the operators of uses

catering towards the evening economy. Taller buildings may be acceptable subject to planning and design considerations and exemplar design quality. The prevailing height in the surrounding area is around 4-6 storeys (20-25m). The site is located within South Shoreditch Conservation Area, and this development proposal must preserve or enhance the character and appearance of the Conservation Area.

The site is currently underused and in a prominent and highly accessible location, which marks an entry into the Borough. It offers an opportunity for comprehensive redevelopment. The general guidance in terms of residential density for the site is 650-1100hr/ha, subject to planning and design considerations. The site lies within a CPZ and is approximately 400m from Old Street station.

### **Update May 2016**

Submission of planning applications regarding details in relation to planning approval 2009/2405 were granted in 2015.

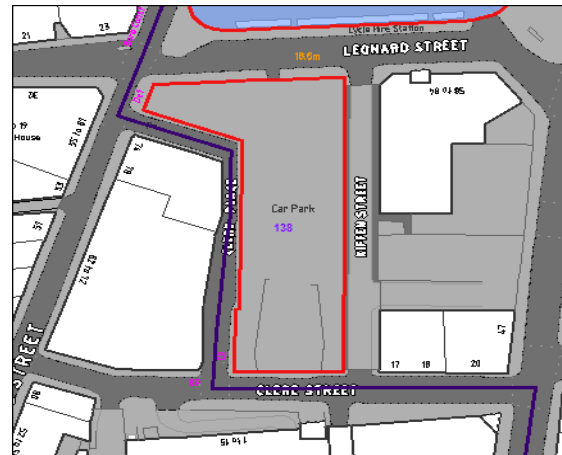
A further application (ref 2015/1834) was granted in October 2015 for the “Demolition of existing buildings on the site and construction of a part twenty two storey (Block A: Ground plus twenty one floors) and part five/ part six storey (Block B: Ground plus four/ five floors) building for use as a 346 room hotel (22,174sqm GIA use Class C1 including health and leisure facilities); flexible uses including retail, bar and restaurant, art gallery and art cinema (3,324sqm GIA Use Class A1/ A3/ A4/ D1 and D2); private members club/ hotel use (781 sqm GIA sui generis/ Class C1); Offices (6,734 sqm GIA use Class B1); and public bar and restaurant (662 sqm GIA Use Class A3/ A4); together with ancillary hard and soft landscaping, revised vehicular access/ egress, 130 cycle spaces, 6 disabled vehicular spaces, refuse/ service arrangements, and all other works associated with the development.”

## 138 Site bounded by Tabernacle Street EC2A 4EA

Ward: Hoxton East and Shoreditch



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**Ownership:** Private

**Area in Hectares:** 0.18

**Existing Use:** Car park.

### Consideration:

- Central Activities Zone
- Shoreditch Priority Employment Area (PD Exemption Area)
- Shoreditch Archaeological Priority Area
- Potential Child Play Area
- PTAL 6a
- South Shoreditch CPZ

### How was the site identified

The site was identified in the 1995 Unitary Development Plan to safeguard for office and light industrial development. There is no recent planning history on the site.

**Timescale:** Medium Term

### Allocation

An employment, or employment-led mixed use including residential use.

### Development Principles and Issues

Given the site's location within the Central Activities Zone and the Shoreditch Priority Employment Area, the majority of the proposed floorspace should be for employment use. New development needs to respect the scale, bulk and height of existing adjacent buildings including those in the neighbouring borough. Furthermore, any residential element needs to provide some communal or public open space.

The site could be intensified and redeveloped for employment-led mixed use, predominately office. The car park is currently below surface level and is accessed from Clere Street only. If feasible, utilisation of the site's Leonard Street and Clere Place frontages would benefit any redevelopment scheme. The general guidance in terms of residential density for the site is

650-1100hr/ha. Any residential on this site will require additional car club bays in the vicinity, and perhaps other highway improvements. The site is approximately 400m from Old Street station.

**Update on Planning Status 2016**

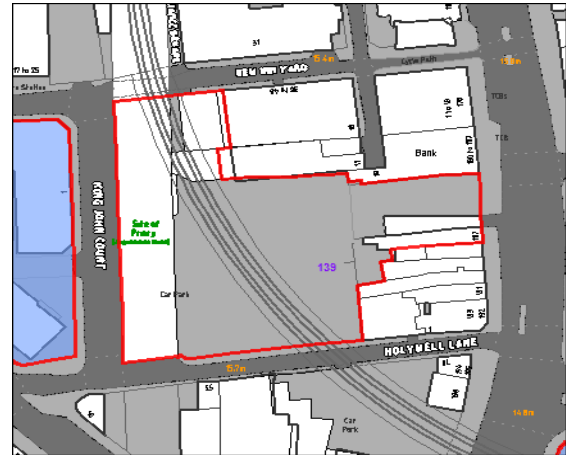
No relevant planning activity on the site.

**139 Land bounded by Shoreditch High Street; Holywell Lane and King John Court  
London E1 6HU**

**Ward:** Hoxton East and Shoreditch



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**Ownership:** Private

**Area in Hectares:** 0.48

**Existing Use:** Vacant site, used as a car park

**Consideration:**

- Central Activities Zone
- Shoreditch Priority Employment Area (PD Exemption Area)
- South Shoreditch Conservation Area
- Statutory Listed buildings on and adj to the site
- Shoreditch Archaeological Priority Area
- The eastern and southern sides of the site lies within the Westminster Pier to St Paul's Cathedral Strategic View background area
- Potential Child Play Area
- PTAL 6a
- North Shoreditch CPZ

**How was the site identified?**

The site was identified in the 1995 Unitary Development Plan to safeguard it for office and light industrial development. Planning application (ref 2012/3792), and accompanying listed building and conservation area applications was approved in August 2014. The development proposal comprises approximately 5909 sqm of office / retail / café / restaurant accommodation; a 5907sqm / 185 room hotel; and 8 residential units. It will involve the demolition of 186 Shoreditch High Street; refurbishment of 187 Shoreditch High Street including rear extension; and new buildings around an area of landscaped open space (to be used for market activities including 10 x kiosks). The new buildings will be part 2, part 3, part 4, part 5 and part 9 storey plus basements.

**Timescale:** Medium Term

**Allocation**

Employment-led mixed use including hotel and retail.



### **Development Principles and Issues**

Given the site's location within the Central Activities Zone and the Shoreditch Priority Employment Area the majority of the proposed floorspace should be for employment use. Any retail use must satisfy the requirements of the Council's Development Management Local Plan retail policies. Taller buildings might be appropriate on the site, however, any application must take into account that a railway viaduct (in service) runs through the site and that the eastern part of the site lies within the background area of Westminster Pier to St Paul's Cathedral designated Strategic View. Furthermore, the site lies within the South Shoreditch Conservation Area, while 180-182, 187-189, 190 and 191 Shoreditch High Street, which all abut the eastern boundary of the site, are Grade II listed buildings. 187-189 Shoreditch High Street is on English Heritage's Heritage At Risk register, and is a matter which should be addressed as part of any redevelopment of the site. Any residential use, provided it is appropriate, needs to provide some communal or public open space.

This is an underused site with development potential to infill the frontage on Shoreditch High Street, and create frontages along St John Court and Holywell Lane. If residential use forms part of a scheme the general guidance in terms of density is 650-1100 hr/ha. Any design must be exemplar and take into account local character, height, scale and massing of the surrounding area. Residential on this site will require additional car club bays in the vicinity, and perhaps other highway improvements. The site lies within a CPZ and Shoreditch High Street station is approximately 200m south west of the site.

### **Update May 2016**

Submission of details and non material amendments planning applications in relation to planning approval 2012/3792 were granted in 2015.

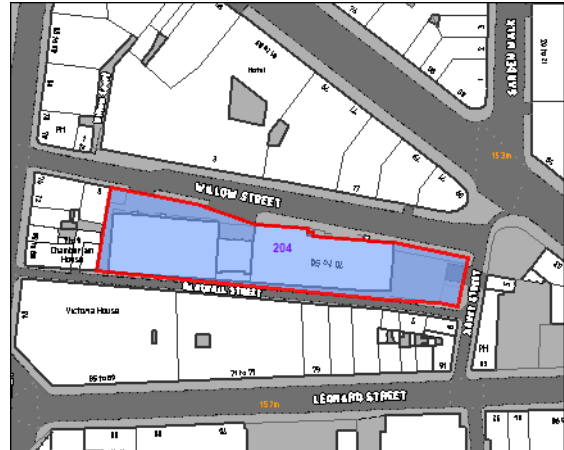
Construction has commenced on the site.

## 204 10-50 Willow Street, EC2A 4BH

Ward: Hoxton East and Shoreditch



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**Ownership:** Private

**Area in Hectares:** 0.19

**Existing Use:** Storage and light industrial.

### Consideration:

- Central Activities Zone
- Shoreditch Priority Employment Area (PD Exemption Area)
- South Shoreditch Conservation Area
- Shoreditch Archaeological Priority Area
- Potential Child Play Area
- PTAL 6b
- South Shoreditch CPZ

### How was the site identified?

Planning Permission (ref 2009/1521) was granted in December 2009 for the demolition of the existing building and erection of a new part-three, part-five-storey building (plus basement) for use as a 172-room hotel including bar, restaurant and business centre. Another planning application (ref 2012 / 0123) was approved in October 2012 for the erection of up to five storey to provide 143 bedroom hotel with ancillary facilities including restaurant, bar and conference space together with newly landscaped open space and associated works.

**Timescale:** Short Term

### Allocation

Employment, or employment-led mixed use.

### Development Principles and Issues

If the extant planning permission is not implemented, given the site lies within the Central Activities Zone and Shoreditch Priority Employment Area, therefore the majority of the proposed floorspace should be for employment use, and should reprovide increased office floorspace.

Residential use if acceptable needs to provide some communal or public open space. The general guidance in terms of residential density for the site is 650-1100hr/ha. Old Street station is approximately 550m west of the site. The height, scale and massing should accord with the extant planning permission.

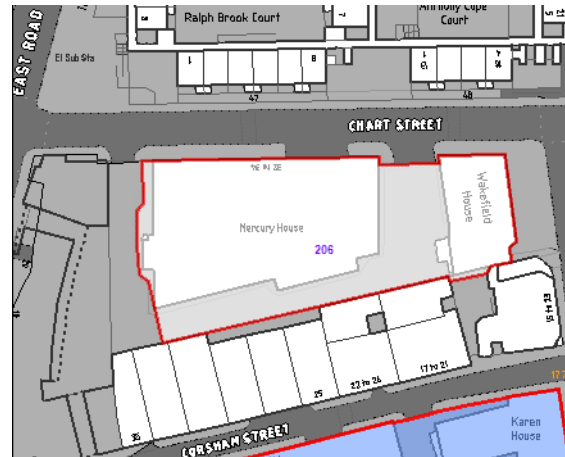
**Update May 2016**

Submission of details, variation of conditions planning applications in relation to approval 2012 / 0123 were granted in 2014 and 2015. Work has commenced on the site.

**206 Wakefield House, Chart Street N1 6DD**  
**Ward: Hoxton West**



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**Ownership:** Private

**Area in Hectares:** 0.31

**Existing Use:** Offices and depot.

**Consideration:**

Central Activities Zone  
Wenlock Priority Employment Area (PD Exemption Area)  
PTA 6a  
Wenlock CPZ

**How was the site identified**

Nominated through public consultation in 2012, the proposed nomination is for mixed use development including residential and a variety of commercial uses which could include office, retail and hotel uses.

**Timescale:** Medium Term

**Allocation**

Employment, or employment-led mixed use.

**Development Principles and Issues**

Given the site's location within the Central Activities Zone and the Wenlock Priority Employment Area the majority of the floorspace should be for employment use. Any retail use must satisfy the requirements of the Council's Development Management Local Plan retail policies. Taller buildings may be appropriate on some parts of the site subject to site and surrounding area considerations.

Old Street station is approximately 200m from the site.

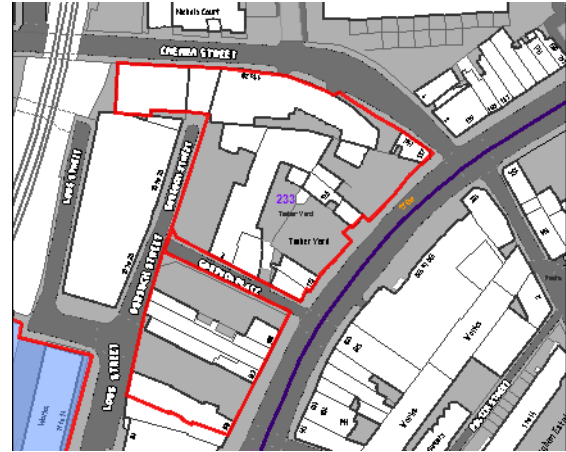
**Update May 2016**

No relevant planning activity on the site.

**233 113-137 Hackney Road E2 8ET**  
**Ward: Haggerston**



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**Ownership:** Private

**Area in Hectares:** 0.58

**Existing Use:** Industrial and warehousing including timber yard.

**Consideration:**

- Shoreditch Priority Employment Area (PD Exemption Area)
- Hackney Road Conservation Area
- PTAL 4
- Hoxton CPZ

**How was the site identified?**

The site was identified in the Housing Capacity Study. A revised boundary was proposed as a result of public consultation in 2012.

**Timescale:** Medium to Long Term

**Allocation**

Employment or employment led mixed use, and including retail and residential use.

**Development Principles and Issues**

Given the site's location within the Shoreditch Priority Employment Area, the site should be predominately for employment use. There is some scope for residential and some small scale retail use on the Hackney Road frontage, providing residential is appropriate to the PEA. The site also lies within the Hackney Road Conservation Area. Any development proposal should reinstate a plot rhythm along Hackney Road, where the prevailing context of the street is 3-4 storeys, although a relatively taller element may be acceptable to the rear of the site fronting onto Gorsuch Place and Gorsuch Street. Any proposal should be of exemplar design and redevelopment will need to take into account and address potential impact on infrastructure capacity including those in neighbouring boroughs.

The site is mainly in employment use within a PEA, so any redevelopment should be mainly for employment use, although there is scope for other uses on the Hackney Road frontage. The site lies within a CPZ and Hoxton station is approximately 500m from the site.

**Update May 2016**

A planning application (ref 2015/3455) covering 97-137 Hackney Road has been submitted and is pending decision for the:

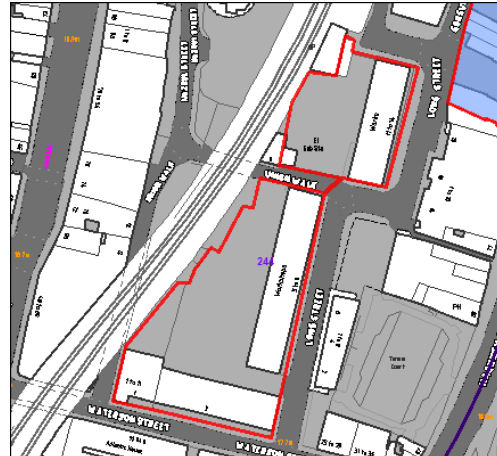
“Demolition of all existing buildings and the construction of three replacement buildings ranging in height from ground plus four storeys to ground plus eight storeys, above shared basement. Proposed mix of uses to include a maximum of 183 residential units (Use Class C3), 15,178sqm (GIA) of employment floorspace (Use Class B1), and 4,570 sqm (GIA) of flexible commercial / retail space at basement and ground floor levels (falling within Use Classes A1 - A4 and B1) which can comprise of no more than 1,500sqm (GIA) of A1 floorspace, no more than 500sqm (GIA) of A2 floorspace, no more than 1,500 sqm (GIA) of A3 floorspace, no more than 1,000sqm (GIA) of A4 floorspace, and no more than 2,000sqm (GIA) of B1 floorspace, along with associated landscaping and public realm improvements, parking provision, plant and storage, and other works incidental to the proposed development.”

## 244 1-13 Long Street E2 8HN

Ward: Haggerston



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**Ownership:** Private

**Area in Hectares:** 0.54

**Existing Use:** Mixed commercial and residential.

### Consideration:

- Shoreditch Priority Employment Area (PD Exemption Area)
- Hackney Road Conservation Area
- Potential Child Play Area
- PTAL 6a
- Hoxton CPZ

### How was the site identified

The site was identified in the Housing Capacity Study. A planning application (ref 2012/2013) was approved in August 2013 for a new part 4, part 5, part 8-storey building to provide for 237 rooms of student accommodation, a new 10-storey building and two-storey extensions to the existing buildings at 1-3 Long Street and 5-9 Long Street to create 6-storey buildings along with associated refurbishment works to provide for 73 residential units, conversion of ground floor of 5-9 Long Street to provide for 816 sq m (GEA) of Class B1 use floorspace. The redevelopment also involved the demolition of 11-13 Long Street and associated structures.

**Timescale:** Medium Term

### Allocation

Mixed use including residential.

### Development Principles and Issues

If the extant planning permission is not implemented, there is potential mixed use which needs to take into account that the site lies within the Shoreditch Priority Employment Area. Given the circumstances of the site, a significant uplift in the quantum and quality of the employment floorspace compared to the existing provision will be required. The majority of the sites lies within the Hackney Road Conservation Area, which must be a consideration in any proposal.

The site is occupied by three 4 storey buildings with extensive frontage onto Long Street and Waterson Street, which are considered to be Buildings of Townscape Merit which should be retained and refurbished. There may be an opportunity to extend up to 6 storeys on the street frontage, possibly slightly taller in the rear of the site. The general guidance in terms of residential density for the site is 650-1100hr/ha, although any development must be mainly for employment use and appropriate to the PEA and in regard to the adjacent railway. The site lies within a CPZ and Hoxton station is approximately 500m from the site.

**Update May 2016**

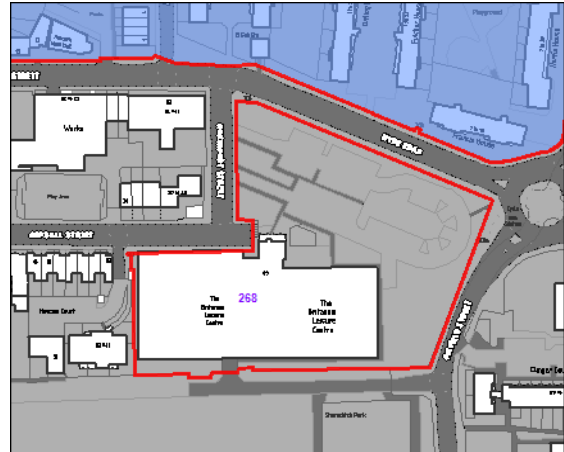
Submission of details and non-material amendment planning applications in relation to planning approval 2012/2013 were granted in 2015. Work has commenced on site.



**268 Britannia Leisure, Hyde Road N1 5JU**  
**Ward:** Hoxton East and Shoreditch



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**Ownership:** London Borough of Hackney

**Area in Hectares:** 1.07

**Existing Use:** Leisure Centre

**Consideration:**

- Hoxton Archaeological Priority Area
- PTAL 2

**How was the site identified?**

Site identified by the Council. There is pre-application discussion in 2013 regarding a replacement leisure facility and the introduction of residential use onto the site.

**Timescale:** Medium Term

**Allocation**

Leisure or leisure and residential mixed use.

**Development Principles and Issues**

The replacement of the existing leisure facilities will be based upon the Council's Leisure Services requirements. Any provision should complement the leisure offer within Shoreditch Park which is designated open space. There is an opportunity for some residential development, with a possible taller replacement building or group of buildings than the existing building. The height of any buildings will need to respond to the site and area context. Any density and height should have regard to the surrounding area including the regeneration of Colville Estate and development surrounding Shoreditch Park. Planning conditions or other measures may be imposed to ensure that the infrastructure is provided and completed before occupation of the new development.

The site is relatively large and the building could make better use of the site. Some intensification and the introduction of residential use is supported alongside reprovided and improved leisure facilities. Any residential on this site will require additional car club bays in

the vicinity, and perhaps other highway improvements. The nearest stations to the site are Old Street, Hoxton and Haggston which are all around 1000m away.

**Update May 2016**

No recent planning activity, although the leisure site along with parts of Shoreditch Park may be required for Crossrail 2. In 2016 there is feasibility work being undertaken to look at a range of options for the site, this will involve developing new leisure facilities to replace the out of date leisure centre, build a new secondary school and some housing to help pay for these community facilities.

**270 Former Rose Lipman Library, Downham Road N1 5TH**  
**Ward: De Beauvoir**



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**Ownership:** London Borough of Hackney

**Area in Hectares:** 0.68

**Existing Use:** Archive Library, community, retail, residential and commercial uses.

**Consideration:**

PTAL 3/4

De Beauvoir CPZ

**How was the site identified?**

The site was identified by the Council.

**Timescale:** Short to Medium Term

**Allocation**

Mixed use including residential, and supporting retail, and community facilities.

**Development Principles and Issues**

The former Rose Lipman Library is part of a housing estate, and it used to house the Archive Library before it was relocated to the new Dalston Library. Therefore the re-provision of community facilities for the local area is required on this site, which may be achieved through the retention and refurbishment of the former Rose Lipman Library as part of a wider development. Any retail use must satisfy the requirements of the Council's Development Management Local Plan retail policies. There is no planning designation on the site, although the northern boundary does border De Beauvoir Conservation Area.

There may be an opportunity to extend the boundary of the site. The general guidance in terms of residential density for the site is 650-1100hr/ha, subject to design and planning considerations. The site is flanked on three sides by three 18 storey tower blocks. Furthermore, there is granted planning permission (ref 2012/2828) for a part 4, part 9 storey mixed use A1 retail and residential scheme at 19-29 Beauvoir Road. The approval site abuts the allocation site and any redevelopment must take this approval into consideration. Any redevelopment would be appropriate at a height between 5-7 storeys, and will need to take into account and address potential impact on infrastructure capacity. Planning conditions or

other measures may be imposed to ensure that the infrastructure is provided and completed before occupation of the new development. Any residential on this site will require additional car club bays in the vicinity, and perhaps other highway improvements. The site lies within a CPZ and Haggerston station is approximately 400m away.

**Update May 2016**

No recent planning activities.

## Hackney Central and Environs

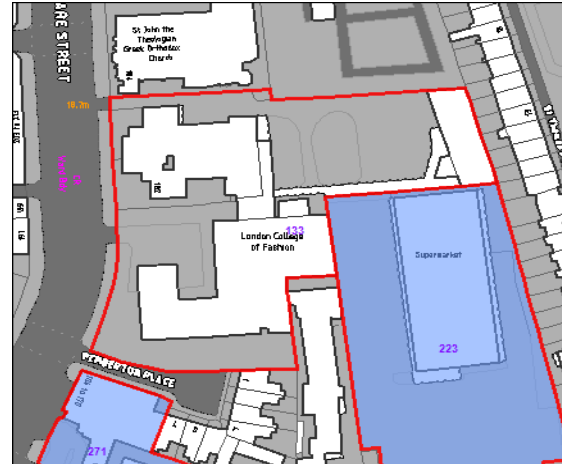
<b>Ref</b>		<b>Page</b>
133	London College of 182 Mare Street E8 3RF	94
134	Former Hackney Police Station, 2 Lower Clapton Road E5 0PA	96
143	Ash Grove Bus Depot Andrew Road E8 4RH	98
166	Land bounded by Warburton Rd, E8 3RH	100
190	Arches 189 -222 Morning Lane	102
223	27-37 Well Street London, E9 7QX	104
225	Works Andrews Road, E8 4RL	106
271	164-170 Mare Street, E8 3RH	108

### 133 London College of Fashion 182 Mare Street E8 3RF

Ward: Victoria



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**Ownership:** Public

**Area in Hectares:** 0.49

**Existing Use:** Education use.

**Consideration:**

- Mare Street Conservation Area
- Mare Street / Westgate St Triangle Archaeological Priority Area
- PTAL 6a
- Hackney (Central) CPZ

**How was the site identified?**

Nominated through the 'Call for Sites' exercise in late 2010. The proposal was for the refurbishment and partial redevelopment to expand the existing education use and to enable residential or alternative uses on part of the site. This site is intrinsically linked to the College's site on Curtain Road (ref 129).

**Timescale:** Medium Term

**Allocation**

Education and / or redevelopment for mixed use including education, other community, retail, leisure and residential uses.

**Development Principles and Issues**

Any redevelopment of this site must be in association with the College's plans for its Curtain Road site (ref 129) and other education sites in the London area. The site lies within the Mare Street Conservation Area, and 182 Mare Street buildings has architectural character and is locally listed. The adjacent Church of St John and 1-8 Pemberton Place are also locally listed.

There is potential to redevelop at the rear and to the south of the site. If residential use forms part of a scheme, the general guidance in terms of density is 200-700 hr/ha, which must take into account local character, and design and planning considerations. Any residential on this

site will require additional car club bays in the vicinity, and perhaps other highway improvements. London Fields station is approximately 500m west of the site.

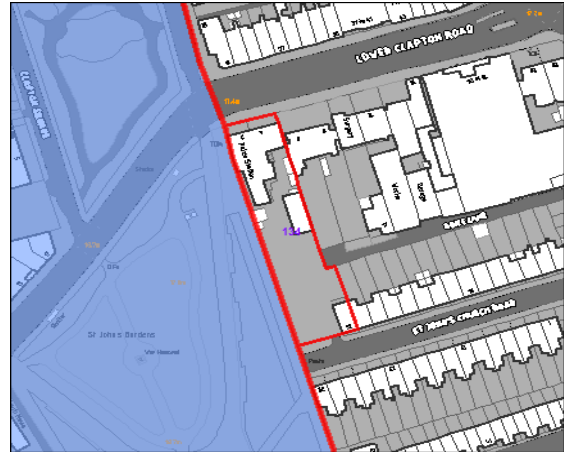
**Update May 2016**

Scaffolding is in place for maintenance purposes. Discussions between the Council and the College ongoing regarding the College's plans for its various sites in London including the Curtain Road site (see ref 129).

**134 Former Hackney Police Station, 2 Lower Clapton Road E5 0PA**  
**Ward: Homerton**



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**Ownership:** Private

**Area in Hectares:** 0.17

**Existing Use:** Police Station.

**Consideration:**

- Hackney Central District Town Centre
- Clapton Square Conservation Area
- Statutory Listed building on the site
- Clapton Archaeological Priority Area
- PTAL 6b
- Hackney (North) CPZ
- Critical Drainage Area (southern end on Group4 017)

**How was the site identified?**

Nominated through the 'Call for Sites' exercise in late 2010. The nomination was for the redevelopment of the building and site to provide residential and ancillary commercial and community use including a small scale community policing facility. In 2014 there was pre-application discussion regarding a community use on the site.

**Timescale:** Medium to Long Term

**Allocation**

Community use or mixed use comprising employment, community, retail and residential.

**Development Principles and Issues**

The site is in the Hackney Central District Town Centre, and abuts the Hackney Central Area Action Plan area. Employment, community or retail at ground floor level is required on the on Lower Clapton Road frontage. Proposals must have regard to the fact that the site lies within Clapton Square Conservation Area, and the Police Station building (4-6 Lower Clapton Road) is Grade II listed, while numbers 6-8 and 10-12 Lower Clapton Road are also statutorily listed. Any proposed development at the rear of the site must give particular attention to the impact on the setting of the Police Station to the north and the setting of the Grade II\* listed St John's



Church and its churchyard to the south. Furthermore, the views from Clapton Square and across the site from the churchyard to Lower Clapton Road need to be considered.

The site has constraints given the heritage assets within and adjacent to it. The listed building should be retained and refurbished, however, it is a deep site and there is potential for sympathetic and low density development, while retaining a police / community facility and possibly employment and retail uses, particularly to the Lower Clapton Road frontage. Any residential use on this site will require additional car club bays in the vicinity, and perhaps other highway improvements. Hackney station is approximately 500m west of the site. Any redevelopment needs to take into consideration the fact that the site falls within an identified area at risk from surface water flooding, therefore a Sustainable Drainage System(s) and where appropriate a Flood Risk Assessment must be installed / produced.

**Update May 2016**

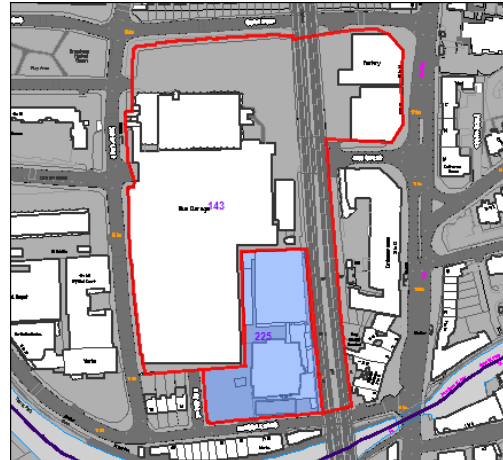
A planning application (ref 2015/3306) and listed building consent has been submitted and a decision is pending for the change of use and refurbishment of listed building; demolition of rear buildings; and three storey new build; to provide a new primary school with associated facilities.

## 143 Ash Grove Bus Depot, Andrew Road E8 4RH

Ward: London Fields



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**Ownership:** Public

**Area in Hectares:** 2.38

**Existing Use:** Bus depot, industrial units within railway arches.

### Consideration:

- Mare Street Priority Employment Area (PD Exemption Area)
- The southern boundary abuts the Regent's Canal Conservation Area
- The north east corner of the site lies within the Mare St/ Westgate Street Triangle APA
- Public Park AoD
- PTAL 6a
- Queensbridge CPZ

### How was the site identified?

Site was identified in the Housing Capacity Study, and Hackney's Unitary Development Plan 1995 where it was considered suitable for office, light and general industrial.

**Timescale:** Medium Term

### Allocation

Depot and employment uses.

### Development Principles and Issues

The existing Transport for London depot use could be rationalised and intensified to incorporate other relocated facilities, as part of a mixed depot and employment scheme, subject to TfL's and the relevant bus companies' operational requirements. TfL's requirements will be informed by the Land for Industry and Transport SPG 2012 and subsequent amendments to the SPG. The site lies within the Mare Street Priority Employment area. Any proposal must also take into account that the site lies within Regent's Canal Conservation Area although it does not have waterfront frontage, and the height of any new development would be appropriate at around 3-4 storeys. Furthermore, development should be sensitive to the proximity of the gasometers. Any redevelopment will need to take into account and

address potential impact on infrastructure capacity. Planning conditions or other measures may be imposed to ensure that the infrastructure is provided and completed before occupation of the new development.

There is potential for joint development with the adjacent Andrews Road depot site (ref 225). The site lies within a CPZ and both London Fields and Cambridge Heath stations are about 500m from the site. Any rationalisation of the site as a depot, individually or with the Andrews Road site will need highway works.

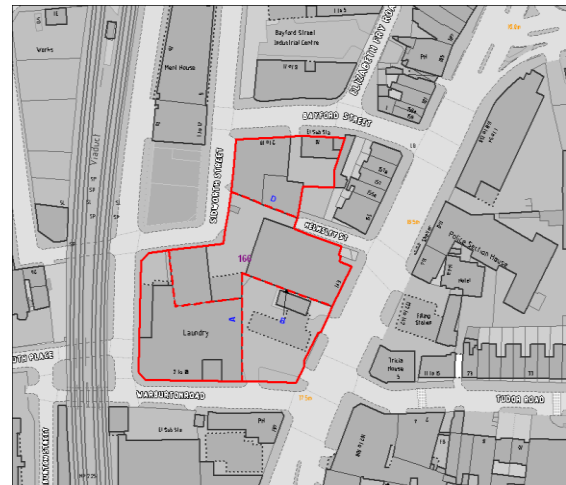
**Update May 2016**

No recent planning activity on the site.

**166 Land bounded by Mare St, Warburton Rd and Bayford St E8 3RH**  
**Ward: London Fields**



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**Ownership:** Private

**Area in Hectares:** 0.52

**Existing Use:** Mixed use mainly industrial, and some retail on the Mare Street frontage.

**Consideration:**

- Mare Street Priority Employment Area (PD Exemption Area)
- The eastern part of the site falls within the Mare Street Conservation Area
- Mare Street /Westgate Street Triangle Archaeological Priority Area
- PTAL 6a
- Hackney (South) CPZ

**How was the site identified?**

The site was identified through the Council's database of pre-application discussions for mixed use involving the whole or part of the site. There is no recent record of planning permission covering the whole or a significant part of the site, however, there has been planning activity on sections of the allocation and thus the allocation can effectively be divided in four individual sites:

- Site A to The Laundry, 2-18 Warburton Road, planning permission (ref 2012/2156) was approved in June 2013 for the refurbishment and redevelopment of the existing building to provide a mixed use scheme comprising office, events venue, commercial and some residential.
- Site B 139 -141 Mare Street, an application (ref 2013/0226) was approved in June 2014 for a mixed use scheme comprising ground floor commercial and residential above.
- Site C 143 Mare Street, a planning application (ref 2013 / 2640) was approved in December 2014 for the demolition of existing buildings and erection of a mixed used building comprising a minimum of 1,502 sqm Class B1 A (office), a maximum of 500 sqm flexible floorspace (Class A1- shops, A2 - financial and professional services, A3 - restaurants and cafes and B1 - business) and 52 residential units.

- Site D 2 Bayford Street, planning application (ref 2013/0643) for the demolition and redevelopment to provide B1 commercial and residential, was submitted but subsequently withdrawn by the applicant.

**Timescale:** Short to Medium Term

**Allocation**

Employment-led mixed use, residential and retail uses.

**Development Principles and Issues**

The site has retail and other active frontages onto Warburton Road, Bayford Street and Sidworth Street. Development proposals are coming forward on various elements of the overall site. Any significant increase in the quantum of retail use must satisfy the requirements of the Council's Development Management Local Plan retail policies. Given the site's location within Mare Street Priority Employment Area, the primary use of the site should be for employment use. However, there are opportunities for significant uplift in overall floorspace and providing there is an increase in the quality and quantum of employment floorspace a higher proportion of non employment floorspace may be acceptable on individual sites or on the allocation as a whole. The front of the site lies within the Mare Street Conservation Area, and development proposals need to consider the Archaeological Priority Area designation.

The site is occupied by several stand-alone buildings ranging in height from 4-5 storeys (16-19m). The surrounding area includes a couple of locally listed buildings on either side of the site on the Mare Street frontage, and larger employment / retail units on other sides of the site. These range in height from around 15-22m. The site is largely an employment site in a PEA, and has the potential for improvement and some intensification, in particular in the south east corner plot where the former petrol station is used as a car wash business. If residential use forms part of a scheme the general guidance in terms of density is 200-700 hr/ha, which must take into account local character, and other planning and design considerations. Any residential use on this site will require additional car club bays in the vicinity, and perhaps other highway improvements. London Fields station is approximately 200m from the site.

**Update May 2016**

Submission of details and non material amendments planning applications in relation to planning approval 2013/2640 were granted in 2014.

Pre-application (ref HK/2015/ENQ/000290) submitted in 2015 for a mixed used employment and residential development on 2-16 Bayford Street (Site D).

Construction underway for sites A, B and C, thus leaving Site D 2-16 Bayford Street as the potential development opportunity.

**190 Arches 189 -222 Morning Lane**  
**Ward: Homerton**



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**Ownership:** Public

**Area in Hectares:** 1.06

**Existing Use:** Industrial.

**Consideration:**

- Crossrail 2 safeguarded Strategic Transport Infrastructure
- Homerton Priority Employment Area (PD Exemption Area)
- western side of the site adjoins Clapton Square Conservation Area
- Homerton Archaeological Priority Area
- PTAL 3 and 4
- Hackney (Central) CPZ
- Critical Drainage Area (Group4 017)

**How was the site identified?**

Planning permission (ref 2009/0445) was approved in June 2009 for change of use of the arches from general industry/storage or distribution at 196-198 Morning Lane, to retail and physical refurbishment of the existing arches at 189-222 Morning Lane, including installation of new elevations (brickwork and glazing), extensions (to north of arches 216-219 and to the south of arches 202-210).

**Timescale:** Short to Medium Term

**Allocation**

Retail and employment.

**Development Principles and Issues**

There is potential for new build mixed use including retail at ground level in front of the arches which should follow the prevailing context of 3-4 storey buildings and reinstate a building frontage along Morning Lane. The site lies within the Homerton Priority Employment Area, and western side of the site adjoins the Clapton Square Conservation Area.

A range of employment and retail uses to improve and upgrade the arches is appropriate. The site contains land fronting Mare Street, and there is potential for new development in front of some of the arches. Any retail use proposed must satisfy the requirements of the Council's Development Management Local Plan policies for retail uses. Any redevelopment needs to take into consideration the fact that the site falls within an identified area at risk from surface water flooding, therefore a Sustainable Drainage System(s) and where appropriate a Flood Risk Assessment must be installed / produced.

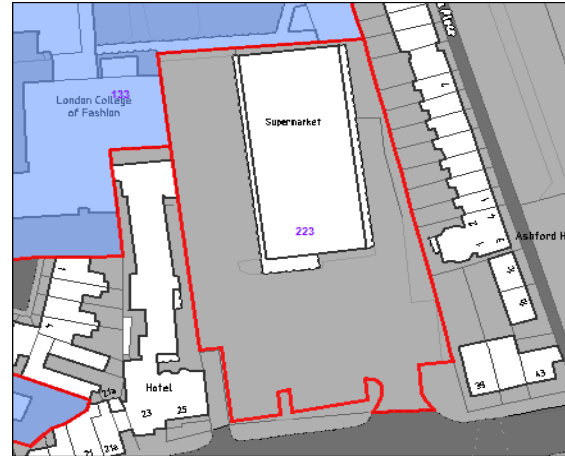
**Update May 2016**

Phase 1 completed and schedule to open spring / summer 2016, part of Hackney Walk which will include other phases at later stages.

**223 27-37 Well Street London E9 7QX**  
**Ward: Victoria**



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**Ownership:** Private

**Area in Hectares:** 0.4

**Existing Use:** Single storey retail store and off street parking.

**Consideration:**

- Mare Street Conservation Area
- Mare Street / Westgate Street Triangle Archaeological Priority Area
- PTAL 5
- Hackney (Central) CPZ

**How was the site identified**

Site was identified through the Housing Capacity Study, planning permission (ref2010/0388) was approved in August 2010 for the expansion of the existing retail floorspace.

**Timescale:** Medium Term

**Allocation**

Mixed use retail and residential.

**Development Principles and Issues**

There is potential for intensification and introduction of other uses on the site, mainly towards the Well Street frontage and air space above the store, up to 3-4 storeys. The quantum of retail floorspace must be retained. The site lies within the Mare Street Conservation Area and an Archaeological Priority Area, while adjacent 23 -25 Well Street is a locally listed building. Any new development needs to be in keeping with the scale of existing buildings to the east and west, and appropriate distances especially privacy, outlook and daylight/sunlight of existing occupiers maintained.

There is potential to utilise the air space above the store and within the car park. Any development will need to incorporate parking for the store. The general guidance in terms of residential density for the site is 200-700hr/ha. The rear of the site also adjoins the London College of Fashion Mare Street site (ref 133), which has also been identified as an opportunity site in this Local Plan. Any residential use on this site will require additional car club bays in



the vicinity, and perhaps other highway improvements. London Fields station is approximately 400m west of the site. Planning conditions or other measures may be imposed to ensure that the infrastructure is provided and completed before occupation of the new development.

**Update May 2016**

Variation of condition planning application in relation to planning approval 2010 / 0388 was granted in 2015.

## 225 Works Andrews Road E8 4RL

Ward: London Fields



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**Ownership:** London Borough of Hackney

**Area in Hectares:** 0.49

**Existing Use:** Industrial / warehouse, and currently used as a car pound.

### Consideration:

- Mare Street Priority Employment Area (PD Exemption Area)
- The southern boundary abuts the Regent's Canal Conservation Area
- Potential Child Play Area
- PTAL 5
- Queensbridge CPZ

### How was the site identified?

The site was identified in the Housing Capacity Study.

**Timescale:** Medium Term

### Allocation

Employment and depot use.

### Development Principles and Issues

The site lies within the Mare Street Priority Employment Area and is appropriate for employment use. The Regents Canal Conservation Area lies to the south of the site, and buildings should be in keeping with this setting. The possibility of refurbishing some of the existing Victorian buildings for employment purposes should be explored. There is scope for a joint development with the Ash Grove depot site, either as a larger depot use, or mixed use, potentially incorporating a depot.

The site is underused and currently temporarily used as a car pound. There is potential for joint development with the adjacent Ash Grove Bus Garage site (ref 143) to maximise the performance of both sites. The site lies within a CPZ and both London Fields and Cambridge Heath stations are about 500m from the site. Any rationalisation of the site as a depot, individually or with the Ash Grove Garage site will need highway works. Furthermore,

underground utility apparatus have been identified on this site, and thus any development needs to take this into consideration.

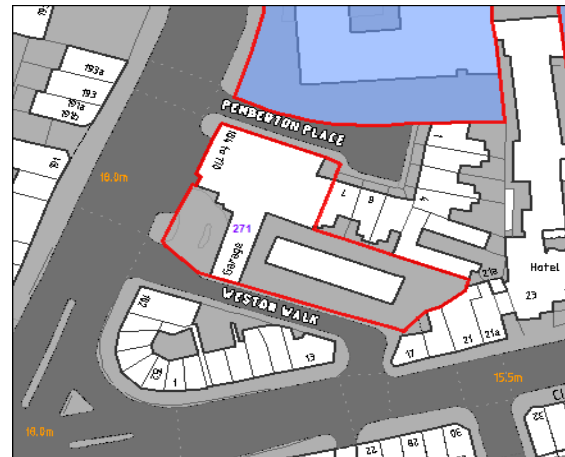
**Update on Planning Status 2016**

Recent planning activity on the site relates to the temporary use of the site as the Council car pound and the Councils' Passenger Transport and Meals on Wheels services.

**271 164-170 Mare Street, E8 3RH**  
**Ward: Victoria**



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**Ownership:** Private

**Area in Hectares:** 0.12

**Existing Use:** Currently occupied by a number of businesses such as Hackney Car Centre, a gym, and an Army Cadet building.

**Consideration:**

- Mare Street Priority Employment Area (PD Exemption Area)
- Mare Street Conservation Area
- Mare Street / Westgate Street Triangle Archaeological Priority Area
- PTAL 6
- Hackney (Central) CPZ

**How was the site identified?**

The site was identified through Council officer surveys. An application was approved in 2009 (ref 2009/0071) on the cadet site to redevelop the site for a 2 storey prefabricated Army Cadet Force training building.

**Timescale:** Medium to Long Term

**Allocation**

Employment or employment-led mixed use, including community uses.

**Development Principles and Issues**

There is potential to intensify the use of the site, and heights should follow the prevailing context of 3-4 storeys. The site lies within Mare Street Priority Employment Area and so any redevelopment should be for employment, or employment-led with provision for the Army Cadets or another community use. The existing buildings do not have much architectural merit, however the site lies within Mare Street Conservation Area and 1-8 Pemberton Place which abuts the site are locally listed. Redevelopment will need to incorporate or find an alternative improved site for the Army Cadet use.

There may be an opportunity for a larger site/ regeneration opportunity as two other potential sites - references 133 and 223 - are in the immediate vicinity. The general guidance in terms of residential density for the site is 200-700hr/ha. Any residential on this site will require additional car club bays in the vicinity, and perhaps other highway improvements. London Fields station is approximately 400m west of the site.

**Update May 2016**

No recent activity covering the whole site, however, there is a relatively new two storey building on the Army Cadet element of the site, which includes nursery facilities.

## Sites in north Hackney

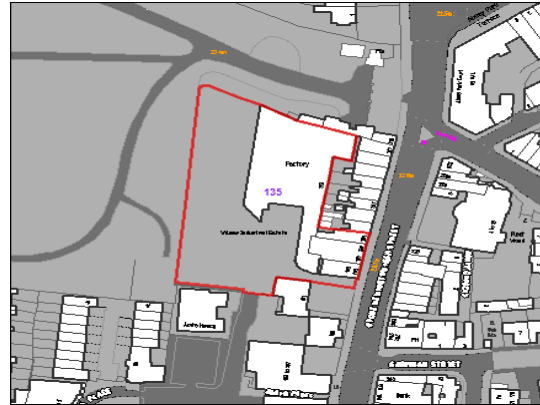
<b>Ref</b>		<b>Page</b>
135	Wilmer Place, Stoke Newington, N16 0LH	111
136	Anvil House, 8-32 Matthias Road, N16 8NU	113
251	ARRIVA / Stamford, Rookwood Road, N16 6SS	115
256	Tram Depot, 38-40 Upper Clapton Road, E5 8BQ	117
272	41-45 Stamford Hill, N16 5SR	119
273	92-94 Stamford Hill, N16 6XS	121
279	71-73 Lordship Road, N16 0QX	123
281	Telephone Exchange, Upper Clapton Road, E5 9JZ	125
285	151 Stamford Hill, N16 5LG	126

## 135 Wilmer Business Park, Wilmer Place, Stoke Newington N16 0LH

Ward: Stoke Newington



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**Ownership:** Private

**Area in Hectares:** 0.5

**Existing Use:** Light industrial, residential, car wash and car park. Retail fronting Stoke Newington High Street.

### Consideration:

- Stoke Newington High Street District Town Centre
- Stoke Newington Conservation Area
- The northern and western boundaries abut Abney Park Cemetery
- PTAL 5
- Stoke Newington CPZ

### How was the site identified?

Nominated through the 'Call for Sites' exercise in late 2010. Furthermore, the site has been subject to pre-application discussions regarding mixed use and there is also a Planning Brief covering this site (and other adjoining sites) which advocates mixed use including retail. A planning application (2012/2228) comprising 4142sqm A1 retail, 54 residential and associated works including open space was refused in April 2013. A revised scheme (ref 2013/1583) was approved in December 2013, the main differences between the recent refusal and the current scheme is that the residential unit numbers, mix and sizes have changed, while one of the development elevations proposed has been set further back from Abney Park Cemetery. The overall quantum of A1 retail proposed is the same as the previous application.

**Timescale:** Short Term

### Allocation

Retail, employment, and supporting community and leisure uses, including residential use and public car park.

### Development Principles and Issues

The extant planning permission is for retail and residential, if the permission is not implemented, given the site lies within Stoke Newington High Street District Centre, retail uses, employment and other uses including some residential, leisure, community and public car park are appropriate. Specifically, there should be active retail frontage at ground floor level on the

Stoke Newington High Street frontage. It is also within the Stoke Newington Conservation Area and is adjacent to Abney Park Cemetery and listed buildings, thus any redevelopment will need to preserve and enhance the character and appearance of the Conservation Area, and respect the heritage and biodiversity value of the Cemetery. The design principles including height, massing, layout and uses detailed in the 1999 Lands at Wilmer Place Planning Brief will be applicable. Access to the site and impact of any new development on the highway network will need to be addressed.

There is potential to improve this site and integrate it better within the District Centre. There is an opportunity for a wider range of uses and some intensification while respecting the Conservation Area designation and Abney Park Cemetery which is a Site of Importance for Nature Conservation and a Grade II Registered Park and Garden. Any residential use on this site will require additional car club bays in the vicinity, and perhaps other highway improvements. The site lies within a CPZ and Stoke Newington station is approximately 600m to the north of the site.

#### **Update May 2016**

Various Certificate of Lawfulness and prior approval applications to establish residential in some of the approved live/work units. In addition there was pre-application discussions in 2015 for residential on the existing public car park element of the site.

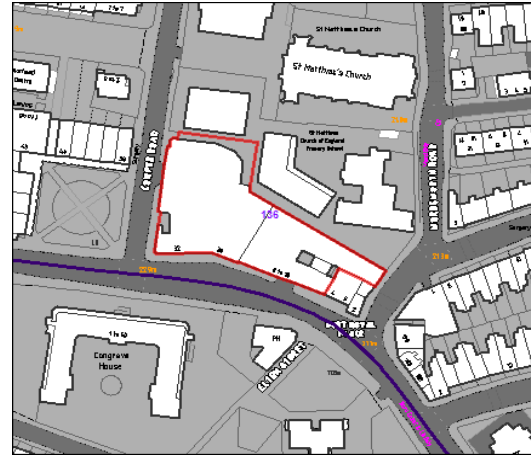


## 136 Anvil House, 8-32 Matthias Road N16 8NU

Ward: Clissold



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**Ownership:** Private

**Area in Hectares:** 0.21

**Existing Use:** Shop and storage and ancillary office providing building materials

### **Consideration:**

Potential Child Play Area

PTAL 5

Stoke Newington CPZ

### **How was the site identified?**

Nominated through the 'Call for Sites' exercise in late 2010 for commercial (retail / storage) at ground floor with residential above, up to 7 storeys. Pre-application discussions were held in 2010 and 2013 regarding the demolition and redevelopment of up to 8 storeys for retail, commercial and residential.

**Timescale:** Short Term

### **Allocation**

Mixed use including, employment, retail and residential use.

### **Development Principles and Issues**

Any proposal must assess the impact on the surrounding uses, and planning and design considerations. The existing building measures up to 12m, despite being only three storeys. On the south east corner there are a couple of two storey buildings with retail at ground level measuring 9-12m. To the south and west of the site there are 5-6 storey residential blocks. Therefore, this scale on the west and lower towards the rear and east of the site may be appropriate. St Matthias Church Hall (Grade I listed) and St Matthias Primary School (locally listed) are both designated heritage assets that adjoin the site, while the area on the other side of Matthias Road is designated by the London Borough of Islington as part of the Newington Green Conservation Area. If residential use forms part of a scheme the general guidance in terms of density is 200-700 hr/ha. A range of residential mix and tenure is advocated. Any redevelopment will need to take into account and address potential impact on infrastructure capacity including those in neighbouring boroughs.

Retail and/or employment use fronting onto Matthias Road at ground floor level is a requirement of any scheme. Any significant amount of retail need to satisfy the requirements of the Council's Development Management Local Plan policies on retail uses. Any residential on this site will require additional car club bays in the vicinity, and perhaps other highway improvements. The nearest stations are Dalston Kingsland and Dalston Junction.

**Update on Planning Status 2016**

No planning activity since the pre-application discussion in 2013.

## 251 ARRIVA / Stamford Bus Garage, Rookwood Road N16 6SS

Ward: Springfield



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**Ownership:** Public

**Area in Hectares:** 0.73

**Existing Use:** Bus garage / depot

**Consideration:**

PTAL 4

No CPZ

**How was the site identified?**

The site was identified in the Housing Capacity Study.

**Timescale:** Medium Term

**Allocation**

Education, other community and residential use

**Development Principles and Issues**

The operational requirements of Transport for London / Arriva need to be taken into consideration if the site is redeveloped. TfL's requirements will be informed by The Land for Industry and Transport SPG 2012 and subsequent amendments. There is potential to open up the façade on Lebourne Road with sympathetic alterations. The Grade II\* listed Church of the Good Shepherd abuts the southern boundary of the site, and any proposal should respect this setting. Although not listed, the possibility of part retention and conversion of the existing early 20th Century garage building must be explored. Provision for education purposes should be a primary consideration for any future use of this site. Any proposal should include provision for public open space in general and childrens' play in particular. General guidance in terms of residential density for the site is 200-700hr/ha. However, the site is not particularly accessible by public transport given the PTAL rating, so the density proposed, and any access arrangements, will need to consider this.

The site contains a large bus depot/garage building and any development opportunity is dependent on TfL's / Arriva's operational requirements. The site could be used for mixed-use, including residential and community uses. The site offers two extensive frontages onto

Rookwood Road and Leabourne Road. The surrounding buildings on the Rookwood Road side are large stand-alone buildings and includes the Grade II listed Egerton Road Synagogue and Church of the Good Shepherd. Therefore there is potential for buildings in the range of 5 to 7 storeys, meanwhile the Leabourne Road frontage needs to have regard to the residential terrace on either side. Any residential on this site will require additional car club bays in the vicinity, and perhaps other highway improvements. The nearest station is Stamford Hill which is approximately 700m west of the site.

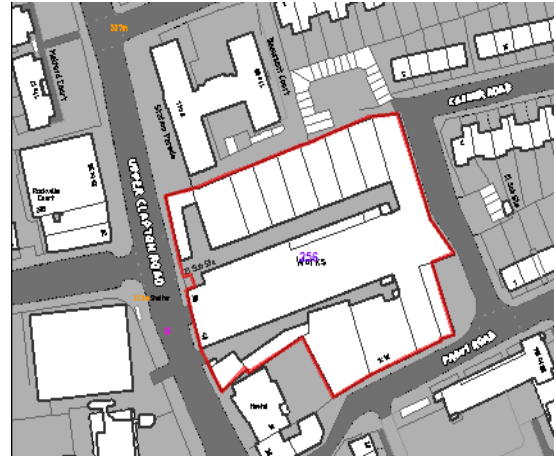
**Update on Planning Status 2016**

No recent planning activity on the site.

**256 Tram Depot, 38-40 Upper Clapton Road E5 8BQ**  
**Ward: Leabridge**



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**Ownership:** Private

**Area in Hectares:** 0.59

**Existing Use:** Retail and workshops.

**Consideration:**

- Prout Street Priority Employment Area
- Local Listed buildings on the site
- PTAL 6a
- No CPZ

**How was the site identified?**

The site was identified through the Housing Capacity Study. Planning permission was granted in 2008 (ref 2008/2715) for the demolition of existing single storey B1 workshop building and erection up to five storey buildings to provide two B1 workshops and residential above. Another application was granted in December 2011 (ref 2010/2879) for the demolition of the existing industrial buildings and partial demolition of the existing Tram Shed, and erection of five buildings ranging in height from two storeys to seven storeys, including the renovation of the Tram Shed, for a mixed use development comprising 85 residential units, and 1867 sqm of light industrial floorspace. In 2014 there were discussions regarding possible amendments to the approve scheme.

**Timescale:** Short to Medium Term

**Allocation**

Employment or employment-led mixed use including residential use.

**Development Principles and Issues**

The site has extant planning permission, if it is not implemented, given the site lies within the Prout Street Priority Employment Area the majority of the proposed floorspace should be for employment use. 38 - 40 Upper Clapton Street also known as the Tram Depot is locally listed, and it covers much of the site.

Retention of the Tramshed and employment uses on the site are considered important elements of development. Any residential use on this site will require additional car club bays in the vicinity, and perhaps other highway improvements. The height, scale and massing should accord with the extant planning permission. The nearest station is Clapton overground approximately 200m away.

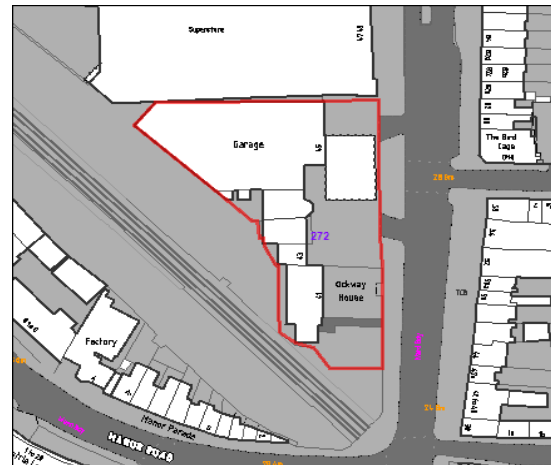
**Update on Planning Status 2016**

Submission of details and non material amendments to planning approval 2010/2879 were granted in 2014. Development has not commenced, and planning approval 2010/2879 has expired.

**272 41-45 Stamford Hill N16 5SR**  
**Ward: Stamford Hill West**



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**Ownership:** Private

**Area in Hectares:** 0.34

**Existing Use:** Offices, car repair yard and petrol station. A retail superstore is adjacent to the site.

**Consideration:**

- Stoke Newington District Centre
- PTAL 5
- No CPZ
- Critical Drainage Area (Group4)

**How was the site identified?**

The site was identified through Council officer survey.

**Timescale:** Medium Term

**Allocation**

Mixed use including retail, employment and residential use.

**Development Principles and Issues**

The site has an extensive high street frontage and lies within Stoke Newington District Centre, so active retail frontage at ground level on Stamford Hill, with employment and residential above or on less prominent frontages is preferred. There is an opportunity to introduce a building frontage closer to Stamford Hill which follows the prevailing context of 3-4 storeys. The site lies within a Tall Building Opportunity Area, therefore mid-rise / taller elements may be appropriate to the rear and the southern part of the site which abuts the railway line, and given the presence of the existing Ockway House. The railway corridor has been identified as being of nature conservation importance and a green corridor for wildlife.

There is potential to intensify and diversify the range of uses on the site. The general guidance in terms of residential density for the site is 200-700hr/ha. The heritage value of the Victorian buildings adjacent to Ockway House will need to be assessed. Any residential use on this site will require additional car club bays in the vicinity, and perhaps other highway improvements.

Stamford Hill station is about 100m south of the site. Any redevelopment needs to take into consideration the fact that the site falls within an identified area at risk from surface water flooding, therefore a Sustainable Drainage System(s) and where appropriate a Flood Risk Assessment must be installed / produced.

**Update May 2016**

Ockway House at 41 Stamford Hill obtained prior notification (ref 2015/3398) for the change of use from office to residential on a number of floors. The site falls within the safeguarding area for Crossrail 2.

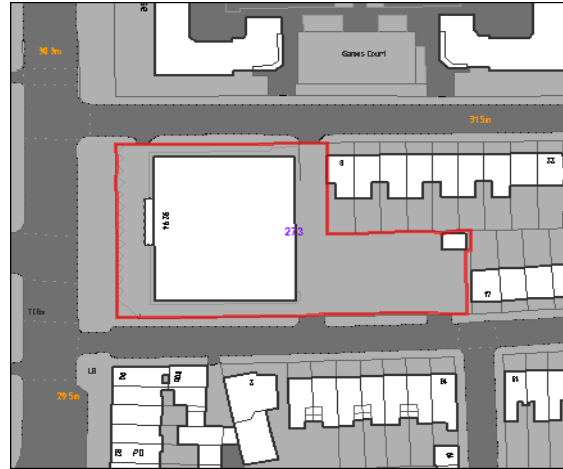


## 273 92-94 Stamford Hill N16 6XS

Ward: Cazenove



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**Ownership:** Private

**Area in Hectares:** 0.34

**Existing Use:** Retail and associated parking.

### Consideration:

- Stoke Newington District Centre
- PTAL 6a
- No CPZ

### How was the site identified?

The site was identified through Council officer survey. There have been discussions in 2012 and 2013 for a residential led mixed use scheme including retail and offices. A planning application (2013/3856) was approved in September 2014 for the demolition of existing building and erection of part 3, part 4 and part 6 storey buildings to provide 307sqm of retail space (A1/A2); 507sqm of business space (B1); and 80 self-contained dwellings.

**Timescale:** Medium Term

### Allocation

Mixed use including retail, employment and residential.

### Development Principles and Issues

Given the site's location within the northern edge of Stoke Newington District Centre, a mix of retail, employment, leisure, community and residential is preferred. Any development must have active ground level uses. Any proposal should follow the prevailing local context of 2-3 storeys with potential for a taller element facing Stamford Hill.

The site has an extensive high street frontage and offers an opportunity for a high quality development and more intensive use of the site including utilising the space above. The general guidance for any residential use is a density range of 200-700hr/ha. Any residential on this site will require additional car club bays in the vicinity, and perhaps other highway improvements.

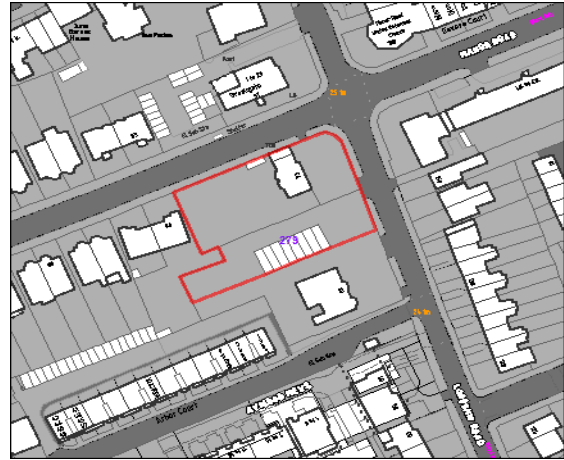
**Update May 2016**

Submission of detailed planning applications relating to planning approval 2013/3856 were granted in 2015. Work has commenced on site.

**279 71-73 Lordship Road N16 0QX**  
**Ward: Clissold**



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**Ownership:** Private

**Area in Hectares:** 0.24

**Existing Use:** Vacant former education use.

**Consideration:**

- Lordship Lane Conservation Area
- Locally Listed building on the site
- PTAL 3
- Brownswood CPZ
- Critical Drainage Area (Group4 029)

**How was the site identified?**

The site has been identified by the Council. A number of planning applications have been submitted on this site for extensions, change of use of St. Mary's Lodge to residential, and for a nursery school at 73 Lordship Road.

**Timescale:** Short to Medium Term

**Allocation**

Education and residential use.

**Development Principles and Issues**

There is a requirement on this site to bring the locally listed 73 Lordship Lane (St Mary's Lodge) back into community (education) use, and opportunity to utilise the land to the rear possibly for residential use. Any redevelopment could be linked with land immediately to the south between St Mary's Lodge and 69 Lordship Lane, which also has potential for residential use. No. 73 is situated in Lordship Park Conservation Area, and any proposed new buildings need to pay particular attention to the setting and view of St Mary's Lodge.

St. Mary's Lodge has been in a state of disrepair for some time, and the refurbishment and re-use of the building is crucial to the realisation of development on the remainder of the site. Any redevelopment needs to take into consideration the fact that the site falls within an

identified area at risk from surface water flooding, therefore a Sustainable Drainage System(s) and where appropriate a Flood Risk Assessment must be installed / produced. Planning conditions or other measures may be imposed to ensure that the infrastructure is provided and completed before occupation of the new development. There is a covenant on 73 Lordship Lane which means it should be used for education or community purposes. However, residential as part of a mixed use scheme including educational and/or community use is supported. The site lies within a CPZ and Stoke Newington station is approximately 1000m from the site.

**Update May 2016**

There have been on-going pre-application discussions on the synagogue car park and on 73 Lordship Road.

**281 Telephone Exchange, Upper Clapton Road E5 9JZ**  
**Ward: Springfield**



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**Ownership:** Public

**Area in Hectares:** 0.17

**Existing Use:** Office

**Consideration:**

- PTAL 4
- No CPZ
- Critical Drainage Area (Group4 017)

**How was the site identified?**

Site was identified by the Council.

**Timescale:** Medium Term

**Allocation**

Mixed use including residential.

**Development Principles and Issues**

There is no planning designation on the site, and it is bounded by residential use. The existing front building line and height (five storey) should be retained and followed, and the general guidance in terms of residential density for the site is 200-700hr/ha.

The operational requirement as a telephone exchange may need to be accommodated into any scheme. The nearest station to the site is Clapton approximately 500m from the site. Any redevelopment needs to take into consideration the fact that the site falls within an identified area at risk from surface water flooding therefore a Sustainable Drainage System(s) and where appropriate a Flood Risk Assessment must be installed / produced.

**Update May 2016**

No recent planning activity on the site.

**285 151 Stamford Hill N16 5LG**

**Ward: Springfield**



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**Ownership:** Private

**Area in Hectares:** 0.34

**Existing Use:** Retail at ground floor and car sales lot.

**Consideration:**

- Stamford Hill Local Shopping Centre
- The eastern part of the site lies within the Stamford Hill Archaeological Priority Area
- PTAL 6
- No CPZ

**How was the site identified?**

The site was identified by the Council.

**Timescale:** Short to Medium Term

**Allocation**

Mixed use including retail and residential uses.

**Development Principles and Issues**

The site lies within Stamford Hill Local Shopping Centre, thus mixed use with active retail frontage at ground floor level is a requirement of any development on this site. As general guidance, the residential density appropriate for the site is 200 -700 hr/ha. The main building on the site is two storeys, while Clock House to the south of the site is seven storeys (30m), and the building to the north is five storeys (15.5m), thus development should be within this scale range.

There is potential to intensify use on the site and to develop above 151 Stamford Hill and utilise the land adjacent to it. The nearest station to the site is Stamford Hill approximately 600m away.

**Update on Planning Status January 2016**

Pre-application discussions (ref 2015/3793/PA and 2015/4033/PA) in 2015 for a mixed use comprising residential and retail. Discussions do not include the existing car lot to the north of 151 Stamford Hill.

## Appendix 1 Indicative Capacity Schedule



## Appendix 1 Indicative Capacity Schedule for the Site Allocations LP

1.1 This appendix contains an 'Indicative Capacity Schedule'. This is in line with the NPPF requirement to provide detail on quantum of development. This Schedule provides a rough estimate of indicative 'capacity' for each site, giving an indication of the potential growth and development levels within each site to assist with further forward planning, rather than defining acceptable or prescriptive proposals for sites. The Schedule is intended to be an 'evolving' document and will be reviewed through the Authority Monitoring Report to monitor the provision of new floorspace as individual applications come forward. It is important to understand that these capacities are estimates, and reflect the fact that not all sites will come forward for development, and those that do will come forward in differing manners. It is important to note some of the underlying assumptions for the capacity estimates.

1.2 The following assumptions and factors have been made to estimate the quantum of development:

- Coverage (not building footprints) for the majority of the sites is around 80-95%, based upon the level of coverage in the surrounding area.
- An indicative building height has been applied to each site, based upon the prevailing heights of the existing buildings on the site or immediate vicinity, and where appropriate details from any extant /lapsed planning permission. For the purposes of ease of this exercise, a single indicative height has been applied across the whole site, when in most cases proposals coming forward for individual sites will contain a variety of building heights.
- An 'average' unit size of 73sqm has been applied to calculate the residential element (as a mid-way guide of dwelling size to cover a range of bedroom sizes required in development)
- There are a variety of uses that are considered appropriate on the majority of the sites, and thus an estimated split of uses has been assumed, particularly on sites within the designated employment areas where the primary use must be for employment purposes.

1.3 For the Area Action Plans and the Housing Estate Regeneration Programme estates included in this document, the above assumptions and factors above have not been applied. The quantum of development shown below for these areas and estates are based upon the work in progress and / or completed for these areas/estates.

1.4 It is important to note that as development applications come forward, they are expected to meet the relevant site policies, and other Council planning policies. The main purpose of the Schedule is to give an indication to the Council on potential floorspace that may come forward, rather than defining acceptable proposals for sites.

1.5 The scale of development means that there could be implications on infrastructure facilities including those in the neighbouring boroughs. Developers / landowners must consider potential impact on infrastructure at an early stage of any development process.

Therefore they should contact service providers, in particular the utility service providers, about potential capacity issues. In some circumstances it may be necessary for developers to fund studies to ascertain whether the proposed development will lead to overloading of existing infrastructure. If work to infrastructure is necessary, this may have to be completed before the development can be implemented or occupied.

**Table 1 Revised Indicative Capacity for each site**

(Where the reference is in bold the quantum of development stated are derived from work from other programmes, documents, approved or pending planning applications or formal pre-application discussions see paragraph 1.3 above).

SALP Ref	Name	Site Area	Refurbishment/ New Build	Employment (Sqm)		Retail (Sqm)		Community (Sqm)		Leisure (Sqm)		Residential (Units)	
				Gross (Capacity)	Net	Gross (Capacity)	Net	Gross (Capacity)	Net	Gross (Capacity)	Net	Gross (Capacity)	Net
<b>Housing Estate Renewal Programme</b>													
<b>6</b>	Colville Estate, Hyde Road, N1 5PT	4.21	New Build	700	700	0	-350	300	100	0	0	884	466
<b>7</b>	Kings Crescent, Green Lanes	4.51	Refurb and New Build	0	0	574	304	205	44	230	230	765	490
<b>9</b>	Marian Court, Homerton High Street, E9 6BT	0.78	New Build	0	0	0	0	56	0	0	0	116	-19
<b>10</b>	Bridge House, Homerton High Street, E9 6JL	0.36	New Build	0	0	104	104	0	0	0	0	78	78
<b>12</b>	Tower Court, Clapton Common, E5 9AJ	0.7	New Build	0	0	0	0	0	0	0	0	129	62
<b>15</b>	King Edwards Road, E9 7SL	0.26	New Build	0	0	0	0	0	0	0	0	32	32
<b>16</b>	St Leonard's Court and adjacent land, N1 6JA	0.55	New Build	0	0	0	0	0	0	0	0	72	8
<b>283</b>	Nightingale Estate, Downs Road, E5 8LB	8.54	Refurb and New Build		0		0		0		0	1500	600
<b>286</b>	Woodberry Down, Seven Sisters	30.64	New Build	3080	3080	5390	4420	20020	1771 2	10010	10010	5557	3544

	Road, N4 1DH												
<b>Sites within the Shoreditch Area</b>													
27	213-215 New North Road, N1 6SU	0.27	New Build	3257	2888	0	0	0	0	0	0	88	88
84	337 Kingsland Road, E8 4DA	0.24	New Build	647	420	323	323	0	-211	9806	9806	0	0
95	12-20 Paul Street, EC2A 4JH	0.4	New Build	15637	12850	191	191	3242	229	0	0	0	0
99	110 Clifton Street, EC2A 4HT	0.21	New Build	3170	2658	250	250	0	0	0	0	31	31
100	64-80 Clifton Street and 4-8 Holywell Row, EC2A 4HB	0.17	Refurb and New Build	3491	-2758	250	250	0	0	0	0	34	34
101	Holywell Lane, at Junction of King John Court and Great Eastern Street, EC2A 3NT	0.35	New Build	13362	4212	0	0	0	0	0	0	122	122
103	35-45 Great Eastern Street, EC2A 3ER	0.11	New Build	5472	5088		0	0	0	0	0	50	50
107	Telephone Exchange, Shoreditch High Street, E2 7DJ	0.22	New Build	7000	-630	275	275	1000	1000	0	0	76	76
108	Bishopsgate Goodsynd, Shoreditch High Street, E1 6JU	1.25	New Build	119233	119233	4050	4050	5875	5875	5875	5875	462	462
115	EDF Energy Substation Site, 10 Appold Street, EC2N 2BN	0.5	New Build	24194	24194	0	0	0	0	0	0	221	221

121	Telephone House, 110 Tabernacle Street, EC2A 4LE	0.38	New Build	14255	2383	250	250	0	0	0	0	132	132
124	Land bounded by Crown Place, Wilson Street, Earl Street, EC2A 2AL	0.37	Refurb and New Build	50545	40607	4021	3188	2872	2872	0	0	0	0
125	Land bounded by Curtain Road, Worship Street & Scrutton Street, EC2A 1LP	1.7	Refurb and New Build	47318	10254	2000	825	500	500	750	750	432	432
126	225 City Road, EC1V 1LP	0.37	New Build	11585	11585	250	250	0	0	0	0	108	108
127	Crown House, 145 City Road and 37 East Road, EC1V 1LP	0.33	New Build	11336	531	116	116	0	0	116	116	302	302
128	Land bound by Curtain Road, Hewett Street, Hearn Street & Plough Yard, EC2A 3LP	0.72	New Build	32358	21513	327	293	0	0	0	0	385	373
129	London College of Fashion, 100-102 Curtain Road, EC2A 3AE	0.17	New Build	0	-772	0	0	9000	9000	360	360	0	0
130	Site at Junction of Shoreditch High Street and Commercial Street, E1 6PG	0.37	New Build	5945	5204	750	396	0	-492	0	0	61	50

137	84-90 Great Eastern Street, EC2A 3DA	0.21	New Build	560	57	0	-564	0	-	1423	3440	3440	103	103
138	Site bound by Clere Street and Tabernacle Street, EC2A 4EA	0.18	New Build	6658	6658	0	0	0	0	0	0	0	61	61
139	5-13 Holywell Lane and Former Depot, EC2A 3PQ	0.3	New Build	10162	10162	1654	1422	0	0	0	0	0	8	2
204	10-50 Willow Street, EC2A 4BH	0.19	New Build	3715	507	0	0	0	0	4541	4541	0	0	0
206	Wakefield House, Chart Street, N1 6DD	0.31	New Build	7000	-3100	0	0	1000	1000	3760	3760	107	107	107
233	113-137 Hackney Road, E2 8ET	0.58	New Build	18476	16824	300	300	0	0	0	0	0	172	172
244	1-13 Long Street, E2 8HN	0.54	Refurb and New Build	8795	8677	0	0	0	0	0	0	0	73	38
268	Britannia Leisure, Hyde Road, N1 5JU	1.07	New Build	5105	5105	0	0	0	0	24926	16714	176	176	176
270	Former Rose Lipman Library and Environs, Downham Road, N1 5TH	0.76	New Build	5136	4368	1014	1014	608	-	1817	0	0	245	226
<b>Hackney Central and Environs</b>														
133	London College of Fashion, 182 Mare Street	0.49	New Build	5622	5622	0	0	5000	3679	0	0	0	218	218
134	Hackney Police Station, 2 Lower Clapton Station	0.17	Refurb and New Build	100	100	0	0	579	-	2715	0	0	37	37

143	Ash Grove Bus Garage and Adjacent land on Andrew Road	2.38	New Build	61982	60125	0	-931	0	0	0	0	0	0
166	Land Bound by Mare St, Warburton Rd, and Bayford St	0.52	New Build	5487	22	247	-579	431	431	0	0	115	115
190	Arches 189-222 Morning Lane	1.06	Refurb and New Build	1732	-1732	1732	1732	0	0	0	0	0	0
223	27-37 Well Street	0.4	New Build	3599	3599	3600	2373	0	0	0	0	66	66
225	Works Andrews Road/ Sheep Lane	0.49	New Build	12643	10551	100	100	0	0	0	0	0	0
271	164-170 Mare Street	0.12	New Build	447	-5	250	250	500	-132	400	400	15	15
<b>Sites in North Hackney</b>													
135	Wilmer Business Park, Wilmer Place, Stoke Newington, N16 0LH	0.5	New Build	1864	-1465	2112	1525	166	166	0	0	54	47
136	Anvil House, 8-32 Matthias Road, Stoke Newington, N16 8NU	0.21	New Build	664	-2701	136	-1275	0	0	0	0	85	85
251	ARRIVA/Stamford Hill (Bus) Garage, Rookwood Road, N16 6SS	0.73	New Build	4771	-1632	0	0	1000	1000	0	0	210	210
256	Tram Depot, 38-40 Upper Clapton Road, E5 8BQ	0.59	Refurb and New Build	1830	-1942	37	37	0	0	0	0	85	75

272	41-45 Stamford Hill, N16 5SR	0.34	New Build	5985	3680	500	500	500	500	500	500	68	65	
<b>273</b>	92-94 Stamford Hill, N16 8XS	0.34	New Build	507	507	307	-1144	0	0	0	0	80	80	
279	71-73 Lordship Road, N16 0QX	0.24	Refurb and New Build	0	0	0	0	1628	1370	0	0	52	52	
281	Telephone Exchange, Upper Clapton Road, E5 9JZ	0.17	New Build	3064	1549	0	0	0	0	0	0	28	28	
285	151 Stamford Hill, N16 5LG	0.34	New Build	4542	1874	3000	2681	0	0	0	0	69	69	
			<b>Totals</b>	553031	390650	34110	22576	54482	3868	8	64714	56502	13764	9055



**Revised Table 2 Indicative Capacity Schedule**

	<b>Floorspace (gross)</b>	<b>Floorspace (Net)</b>	<b>Units (gross)</b>	<b>Units (net)</b>
<b>Residential</b>			13764	9055
<b>Employment (Sqm)</b>	553031	390650		
<b>Retail (Sqm)</b>	34110	22576		
<b>Community (Sqm)</b>	54482	38688		
<b>Leisure (Sqm)</b>	64714	56502		

## Appendix 2 Total Net Anticipated Housing delivery during the SALP plan period (2028)

The following table sets out the anticipated net new housing delivery during the SALP plan period from anticipated sources. This table will be updated periodically to reflect other emerging anticipated housing sources as they become more definitive (such as through further AAPs identified in the Council's LDS).

<b>Housing Source</b>	<b>Anticipated Net Housing Delivery</b>
<b>SALP (excluding AAPs)</b>	9055
<b>Adopted AAPs referenced in SALP (not including Hackney Wick)</b>	3285
<b>Emerging AAPs as per adopted LDS Nov 2014 (Stamford Hill and Shoreditch)</b>	At least 2000
<b>Planning Permissions</b>	4068
<b>Windfall</b>	5160
<b>Long-term empty homes returning to use</b>	847
<b>Other estate renewal projects not in the SALP</b>	26
<b>Total from confirmed sources</b>	22,441
<b>Total including emerging AAPs</b>	At least 22,441

Please note this figure is based on initial evidence for the Stamford Hill and Shoreditch AAPs, which is considered to be minimum based on initial evidence provided to support the AAPs development.

### Appendix 3 Abbreviations and Glossary

**Archaeological Priority Area:** Areas where there is likely to be archaeological remains, an assessment and liaison with English Heritage would be required.

**CAZ** Central Activity Zone: An area in London where planning policy promotes finance, specialist retail, tourist and cultural uses and business activities.

**CPZ** Controlled Parking Zone: CPZ in Hackney <http://www.hackney.gov.uk/parking-cpzs-and-operationalhours.htm>

**Channel Tunnel Rail Link:** A high speed rail link for international and domestic trains, from the second international passenger terminal at St Pancras, through twin tunnels beneath Hackney, along the North London Line corridor.

**Crossrail 2:** (Formerly known as the Hackney-Chelsea Line) will link Hackney and south west London. The precise route, the character and the role of the link have not yet been assessed.

**District Town Centre:** A category of town centre as defined and designated by the London Plan. These traditionally provide convenience goods and services for local communities. Hackney Central–Mare Street, Stoke Newington, and Finsbury Park are the designated District Centres in Hackney.

**Local Shopping Centre:** A category of centre below district town centre as defined by the London Plan. These have a role to play in addressing the retail and other services of a localised area.

**PEA** Priority Employment Area: identified areas, sites and / or land in and around town and local centres and other areas of high public transport accessibility where clusters of employment uses exists or can be promoted to in a sustainable environment appropriate to employment uses.

**Potential Child Play Area:** Area identified in the Hackney Core Strategy (Nov 2010) where dedicated childrens play facilities if appropriate would enhance any proposal.

**PTAL** Public Transport Accessibility Level: A measure of the extent and ease of access to the public transport network. They range from 6b (excellent) to 1 (very poor).

**Public Park AoD:** Area of Deficiency: Area identified in the Hackney Core Strategy (Nov 2010) as being beyond 400 metres of a public open space as defined under *Table 7.2 Public Open Space Categorisation* of the London Plan.

**SINCs** Site of Importance for Nature Conservation: Sites of nature conservation value which include Metropolitan, Borough Grade 1, Borough Grade II and Local Importance.

**Safeguarded Strategic Transport Infrastructure:** A consultation zone around Hackney's sections of Crossrail 2 and Channel Tunnel Rail Link (see above).

**Strategic Views:** Views see from places that are publicly accessible and well used. They include significant buildings or urban landscape that help to define London at a strategic level. Strategic view designations in London are designated by the London Plan View Management Framework. Parts of Shoreditch fall within the background assessment area of St Paul's Cathedral from Westminster Pier, and St Paul's Cathedral from King Henry VIII's Mound.

**Tall Buildings:** Buildings that are considered to be tall in the context of relatively low-rise development. In Hackney this is sub-categorised into;

- Mid Rise – Buildings that are considered to be tall in the context of relatively low-rise development but in absolute terms in the region of 18-29 metres (6-9 storeys)

- Tall – buildings that are significantly taller than the mean height of surrounding development. These buildings are anticipated to be set within a highly urban context and be in the approximate range of 30 – 45 metres (10-15 storeys)
- Very Tall - Buildings that are excessively taller than the surrounding built form. These buildings would be from 46 metres upwards (16 storeys plus)

#### APPENDIX 4 ALLOCATIONS IN SALP WHICH SUPERSEDE ADOPTED UDP DESIGNATIONS

1.1 The Table below shows the 1995 UDP sites designations which have been superseded by the SALP allocations. Those other UDP sites designated which have not been listed in the table have either been superseded by the Core Strategy, the AAPs and the DMLP or have been implemented and therefore deleted.

Ref No	Designation Number on 1995 UDP Proposals Map	Address	UDP Designation	Change to SALP Number & SALP Map	Address	SALP Page No	SALP Replacement Policy/Proposal
1	74	Nightingale Estate	Comprehensive Estate Initiative.	283	Nightingale Estate, Downs Road, E5 8LB.	35	Residential and supporting uses including commercial and community facilities.
2	92	Ash Grove Bus Garage	Suitable for B1, B2 and B8 development	143	Ash Grove Bus Depot, Andrews, Road E8 4RH	109	Depot and / or employment uses.
3	130	Site of 5 – 13 (consec) Holywell Lane and former transport repair depot, King John Court	Safeguarded for Class B1, B2 development.	139	Site of 5 – 13 (consec) Holywell Lane and EC2A 3PQ	80.	Employment led mixed use including hotel and retail.
4	133	Site bounded by Clere Street, Tabernacle Street, Leonard Street, Paul Street and	Safeguarded for Class B1, B2 development.	138	Site bounded by Tabernacle Street EC2A 4EA.	78	Employment or mixed use development including office and residential uses.

		Clere Place.					
5	134	Site of former St. Matthews Hospital, Shepherdess Walk.	Suitable for Class B1 development.	126	225 City Road, EC1V 1LP.	66	Employment or mixed use development incorporating commercial (office and retail) and residential uses.
6	136	276 -286 Old Street, 84 – 90 Great Eastern Street	Suitable for mixed development including class B1, A1, A2, A3, Leisure development.	137	84 – 90 Great Eastern Street, EC2A 4EA.	76	Employment, or employment-led mixed use including hotel, cultural facilities and residential use.
7	138	Former Bishopsgate Goods Yard (Western Part)	Suitable for major office development including provision for extension of East London Line across site	108	Bishopsgate, Shoreditch High Street, E1 6JU.	56	Employment (office) led mixed use with ancillary uses including residential, retail and public open space.
8	141	167 Commercial Street and 21 – 32 Shoreditch High Street.	Suitable for major office development.	130	Site at Junction of Shoreditch High Street, E1 6PG.	74	Employment, or employment-led mixed use



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# **Report to the Council of the London Borough of Hackney**

**by Simon Berkeley BA MA MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Date 14 March 2016**

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PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED)

SECTION 20

**REPORT ON THE EXAMINATION OF THE  
HACKNEY SITE ALLOCATIONS LOCAL PLAN**

Document submitted for examination on 9 December 2013

Examination hearings held on 23 September 2014, and 13, 14 and 15 January 2015

File Ref: PINS/U5360/429/10

## Appendix 2

### **Abbreviations Used in this Report**

AA	Appropriate Assessment
AAP	Area Action Plan
CIL	Community Infrastructure Levy
DMLP	Development Management Local Plan
LDS	Local Development Scheme
MM	Main Modification
NPPF	National Planning Policy Framework
SA	Sustainability Appraisal
SALP	Site Allocations Local Plan
SCI	Statement of Community Involvement

## **Non-Technical Summary**

This report concludes that the Hackney Site Allocations Local Plan provides an appropriate basis for the planning of the borough providing a number of main modifications are made to the plan. The Council has specifically requested that I recommend any main modifications necessary to enable the plan to be adopted.

With one exception, all of the main modifications to address this were proposed by the Council. Where necessary I have amended the detailed wording of main modifications and I have recommended their inclusion after considering the representations from other parties.

The Main Modifications can be summarised broadly as follows:

- Clarifying the expected sources of housing supply to enable effective monitoring;
- Altering slightly the plan period;
- Introducing a clear commitment to meeting the needs of Gypsies and Travellers through a Local Plan review;
- Clarifying the relationship between development plan documents;
- Defining terminology used in the plan;
- Unambiguously allocating land for development and specifying the land use each site is allocated for;
- Amending the boundaries of three sites;
- Removing from the plan the adopted Area Action Plan sites and sites where development has already commenced;
- Deleting from the plan the reproduction of Statutory Instruments;
- Clarifying where the plan supersedes other development plan policies; and
- Adding greater clarity to some site profiles.

## Introduction

1. This report contains my assessment of the Hackney Site Allocations Local Plan (the SALP/the plan) in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the plan's preparation has complied with the duty to co-operate, in recognition that there is no scope to remedy any failure in this regard. It then considers whether the plan is sound and whether it is compliant with the legal requirements. Paragraph 182 of the National Planning Policy Framework (the NPPF) makes clear that to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.
2. The starting point for the examination is the assumption that the local authority has submitted what it considers to be a sound plan. The basis for my examination is the submitted draft plan dated July 2013, which is the same as the document published for consultation between 8 July and 15 September 2013.
3. My report deals with the main modifications that are needed to make the plan sound and legally compliant and they are identified in bold in the report (**MM**). In accordance with section 20(7C) of the 2004 Act the Council requested that I should make any modifications needed to rectify matters that make the plan unsound/not legally compliant and thus incapable of being adopted. These main modifications are set out in the Appendix.
4. The Council submitted a schedule of modifications alongside the submission draft plan. Further modifications were put forward by the Council both during and after the hearings. A public consultation on a comprehensive schedule of the modifications advanced by the Council, along with the associated Sustainability Appraisal (SA), was held for a period of six weeks, from 11 May to 19 June 2015.
5. I have taken account of all the responses from every relevant consultation in coming to my conclusions in this report. Indeed, some have persuaded me to either reject the revision suggested by the Council or to amend detailed wording. None of the changes I have made to the modifications undermines the participatory processes and SA that has been undertaken.
6. A significant number of other changes have also been put forward by the Council. However, these comprise minor or consequential revisions and factual updates. Whilst generally helpful and to be welcomed, their inclusion in the plan is not essential for soundness. I have generally therefore not referred to them in this report or the Appendix, although for reasons of clarity I have made some exceptions to this approach.
7. A focussed hearing session was held on 23 September 2014 to explore the question of the level of new housing planned for in Hackney insofar as it concerns the SALP. I set out my preliminary conclusions in a letter to the Council dated 30 September 2014. I have been given no compelling reason to now reach a different view, and my final conclusions are set out under Issue 2 below.
8. When this plan was submitted, the London Plan 2011 was in force. However, on 10 March 2015, the Mayor published the new London Plan 2015. It became part of the development plan for London from this date.

## Assessment of Duty to Co-operate

9. Section s20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on it by section 33A of the 2004 Act in relation to the Plan's preparation – the Duty to Co-operate.
10. The Council has provided evidence about the ways in which it has engaged with the prescribed bodies including the Mayor of London, Transport for London and neighbouring Boroughs. This is set out in the Duty to Co-operate report, supplemented by the Consultation Report. Furthermore, no significant strategic issues in relation to the SALP have been raised by these organisations and none of them have made objections on the basis of a failure to co-operate. Overall, I am satisfied that the Council's engagement with the prescribed bodies has been adequately constructive, active and on-going and that the duty has therefore been met.

## Assessment of Soundness

### Main Issues

11. Taking account of all the representations, written evidence and discussions that took place at the examination hearings I have identified two main issues upon which the soundness of the plan depends.

### **Issue 1 – Whether the plan has been positively prepared and whether the approach taken justifies it when considered against the reasonable alternatives**

#### *Engagement and positive preparation*

12. The Council's Consultation Report sets out details about the engagement processes that have been undertaken. It is clear to me that the statutory requirements have been met. That is to say, the Council has engaged with relevant bodies and the public at the prescribed stages and has done so in line with its Statement of Community Involvement (SCI). Indeed, in certain ways the Council's SCI commitments have been exceeded, particularly in relation to the length of some formal consultation periods.
13. A variety of engagement techniques have been used. The Council has placed leaflets in local libraries informing people about the plan. It has operated a 'LDF Hotline' whereby people were able to speak directly to a relevant planning officer on the telephone. Stalls have been erected at various locations around the borough at certain points where people were able to talk directly with planning officers on a one-to-one basis about the plan, the issues they consider most important, and to make comments. Workshops have been held with a range of organisations. All of this is positive.
14. I note the criticisms about the Council's engagement. It may be that more could have been made of some of the efforts. For example, it is possible that more of a 'planning for real' approach could have been taken in relation to the stalls, and perhaps with better record keeping people's comments and ideas could have been more transparently handled.
15. But more could always be done. Councils can only go so far and one must be realistic. On the evidence, I am satisfied that the Council has complied with the SCI and has done enough. In the context of realistic expectation, its

engagement has been sufficient to ensure that the plan can be fairly and reasonably described as positively prepared.

### *Assessment of options*

16. It is clear that the assessment of options has considered a significant number of sites. The early scoping stage included a 'call for sites' exercise, and sites nominated were considered alongside others with planning permission. Designations were taken into account, such as Conservation Areas and those in the London Plan, as were the strategic objectives of the Core Strategy.
17. I note that a site size threshold has been applied. The Council says that the 0.15 hectare 'filter' used was arrived at through benchmarking. Generally speaking, in this densely developed urban borough and considering the quite significant number of sites involved, I consider this a reasonable approach to take. However, it was not appropriate in relation to identifying sites for Gypsies and Travellers. I discuss this further below.
18. Following this early 'sieving', the site selection methodology has, by and large, relied on the sustainability appraisal process. It is clear that this has been iterative in nature, and has properly informed the formulation of the plan. The Sustainability Appraisal (July 2013) (the SA) sets out 20 objectives, or indicators of sustainability. These cover a broad spectrum and, in my view, satisfactorily reflect the economic, social and environmental dimensions to sustainable development. A scoring system has been deployed relating to the degree to which the site contributes to the sustainability objectives.
19. All of this is wholly appropriate. I recognise that not all of the sites on the 'long list' of 263 have been considered in the SA. Rather, the SA considers the range of options remaining after early 'sieving'. That is a proportionate and satisfactory approach, and is consistent with the judgement in *Ashdown Forest*<sup>1</sup>. The SA objectives are suitable and sufficiently comprehensive. Judgements have been made in the application of the scoring system. However, that should not be regarded as a weakness. Indeed, it is inevitable. Making professional judgements of this sort is an integral part of sustainability appraisal, as it is in many aspects of town and country planning.
20. Overall, I consider both the SA methodology and its execution to be sufficiently robust. This bolsters the degree of reliance that can be placed on its outputs. Consequently, the SA is a significant factor which underpins the justification for the sites proposed in the SALP.

### *Conclusion on Issue 1*

21. I conclude that the plan has been positively prepared and that the approach taken justifies it when considered against the reasonable alternatives.

<sup>1</sup> *Ashdown Forest Economic Development Llp v Secretary of State for Communities and Local Government, Wealden District Council and South Downs National Park Authority (2014) EWHC 406 (Admin)*

## **Issue 2 – Whether the proposed land allocations are consistent with national policy, the London Plan and the Core Strategy, and are justified and deliverable**

### *The starting point for the plan*

22. As mentioned above, a focussed hearing session was held to explore the question of the level of new housing planned for in Hackney. There are two principal reasons why the level of new housing is at issue in this examination. The first is that the NPPF requires that Local Plans meet the full, objectively assessed needs for market and affordable housing in the housing market area. The SALP is a Local Plan. The second is that general conformity with the London Plan is a statutory requirement, and the London Plan 2015 sets a housing target for Hackney. It seems to me that these are distinctly separate matters. I discuss each in turn below.
23. The Council concedes that there is no objective assessment of housing need on which the soundness of the SALP can rely. Rather, it argues that paragraphs 47 and 182 of the NPPF should not apply to the SALP. The principles underpinning this contention stem from the judgements of Sales J in *Zurich*<sup>2</sup> and Lewis J in *Gladman*<sup>3</sup>.
24. *Zurich* concerned a Core Strategy prepared in the context of meeting Regional Plan requirements but examined after the publication of the NPPF. That in itself is clearly different to the present case. However, as in *Zurich*, the Council does not rely on the document being examined to comply with paragraph 47 of the NPPF. A revision of the adopted Core Strategy (2010) is intended to do that.
25. The Council considers itself to be "in a *Gladman* situation". *Gladman* concerned a development plan document allocating sites for residential development, amongst other things, in the context of a Core Strategy adopted in 2010, prior to the publication of the NPPF. The position in the present case is distinctly comparable to that. Indeed, given the degree of similarity, I consider a number of the findings of Lewis J to be directly relevant. His overall conclusion, given in paragraph 60, is that:

*" ... an inspector assessing the soundness of a development plan document dealing with the allocation of sites for a quantity of housing which is needed is not required to consider whether an objective assessment of housing need would disclose a need for additional housing."*

The housing proposed by the SALP is clearly needed to deliver the adopted Core Strategy and the London Plan.

26. Lewis J reaches this conclusion for a number of reasons which are also pertinent. With regard to statutory provisions, these are because:
  - a) Recognising that a development plan may be comprised of a number of different development plan documents, the statutory framework does not require that each of them must be based on a fresh objective assessment of housing need

<sup>2</sup> *Zurich Assurance SA v Winchester City Council* (2014) EWHC 758 (Admin)

<sup>3</sup> *Gladman Development Ltd v Wokingham Borough Council* (2014) EWHC 2320 (Admin)

- b) Where there is an adopted Core Strategy, regard must be had to that in preparing a subsequent development plan document
  - c) There is nothing in the statutory framework to suggest that a development plan document cannot be adopted simply because another, earlier, development plan document such as the Core Strategy may need to be updated to include additional provision, for example additional housing
27. Considering the NPPF against the statutory framework, Lewis J gives the following reasons for his overall conclusion:
- a) Where a development plan document is intended to deal with the assessment of the need for housing it will need to have regard to paragraph 47 of the NPPF, and others, as a material consideration
  - b) Properly read, the NPPF does not require a development plan document dealing with the allocation of sites for an amount of necessary housing provision to also address the question of whether further housing provision will need to be made
  - c) Requiring a contrary approach would be likely to run counter to the aim of the NPPF of ensuring that development plan documents are in place to guide decisions on development - the process of adopting sites would have to stop, further work would have to be done and the scope of the plan being examined may have to be enlarged
  - d) Requiring compliance with paragraph 47 of the NPPF, and thus compelling the carrying out of a full assessment of housing need is not necessary because local authorities are already under a statutory duty to review matters which may be expected to affect the development of their area, such as housing need
28. I recognise that, on the face of it, the existence of the adopted London Plan represents a difference between the situation of the SALP and that in *Gladman*. But its role in relation to housing matters is closely comparable to Core Strategies or the strategic element of the Local Plan elsewhere. As the Inspector's report into the Further Alterations to the London Plan (FALP) puts it:
- "... it is the role of the spatial development strategy [the London Plan] to determine the overall level of need for London and to guide the distribution of new housing to meet that need ... Other than some fine tuning regarding local need relating to the size and type of property and tenure, there is no need, in my view, for each London Borough to duplicate the work done by the GLA and produce their own individual assessment of overall need ..."*
29. Consequently, the London Plan does not put the SALP in a materially different position to that in *Gladman*. It is just that, in this case, there are two tiers of strategic planning policy to which regard must be had, rather than one. That is not a point that affects the matters considered by Lewis J and, as such, does not diminish the relevance of his conclusions here. In relation to objectively assessed housing need and meeting the NPPF in this regard, the SALP remains in a position comparable to that in *Gladman*.
30. In the light of this, and all I have read and heard, I have reached the firm view



that the overall conclusion of Lewis J, and the reasons for it, apply equally in the present case. I consequently consider that the examination of the soundness of the SALP should not include considerations of objectively assessed housing need.

31. It is the Council's stated intention to review the Core Strategy, including in relation to housing need. In the light of the above excerpt from the FALP Inspector's report, that is a matter for the Council. I note the Council's suggested modification to the SALP explaining some of this. This is not necessary for the soundness of the SALP.
32. I turn now to the question of general conformity with the London Plan. When this plan was submitted, the London Plan 2011 was in force. However, alterations to it have since been made through the FALP, including to the housing targets for each London Borough. The FALP examination concluded with the publication of the Inspector's report in late 2014. On 10 March 2015 the Mayor published the new London Plan 2015, which incorporates the FALP alterations. It became part of the development plan for London from that date. Consequently, notwithstanding the Council's arguments, I consider that it is the London Plan 2015 against which general conformity must be judged.
33. I reach this view because the Planning and Compulsory Purchase Act 2004 (the Act) gives no leeway for plans formulated on an earlier iteration of the London Plan. The London Plan 2015 as modified by the FALP is now the spatial development strategy. I have not been made aware of any relevant case law to indicate that general conformity can be determined on the basis of superseded spatial development strategies, or that there is any room for flexibility in that respect.

#### *The level and spatial distribution of development*

34. The London Plan 2015 sets annual average housing supply monitoring targets for the period 2015 to 2025. For Hackney, the minimum target is 15,988 over that ten year period, and an annual monitoring target of 1,599 is also given. London Plan Policy 3.3 says that boroughs should seek to achieve and exceed these relevant minimum targets. Whether the SALP makes sufficient contribution to meeting this requirement is at the heart of this issue.
35. It is clear from Appendix 4 of the Council's letter dated 10 April 2014 that delivering the housing requirement of the London Plan 2015 will be something of a challenge. However, this issue is considered in detail in the Council's hearing statement. This sets out several points of particular note.
36. As submitted, the plan period given for the SALP was 2014 to 2029. The Council's hearing statement proposes to alter this to run from 2013 to 2028. Neither period has any particular association or relationship with the Core Strategy period, being 2010 to 2025. Aligning with this would result in the SALP covering less than 15 years, which would be at odds with the NPPF. The Council's modification (which is shown in a number of the main modifications in the appendix to this report) bases the plan's starting point around the time of its submission. The Council confirms that it is this period which is considered through the SA. In this context, setting the plan period as now proposed is satisfactory and is more soundly based than a plan start date of 2014, which has no particular significance and is less comprehensively supported by the evidence base.

37. A table in the Council's hearing statement identifies sources of housing delivery. The Council proposes to include a table showing this as Appendix A in the SALP itself (**MM76**). I concur that this is necessary to enable effective monitoring of the SALP. From this, it appears that the total yield from all sources is expected to be 22,441 dwellings. This is less than the relevant London Plan target relating to the 2013 to 2028 period, which the Council's hearing statement calculates to be 23,107. However, the shortfall involved here is not great, and I am mindful of the degree of latitude that should be given in relation to the question of judging general conformity<sup>4</sup>. In this context, I do not consider the supply deficit to be an issue of material significance.
38. I recognise that the Council's figures, given in **MM76**, rely on quite a significant level of windfall housing – 5,160 over the plan period. On the evidence given, I agree that it is appropriate to make a windfall allowance in the SALP. Sites have consistently become available. Given that Hackney is a highly urban borough close to the very centre of London, and considering the level of regeneration being undertaken, it seems likely to me that they will continue to do so. The Council says that the windfall level has been set to reflect the trend over the past eight years. Discounting the small number built on garden land, that is a satisfactory approach. Indeed, as the historic figures include a period of recession, it is reasonable to suppose that a greater windfall level may be forthcoming.
39. I note that **MM76** lists delivery from long-term empty homes returning to use. This raises the question of whether this source should be included – empty homes, though empty, are nonetheless dwellings which already exist. In any event, considering the relatively modest contribution involved, that is not a critical point in this case.
40. Overall, I consider that the level of housing being planned for in Hackney, as shown in the main modification advanced, generally conforms with the London Plan 2015 to an adequate degree. From the Greater London Authority's (GLA) letter to the Council of 11 December 2014, and the Statement of Common Ground, it is apparent that the GLA is content. As such, and in the context of the starting point for the plan, the contribution of the SALP is satisfactory in this regard.
41. Many of the site allocations are for a mix of uses, particularly for both residential and employment. Table 1 of the SALP provides site specific figures concerning the amount of floorspace anticipated for each use proposed for any given site. However, the site profiles (which I explain below) set no specific demands in this regard. This raises questions about the SALP's effectiveness, particularly its ability to deliver the housing required by the London Plan and the 407,000 square metres of employment floorspace expected by Policy 17 of the Core Strategy.
42. However, Table 1 of the SALP gives a clear indication of the number of units or levels of floorspace anticipated on each site. As a consequence, while not insistent, the SALP provides a clear steer for the formulation of development proposals. This approach introduces a significant degree of flexibility while ensuring that broad expectations are unambiguously set out. In the context of

<sup>4</sup> As set out in the judgement in *Persimmon Homes (Thames Valley) Ltd v Stevenage BC* (2005) EWCA Civ 1365; (2006) 1 WLR 34

this borough and the significant level of development generally going on in it, that strikes me as a distinct advantage.

43. Similarly, the profiles do not specify the level or type of affordable housing to be delivered. But this is covered in Core Strategy Policy 20 and Policies DM21 and DM22 of the Development Management Local Plan (July 2015) (the DMLP). Including greater detail in the site profiles would undermine the generally flexible approach taken in the Core Strategy and DMLP, which provide for factors such as scheme viability to be taken into account on a case by case basis.
44. That being said, careful monitoring will be important to ensure that the targets for housing and employment are met. The points raised at the hearing about employment land, floorspace and what this means in terms of new jobs highlight this. Consequently, the monitoring arrangements should be embedded in the plan, as the Council effectively proposes (**MM78**). Paragraph 6.1 of the plan commits to a review if monitoring reveals this to be necessary. Given the flexible approach taken, that is particularly appropriate.
45. Turning to the question of spatial distribution, the SALP allocates land for development in four broad areas – the housing estate regeneration areas; in and around Shoreditch; Hackney Central and the surrounding area; and North Hackney. This, in my view, is an appropriate approach. It generally reflects the Core Strategy, which identifies the estate renewal areas as a focus for growth, along with Hackney Central, South Shoreditch and Manor House. Moreover, the proposed allocations reflect the Priority Employment Areas set out in the Core Strategy, and are consistent with the London Plan, especially in relation to the Central Activities Zone. In short, the spatial distribution of development brought forward through the SALP allocations conforms with the higher tiers of the development plan to a satisfactory degree.
46. Some concerns have been raised that the SALP allocates sites for residential development in employment areas. The anxiety, as I understand it, is that existing employment floorspace will be lost. That may be so. But the SALP must provide for both the new homes required through the London Plan and a net increase in employment floorspace in line with the Core Strategy. That this might be achieved through redevelopments involving a change in land use need not be a problem of any significance.
47. A number of points are made in relation to the capacity of schools. However, reflecting the stance of the Learning Trust, the Council says that there is not currently a need to provide additional school places. As I see it, as with all aspects of the Local Plan, it will remain incumbent upon the Council to monitor and review the position, and to consider again the necessity for allocations if needs are demonstrably not being met.

#### *Deliverability*

48. A willing landowner is critical to delivery. The Council verified at the hearing that all but a small number of the necessary landowners are confirmed as being willing to release the land for the uses proposed.
49. In addition, the costs of any development, including normal development costs and those arising from planning policies and obligations, should provide competitive returns to both a willing landowner and willing developer. Put

simply, developing the land for the proposed use should be a financially viable prospect.

50. A Local Plan Viability Assessment (March 2014) (the Study) has been produced for the Council by BNP Paribas. It is based on a residual valuation method and compares the residual value of a range of developments on sites throughout the borough to their benchmark land value, being their value in their current use plus a premium.
51. The Study assesses financial viability in relation to wholly residential, wholly commercial and mixed use schemes across the borough, including areas where the SALP proposes to allocate sites. It does this by modelling 15 sites, nine of which are actual sites allocated through the SALP. This introduces a degree of realism into this otherwise inevitably theoretical exercise, and is reassuring.
52. Like all 'high level' studies of this sort, a number of assumptions are made in relation to key factors influencing the residual value, including development values and costs, land prices, rents and yields and acceptable levels of return. Information from sources such as the RICS Building Costs Information Service and the Valuation Office Agency has been used. The costs of meeting policies in the Core Strategy and the DMLP have been taken into account, including those requiring affordable housing and affordable workspace. In addition, the costs of the Mayoral Community Infrastructure Levy (CIL) and the CIL levied by the Council have been included. All of this is appropriate.
53. Overall, I consider the Study to be adequately robust in terms of the evidence sources and methodology used. The judgements made appear reasonable and a suitably cautious approach has generally been taken.
54. The Study indicates that some schemes on some sites may not be viable given the assumptions made and values used. By and large, the issue appears to relate to the viability of commercial development. However, this is based on present costs and values, which could well alter throughout the plan period. In addition, the Study's conclusions apply equally well to both the SALP's proposed allocations and other alternative sites considered. In short, there is little in the Study to suggest that these viability problems are a consequence of the sites chosen for allocation.
55. Furthermore, I am mindful that the Study is, in effect, an analysis of the profit to be had from undertaking development. The delivery of business floorspace is not necessarily dependent on creating profit from the development itself. It is not uncommon for employment development to be delivered because the building concerned is required for a business purpose. This factor points to the possibility of a more positive outcome than the Study might suggest.
56. The Core Strategy requires the delivery of land for economic development. It is imperative for soundness that the SALP includes appropriate allocations. Notwithstanding the viability issues identified in the Study, from the evidence produced I am not convinced that there are other sites which, when considered on the same basis, are unquestionably more appropriate in viability terms.

#### *Provision for Gypsies and Travellers*

57. Paragraph 10 of the national Planning Policy for Traveller Sites (August 2015)

is clear that local planning authorities, in producing their development plan, should among other things:

- identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of sites against their locally set targets; and
  - identify a supply of specific developable sites, or broad locations for growth, for years 6 to 10 and, where possible, for years 11 to 15.
58. Core Strategy Policy 23 says that the Council will "*bring forward suitable sites to meet the local need for additional Gypsy and Traveller caravan pitches ...*". The local need is identified in the Core Strategy (based on the London GTAA 2008) as being a minimum of 13 and a maximum of 34 additional pitches by 2017. Para 7.68 says that this policy can only be delivered through the spatial planning system, primarily through the SALP. In short, the Core Strategy commits to allocating sites.
59. Moreover, Policy 3.8 of the London Plan 2015 is clear that boroughs should ensure that the accommodation requirements of Gypsies and Travellers (including travelling showpeople) are identified and addressed. It says that sites should be identified in line with national policy and in coordination with neighbouring boroughs and districts as appropriate.
60. The SALP includes no sites for Gypsy and Traveller accommodation. In this respect it fails to meet the expectations of national and local planning policy. I raised this as a concern early in the examination process. In response, the Council commissioned a new Gypsy and Traveller needs assessment and put forward modifications to the SALP. Initially, these indicated that following the completion of the updated needs assessment, the Council would prepare and adopt a Gypsy and Traveller Local Plan identifying deliverable sites to meet the identified need for the period 2017 to 2028. The Council's Local Development Scheme (LDS) was updated to reflect this.
61. However, very near the conclusion of the examination, the Council brought to my attention that it had both completed the updated needs assessment and had also commenced a full Local Plan review. It is now the Council's intention that the needs of Gypsies and Travellers will be met through the new Local Plan.
62. A number of participants have argued that the SALP should identify the sites needed. At the hearing session I heard passionate and heartfelt representations to this effect, and about the difficulties caused by the absence of sites needed by the Gypsy and Traveller community. It is clear that people have been waiting for pitches for many years, over a decade in some cases. I have a great deal of sympathy with the points made and those who made them.
63. This is an issue on which the Council is open to criticism. While I note the efforts made, more could, and should, have been done. For example, it is apparent that the 0.15 hectare 'filter' was applied to the search for Gypsy and Traveller sites. The Council should have been more flexible, and may need to be in taking matters forward.
64. However, there is no statutory impediment to addressing the needs of Gypsies

and Travellers in a development plan document separate to the SALP. The Planning and Compulsory Purchase Act 2004 requires local authorities to prepare a local development scheme which must set out the development plan documents to be prepared by the authority, and their subject matter. It also requires authorities to revise their local development scheme "*at such time as they consider appropriate*". As such, what documents are to be drawn up in any given area is a matter for the Council to decide.

65. National policy and guidance reflect this. Paragraph 153 of the NPPF says:

*"Each local planning authority should produce a Local Plan for its area. This can be reviewed in whole or in part to respond flexibly to changing circumstances."*

The Planning Practice Guidance makes clear that the Government's preferred approach is for each authority to prepare a single Local Plan for its area. Overall, the Council's intention to tackle the issue of meeting the needs of Gypsies and Travellers through the Local Plan review is consistent with the statutory provisions and national policy and guidance.

66. Moreover, it is highly likely that requiring the SALP to deal with Gypsy and Traveller provision would result in further delay to its adoption. Indeed, it is apparent that further work is needed to identify suitable sites. Given the Council's failed attempt in this regard, it is reasonable to suppose that this could be a difficult and time-consuming exercise. As such, the postponement of the SALP's progress would in all probability be quite considerable. That is a significant point. The SALP allocates sites for much needed housing and economic development. Holding up their adoption into the development plan would be unreasonable, particularly given the headway made by the Council since the examination hearings. Indeed, this recent progress bolsters confidence that the development plan will address this issue head-on, as it must, in due course.
67. With specific regard to this issue, the SALP as submitted does not meet the expectations of national policy, the Core Strategy or the London Plan. However, the Local Plan review which the Council has committed to through **MM1** should rectify matters, and should ensure that the development plan as a whole delivers the sites required for Gypsies and Travellers. Consequently, **MM1** is both necessary for the soundness of the SALP and is a justified and appropriate response. **MM2** deletes paragraphs rendered superfluous and is necessary as a consequence.

#### *Drafting issues*

68. The SALP does not contain any text which is referred to as a 'policy'. Rather, each site has a 'profile' setting out information about it. In my experience, this is not a common approach. That being said, I see no particular reason why this should cause any effectiveness problems.
69. A number of main modifications have been proposed by the Council which affect a number of sites. **MM3** seeks to clarify the relationship between the site profiles and policies in the Core Strategy and the DMLP. I agree that it is needed for effectiveness. For this reason **MM4**, which explains some of the land use terminology used in the SALP, is also necessary and, in my opinion, the definitions given are satisfactory.

70. As submitted, none of the site profiles includes text which specifically says that the site is allocated for development. It is ambiguous, and not effective. However, the Council has put forward a modification (**MM6**) which introduces the word 'allocation' to all of the profiles, and another (**MM7**) placing existing profile text under a new heading 'development principles and issues' rather than 'commentary'. I concur that this is necessary, and satisfactorily rectifies the uncertainty.
71. Moreover, the drafting of the profiles is not consistently clear about the specific use for which the site is proposed to be allocated. Each profile has a heading "*Possible allocation, subject to consultation and identified site issues and constraints*". Many talk of sites having 'potential' for one type of development or another. All of this is inadequate and renders the SALP ineffective. The Council has put forward numerous main modifications addressing each profile, introducing unequivocal text identifying the uses for which the land in question is allocated<sup>5</sup>. All of these are necessary for effectiveness. Moreover, from the evidence, all I have heard at the hearings and from my site visits, I concur that the uses identified are appropriate.
72. Appendix 2 of the SALP, as submitted, includes a table illustrating the Use Classes Order<sup>6</sup> and changes of use permitted. The Council has proposed to amend this in the light of updates to the Order. But it is not necessary for the soundness of the SALP to reproduce national Statutory Instruments. They are subject to change, and this could cause the SALP to unintentionally mislead. To avoid this, it is necessary to delete this part of Appendix 2 (**MM75**).
73. A new appendix is proposed by the Council to show the Unitary Development Plan designations which will be superseded by sites in the SALP (**MM77**). That is necessary, in order to comply with the Regulations<sup>7</sup>.
74. As put forward by the Council, a number of the proposed modifications note that outline planning permission has been granted for the site in question, and indicate that "... *planning conditions or other measures may be imposed to ensure that the infrastructure is provided within subsequent reserved matters applications ...*". I have removed these paragraphs from the schedule of main modifications. Any conditions imposed on decisions concerning reserved matters applications must only address directly matters arising from the reserved matters application. As infrastructure is not among the matters capable of reservation for such an application, it is unlikely that conditions requiring infrastructure could be imposed at the reserved matters stage. In any event, the text proposed by the Council is not needed for soundness. Legitimate conditions can be imposed regardless of whether or not the development plan indicates that they will be. The latter point applies equally to any 'other measures', which I take to be a reference to legal agreements.

#### *Site specific issues*

75. The submitted plan includes a section concerning Area Action Plans (AAPs), and site profiles are given for four AAP areas. But these relate to sites within AAPs which have already been adopted. Consequently, they are not for consideration through this examination, and they have no place in this plan.

<sup>5</sup> **MM8, MM10 to MM18 inclusive, MM20, MM21, MM23 to MM40 inclusive, MM44, MM45, MM50 to MM68 inclusive, MM70 and MM71**

<sup>6</sup> The Town and Country Planning (Use Classes) Order 1987 (as amended)

<sup>7</sup> The Town and Country Planning (Local Planning (England) Regulations 2012 (as amended)

The Council has proposed to delete this section of the SALP (**MM72**) and, in the circumstances, I agree that this is necessary.

76. Since the formulation and submission of the SALP, building works have commenced on a number of the proposed sites. Consequently, the Council has suggested deleting the site profiles for these sites from the plan (**MM42, MM43, MM46, MM47 and MM48**). I concur that this is the most appropriate approach.
77. In addition, the Council proposes to revise the boundaries of three sites. New maps to be included in the site profile of each have been put forward. In effect, the changes proposed here are alterations to the Policies Map. The Policies Map is not a development plan document. Rather, it is a geographical illustration or representation of the development plan's policies – in the case of the SALP, the site profiles. Its purpose, simply put, is to show one the precise boundaries to which the associated profile applies. The changes put forward by the Council to the Policies Map were made available for consultation alongside the proposed main modifications.
78. The revisions advanced remove from Site 6 areas that are not part of the housing regeneration programme, exclude from Site 99 the portion that has already been built on and add to Site 233 land to the south west of Gorsuch Place. I agree that these modifications are needed to ensure that the associated site profiles are justified and effective. It is on the basis of those changes that I recommend that the profiles in question are amended accordingly (**MM9, MM22 and MM49**).
79. I note that the Council has also proposed to add to the SALP a new map showing all of the SALP sites. Effectively, this is the Policies Map. While helpful and to be welcomed, it is not necessary for soundness to include the Policies Map within the SALP's covers.
80. As a result of the aforementioned changes to some sites and the deletion of others from the plan, the Council proposes to revise the indicative site capacity table at Appendix 1 of the SALP (**MM73 and MM74**). Though consequential, these modifications are necessary to ensure effective monitoring.
81. I note the points raised in relation to Site 124. However, the detailed proposal referred to and its acceptability or otherwise is not a matter for my consideration. As I understand it, the argument between the landowner and the Council relates to the balance between employment and other uses, particularly residential. But the site profile is not explicit in this regard. It is flexible, and leaves much to be decided through the planning application process. I regard that to be the most appropriate plan-making response.
82. Site 268 is presently a leisure centre. Arguments have been strongly put that it should remain so – I have been told that it effectively functions as a community hub, and is highly valued by the community as such. However, the proposed allocation is for "*leisure or leisure and residential mixed use*". Whilst I do not doubt that users enjoy the present free facilities, and that the replacement facilities will be different, these are not strong reasons to resist the allocation. Indeed, as the Council points out, the Council could redevelop the site for leisure without the SALP – the proposed allocation is not critical in that respect.



83. At the hearing, the Council said that the former Rose Lipman Library is a cherished building. As such, I agree that this should be reflected in the profile for Site 270. The Council has proposed to add text (**MM53**) indicating that the redevelopment of the site could provide for the retention and refurbishment of the building. While some might wish for stronger protection, this is not a Listed Building and the modification goes as far as one could reasonably expect. In this context, I regard it to be both necessary and adequately effective.
84. Sites 143 and 225 are, respectively, a bus depot and vehicle pound. They are adjacent to one other, and both are proposed for depot and employment uses (through **MM56** and **MM60**). Given this, and as Transport for London is the owner of site 143, I see no reason why the allocation should negatively affect bus services.
85. Presently in a number of different uses, Site 271 includes an Army Cadets facility. Such a community use should not be lost. As such, the modification put forward by the Council addressing this point (under **MM61**) is needed.

*Conclusion on Issue 2*

86. I conclude that the proposed land allocations are adequately consistent with national policy, the London Plan and the Core Strategy, are justified and deliverable. I also conclude that the absence of sites for Gypsy and Traveller accommodation should not lead SALP to be found unsound.

## Assessment of Legal Compliance

87. My examination of the compliance of the plan with the legal requirements is summarised in the table below. I conclude that the plan meets them all.

<b>LEGAL REQUIREMENTS</b>	
Local Development Scheme (LDS)	The Site Allocations Local Plan is identified within the approved LDS of November 2014 which sets out an expected adoption date of April 2015. Although the plan's content is compliant with the LDS, some delays in its progress have occurred. I am satisfied that there is no fundamental conflict with the LDS.
Statement of Community Involvement (SCI) and relevant Regulations	The SCI was originally adopted in 2006. In January 2014 it was replaced by an updated document. Consultation has been compliant with the requirements within the SCI applicable at the time, including the consultation on the post-submission proposed 'main modification' changes (MM).
Sustainability Appraisal (SA)	SA has been carried out and is adequate.
Appropriate Assessment (AA)	The Habitats Regulations AA Screening Report (July 2013) sets out why AA is not necessary.
National Policy	The Site Allocations Local Plan complies with national policy except where indicated and modifications are recommended.
The London Plan	The Greater London Authority has confirmed that the plan is in general conformity with the London Plan.

2004 Act (as amended)  
and 2012 Regulations.

The Site Allocations Local Plan complies with the Act  
and the Regulations.

## Overall Conclusion and Recommendation

88. The plan has a number of deficiencies in relation to soundness and/or legal compliance for the reasons set out above which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explored in the main issues set out above.
89. The Council has requested that I recommend main modifications to make the plan sound and/or legally compliant and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix the Hackney Site Allocations Local Plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.

*Simon Berkeley*

Inspector

This report is accompanied by the Appendix containing the Main Modifications

## Appendix – Main Modifications

The modifications below are expressed either in the form of ~~strikethrough~~ for deletions and bold for additions of text, or by specifying the modification in words.

Please note: there are no main modifications with the reference MM5, MM19, MM41 or MM69.

Ref	Chapter / Site reference	Para No, Page No	Main modification
MM1		para 9.7 - 9.10 pp12	<p>Revised paragraphs 9.7 to 9.10 to read,</p> <p>“9.7 Criterion (i) of Policy 3.8 ‘Housing Choice’ of the London Plan (2011) determines that local authorities in co-ordination with neighbouring boroughs and districts are best placed to assess the needs of and make provision for the gypsies and travellers including travelling show people. The London Gypsy and Traveller Accommodation Needs Assessment identified that the Borough needs to provide between 13 and 34 additional pitches up to 2017, additional to the pitches/sites already accommodating such communities in the Borough. <u>The Council commissioned a Gypsy and Traveller Accommodation Needs Assessment to provide more detail on the level of need in the Borough since the last GLA study of 2008. This study was completed in July 2015, and was overseen by a Working Group comprising various departments in the Council, the Learning Trust, the London Gypsy Traveller Unit and representatives from the local community.</u></p> <p><u>9.8 The findings of the updated Gypsy and Traveller Needs Assessment will help inform the preparation and adoption of a Local Plan that will review, update and supersede existing Hackney Core Strategy Policy 23 on provision for Gypsies and Travellers. The Local Plan review will:</u></p> <ul style="list-style-type: none"> <li>• <u>draw on needs identified in the 2015 study, and set pitch targets for Gypsies and Travellers that address the likely permanent and transient site accommodation needs of Gypsies and Travellers in the borough;</u></li> <li>• <u>identify a supply of deliverable sites sufficient to provide five years’ worth of sites against locally set pitch targets for the period 2017 – 2028;</u></li> </ul> <p><u>The specific commitment to undertaking the Local Plan review and the timetable for it is set out in Hackney’s Local Development Scheme.</u></p>

Ref	Chapter / Site reference	Para No, Page No	Main modification
			<p data-bbox="748 288 1989 320"><u>9.9The Council will continue to maintain an enabling role to accommodation provision including:</u></p> <ul data-bbox="792 360 2060 767" style="list-style-type: none"> <li data-bbox="792 360 2060 592">• <u>facilitating a positive approach in the application of the criteria of Core Strategy Policy 23 on the provision for gypsies and travellers on a case by case basis. The Council will resist the loss of existing sites and would promote the granting of permanent planning permission as it has done for the site at Bartrip Street as identified in the LLDC's Local Publication Version (August 2014). Should a planning application for a gypsy and traveller site come forward the Council will consider such an application against the relevant Core Strategy Policy 23 criteria which support the protection of existing and the delivery of new sites and pitches.</u></li> <li data-bbox="792 600 2060 695">• <u>fostering a multi-agency approach to monitoring actual need in the borough and engendering a co-operative working relationship with other adjoining boroughs on how to move forward in meeting the accommodation needs of gypsies and travellers within the area.</u></li> <li data-bbox="792 703 2060 767">• <u>and ensuring that the representative bodies, individuals and groups of the gypsies and travellers community are engaged in the preparation of relevant plans and strategies.</u></li> </ul> <p data-bbox="748 775 2060 1238"><del>9.9 In line with the above, the Council is seeking to identify and deliver further sites and pitches for gypsies and travellers in the Borough in addition to the 5 existing sites in the Borough containing 27 pitches (subject to the outcome of the updated Needs Assessment, and identification of pitch targets). The Council's achievement compares well to other adjacent boroughs on the provision of pitches on last count. For example, LB Islington has 0 pitches, LB Camden 5, LB Haringey 10, LB Barnet 0, LB Enfield 0, LB Tower Hamlets 19, LB Waltham Forest 17 and LB Newham 15. The Council recognises that national policy on traveller sites advises local authorities to identify a short term five year supply of sites and a further medium term five year supply for gypsies and travellers including travelling showpeople communities. This process is challenging, given Hackney's inner-city location and high density population, the lack of available land, the unwillingness of land-owners to nominate land, and given that the Borough already accommodates a relatively large number of pitches. However, the Council is committed to meeting the needs of travellers in the Borough, and will be seeking to identify such a supply to underpin a future specific Local Plan for this community's accommodation needs.</del></p> <p data-bbox="792 1246 2060 1410"><del>Several sites were nominated for inclusion in the proposed SALP as having the potential to provide suitable accommodation for the Gypsy and Traveller community. These were not considered appropriate for allocation for various reasons (e.g. some sites are not deliverable or developable given current uses, the sites' environment, and their imminent development, and the size, location and capacity of the sites mean that they are not considered as strategic sites). Furthermore, no</del></p>

Ref	Chapter / Site reference	Para No, Page No	Main modification
			<p><del>site was nominated as being appropriate for the needs of this community by landowners. Therefore, the document does not contain an allocation for this community. The Core Strategy does state that the Site Allocations Local Plan will in part deliver Policy 23 of that document, by identifying sites to meet the local need for additional sites for the gypsy and traveller community. The Core Strategy was produced before any detailed consideration had been given to how the production of the SALP would be managed. To be able to manage the production of this document effectively, certain criteria needed to be applied (see paragraphs 9.3 and 9.4 above) as is the norm for many London boroughs producing such documents. These nominations did not meet the criteria for short listing of sites for inclusion within the proposed SALP. — Publication Version.</del></p> <p>However, as above, the Council has an on-going process of seeking to identify and deliver further sites for this community in the Borough, in parallel and regardless of the site allocation process, and is seeking to identify 5 year supply of sites (please see paragraph 9.8 above). <u>In the meantime should a planning application for a gypsy and traveller site come forward the Council will consider such an application against the relevant policies, including the national planning policy for traveller sites and the Council's Core Strategy Policy 23, which supports the protection of existing and the delivery of new sites and pitches.</u></p>
MM2		Para 9.8, 9.9 and 9.10 pp12	Delete paragraphs 9.8, 9.9 and 9.10
MM3		para 9.13 and new paragraph 9.14 pp14	Revise paragraph 9.13 in the Introduction section of the SALP to read, <p><u>"In each of the individual site profiles specific considerations affecting the site such as on site heritage assets, Priority Employment Areas, Critical Drainage Areas etc have been identified. The identification of these considerations means that the relevant policies in the adopted Hackney Core Strategy (2010) and emerging Development Management Local Plan (2013) are applicable when determining the uses, in particular the balance between different uses for mixed use schemes in the site profiles, and when developing detailed proposals for the sites. In addition, there are generic adopted and emerging planning policies that will be applicable to most if not all of the sites. These include but are not limited to policies on housing mix (DM22), affordable housing including social/affordable rented and</u></p>

Ref	Chapter / Site reference	Para No, Page No	Main modification
			<p><u>intermediate housing (CS20 and DM21), loss of housing (DM20) affordable workspace (DM16), proposals on sites in Priority Employment Areas (PEAS) (DM17), community infrastructure levy and planning contributions (DM4), open space (CS26 and DM31) sustainability (CS29, DM37, DM38, DM39 and DM40). The SALP site policies provide a policy framework on land use and guidance on site development, but applications on sites will be assessed against other relevant LDF policies in addition.</u></p> <p>Delete the word 'However' beginning the second sentence of paragraph 9.13 and replace it with the word 'Furthermore' and making new paragraph 9.14 so as to read,</p> <p><u>"9.14 Furthermore, the scale of development means that there....."</u></p> <p>Also amend the final sentence of new paragraph 9.14 to read,</p> <p><u>"If work to infrastructure is necessary, and developers have not identified how any necessary upgrade will be delivered, planning conditions or other provisions would be imposed to ensure the infrastructure is in place before the development can be implemented or occupied."</u></p>
MM4		After para 9.14 pp14	<p>Insert a new paragraph 9.15,</p> <p><u>"9.15 For the purpose of the SALP land use allocations an explanation of the meaning of land use types is provided as follows:</u></p> <ul style="list-style-type: none"> <li>• <u>Residential (conventional general needs housing);</u></li> <li>• <u>Employment use generally means Class B uses in particular B1 uses; and would also include activity of an industrial nature not falling within Class B1, B2 and B8 use;</u></li> <li>• <u>Retail means uses falling within the 'A' use Class;</u></li> <li>• <u>Leisure use would include sports and recreation facilities, hotels and uses falling within use Class D2 'Assembly and leisure';</u></li> <li>• <u>Commercial generally means other non-residential and non-community uses, including retail ('A' class uses) and leisure (including hotels, recreation facilities, etc);</u></li> <li>• <u>Community uses means health, education, community halls, libraries, cultural facilities, religious institutions, children and youth centres and other uses usually falling within use class 'D1', and includes emergency services.</u></li> </ul>

Ref	Chapter / Site reference	Para No, Page No	Main modification
			<u>9.16 There may be a degree of overlap between community and leisure uses especially where they serve a local catchment area. Mixed use generally means a variety of uses that can in most instances include residential use but in many cases the dominant preferred use specified in the profile is employment-led. Any residential or other non employment uses as part of an employment-led mixed use scheme must be secondary to the `primary` employment use, in that the majority of the floorspace should be for the primary employment use, and that such uses, particularly residential should not compromise the on-going operations of any adjacent businesses, and the amenity of potential occupiers of the residential component should not suffer from a poor level of amenity.”</u>
MM6	General	All sites profiles	In all the profiles replace the words “Possible allocation, subject to consultation and identified site issues and constraints,” with “ <u>Allocation</u> ”.  In the profiles, against each `Allocation` revised land use allocations for the sites are suggested as below.
MM7	General	Various	Insert into all the profiles a new sub heading `Development Principles and Issues` below `Allocation` (see MM6 above).  Delete sub heading `Commentary` in each Profile. Although in this Schedule of Modifications there is reference to the former `Commentary` section to help locate the proposed change.
MM8	ref 6 Colville Estate Hyde Road, N1 5PT	pp22	In the Profile under `Allocation` (see MM6 above) amend the beginning to read,  <u>“Residential and supporting employment, retail, health-D1 and other community facilities.</u>  <u>Development Principles and Issues</u> Redevelopment and refurbishment of the Estate to reprovide and increase the number of dwellings and additional supporting uses. <del>including health and community facilities.</del> A range of unit sizes and mix of tenure is appropriate for the regenerated Estate....”
MM9	ref 6	pp21	Modify the profile for site ref 6: Colville Estate by amending the geographic illustration of the profile on the Policies Map through the revision of the site boundary as shown on the modified plan in Annex C.

Ref	Chapter / Site reference	Para No, Page No	Main modification
	Colville Estate Hyde Road, N1 5PT		
MM10	ref 7  Kings Crescent, Green Lanes, N4 2XG	pp24	<p>In the Profile under `Allocation` amend the beginning to read,  <u>“Residential and supporting uses including retail and community facilities.”</u></p> <p><u>Development Principles and Issues</u>  Redevelopment and refurbishment of the Estate to reprovide and construct additional dwellings to include a mix of sizes and tenure, <u>and supporting uses.</u> <del>Development to include supporting uses such as retail and community facilities.”</del></p> <p>Under the former `Commentary` section at the end of the 4<sup>th</sup> sentence insert,  <u>“..., therefore a Sustainable Drainage System(s) and where appropriate a Flood Risk Assessment must be installed / produced.”</u></p> <p>In the Profile under `How the site was identified` section of the Profile insert,  <u>“Another outline application (2013/1128) was approved in November 2013 for the renovation and extension of existing and the erection of new buildings ranging from 4-12 storeys comprising an overall floorspace of up to 45720sqm GIA with new and renovated buildings to comprise up to 44351sqm of residential accommodation (equating to a maximum of 765 new and replacement dwellings), 629 sqm retail, café/ restaurant; up to 500 sqm mixed use (use class A1/A3/D2) and up to 240sqm community centre (use class D1), car parking, landscaping, multi-use games area and associated energy centre.”</u></p> <p>In the Profile under the `Considerations` section, insert,</p>



Ref	Chapter / Site reference	Para No, Page No	Main modification
			<p><u>“Clissold Park and Lordship Conservation Areas lie to the East of the Estate, while Stoke Newington Reservoirs, Filter Beds and New River Conservation Area to the North. Furthermore, Clissold Park is an English Heritage Registered Park and Garden.”</u></p>
MM11	Ref 9 Marian Court, Homerton High Street E9 6BT	pp26	<p>In the Profile under `Allocation` amend the beginning to,</p> <p><u>“Residential and supporting uses including retail, employment and community facilities.</u></p> <p><u>Development Principles and Issues</u>            Redevelopment and refurbishment of the Estate to reprovide and construct additional dwellings to include a mix of sizes and tenure <u>and supporting uses.”</u></p> <p>In the Profile under the former `Commentary` section, 1<sup>st</sup> sentence amend to read,            “Although currently a residential development, the site lies within the Homerton Priority Employment Area and <del>an element of commercial</del> <u>supporting uses</u> especially towards Homerton High Street would be <del>appropriate</del> <u>supported.”</u></p>
MM12	Ref 10 Bridge house, Homerton High Street E9 6JU	pp 28	<p>In the Profile under `Allocation` amend the beginning to,</p> <p><u>“Residential and supporting use including retail, employment and community facilities.</u></p> <p><u>Development Principles and Issues</u>            The Council’s Housing.....”</p>

Ref	Chapter / Site reference	Para No, Page No	Main modification
			<p>In the Profile under the former 'Commentary' section, 2<sup>nd</sup> sentence amend to read,            "There is capacity within the Estate to intensify residential density to assist in meeting housing need, and the redevelopment will allow the opportunity to upgrade and improve the environment of the Estate, <u>including active frontages on Homerton High Street...</u>"</p> <p>Under the former 'Commentary' section at the end of the last sentence insert,  <u>"... therefore a Sustainable Drainage System(s) and where appropriate a Flood Risk Assessment must be installed / produced."</u></p>
MM13	Ref 12 Tower Court, Clapton Common, E5 9AJ	pp30	<p>In the Profile under 'Allocation' insert at the beginning,  <u>"Residential.</u></p> <p><u>Development Principles and Issues</u>  <del>Opportunity to be redeveloped for to maximise the site for residential use. purposes, including the specific housing needs of the local community. The site fronts onto Clapton Common, which forms a significant part of the Conservation Area and there is an opportunity....."</del></p> <p>In the Profile under the 'Consideration' section insert,  <u>" Clapton Common Conservation Area abuts the southern boundary of the site"</u></p>

Ref	Chapter / Site reference	Para No, Page No	Main modification
MM14	ref 15 King Edwards's Road, E9 7SL	pp32	<p>In the Profile under `Allocation' insert at the beginning,</p> <p>“Residential.</p> <p><u>Development Principles and Issues</u>  <del>Opportunity</del> <u>Redevelopment</u> for a mixed tenure residential....”</p> <p>In the Profile under the `How the site was identified' section replace the 2<sup>nd</sup> sentence with,</p> <p><u>“A planning application (2013/2159) was approved in November 2013 for the erection of buildings up to four storeys comprising of 32 residential units (17 private and 15 social rented).”</u></p>
MM15	ref 16 St Leonard's Court	pp34	<p>In the Profile under `Allocation' amend the beginning to read,</p> <p>“<u>Residential.</u></p> <p><u>Development Principles and Issues</u>  <del>Opportunity for redevelopment for residential use.</del> The site lies within ....”</p> <p>In the Profile under the former `Commentary' section, amend the beginning to read,</p> <p><del>There is potential for joint development with the adjacent site at 15-21 New North Road (ref 159). The Council's Housing Renewal</del> <u>Estate Regeneration</u> team are developing proposals for the regeneration of the Estate.</p>
MM16	ref 283 Nightingale Estate, Downs Road, E5 8LB	pp36	<p>In the Profile under `Allocation' amend the beginning to read,</p> <p>“<u>Residential and supporting uses including commercial retail and community facilities.</u></p> <p><u>Development Principles and Issues</u></p>

Ref	Chapter / Site reference	Para No, Page No	Main modification
			Regeneration has started on the Estate as a whole and several phases are complete, which comprises of new builds and refurbishment of residential and new commercial retail units. However, there are still significant phases to be implemented accounting for around 2 hectares which needs masterplanning for residential-led mixed use <u>including enhancement of open space, including community facilities and enhancement of existing open space. This process is scheduled to commence in 2012.</u>
MM17	ref 286  Woodberry Down, Seven Sisters Road, N4 1DH	pp38	<p>In the Profile under `Allocation` insert at the beginning,</p> <p><u>“Residential and supporting uses including retail, business employment, education, health, children and youth centres, cultural other community and leisure facilities.</u></p> <p><u>Development Principles and Issues</u></p> <p>This is a major regeneration scheme,..... Construction and development has started on several sites, including a new school, it is estimated that the final phase will not be completed until <u>2027 2033</u>. As planning ....”</p> <p>Under the `Allocation` section, after the 4<sup>th</sup> sentence insert,</p> <p><u>“Planning conditions or other measures may be imposed to ensure that the infrastructure is provided and completed before occupation of the new development.</u></p> <p>In the Profile under the `How the site was identified` section, amend the last sentence to read,</p> <p><u>“Further full planning permissions are in place for development. Phases 1 and 2 of the regeneration programme have been completed, and an outline planning permission (2013/3223) was approved in August 2014 relating to phases 3 to 8 of the regeneration for the demolition of existing buildings and structures at Woodberry Down Estate to provide up to 275,604sqm floorspace GEA (excluding car parking); comprising up to 3,242 residential units and a maximum of 10,921sqm non-residential floorspace within Classes A1 (Retail), A2 (Financial Services), A3 (Restaurants and Cafes), A4 (Drinking Establishments), B1 (Offices), D1(Non Residential Institutions), and D2 use and Energy Centres; along with provision of new open space and public realm and associated car and cycle parking. The gross number of residential units resulting from the regeneration will be approximately 5500 units. “</u></p>

Ref	Chapter / Site reference	Para No, Page No	Main modification
			<p>In the Profile under the `Consideration` section insert,  <u>“Stoke Newington Reservoir, Filter Beds and New River Conservation Area (encloses the northern, southern, eastern boundary of the Estate).”</u></p>
MM18	ref 27  213-215, New North Road, N1 6SU	pp41	<p>In the Profile under `Allocation` amend the beginning to read,  <u>“Employment or employment-led mixed use.</u></p> <p><u>Development Principles and Issues</u>  <del>If the extant planning permission is not implemented, redevelopment for employment, or employment-led mixed use which could include re-provision of the Royal Mail delivery office is appropriate. The site has had planning permissions for both an commercial—employment use only, and a mixed use (employment and residential) scheme.</del> Given the site’s location within the Wenlock Priority Employment Area, employment floorspace, <u>including any operational requirement of Royal Mail must be the primary use.....”</u></p> <p>In the Profile under the `Allocation` section, at the end insert,  <u>“Planning conditions or other measures may be imposed to ensure that the infrastructure is provided and completed before occupation of the new development.”</u></p>
MM20	ref 84  337 Kingsland Road and Adjacent Car Park E8 4DA	pp43	<p>In the Profile under `Allocation` amend the beginning to read,  <u>“Residential and /or leisure use (hotel).</u></p> <p><u>Development Principles and Issues</u>  <del>If the extant planning permission is not implemented, the site is appropriate for mixed use including residential and /or hotel. The site lies within the Kingsland Conservation Area, the locally listed former Metropolitan Hospital, Kingsland Road abuts the northern boundary of the site, and the listing includes a building within the site itself. Furthermore,.....”</del></p>

Ref	Chapter / Site reference	Para No, Page No	Main modification
			<p>In the Profile under the former `Commentary` section, amend beginning to read,</p> <p><u>As an underused site, hotel and ancillary other secondary uses are appropriate are in accordance with the planning permission, but there is an opportunity....</u></p>
MM21	ref 95 12 – 20 Paul Street, EC2A 4JH	pp45	<p>In the Profile under `Allocation` amend the beginning to read,</p> <p><u>“Employment or employment-led mixed use, including ancillary residential use.</u></p> <p><u>Development Principles and Issues</u>  <del>If the extant planning permission is not implemented, an employment, or employment-led mixed use development including residential may be appropriate for the site. Given its location within the Central Activities Zone and Shoreditch Priority Employment Area, a development should essentially be for employment use commercial use, including offices. If a.....”</del></p> <p>In the Profile under the former `Commentary` section, 2<sup>nd</sup> sentence replace the words “may be” with “is”.</p> <p>At the end of the 5<sup>th</sup> sentence insert,</p> <p><u>“Planning conditions or other measures may be imposed to ensure that the infrastructure is provided and completed before occupation of the new development.”</u></p>
MM22	ref 99 102 – 110 Clifton Street EC2A 4HT	pp46	<p>Modify the profile for site ref 99: 102 – 110 Clifton Street by amending the geographic illustration of the profile on the Policies Map through the revision of the site boundary as shown on the modified plan in Annex C.</p>
MM23	ref 99	pp47	<p>In the Profile under `Allocation` amend the beginning to read,</p>

Ref	Chapter / Site reference	Para No, Page No	Main modification
	102 -110 Clifton Street EC2A 4HT		<p><del>“Employment, or employment-led mixed use, and including an element of ancillary residential use, may be appropriate for the site.”</del></p> <p><u>Development Principles and Issues</u> Given the site’s location...”</p> <p>Amend the 2<sup>nd</sup> sentence to read, “It is also within the South Shoreditch Conservation Area. Redevelopment offers an opportunity to <u>must</u> establish active....”</p>
MM24	ref 100 64-80 Clifton Street and 4-8 Holywell Row	pp49	<p>In the Profile under ‘Allocation’ amend the beginning to read,</p> <p><del>“Employment or employment-led mixed use, including an ancillary element of residential use., would be appropriate for the site.”</del></p> <p><u>Development Principles and Issues</u> Given the site’s location...”</p> <p>In the Profile under the former ‘Commentary’ section, 3<sup>rd</sup> sentence replace the words “may be” with “is”.</p>
MM25	ref 101 Holywell Lane at the Junction of King John Ct and Great Eastern St, EC2A 3NT	pp51	<p>In the Profile under ‘Allocation’ amend the beginning to read,</p> <p><del>“<u>Employment (office)</u>, or <u>employment</u>-led mixed use, <u>including with ancillary residential use</u>. would be appropriate for the site.”</del></p> <p><u>Development Principles and Issues</u> Given the site’s location within the Central Activities Zone and Shoreditch Priority Employment Area, any redevelopment should lead to an increase in <del>office</del> <u>employment</u> floorspace.”</p> <p>Amend the 3<sup>rd</sup> sentence to read,</p>

Ref	Chapter / Site reference	Para No, Page No	Main modification
			<p>"With the exception of the north west corner, the <u>site</u> <del>offers an opportunity to</del> <u>should</u> create active frontage on <u>the other</u> three sides."</p> <p>In the Profile under the former `Commentary' section, delete the second sentence, "<del>There is scope for redevelopment, particularly for offices.</del>"</p>
MM26	ref 103 35-45 Great Eastern Street EC2A 3ER	pp53	<p>In the Profile under `Allocation' amend the beginning to read,</p> <p>"Employment, or <u>office employment</u> -led mixed use, <del>is appropriate for the site.</del></p> <p><u>Development Principles and Issues</u> Given the site's location....."</p>
MM27	ref 107 Telephone Exchange, Shoreditch High Street E2 7DJ	pp55	<p>In the Profile under `Allocation' amend the beginning to read,</p> <p>"<u>Employment (office), or employment (office)-led mixed use, including with ancillary residential use.</u></p> <p><u>Development Principles and Issues</u> <del>Employment, or employment-led mixed use, in particular office floorspace which should take account of any telecom requirements on the site. The site lies</del> <u>Given the site's location</u> within the Central Activities Zone and Shoreditch Priority Employment Area, <u>redevelopment should be for employment or employment-led redevelopment use. It is in .....</u>"</p> <p>In the Profile under the former `Commentary' section, 3<sup>rd</sup> sentence amend to read, "Any redevelopment should establish active frontages on both Shoreditch High Street and Boundary Street, <u>and take account of any telecom requirements on the site. The general....</u>"</p>
MM28	ref 108	pp57	<p>In the Profile under `Allocation' amend the beginning to read,</p>



Ref	Chapter / Site reference	Para No, Page No	Main modification
	Bishopsgate Goodsyards, Shoreditch High Street, E1 6JU		<p><del>“Employment (office) led mixed use with ancillary and supporting uses including residential, retail and public open space.</del></p> <p><u>Development Principles and Issues</u> The London Borough of Hackney’s section of the identified area is approximately 1.25 hectares. <del>In terms of appropriate uses in Hackney’s section of the site office led mixed use including residential, retail and public open space may be appropriate on the site. The site lies within.....”</del></p> <p>In the Profile under the former ‘Commentary’ section, amend to read,</p> <p>“The site is a major development opportunity, and should be developed in cooperation with the London Borough of Tower Hamlets and in accordance with <u>have regards to the planning guidance for the site Bishopsgate Goods Yard Interim Planning Guidance 2010</u>. The site <del>Interim Planning Guidance</del> covers an area of approximately 4.5 hectares across the London Boroughs of Hackney and Tower Hamlets. In terms of land uses the objectives of the <u>Guidance for Hackney</u> are an appropriate form of new <u>employment or employment-led</u> development comprising <u>employment</u>, housing (in particular affordable and family housing), <del>employment, shops</del> leisure, culture, health, community facilities and open spaces. <del>Appropriate</del> Temporary uses should accord with the <u>Guidance</u>.”</p> <p>In the Profile under ‘How the site was identified’ section, amend to read,</p> <p>The site is identified in the South Shoreditch SPD, and the <u>planning guidance for the site. Bishopsgate Goods Yard Interim Planning Guidance 2010</u>. The site straddles the borough boundary between Tower Hamlets and Hackney. For Hackney’s section of the site, <del>office</del> <u>employment-led</u> development is <del>considered appropriate</del> <u>required</u>. <u>An outline application (2014/2425) was submitted in 2014 – decision pending - for a comprehensive mixed use redevelopment of the whole site. For that part of the site within Hackney, the proposed development comprises the following mix of uses:</u></p> <ul style="list-style-type: none"> <li>- <u>Up to 64,193 m<sup>2</sup> (GIA) of Residential use (Class C3);</u></li> <li>- <u>Up to 32,873 m<sup>2</sup> (GIA) of Business Use (Class B1);</u></li> <li>- <u>Up to 3,359 m<sup>2</sup> (GIA) of Retail Use (Class A1, A2, A3);</u></li> <li>- <u>Up to 2,474 m<sup>2</sup> (GIA) of Retail Use (Class A1, A2, A3, A5);</u></li> <li>- <u>Up to 6,605 m<sup>2</sup> (GIA) of ancillary plant space.</u></li> </ul>

Ref	Chapter / Site reference	Para No, Page No	Main modification
MM29	ref 115 EDF Energy Substation, 10 Appold Street EC2N 2BN	pp59	In the Profile under `Allocation' amend the beginning to read,  <u>“Employment, or employment-led mixed use, including with ancillary residential use.</u>  <u>Development Principles and Issues</u> <del>Employment, or employment-led mixed use which could incorporate any operational requirements by the power supplier.</del> Given the site's location within the Central Activities Zone and the Shoreditch Priority Employment Area the majority of the proposed floorspace should be for employment use <u>and must incorporate any operational requirements by the power supplier.</u> Taller buildings may be .....
MM30	ref 121 Telephone House, 110 Tabernacle Street EC2A 4LE	pp61	In the Profile under `Allocation' amend the beginning to read,  <del>“Employment, or employment-led mixed use, with an increase in office floorspace. would be appropriate for the site.</del>  <u>Development Principles and Issues</u> <del>Employment, or employment-led mixed use, including increase in office floorspace would be appropriate for the site.</del> Given the site's location within the Central Activities Zone and the Shoreditch Priority Employment Area the majority of the proposed floorspace should be for <del>offices</del> <u>employment use.</u> The northern end.....”
MM31	ref 124 Land Bounded by Sun Street, Crown Place EC2A	pp63	In the Profile under `Allocation' amend the beginning to read,  <del>“Employment, or employment-led mixed use including office with supporting retail and hotel uses, with and ancillary leisure, community and residential as secondary uses. as part of a mixed use scheme.</del>  <u>Development Principles and Issues</u> <del>If the extant planning permission is not implemented, employment, or employment-led mixed use including office, retail and hotel uses would be appropriate on this site.</del> <u>The site has planning permission for an office-led mixed use scheme including hotel and retail. If the extant planning permission is not implemented, leisure, community and residential will be acceptable provided that they are ancillary secondary to the office employment use which must form the majority of the floorspace in any mixed use scheme.</u> The site lies within the ....”

Ref	Chapter / Site reference	Para No, Page No	Main modification
MM32	ref 125  Land bounded by Curtain Road. Worship street and Scrutton St EC2A 3BF	pp65	<p>In the Profile under `Allocation' amend the beginning to read,</p> <p><u>“Employment-led mixed use incorporating office, light industrial, with supporting retail, leisure and residential uses. would be appropriate on this block.</u></p> <p><u>Development Principles and Issues</u> Given the site’s location within the Central Activities Zone and the Shoreditch Priority Employment Area the majority of the proposed floorspace should be for employment use. However, given the complexity of this site, given and the presence of a number.....”</p>
MM33	ref 126  225 City Road, EC1V 1LP	pp67	<p>In the Profile under `Allocation' amend the beginning to read,</p> <p><u>“Employment, or employment-led mixed use, with supporting incorporating commercial (office and retail) and residential use.</u></p> <p><u>Development Principles and Issues</u> <del>An employment, or mixed use development incorporating commercial (office and retail) and residential uses. Retail use must satisfy the requirements set out in the Council’s Development Management Local Plan. Given the site.....”</del></p> <p>After sentence beginning `Given the site’s location...’ insert a new sentence , <u>“An element of Retail or other active frontage uses fronting on to City Road and Shepherdess Walk will be acceptable provided such a use satisfies the requirements set out in the Council’s Development Management Local Plan. Development offers an opportunity to should reinstate....”</u></p>
MM34	ref 127  Crown House, 145 City Road, and 37 East Road, EC1V 1LP	pp69	<p>In the Profile under `Allocation' amend the beginning to read,</p> <p><u>“Employment or employment-led mixed use, including commercial retail and residential uses.</u></p> <p><u>Development Principles and Issues</u></p>

Ref	Chapter / Site reference	Para No, Page No	Main modification
			<p><del>If the extant planning permission is not implemented, mixed use development including residential use and commercial use are appropriate on the site. The site has extant planning permission, however, if the permission is not implemented given the site's location ,....."</del></p> <p>Amend the 4<sup>th</sup> sentence to read,</p> <p>"However, there is an opportunity for significant uplift in overall floorspace and providing there is an increase in the quality and quantum of existing <del>commercial employment</del> floorspace a higher proportion of non <del>commercial employment</del> floorspace may be acceptable."</p> <p>In the Profile under "How the site was identified' section, amend 3<sup>rd</sup> sentence to read</p> <p>" Planning permission (ref 2012/3259) was granted <u>in December 2013</u> for the demolition....."</p>
MM35	ref 128 Land bounded by Curtain Road / EC2A 3LP	pp71	<p>In the Profile under 'Allocation' amend the beginning to read,</p> <p><del>"Employment-led comprehensive redevelopment, involving a range of commercial uses and with ancillary supporting retail, community, leisure and residential use.</del></p> <p><u>Development Principles and Issues</u>  <del>This site has potential for an employment-led comprehensive redevelopment. There is potential for a range of commercial uses and residential use. Given the site's location within the Central Activities Zone and the Shoreditch Priority..."</del></p> <p>Amend 2<sup>nd</sup> sentence to read,</p> <p>"However, there is an opportunity for significant uplift in overall floorspace and providing there is an increase in the quality and quantum of <del>commercial employment</del> floorspace a higher proportion of non <del>commercial employment</del> floorspace may be acceptable."</p> <p>In the 2<sup>nd</sup> paragraph after the 2<sup>nd</sup> sentence insert,</p>

Ref	Chapter / Site reference	Para No, Page No	Main modification
			<p><u>“Any proposals fronting Great Eastern Street should take account of the 4-6 storey scale which characterise the corner of Great Eastern Street and Shoreditch High Street.”</u></p> <p>In the Profile under the former ‘Commentary’ section, after the 3<sup>rd</sup> sentence insert,</p> <p><u>“Planning conditions or other measures may be imposed to ensure that the infrastructure is provided and completed before occupation of the new development.”</u></p>
MM36	ref 129  London College of Fashion, 100 - 102 Curtain Road, EC2A 3AE	pp73	<p>In the Profile under ‘Allocation’ amend the beginning to read,</p> <p><u>“Education and other uses including residential if such use can be accommodated and is ancillary secondary to the education function.”</u></p> <p><u>Development Principles and Issues</u>  <del>Potential to enable the expansion of the education and ancillary uses, potentially including residential. Alternatively, there is potential to expand and consolidate the education function of the site by accommodating teaching activities that currently occur on the Mare Street location (ref 133). If mixed use is proposed, a Any scheme needs to take into account..... “</del></p>
MM37	ref 130  Site at Junction of Shoreditch High Street, E1 6PG	pp75	<p>In the Profile under ‘Allocation’ amend the beginning to read,</p> <p><u>“Employment, or employment-led mixed use.”</u></p> <p><u>Development Principles and Issues</u>            Given the site’s location within.....”</p> <p>In the Profile under the ‘Possible allocation’ section, add to the end of the 3<sup>rd</sup> sentence,</p> <p><u>“...and other adjacent heritage assets. The site abuts...”</u></p>

Ref	Chapter / Site reference	Para No, Page No	Main modification
MM38	ref 137 84-90 Great Eastern Street EC2A 3DA	pp77	<p>In the Profile under `Allocation' amend the beginning to read,</p> <p><u>“Hotel, employment, or employment-led mixed use, with ancillary including hotel, cultural facilities leisure and residential uses.</u></p> <p><u>Development Principles and Issues</u> If the extant planning permission is not implemented, <del>employment, or employment-led mixed use including hotel, other cultural facilities and residential will be acceptable on this site. given the site.....”</del></p>
MM39	ref 138 Site bounded by Clere St and Tabernacle St EC2A 4EA	pp79	<p>In the Profile under `Allocation' amend the beginning to read,</p> <p><del>“An Employment, or employment-led mixed use, development including office and ancillary including residential use. is appropriate.</del></p> <p><u>Development Principles and Issues</u> Given the site’s location...”</p>
MM40	ref 139 Site of 5-13 (9consec.) Holywell Lane and EC2A 3PQ	pp81	<p>In the Profile under `Allocation' amend the beginning to read,</p> <p><u>“Employment-led mixed use including hotel and retail.</u></p> <p><u>Development Principles and Issues</u> <del>The site is appropriate for an employment-led mixed use scheme including hotel given it’s location. Given the site’s location....”</del></p>

Ref	Chapter / Site reference	Para No, Page No	Main modification
			In the Profile under the 'How was the site identified' section, amend the 2 <sup>nd</sup> sentence to read, <del>"A planning application (ref 2012/3792) has been submitted, decision pending A planning</del> <u>The Council in July 2013 resolved to grant consent for p</u> Planning application (ref 2012/3792), and accompanying listed building and conservation area applications were approved in August 2014."
MM42	ref 159 15-21 New North Road, N1 6JA	pp82	Delete the site profile/allocation from the plan.
MM43	ref 160 Site bounded by Brunswick Place, N1 6DX	pp84	Delete the site profile/allocation from the plan.
MM44	ref 204 10-50 Willow Street , EC2A 4BH	pp87	In the Profile under 'Allocation' amend the beginning to read, <u>"Employment, or employment-led mixed use.</u> <u>Development Principles and Issues</u> <del>If the extant planning permission is not implemented, employment, or employment-led mixed use is appropriate on this site-</del> <u>given the site lies within the Central Activities Zone and Shoreditch Priority....."</u>  In the Profile under the "How the site was identified" section, 2 <sup>nd</sup> sentence replace 'May' with 'October'.

Ref	Chapter / Site reference	Para No, Page No	Main modification
MM45	ref 206  Wakefield House, Chart Street, N1 6DD	pp89	In the Profile under `Allocation` amend the beginning to read,  <u>“Employment, or employment-led mixed use.</u>  <u>Development Principles and Issues</u> <del>The site is appropriate for employment, or employment-led mixed use g</del> Given the site’s location within the Central Activities Zone and the Wenlock Priority Employment.....”  In the former `Commentary` section amend to read,  <del>“Some existing uses including education may need to be re-provided. Old Street station is approximately 200m from the site.”</del>
MM46	ref 207  22 Micawber Street, N1 7EQ	pp90	Delete the site profile/allocation from the plan.
MM47	ref 208  1-3 Wenlock Rd, The Brewery Ind Est N1 7SL	pp92	Delete the site profile/allocation from the plan.
MM48	ref 209  (Unit A-F) 18-42 Wharf Road London N1 7TB	pp94	Delete the site profile/allocation from the plan.
MM49	ref 233	pp96	Modify the profile for site ref 233: 113 – 137 Hackney Road by amending the geographic illustration of the profile on the Policies Map through the revision of the site boundary as shown on the modified plan in Annex C.



Ref	Chapter / Site reference	Para No, Page No	Main modification
	113-137 Hackney Road E2 8ET		
MM50	ref 233  113-137 Hackney Road E2 8ET	pp97	<p>In the Profile under `Allocation` amend the beginning to read,</p> <p><u>“Employment, or employment led mixed use, and including an element of commercial use (retail) and ancillary retail and residential uses.</u></p> <p><u>Development Principles and Issues</u>  <del>The site is appropriate for predominately employment / commercial use taking into account that the site lies within the Shoreditch Priority Employment Area. Given the site’s location within the Shoreditch Priority Employment Area, the site should be predominately for employment or commercial use. There may be is some scope.....”</del></p> <p>In the Profile under the former `Commentary` section, amend 1<sup>st</sup> sentence to read,</p> <p>“The site is mainly in <del>commercial employment</del> use within a PEA, so any redevelopment should be mainly for <del>commercial employment</del> use, although.....”</p>
MM51	ref 244  1-14 Long Street, EC2 8HN	pp99	<p>In the Profile under `Allocation` amend the beginning to read,</p> <p><u>“Mixed use including residential use.</u></p> <p><u>Development Principles and Issues</u>  <del>If the extant planning permission is not implemented, there is potential for an employment led mixed use which needs to take into account that the site lies within the Shoreditch Priority Employment Area. Given the circumstances of the site, a significant uplift in the quantum and quality of the employment floorspace compared to the existing provision will be required. therefore the majority of the proposed should be for employment use. Any residential use must be appropriate to the PEA, and with regard</del></p>

Ref	Chapter / Site reference	Para No, Page No	Main modification
			<p><del>to the adjacent railway viaduct.</del> The majority of the sites lies within the Hackney Road Conservation Area, which must be a consideration in any proposal.”</p> <p>In the Profile under the former `Commentary` section, amend the last sentence to read,          “The general guidance in terms of residential density for the site is 650-1100hr/ha, although any development must be mainly for <del>commercial</del> <u>employment</u> use and appropriate to the PEA and in regard to the adjacent railway. The site lies within a CPZ and Hoxton station is approximately 500m from the site.”</p> <p>In the Profile under the `How the site was identified` section, amend the 2nd sentence to read,          “A planning application (ref 2012/2013) was approved <u>in August 2013</u> for a new part 4 ……….”</p>
MM52	ref 268  Britannia Leisure Centre, Hyde Road, N1 5JU	pp101	<p>In the Profile under `Allocation` amend the beginning to read,  <u>“Leisure or leisure and residential mixed use.</u></p> <p><u>Development Principles and Issues</u>  <del>There is potential to redevelop the site through mixed use redevelopment including leisure. The replacement of the <u>existing</u> leisure facilities....”</del></p> <p>Amend the third sentence to read :          There is an opportunity for some residential development, <del>including affordable housing</del> with a possible taller…….</p>

Ref	Chapter / Site reference	Para No, Page No	Main modification
			<p>Under the former `Possible allocation' section, at the end insert,  <u>“Planning conditions or other measures may be imposed to ensure that the infrastructure is provided and completed before occupation of the new development.”</u></p> <p>In the Profile under the former `Commentary' section, 1<sup>st</sup> sentence, amend to read,  “<u>The site is relatively large and the building could make better use of the site. Some intensification and the introduction of residential use is considered appropriate, with supported, alongside</u> reprovided and improved leisure facilities.”</p>
MM53	ref 270 Former Rose Lipman Library, Downham Road N1 5 <sup>TH</sup>	pp103	<p>In the Profile under `Allocation' amend the beginning to read,  <u>“Mixed use including residential, an element of and supporting retail, and community facilities.</u></p> <p><u>Development Principles and Issues</u>  <del>There is potential for a mixed use scheme including the re-provision of the community centre, and including retail and residential. The former Rose Lipman Library Community Centre is part of a housing estate, and it used to house the Archive Library before it was relocated to the new Dalston Library. †Therefore the re-provision of community facilities for the local area is appropriate required on this site, which may be achieved through the retention and refurbishment of the former Rose Lipman Library as part of a wider development. Any retail....”</del></p> <p>In the Profile under the former `Commentary' section, after the 6<sup>th</sup> sentence insert,  <u>“Planning conditions or other measures may be imposed to ensure that the infrastructure is provided and completed before occupation of the new development.</u> <del>The Archive Library has been relocated to the new Dalston Library, thus an opportunity for alternative uses and potential development has arisen as part of a wider development. Any residential.....”</del></p>

Ref	Chapter / Site reference	Para No, Page No	Main modification
			Under the `Consideration` section amend PTAL level to `3/4`
MM54	ref 133 London College of 182 Mare Street, E8 3RF	pp106	<p>In the Profile under `Allocation` amend the beginning to read,</p> <p><u>“Education and / or redevelopment for mixed use including education other community, retail, leisure commercial and residential uses.</u></p> <p><u>Development Principles and Issues</u>  <del>Redevelopment / refurbishment and expansion of existing education use. Alternatively, partial redevelopment and refurbishment for mixed used including commercial and residential. Any redevelopment of this site must be</del> in association with the College’s plans for it’s Curtain Road site (ref 129) and other education sites in the London area. The site.....”</p> <p>In the Profile under the former `Commentary` section, amend the 1st sentence to read,  <del>“There is an opportunity potential to redevelop at the rear and to the south of the site., in association with the relocation of the education function onto other sites belonging to the College including the Curtain Road location (ref 129). If residential...”</del></p>
MM55	ref 134 Hackney Police station, 2 Lower Clapton Road, E5 0PA	pp108	<p>In the Profile under `Allocation` amend beginning to read,</p> <p><del>“Mixed use commercial, community and ancillary residential use.</del>  <u>Community use or mixed use comprising employment, community, retail and residential.</u></p> <p><u>Development Principles and Issues</u>  <del>Potential for a scheme involving commercial community and some residential development. The site is in the Hackney Central District Town Centre, and abuts the Hackney Central Area Action Plan area. Employment, community or retail at ground floor level is required on the Lower Clapton Road frontage. Proposals must have....”</del></p>

Ref	Chapter / Site reference	Para No, Page No	Main modification
			<p>In the Profile under the former `Commentary' section, 2<sup>nd</sup> sentence amend to read,</p> <p>“The listed building should be retained and refurbished, however, it is a deep site and there is potential for sympathetic and low density development, while retaining a police / <u>community</u> facility and <del>incorporating commercial</del> <u>possibly employment and retail uses</u>, particularly to the Lower Clapton Road frontage. Any residential use.....”</p> <p>At the end of the section insert,</p> <p><u>“..., therefore a Sustainable Drainage System(s) and where appropriate a Flood Risk Assessment must be installed / produced.”</u></p> <p>In the Profile under the `How the site was identified' section, insert at the end,</p> <p><u>“In 2014 there was pre-application discussion regarding a community use on the site.”</u></p>
MM56	ref 143 Ash Grove Bus, Andrew Road E8 4RH	pp110	<p>In the Profile under `Allocation.” insert at the beginning,</p> <p><u>“Depot and <del>for</del> employment uses.</u></p> <p><u>Development Principles and Issues</u> The existing Transport.....”</p> <p>In the 2<sup>nd</sup> sentence replace “The Land for Transport Functions SPG” with “the Land for Industry and Transport SPG 2012 and subsequent amendments to the SPG.”</p> <p>In the Profile under the former `Possible allocation' section, at the end insert,</p> <p><u>“Planning conditions or other measures may be imposed to ensure that the infrastructure is provided and completed before occupation of the new development.”</u></p>

Ref	Chapter / Site reference	Para No, Page No	Main modification
MM57	ref 166  Land bounded by Warburton Rd, E8 3RH	pp112	<p>In the Profile under `Allocation' amend the beginning to read,   <u>“Employment-led mixed use, with ancillary including residential and retail uses.</u></p> <p><u>Development Principles and Issues</u>  <del>Redevelopment of site to provide predominately commercial use, with ancillary residential and retail, the latter preferably along the Mare Street frontage. The site also has retail /commercial and other active frontages onto Warburton Road, Bayford Street and Sidworth Street. Development proposals are.....”</del></p> <p>Amend the 4<sup>th</sup> sentence to read,  “However, there are opportunities for significant uplift in overall floorspace and providing there is an increase in the quality and quantum of <del>commercial</del><u>employment</u> floorspace a higher proportion of non <del>commercial</del> <u>employment</u> floorspace may be acceptable on individual sites or on the allocation as a whole.”</p> <p>In the Profile under the former `Commentary' section, 4<sup>th</sup> sentence amend to read,  “The surrounding area includes a couple of locally listed buildings on either side of the site on the Mare Street frontage, and larger <del>commercial</del> <u>employment / retail</u> units on other sides of the site. These range in height from around 15-22m. The site is <u>largely</u> a <del>commercial-employment</del> site in a PEA.....”</p> <p>In the Profile under the `How the site was identified' section amend,  Site A to include reference to the planning approval in June 2013  Site B to include reference to the planning approval in June 2014  Site C to include reference to planning application 2013 / 2640 which was approved in December 2014.  Site D to include reference to planning application 2013/0643.</p>

Ref	Chapter / Site reference	Para No, Page No	Main modification
MM58	ref 190  Arches 189 - 222 Morning Lane, E9 6JU	pp114	<p>In the Profile under `Allocation' amend the beginning to read,</p> <p><u>“Commercial uses including r Retail and employment.</u></p> <p><u>Development Principles and Issues</u> A range of commercial uses which upgrade and improve the arches may be acceptable. There may be opportunities <u>is potential</u> for new build.....”</p> <p>Under the former `Commentary' section, 1<sup>st</sup> sentence amend to read, “A range of <del>commercial</del> <u>employment and retail</u> uses to improve and upgrade the arches <del>would generally be</del> <u>is appropriate</u>. The site contains land fronting Mare Street, and there <del>may be an opportunity</del> <u>is potential</u> for new development in front of some of the arches. Any retail.....”</p> <p>At the end of the section insert,</p> <p><u>“..., therefore a Sustainable Drainage System(s) and where appropriate a Flood Risk Assessment must be installed / produced.”</u></p>
MM59	ref 223  27-37 Well Street, E9 7QX	pp116	<p>In the Profile under `Allocation' amend the beginning to read,</p> <p><u>“Mixed use retail and residential.</u></p> <p><u>Development Principles and Issues</u> There is potential for intensification and introduction of other uses on the site, <del>which could include some residential use</del>, mainly towards the Well Street frontage and air space above the store, up to 3-4 storeys. The quantum of .....</p> <p>In the Profile under the former `Commentary' section, 1<sup>st</sup> sentence amend to read, “There is <del>an opportunity</del> <u>potential</u> to use <u>utilise</u> the air space above the store and within the car park....”</p>

Ref	Chapter / Site reference	Para No, Page No	Main modification
			At the end of the section insert, <u>“Planning conditions or other measures may be imposed to ensure that the infrastructure is provided and completed before occupation of the new development.”</u>
MM60	ref 225 Works, Andrew Road E8 4RL	pp118	In the Profile under `Allocation` amend the beginning to read, <u>“Employment and/or depot use.</u>  <u>Development Principles and Issues</u> <del>Potential for refurbishment or new build for employment use which needs to take into account that</del> The site lies within the Mare Street Priority Employment Area, <u>and is appropriate for employment use. The Regents Canal...</u> ”
MM61	ref 271 164-170 Mare Street, E8 3RH	pp120	In the Profile under `Allocation` amend the beginning to read, <u>“Employment or employment-led mixed use, including community uses.</u>  <u>Development Principles and Issues</u> <del>There is an opportunity</del> <u>potential</u> to intensify the use of the site, and heights should follow the prevailing context of 3-4 storeys. The site lies within Mare Street Priority Employment Area and so any redevelopment should be for employment, or employment-led <u>with provision for the Army Cadets or another community use.</u> The existing buildings do not....”
MM62	ref 135 Wilmer Business Park, Wilmer Place N16 0LH	pp123	In the Profile under `Allocation` amend the beginning to read, <u>“Retail, employment, and supporting community and leisure uses,</u> <del>and other town centre uses</del> <u>including residential use and public car park.</u>  <u>Development Principles and Issues</u> <del>There is potential for employment-led mixed development on this site.</del> <u>The extant planning permission is for retail and residential, if the permission is not implemented, given</u> the site lies within Stoke Newington High Street District Centre, <del>therefore</del> <u>retail uses, employment and other town-centre uses</u>



Ref	Chapter / Site reference	Para No, Page No	Main modification
			including some residential, <del>leisure, community use, open space</del> and public car park <del>is</del> <u>are</u> appropriate. <u>Specifically, there should be active retail frontage at ground floor level on the Stoke Newington High Street frontage. It is also...."</u>
MM63	ref 136 Anvil House, 8-32 Matthias Road, N16 8NU	pp125	In the Profile under `Allocation' amend the beginning to read,  <u>"Mixed use including office employment, retail and residential uses.</u>  <u>Development Principles and Issues</u> <del>Redevelopment of site to accommodate mixed use including residential and commercial office and retail. Any proposal must..."</del>  In the Profile under the former `Commentary' section, 1 <sup>st</sup> sentence amend to read:  <del>"Commercial use including r</del> <u>Retail and/or employment use fronting onto Matthias Road at ground floor level would be appropriate. is a requirement of any scheme.</u> Any significant...."
MM64	ref 251 Arriva / Stamford Hill, (Bus) Garage Rookwood Road N16 6SS	pp127	In the Profile under `Allocation' amend the beginning to read,  <del>"Mixed use including family housing and / or education and community uses. Education, other community use and residential use</del>  <u>Development Principles and Issues</u> <del>There is potential for a mixed use scheme including family housing to meet local needs and / or education and community use. The operational requirements of Transport for London / Arriva need to be taken into consideration if this site is redeveloped. TfL's requirements will be informed by The Land for Transport Functions SPG Land for Industry and Transport SPG 2012 and subsequent amendments. There is potential..."</del>

Ref	Chapter / Site reference	Para No, Page No	Main modification
			<p>Amend 5<sup>th</sup> sentence and insert new sentence,</p> <p><u>“Although not listed, the possibility of part retention and conversion of the existing early 20th Century garage building may be appropriate must be explored. Provision for education purposes should be a primary consideration for any future use of this site. Any proposal should...”</u></p> <p>In the Profile under the former `Commentary` section, 2<sup>nd</sup> sentence amend to read,</p> <p><u>“The site could be used for mixed-use, including residential taking account of local need and community uses.”</u></p>
MM65	ref 256 Tram Depot., 38 – 40 Upper Clapton Road E5 8BQ	pp129	<p>In the Profile under `Allocation` amend the beginning to read,</p> <p><u>“Employment or employment-led mixed use, including light industrial and ancillary residential use.</u></p> <p><u>Development Principles and Issues</u>  <del>If the extant planning permission is not implemented, employment, or employment-led mixed use including light industrial and some residential is appropriate.</del> <u>The site has extant planning permission, if it is not implemented, given the site...”</u></p> <p>In the Profile under former “Commentary” delete the first sentence,</p> <p>“The site has a recent history of planning consents.”</p> <p>In the Profile under the `How the site was identified` section, insert at the end:</p> <p><u>“In 2014 there were discussions regarding possible amendments to the approved scheme.”</u></p>

Ref	Chapter / Site reference	Para No, Page No	Main modification
MM66	ref 272 41-45 Stamford Hill. N16 5SR	pp131	<p>In the Profile under `Allocation` amend the beginning to read,</p> <p><u>“Mixed use for town centre uses including retail, employment and residential office and light industrial use.”</u></p> <p><u>Development Principles and Issues</u> The site has an extensive high street frontage and <del>there is potential for a more intensive employed-led use redevelopment.</del> It lies within Stoke Newington District Centre, so <u>active retail frontage at ground level on Stamford Hill, with employment and residential above or on less prominent frontages is preferred. suitable town centre uses would be appropriate, and.</u> There is an opportunity to introduce a building frontage closer to Stamford Hill.....”</p> <p>In the Profile under the former `Commentary` section, amend the 1<sup>st</sup> sentence to read, “There is an <del>opportunity</del> <u>potential</u> to intensify and diversify the range of uses....”</p> <p>At the end of the section insert, <u>“..., therefore a Sustainable Drainage System(s) and where appropriate a Flood Risk Assessment must be installed / produced.”</u></p>
MM67	ref 273 92-94 Stamford Hill, N16 0QX	pp133	<p>In the Profile under `Allocation` insert at the beginning,</p> <p><u>“Mixed use town centre uses including retail, office employment and residential uses.”</u></p> <p><u>Development Principles and Issues</u> Given the site's location within the northern edge of Stoke Newington District Centre, <del>appropriate town centre uses</del> a mix of retail, employment, leisure, community and residential is appropriate. <u>Any development must have including active ground level uses are appropriate.</u> Any proposal... “</p>
MM68	Ref 279	pp135	<p>In the Profile under `Allocation` insert at the beginning,</p> <p><u>“Education and residential use.”</u></p>

Ref	Chapter / Site reference	Para No, Page No	Main modification
	71 -73 Lordship Road, N16 0QX		<p><u>Development Principles and Issues</u> There is <del>potential</del> <u>a requirement on this site</u> to bring the locally listed 73 Lordship Lane (St Mary's Lodge) back into community (education) use, and <u>opportunity to</u> utilise the land to the rear.....No. 73 is situated in Lordship Park Conservation Area, and any proposed new buildings need to pay particular attention to the setting and view of St Mary's Lodge. <del>which should be restored.</del>“</p> <p>In the Profile under the former `Commentary' section, 2<sup>nd</sup> sentence insert,</p> <p>“Mary's Lodge has been in a state of disrepair for some time, and the refurbishment and re-use of the building <u>is crucial to the realisation of together with the development on the remainder of the site, adjacent site would be appropriate.</u> Any redevelopment needs to take into consideration the fact that the site falls within an identified area at risk from surface water flooding, <u>therefore a Sustainable Drainage System(s) and where appropriate a Flood Risk Assessment must be installed / produced. Planning conditions or other measures may be imposed to ensure that the infrastructure is provided and completed before occupation of the new development.</u> There is a covenant on 73 Lordship Lane which means it should be used for education or community purposes. However, residential <del>may be appropriate, if an</del> <u>as part of a mixed use scheme including</u> educational and/or community use is <u>supported. provided.</u> The site lies within .....</p>
MM70	ref 281 Telephone Exchange, Upper Clapton Road, E5 9JZ	pp137	<p>In the Profile under `Allocation' amend the beginning to read,</p> <p><u>“Mixed use including residential use.</u></p> <p><u>Development Principles and Issues</u> <del>The site has potential for intensification and change of use to include an element of residential use.</del> There is no....”</p>

Ref	Chapter / Site reference	Para No, Page No	Main modification
			<p>In the Profile under the former 'Commentary' section, at the end insert,  <u>"...therefore a Sustainable Drainage System(s) and where appropriate a Flood Risk Assessment must be installed / produced."</u></p>
MM71	ref 285 151 Stamford Hill N16 5LG	pp139	<p>In the Profile under 'Allocation' amend the beginning to read,  <u>"Mixed use including retail and residential uses.</u></p> <p><u>Development Principles and Issues</u>  <del>There is potential to intensify use on the site.</del> The site lies within Stamford Hill Local Shopping Centre, thus mixed use <u>with active retail frontage at ground floor level is a requirement of any development on this site.</u> <del>including residential and retail would be acceptable in principle.</del> As general guidance,....."</p> <p>Under the former 'Commentary' section amend to read,  "There is <del>an opportunity</del> <u>potential to intensify use on the site</u> and to develop above 151 Stamford Hill and utilise the land adjacent to it. The nearest station to the site is Stamford Hill approximately 600m away."</p>
MM72	Ref 260	pp141	Delete from the plan the section entitled Area Action Plans and the sites allocated through it.

Ref	Chapter / Site reference	Para No, Page No	Main modification																														
MM73	Appendix 1	pp149	Insert Revised Appendix 1 Indicative Capacity Schedule for each site, reflecting the amendments to Sites Ref 99 and 273, and the deletion of sites Ref 159, 160, 207, 208, 209, 260, 261, 262 and 263, as shown in Annex A below.																														
MM74	Appendix 1	Pp157	Amend and revise Table 2 as a result of the revised Indicative Capacity Schedule. <table border="1" data-bbox="750 627 1599 1042"> <thead> <tr> <th></th> <th>Floorspace (gross)</th> <th>Floorspace (Net)</th> <th>Units (gross)</th> <th>Units (net)</th> </tr> </thead> <tbody> <tr> <td>Residential</td> <td></td> <td></td> <td>19430 13764</td> <td>9055</td> </tr> <tr> <td>Employment (Sqm)</td> <td><del>635887</del> 553031</td> <td>390650</td> <td></td> <td></td> </tr> <tr> <td>Retail (Sqm)</td> <td>98163 34110</td> <td>22576</td> <td></td> <td></td> </tr> <tr> <td>Community (Sqm)</td> <td>96616 54482</td> <td>38688</td> <td></td> <td></td> </tr> <tr> <td>Leisure (Sqm)</td> <td>73672 64714</td> <td>56502</td> <td></td> <td></td> </tr> </tbody> </table>		Floorspace (gross)	Floorspace (Net)	Units (gross)	Units (net)	Residential			19430 13764	9055	Employment (Sqm)	<del>635887</del> 553031	390650			Retail (Sqm)	98163 34110	22576			Community (Sqm)	96616 54482	38688			Leisure (Sqm)	73672 64714	56502		
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MM75	Appendix 2	pp161	Delete from Appendix 2 the table and text relating to the Use Classes Order and the text relating to permitted development rights.																														

MM76	New Appendix 2A	After Appendix 1	<p>Insert new Appendix 2A</p> <p>Total net anticipated housing delivery during the SALP plan period (2029) <b><u>Housing 2013-2028 (15 years)</u></b></p> <p>The following table sets out the anticipated net new housing delivery during the SALP plan period from anticipated sources. <del>to seek to meet future revised London Plan targets, and objectively assessed housing need (which will be established as soon as the Council has completed a new Strategic Housing Needs Assessment).</del> This table will be updated periodically to reflect other emerging anticipated housing sources as they become more definitive (such as through further AAPs identified in the Council's LDS). <del>In addition, 734 residential units are expected to be delivered (by 2033) through the Woodberry Down estate regeneration programme shortly after the SALP plan period (2014-2029).</del></p> <table border="1" data-bbox="750 592 1883 1222"> <thead> <tr> <th>Housing Source</th> <th>Anticipated Net Housing Delivery</th> </tr> </thead> <tbody> <tr> <td><del>SALP (including estate renewal) (excluding AAPs)</del></td> <td><del>9667-9055</del></td> </tr> <tr> <td><del>Adopted AAPs referenced in SALP (not including Hackney wick)</del></td> <td><del>4854-3285</del></td> </tr> <tr> <td><del>Emerging AAPs as per adopted LDS Nov 2014 (Stamford Hill and Shoreditch)</del></td> <td><del>At least 2000</del></td> </tr> <tr> <td><del>Planning Permissions</del></td> <td><del>3468-4068</del></td> </tr> <tr> <td><del>Windfall</del></td> <td><del>5590-5160</del></td> </tr> <tr> <td><del>Long-term empty homes returning to use</del></td> <td><del>847</del></td> </tr> <tr> <td><del>Other estate renewal projects not in the SALP</del></td> <td><del>26</del></td> </tr> <tr> <td><del>Total from confirmed sources</del></td> <td><del>24,449-22,453-22,441</del></td> </tr> <tr> <td><del>Total including emerging AAPs</del></td> <td><del>At least 24,453-22,441</del></td> </tr> </tbody> </table> <p>Please note this figure is based on initial evidence for the Stamford Hill and Shoreditch AAPs, which is considered to be minimum based on initial evidence provided to support the AAPs development.</p>	Housing Source	Anticipated Net Housing Delivery	<del>SALP (including estate renewal) (excluding AAPs)</del>	<del>9667-9055</del>	<del>Adopted AAPs referenced in SALP (not including Hackney wick)</del>	<del>4854-3285</del>	<del>Emerging AAPs as per adopted LDS Nov 2014 (Stamford Hill and Shoreditch)</del>	<del>At least 2000</del>	<del>Planning Permissions</del>	<del>3468-4068</del>	<del>Windfall</del>	<del>5590-5160</del>	<del>Long-term empty homes returning to use</del>	<del>847</del>	<del>Other estate renewal projects not in the SALP</del>	<del>26</del>	<del>Total from confirmed sources</del>	<del>24,449-22,453-22,441</del>	<del>Total including emerging AAPs</del>	<del>At least 24,453-22,441</del>
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Ref	Chapter / Site reference	Para No, Page No	Main modification
MM77	New Appendix		Insert new Appendix showing the allocations in the SALP which supersede adopted UDP designations, as shown in Annex B below.
MM78		Para 6.1	<p>Revised paragraph 6.1,</p> <p>6.1 <del>The delivery of the sites and effectiveness of site policies taken forward to submission to the Planning Inspectorate following consultation</del> will be monitored through the Council's Authority Monitoring Report. <u>Updates on the status of sites and progress made in site delivery will be recorded annually in the Authority Monitoring Report. This is required to enable an understanding of the extent to which the Site Allocations Local Plan delivers what is intended over the lifetime of the plan. The adopted document will be reviewed and amended if changes are necessary following monitoring, and any factual updates to the site profiles will be picked up in this process.</u></p> <p>6.2 <u>Indicators to monitor the impact of the site policies on various groups will be recorded in the Authority Monitoring Report to assist in understanding whether the needs of different communities in Hackney are being met and how this can be improved.</u></p> <p>6.3 <u>With the majority of sites, phasing, responsibility/delivery, capacity and funding are all indicative and will need to be worked on in detail as the plan progresses. The Council will proactively engage, work with and assist developers and landowners to bring forward the delivery of the sites and also regularly assess supporting infrastructure requirements.</u></p>



Annex A

Table 1

Revised Indicative Capacity for each Site (~~submitted in Response to Inspector's Correspondence of 18<sup>th</sup> March 2014 and LBH's response dated 10<sup>th</sup> April 2014 Appendix 5 Commercial Delivery~~)

SALP Ref	Name	Site Area	Refurbishment/New Build	Commercial Employment (Sqm)		Retail (Sqm)		Community (Sqm)		Leisure (Sqm)		Residential (Units)	
				Gross (Capacity)	Net	Gross (Capacity)	Net	Gross (Capacity)	Net	Gross (Capacity)	Net	Gross (Capacity)	Net
<b>Estate Renewal Programme</b>													
6	Colville Estate, Hyde Road, N1 5PT	4.21	New Build	700	700	0	-350	300	100	0	0	884	466
7	Kings Crescent, Green Lanes	4.51	Refurb and New Build	0	0	574	304	205	44	230	230	765	490
9	Marian Court, Homerton High Street, E9 6BT	0.78	New Build	0	0	0	0	56	0	0	0	116	-19
10	Bridge House, Homerton High Street, E9 6JL	0.36	New Build	0	0	104	104	0	0	0	0	78	78
12	Tower Court, Clapton Common, E5 9AJ	0.7	New Build	0	0	0	0	0	0	0	0	129	62
15	King Edwards Road, E9 7SL	0.26	New Build	0	0	0	0	0	0	0	0	32	32
16	St Leonard's Court and adjacent land, N1 6JA	0.55	New Build	0	0	0	0	0	0	0	0	72	8
283	Nightingale Estate, Downs Road, E5 8LB	8.54	Refurb and New Build		0		0		0		0	1500	600

286	Woodberry Down, Seven Sisters Road, N4 1DH	30.64	New Build	3080	3080	5390	4420	20020	17712	10010	10010	5557	3544
<b>Sites within the Shoreditch Area</b>													
27	213-215 New North Road, N1 6SU	0.27	New Build	3257	2888	0	0	0	0	0	0	88	88
84	337 Kingsland Road, E8 4DA	0.24	New Build	647	420	323	323	0	-211	9806	9806	0	0
95	12-20 Paul Street, EC2A 4JH	0.4	New Build	15637	12850	191	191	3242	229	0	0	0	0
99	110 Clifton Street, EC2A 4HT	0.26	New Build	3170 4179	2658 3667	250	250	0	0	0	0	31 40	31 40
Page 504 100	64-80 Clifton Street and 4-8 Holywell Row, EC2A 4HB	0.17	Refurb and New Build	3491	-2758	250	250	0	0	0	0	34	34
101	Holywell Lane, at Junction of King John Court and Great Eastern Street, EC2A 3NT	0.35	New Build	13362	4212	0	0	0	0	0	0	122	122
103	35-45 Great Eastern Street, EC2A 3ER	0.11	New Build	5472	5088		0	0	0	0	0	50	50
107	Telephone Exchange, Shoreditch High Street, E2 7DJ	0.22	New Build	7000	-630	275	275	1000	1000	0	0	76	76
108	Bishopsgate Goodsyrd, Shoreditch High Street, E1 6JU	1.25	New Build	119233	119233	4050	4050	5875	5875	5875	5875	462	462
115	EDF Energy Substation Site, 10 Appold Street, EC2N 2BN	0.5	New Build	24194	24194	0	0	0	0	0	0	221	221

121	Telephone House, 110 Tabernacle Street, EC2A 4LE	0.38	New Build	14255	2383	250	250	0	0	0	0	132	132
124	Land bounded by Crown Place, Wilson Street, Earl Street, EC2A 2AL	0.37	Refurb and New Build	50545	40607	4021	3188	2872	2872	0	0	0	0
125	Land bounded by Curtain Road, Worship Street & Scrutton Street, EC2A 1LP	1.7	Refurb and New Build	47318	10254	2000	825	500	500	750	750	432	432
126	225 City Road, EC1V 1LP	0.37	New Build	11585	11585	250	250	0	0	0	0	108	108
Page 505	127	Crown House, 145 City Road and 37 East Road, EC1V 1LP	0.33	New Build	11336	531	116	116	0	116	116	302	302
	128	Land bound by Curtain Road, Hewett Street, Hearn Street & Plough Yard, EC2A 3LP	0.72	New Build	32358	21513	327	293	0	0	0	0	385
129	London College of Fashion, 100-102 Curtain Road, EC2A 3AE	0.17	New Build	0	-772	0	0	9000	9000	360	360	0	0
130	Site at Junction of Shoreditch High Street and Commercial Street, E1 6PG	0.37	New Build	5945	5204	750	396	0	-492	0	0	61	50
137	84-90 Great Eastern Street, EC2A 3DA	0.21	New Build	560	57	0	-564	0	-1423	3440	3440	103	103

138	Site bound by Clere Street and Tabernacle Street, EC2A 4EA	0.18	New Build	6658	6658	0	0	0	0	0	0	61	61
139	5-13 Holywell Lane and Former Depot, EC2A 3PQ	0.3	New Build	10162	10162	1654	1422	0	0	0	0	8	2
159	15-21 New North Road, N1 6JA	0.24	New Build	985	-2088	0	0	0	0	0	0	61	61
160	Site bounded by Corsham Street and Brunswick Place, N1 6DX	0.43	New Build	10948	4420	0	0	7550	7550	378	378	0	0
204	10-50 Willow Street, EC2A 4BH	0.19	New Build	3715	507	0	0	0	0	4541	4541	0	0
206	Wakefield House, Chart Street, N1 6DD	0.31	New Build	7000	-3100	0	0	1000	1000	3760	3760	107	107
207	22 Micawber Street, N1 7EQ	0.31	New Build	2544	-5939	0	0	0	0	0	0	108	108
208	1-3 Wenlock Road & The Brewery Industrial Estate, N1 7SL	0.22	New Build	1910	0	0	0	0	0	0	0	104	104
209	Unit A-F, 18-42 Wharf Road, N1 7TB	0.68	New Build	7021	-498	0	0	0	0	0	0	327	327
233	113-137 Hackney Road, E2 8ET	0.58	New Build	18476	16824	300	300	0	0	0	0	172	172
244	1-13 Long Street, E2 8HN	0.54	Refurb and New Build	8795	8677	0	0	0	0	0	0	73	38
268	Britannia Leisure, Hyde Road, N1 5JU	1.07	New Build	5105	5105	0	0	0	0	24926	16714	176	176
270	Former Rose Lipman Library and	0.76	New Build	5136	4368	1014	1014	608	-1817	0	0	245	226

	Environs, Downham Road, N1 5TH													
<b>Hackney Central and Environs</b>														
133	London College of Fashion, 182 Mare Street	0.49	New Build	5622	5622	0	0	5000	3679	0	0	218	218	
134	Hackney Police Station, 2 Lower Clapton Station	0.17	Refurb and New Build	100	100	0	0	579	-2715	0	0	37	37	
143	Ash Grove Bus Garage and Adjacent land on Andrew Road	2.38	New Build	61982	60125	0	-931	0	0	0	0	0	0	
Page 507	166	Land Bound by Mare St, Warburton Rd, and Bayford St	0.52	New Build	5487	22	247	-579	431	431	0	0	115	115
	190	Arches 189-222 Morning Lane	1.06	Refurb and New Build	1732	-1732	1732	1732	0	0	0	0	0	0
	223	27-37 Well Street	0.4	New Build	3599	3599	3600	2373	0	0	0	0	66	66
225	Works Andrews Road/ Sheep Lane	0.49	New Build	12643	10551	100	100	0	0	0	0	0	0	
271	164-170 Mare Street	0.12	New Build	447	-5	250	250	500	-132	400	400	15	15	
<b>Sites in North Hackney</b>														
135	Wilmer Business Park, Wilmer Place, Stoke Newington, N16 0LH	0.5	New Build	1864	-1465	2112	1525	166	166	0	0	54	47	
136	Anvil House, 8-32 Matthias Road, Stoke Newington, N16 8NU	0.21	New Build	664	-2701	136	-1275	0	0	0	0	85	85	

251	ARRIVA/Stamford Hill (Bus) Garage, Rookwood Road, N16 6SS	0.73	New Build	4771	-1632	0	0	1000	1000	0	0	210	210
256	Tram Depot, 38-40 Upper Clapton Road, E5 8BQ	0.59	Refurb and New Build	1830	-1942	37	37	0	0	0	0	85	75
272	41-45 Stamford Hill, N16 5SR	0.34	New Build	5985	3680	500	500	500	500	500	500	68	65
273	92-94 Stamford Hill, N16 8XS	0.34	New Build	507 384	507 384	307 416	-1144 1035	0	0	0	0	80 83	80 83
279	71-73 Lordship Road, N16 0QX	0.24	Refurb and New Build	0	0	0	0	1628	1370	0	0	52	52
281	Telephone Exchange, Upper Clapton Road, E5 9JZ	0.17	New Build	3064	1549	0	0	0	0	0	0	28	28
285	151 Stamford Hill, N16 5LG	0.34	New Build	4542	1874	3000	2681	0	0	0	0	69	69
<b>Area Action Plans</b>													
260	Dalston AAP	19.64	Refurb and New Build	15880	9375	32797	15032	27303	25033	-	0	1768	1747
261	Hackney Central AAP	35.68	Refurb and New Build	14268	8425	24708	16757	1000	545	-	0	1221	1169
262	Hackney Wick AAP	69.48	Refurb and New Build	27746	9632	4630	4565	6281	5402	-	0	1586	1566
263	Manor House AAP	8.67	Refurb and New Build	2400	-2000	3541	2031	-	0	8580	8580	479	369
<b>Totals</b>				635887	411131	98163	59338	96616	77218	73672	65460	19430	15252
				553031	390650	34110	22576	54482	38688	64714	56502	13764	9055

Annex B  
Table 2

**LONDON BOROUGH OF HACKNEY – EXAMINATION OF SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT LOCAL PLANS**

**ALLOCATIONS IN SALP WHICH SUPERSEDE ADOPTED UDP DESIGNATIONS**

1.1 The Table below shows the 1995 UDP sites designations which have been superseded by the SALP allocations. Those other UDP sites designated which have not been listed in the table have either been superseded by the Core Strategy, the AAPs and the DMLP or have been implemented and therefore deleted.

<b><u>No</u></b>	<b><u>Designation Number on 1995 UDP Proposals Map</u></b>	<b><u>Address</u></b>	<b><u>UDP Designation</u></b>	<b><u>Change to SALP Number &amp; SALP Map</u></b>	<b><u>Address</u></b>	<b><u>SALP Page No</u></b>	<b><u>SALP Replacement Policy/Proposal</u></b>
1	74	Nightingale Estate	Comprehensive Estate Initiative.	283	Nightingale Estate, Downs Road, E5 8LB.	35	Residential and supporting uses including commercial and community facilities.
2	92	Ash Grove Bus Garage	Suitable for B1, B2 and B8 development	143	Ash Grove Bus Depot, Andrews, Road E8 4RH	109	Depot and / or employment uses.
3	130	Site of 5 – 13 (consec) Holywell Lane and former transport repair depot,	Safeguarded for Class B1, B2 development.	139	Site of 5 – 13 (consec) Holywell Lane and EC2A 3PQ	80.	Employment led mixed use including hotel and retail.

		King John Court					
4	133	Site bounded by Clere Street, Tabernacle Street, Leonard Street, Paul Street and Clere Place.	Safeguarded for Class B1, B2 development.	138	Site bounded by Tabernacle Street EC2A 4EA.	78	Employment or mixed use development including office and residential uses.
5	134	Site of former St. Matthews Hospital, Shepherdess Walk.	Suitable for Class B1 development.	126	225 City Road, EC1V 1LP.	66	Employment or mixed use development incorporating commercial (office and retail) and residential uses.
6	136	276 -286 Old Street, 84 – 90 Great Eastern Street	Suitable for mixed development including class B1, A1, A2, A3, Leisure development.	137	84 – 90 Great Eastern Street, EC2A 4EA.	76	Employment, or employment-led mixed use including hotel, cultural facilities and residential use.
7	138	Former Bishopsgate Goods Yard (Western Part)	Suitable for major office development including provision for extension of East London Line across site	108	Bishopsgate, Shoreditch High Street, E1 6JU.	56	Employment (office) led mixed use, and supporting uses, including residential, retail and public open space.
8	141	167 Commercial Street and 21 – 32 Shoreditch High Street.	Suitable for major office development.	130	Site at Junction of Shoreditch High Street, E1 6PG.	74	Employment, or employment-led mixed use



**Annex C**

**Map 2 Modifications to Site Boundaries**

**Site 6**            **Colville Estate, Hyde Road N1 5PT**

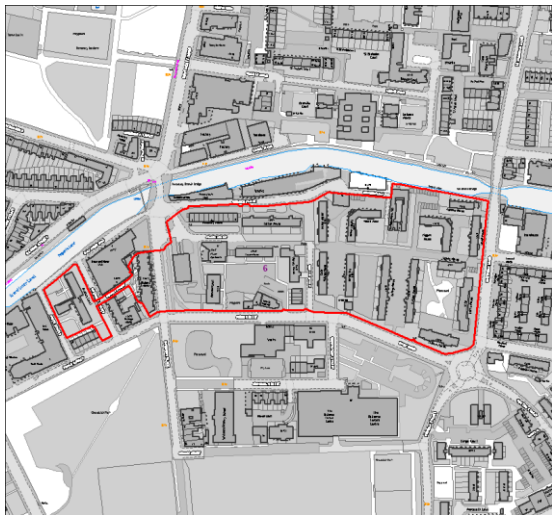
**Site 99**           **110 Clifton Street EC2A 4JH**

**Site233**          **113-137 Hackney Road E2 8ET**

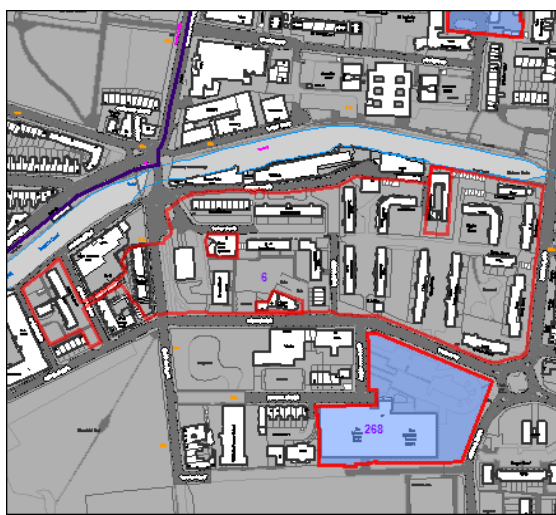
**Site 6**            **Colville Estate, Hyde Road N1 5PT**

Highlight the three sites within the estate outside the Housing Estate Regeneration Programme.

**Publication Version 2013**



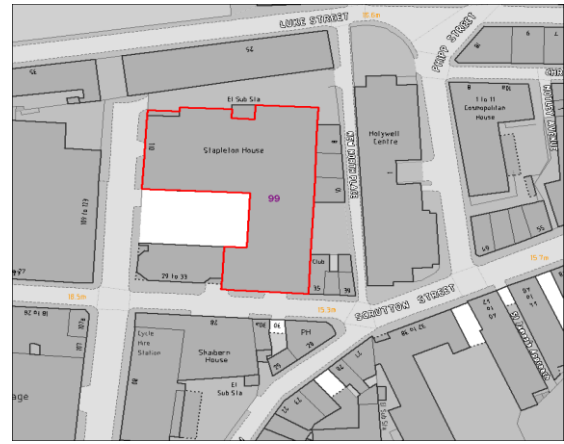
**As modified**



**Site 99 110 Clifton Street EC2A 4JH**

Exclude 102-108 Clifton Street from the site allocation.

**Publication Version 2013**



**As modified**

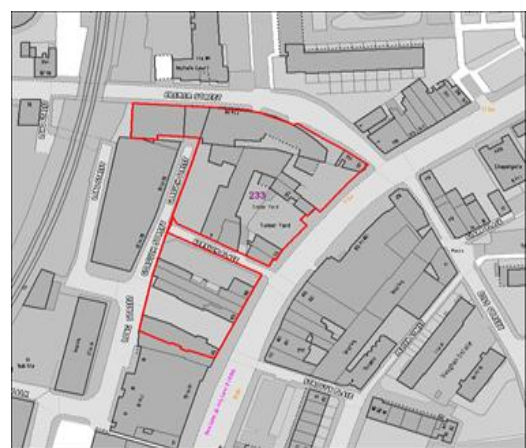
**Site 233 113-137 Hackney Road E2 8ET**

New site boundary in accordance with representation ref 27.1 at regulation 18 (July 2012). Publication SALP July 2013 showed the wrong site boundary.

**Publication Version 2013**



**As modified**





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<b>USE OF SPECIAL URGENCY PROVISIONS</b>	
<b>COUNCIL</b> 20 <sup>th</sup> JULY 2016	<b>CLASSIFICATION</b> OPEN
<b>WARDS AFFECTED</b>  ALL	
<b>REPORT OF THE MAYOR</b>	
<b>CORPORATE DIRECTOR</b>  Tim Shields, Chief Executive	

## **1. SUMMARY**

The Council's Constitution provides that the Mayor will submit a quarterly report to the Council on any executive decisions taken under the special urgency rule.

## **2. RECOMMENDATION**

**To note the recent use of the special urgency provisions as set out in paragraph 4 of this report.**

## **3. BACKGROUND**

Paragraph 17 of the Constitution's access to information procedure rules set out the procedures to be followed in cases of special urgency where the executive decision to be made is urgent and cannot reasonably be deferred. In all such circumstances the relevant approval to this course of action is sought and obtained.

Paragraph 17.4 provides that the Mayor will submit a quarterly report to the Council on the executive decisions taken under this rule in the preceding three months.

## **4. SPECIAL URGENCY DECISION TAKEN BY THE EXECUTIVE**

### **4.1 PUBLIC HEALTH CONTRACTS 2016-17**

- CABINET PROCUREMENT COMMITTEE – 15/03/16

#### **RESOLVED**

To extend £1.988M of contracts for the provision of services as listed in Appendix One of the report for a further year until March 2017.

(A comprehensive list of the funding arrangements to be extended, or amended is listed in Appendix One of the report).

### **4.2 FREEHOLD ACQUISITION OF LAND AT 231-237 GRAHAM ROAD HACKNEY**

– DECISION OF THE EXECUTIVE MAYOR – 26/06/16

#### **RESOLVED**

1. To authorise the Council's purchase of the freehold interest in land at 231-237 Graham Road London, shown edged red on the plan attached at Appendix A of the report and on the commercial and other terms set out in exempt Appendix B of the report
2. To authorise the Group Director of Finance and Corporate Resources to agree the commercial terms for the acquisition to achieve exchange and completion of the acquisition.
3. To authorise the Director of Legal to agree, settle, negotiate and complete the legal documentation for the acquisition of the freehold interest in 231-237

Graham Road and all other relevant and ancillary legal documentation arising thereto and to sign and complete them on behalf of the Council.

4. To delegate to the Group Director of Finance and Corporate Resources authority to determine the most cost effective option in terms of financing the acquisition provided that it represents best value on the part of the Council.

**TIM SHIELDS**  
**CHIEF EXECUTIVE**

Originating Officer: Tess Merrett - 020 8356 3432

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<p><b>LATE NIGHT LEVY</b></p> <p><b>NH N2</b></p>	
<p><b>LICENSING COMMITTEE</b></p> <p><b>30<sup>th</sup> June 2016</b></p> <p><b>COUNCIL</b></p> <p><b>20<sup>th</sup> July 2016</b></p>	<p><b>CLASSIFICATION:</b></p> <p><b>OPEN</b></p> <p><b>If exempt, the reason will be listed in the main body of this report.</b></p>
<p><b>WARD(S) AFFECTED</b></p> <p><b>ALL WARDS</b></p>	
<p><b>LEAD MEMBER</b></p> <p><b>COUNCILLOR EMMA PLOUVIEZ</b></p> <p><b>CHAIR OF THE LICENSING COMMITTEE</b></p>	
<p><b>KEY DECISION</b></p> <p><b>Yes</b></p> <p><b>REASON</b></p> <p><b>AFFECTS TWO OR MORE WARDS</b></p>	
<p><b>GROUP DIRECTOR, NEIGHBOURHOODS AND HOUSING</b></p> <p><b>KIM WRIGHT</b></p>	

## **1. CHAIR OF THE LICENSING COMMITTEE'S INTRODUCTION**

- 1.1 Hackney is one of the main centres for culture and leisure in London with well over 1000 licensed premises in the Borough. Many of these premises are authorised for alcohol supply.
- 1.2 Evidence gathered as part of the most recent review of the Council's Statement of Licensing Policy showed what appears to be a correlation between the locations of licensed premises and incidences of robbery, violence and thefts. Evidence also implied that the night time economy and associated markets were potentially influencing these crimes.
- 1.3 As a result of this, the Council designated the Shoreditch and Dalston areas as suffering from "cumulative impact". This is due to the significant number of licensed premises concentrated in those areas which is believed to be having a negative impact on the promotion of the licensing objectives.
- 1.4 The introduction of the late night levy will produce additional funding to enable the Council and the police to address the impacts and strain on services that occur between midnight and 6am and thus tackle the instances of crime and disorder and anti-social behaviour (ASB) during these hours and possibly help to maintain a clean environment.

## **2. GROUP DIRECTOR'S INTRODUCTION**

- 2.1 On 20 November 2013 the Licensing Committee considered a report on the powers to introduce a late night levy. The Committee noted that Licensing Officers would monitor whether a Late Night Levy was needed and if necessary a further report would be presented to a future Committee meeting.
- 2.2 On 30 June 2016 the Licensing Committee considered a further report on the matter, which forms the basis for this report. The Committee members all agreed that the introduction of a Late Night Levy should be consulted upon.

## **3. RECOMMENDATION(S)**

### **2.1 That Full Council:**

- (i) **notes the contents of the report**
- (ii) **approve a consultation on the introduction of a late night levy being in Hackney.**

## **4. REASONS FOR DECISION**

- 4.1 Before a levy can be introduced the local authority must comply with the necessary procedural requirements which consist of the following:

- consulting with the police and those licensees that will be affected by the proposed levy
- placing a notice of the relevant details for the proposed levy on the website and in the local newspaper with a copy of the notice also being sent to police and affected licensees

4.2 Following the consultation should the Council then decide to proceed with introducing the levy, this must be approved by Full Council pursuant to Schedule 1 of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as amended in 2013.

## **5. DETAILS OF ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

5.1 The Council's Regeneration Delivery team agreed a commitment with a number of operators of licensed premises in the Dalston and Shoreditch areas to fund the overtime costs of six wardens on Friday and Saturday nights.

5.2 There are currently around 40 businesses that participate in the scheme, contributing around £56K per annum. The process for collection is managed by an officer in the Regeneration Delivery Team.

5.3 It has been well received by local residents and business and has been pivotal in addressing numerous anti-social behaviour related impacts of the NTE such as street urination and illegal street trading. However, opportunities to expand this scheme are limited.

5.4 The late night levy provides an opportunity to raise a significant amount of revenue above that collected by the voluntary scheme. Therefore, the voluntary levy would not continue if the late night levy were introduced.

## **6. BACKGROUND**

6.1 Established under the Police Reform and Social Responsibility Act 2011, the late night levy is a power enabling licensing authorities to charge a levy to persons who are licensed to sell alcohol in the local area late at night. The revenue raised is then used as a contribution towards the costs of policing the late night economy.

6.2 The levy is payable by the holders of any premises licence or club premises certificate that authorises the sale or supply of alcohol on any day during a period ("the late night supply period") beginning at or after midnight and ending at or before 6am and must apply to the whole area covered by the licensing authority.

6.3 The levy is paid annually by each premises licence holder to the local authority. After deductions for introducing and administering the levy, the rate of the revenue split will be at least 70% to the police, with the remainder being retained by the Licensing Authority.

- 6.4 The police portion of the levy is unrestricted in terms of its use in line with standard practice on the allocation of police funds. However, this portion will be subject to the same transparency measures as those that would normally apply.
- 6.5 The Local Authority must use its portion of the levy on activities, which must be related to mitigating the impact of the supply of alcohol within the specified hours, namely:
- the reduction or prevention of crime and disorder,
  - the promotion of public safety,
  - the reduction or prevention of public nuisance,
  - the cleaning of any relevant highway or relevant land in its area.
- 6.6 Before introducing a levy the Authority must consider the desirability of introducing the scheme and can demonstrate this by the level of crime and disorder issues arising from licensed premises selling alcohol during the levy hours. The levy must apply to the whole of the borough. The Authority therefore needs to consider whether the introduction of a borough wide levy is a proportionate response.
- 6.7 Prior to making a decision to implement the levy, the Authority should have discussions with the Chief Officer of police to decide whether it is appropriate to introduce the levy in its area. If the Authority considers it appropriate, it must then conduct a formal consultation with the police, existing licence holders and any other persons, including residents, about the introduction of any levy.
- 6.8 The consultation should also consider whether the authority needs to apply any exemptions or discounts to the levy and how it will apportion net levy revenue between the police and the Authority. The decision whether or not to implement a levy is left entirely to the discretion of the Local Authority following the consultation responses being considered.
- 6.9 If introduced, the levy applies to all the relevant premises authorised to supply alcohol (which includes both on and off sales) within the borough. The only exceptions are those set by central government that the Council can choose whether they wish to adopt or not. The levy will be collected at the same time as the annual licensing fee.
- 6.10 The following premises are those that the authority may exempt from the requirement to pay the levy:
- Premises with overnight accommodation
  - Theatres and cinemas
  - Bingo halls
  - Community amateur sports clubs
  - Community premises
  - Country village pubs

- Business Improvement Districts

The authority must also decide what time the levy will apply within an operational window that is restricted to between 12 midnight and 6 am.

## LEVY CHARGE AND COLLECTION PROCESS

- 6.11 The levy paid is dependent on the non-domestic rateable value of the premises. This is the same as the existing licence fee structure that is currently set by central government. Table 1 sets this out below:

Rateable Value Bands	A No rateable value to £4300	B £4301 to £33000	C £33001 to £87000	D £87001 to £125000	E £125001 and above	D x 2 *	E x 3 **
Annual Levy Charge	£299	£768	£1259	£1365	£1493	£2730	£4440

\* Multiplier applies to premises in band D that primarily or exclusively sell alcohol.

\*\* Multiplier applies to premises in band E that primarily or exclusively sell alcohol.

- 6.12 In addition to the above, a licensing authority may also offer a reduction of up to 30% to:

- Premises that are in receipt of Small Business Rate Relief and have a rateable value of £12,000 or less. The reduction is only available to premises that supply alcohol for consumption on the premises; and
- Operators who hold membership of a suitable best practice scheme designed to reduce alcohol related crime and disorder.

## LEVY REVENUE

- 6.13 Table 2 sets out the potential revenue that could be raised if a levy were introduced in Hackney. It should be noted that the total figure can only be estimated at this stage.

Band	Number of premises	Band Fee	Estimated Income
A	17	£299	£5,083
B	268	£768	£205,824
C	72	£1,259	£90,648
D	17	£1,365	£23,205
E	25	£1,493	£37,325
<b>Total</b>	<b>399</b>		<b>£362,085</b>

- 6.14 The Licensing Service found that there were 399 premises that are authorised to sell alcohol between midnight and 6:00am, the majority of which are in non-

domestic rateable value band B. If applied for the period, possible maximum income would be £362,085 before any exemptions, reductions, administration deductions or free variations apply.

- 6.15 A key element of the levy is the requirement that 'a specified proportion' of at least 70% of any net revenue collected must be paid to the police. This appears to have made the introduction of a levy unattractive in many areas, along with there being no requirement for the police to use the income in the area in which it was collected.
- 6.16 However, in March 2015, the Home Office published amended guidance on the Late Night Levy. Para 1.41 recommends "...that the licensing authority should use its existing partnership with the police to discuss the police intentions for their share of the levy revenue. We also recommend that the PCC should consider allocating funds raised from the levy back to local commanders to allow the revenue to be spent on tackling alcohol-related crime and disorder in the area in which the levy was raised. There is no bar to making a local agreement between licensing authority and the PCC to vary the percentage split by allocating some or all of the PCC's share of the revenue back to local authority initiatives if the PCC so chooses."
- 6.17 In London, this would mean that, subject to agreement from the Mayor's Office for Policing and Crime (MOPAC), the net revenue of the levy may be pooled and a collaborative arrangement may be made between the authority and the police to oversee the use of the funds. It is considered best practice for a board to be set-up to allow the Police and Local Authority to determine how best the revenue is spent. The board should also have licensees represented as well as the police and council.
- 6.18 A number of authorities have already put in place measures that mean the authority effectively has greater control over the net revenue and that all (or almost all) of this revenue is spent on the management and policing of the night time economy in its area.

### **Newcastle**

- 6.19 The levy was introduced in November 2013. The income is still shared 70/30 between Northumbria Police and the City Council. However, an agreement was made that the income would be pooled and spent within the city of Newcastle upon Tyne. The agreement also includes the establishment of a Late Night Levy Board to supervise the use of the levy proceeds and that licensees will be represented on the Board.

### **Islington**

- 6.20 LB Islington introduced the levy in November 2014. The Council agreed with MOPAC that the net amount of levy payments will be pooled and a Late Night Levy Board established to oversee the use of funds.

6.21 An annual report on the first year of the scheme was considered by Islington's Licensing Committee on 7 March 2016. This has been appended to this report for information.

### **Camden**

6.22 Camden Council decided to introduce the levy on 25 January 2016. It has proposed a similar arrangement in that all revenue received is used as a single fund between the Council and police, a proposal supported by Camden police, to be agreed through discussion with the MOPAC.

6.23 If a levy is introduced it would also be expected that a management board would be established locally as a sub-group of the Community Safety Partnership. The board would be responsible for the operational use of the levy resources, in a similar fashion to what Islington and Camden have done. The Borough Commander has indicated that he is broadly supportive of this approach if a levy is introduced.

6.24 At the present time any exemptions or reductions appear to be unwarranted. This is supported by evidence that shows that the highest levels of crime and ASB are street based and often difficult to link to individual premises. Therefore, the services that could be provided we will be street based and hence all premises will benefit.

### **TIMETABLE**

6.25 If Council approves a consultation, the following indicative timeline is anticipated:

- Formal consultation on the levy – September to December 2016
- Council decides on levy – March 2017

*The following steps are subject to the Council deciding to introduce a levy:*

- Notifications sent to holders of relevant authorisations – March 2017
- Period of free variations – March to May 2017
- Start date of the levy – June 2017

### **6.26 Policy Context**

Any levy would sit alongside the Council's existing Statement of Licensing Policy.

### **6.27 Equality Impact Assessment**

There are no new decisions within the report that require an Equality Impact Assessment.

## **6.28 Sustainability**

There are no issues within the report that impact on the physical and social environment.

## **6.29 Consultations**

It is a statutory requirement to consult on any decision to introduce a levy. The consultation would be developed along with information for the relevant licence holders as well as the general public. The consultation would run for 12 weeks which is the normal practice for licensing related consultations.

## **6.30 Risk Assessment**

It should be noted that in the event of a levy being implemented, operators would be able to apply for a free minor variation to reduce their hours for the sale of alcohol to take them outside the levy period. This could substantially decrease the estimated level of income from the levy.

In Islington, the figure collected is around 10% less than originally anticipated. And a levy introduced by Cheltenham Borough Council has raised 50% less than anticipated. This is likely to result in that levy being withdrawn. It would be a key requirement of the levy management board to monitor income.

## **7. COMMENTS OF THE GROUP DIRECTOR OF FINANCE AND CORPORATE RESOURCES**

- 7.1 This report asks the Licensing Committee to consider whether the Council should formally consult on the introduction of a late night levy in Hackney. The amount of the Late Night Levy (LNL) is set at National Level and will be collected alongside the annual licence fee. The Licensing service estimates the cost of the consultation to be between £1k-£3k and this will be contained within existing revenue budgets.
- 7.2 There are currently around 40 businesses that participate in voluntary scheme in the Dalston and Shoreditch areas, with an estimated contribution of £56K per annum. This scheme would not continue if the late night levy were to be introduced.
- 7.3 The Licensing Service has estimated the existing 399 premises that are authorised to sell alcohol between midnight and 6am. This could therefore generate a maximum gross income of £362,085 (see paragraph 4) from a late night levy. The potential income, in the event of a levy being implemented, may reduce if operators apply to vary their hours to operate outside the levy period. Income would also reduce if the Council applies exemptions or reductions on certain occasions. These are explained in paragraphs 6.10.



- 7.4 The Council would be entitled to retain up to 30% of income receipts after deducting administration costs and exemptions, should a levy be introduced. The eventual percentage allocation and the use of the police's income share will be agreed in negotiations with the Chief Police Officer and MOPAC.
- 7.5 There is the possibility that the Late Night Levy will not generate the income levels predicted in this report. The service would need to ensure for all income generation scenarios, that any additional costs from the introduction of a Late Night Levy do not exceed the additional income received.

## **8. COMMENTS OF THE DIRECTOR OF LEGAL**

- 8.1 The Police Reform and Social Responsibility Act 2011 ("the 2011 Act") allows the Council to raise revenue on alcohol licensed premises by way of a Late Night Levy (the "Levy"). The powers to introduce the Levy come specifically from within the 2011 Act and not by way of an amendment to the Licensing Act 2003.
- 8.2 In considering whether to introduce a Levy the Council must first consider whether it is worth having the Levy having regard to the current cost of tackling the problems of crime and disorder that are caused by the night time economy from those premises that are licensed for alcohol sales between midnight and 6.00 am.
- 8.3 Any levy imposed must apply to the whole borough and will only apply to those who hold a licence to supply alcohol for the hours that the Levy will operate from. Local Authorities do have a discretion as to the hours when the Levy can start and finish, although it must be within those hours specified above.
- 8.4 As set-out in the report at paragraph 6.16, the 2011 Act does not prohibit the Local Authority and Police agreeing a separate agreement as to the use of the funds raised for the Police, which is explained in section 6 of the report.
- 8.5 The report at section 4 outlines the requirement to consult before any levy can be introduced. The case law on consultation states that:
- a consultation must be at a time when proposals are still at a formative stage;
  - sufficient reasons must be given for any proposal to enable intelligent consideration and response;
  - adequate time must be given for such consideration and response; and
  - the product of the consultation must be conscientiously taken into account in finalising any proposals.
- 8.6 Section 4 of the report also outlines the need for Full Council to approve the introduction of any Levey following the consultation.

## APPENDICES

**Appendix 1** – Map of premises with licences/certificates authorising alcohol sales between 00:00 and 06:00.

**Appendix 2** – Maps/charts extracted from Licensing Policy Evidence Study

**Appendix 3** – LB Islington “Late Night Levy – Review of First Year of Operation”

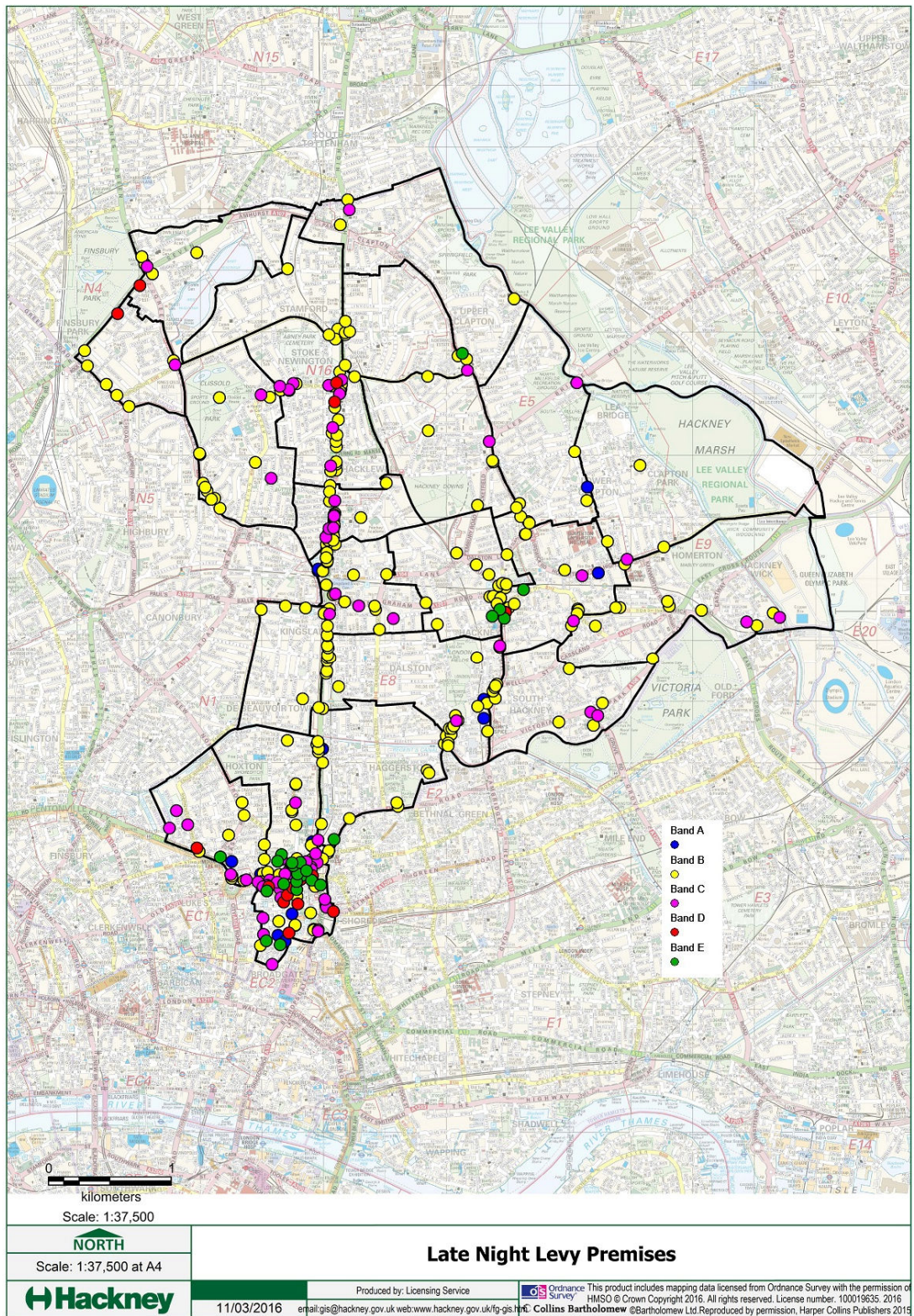
## BACKGROUND PAPERS

None

<b>Report Author</b>	David Tuitt Team Leader – Licensing (Policy and Operations) <a href="mailto:david.tuitt@hackney.gov.uk">david.tuitt@hackney.gov.uk</a> ☎ 020 8356 4942
<b>Comments of the Group Director of Finance and Corporate Resources</b>	Jackie Moylan Director – Finance <a href="mailto:jackie.moylan@hackney.gov.uk">jackie.moylan@hackney.gov.uk</a> ☎ 020 8356 3032
<b>Comments of the Director of Legal</b>	Butta Singh Senior Lawyer – Licensing <a href="mailto:butta.singh@hackney.gov.uk">butta.singh@hackney.gov.uk</a> ☎ 020 8356 6295

# APPENDIX 1

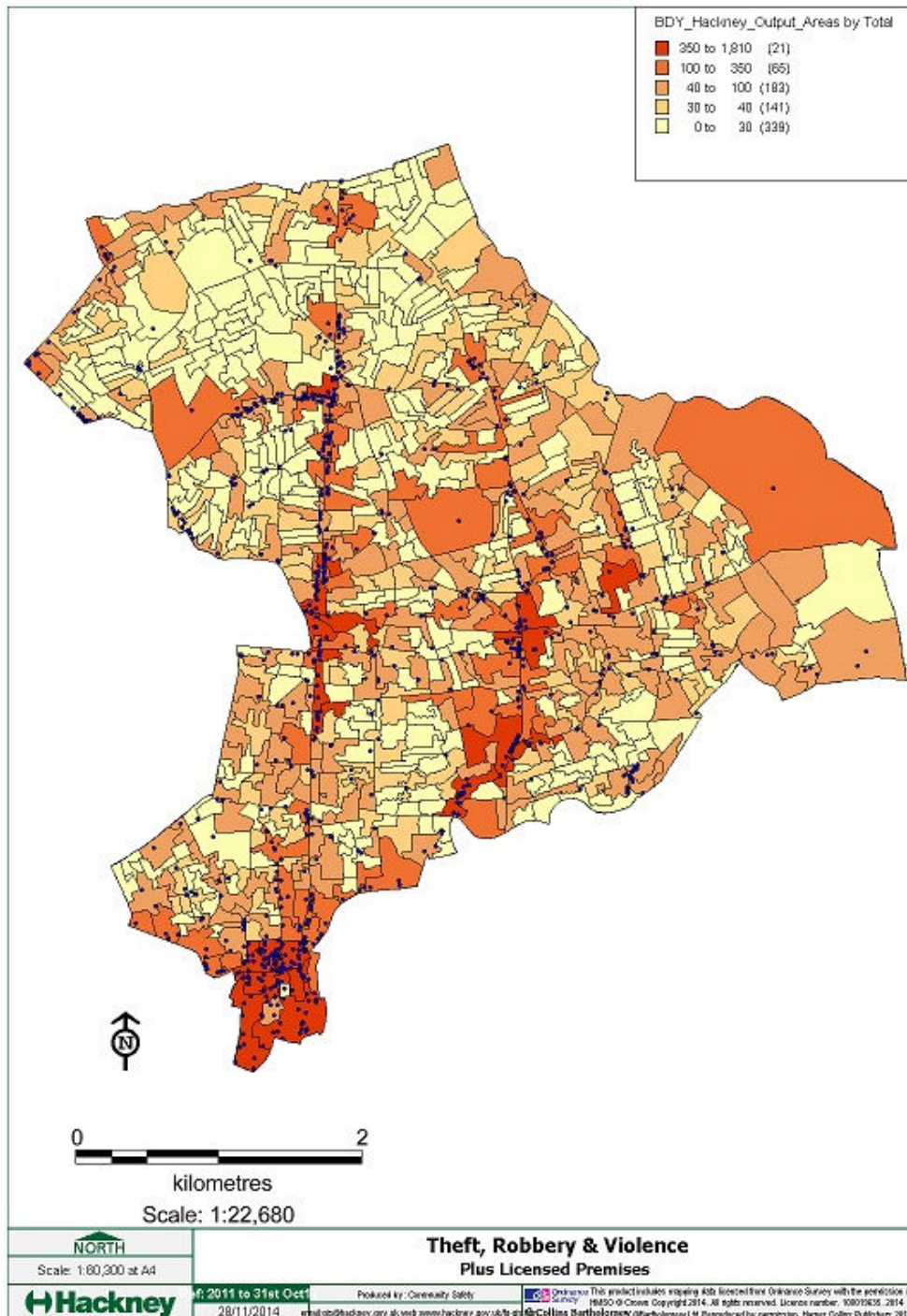
Map of premises with licences/certificates authorising alcohol sales between 00:00 and 06:00.



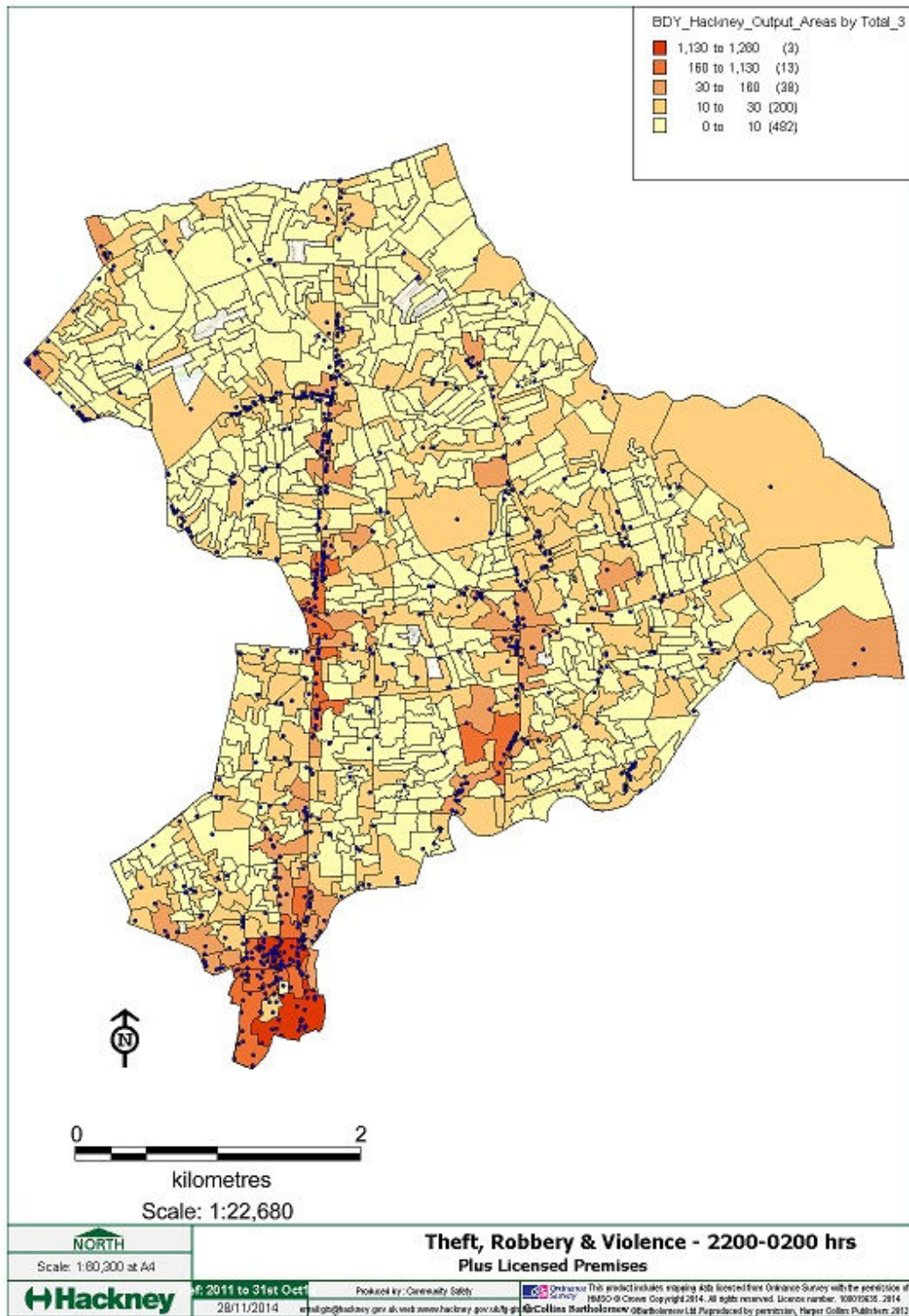
## APPENDIX 2

Maps/charts extracted from Licensing Policy Evidence Study carried out in 2014.

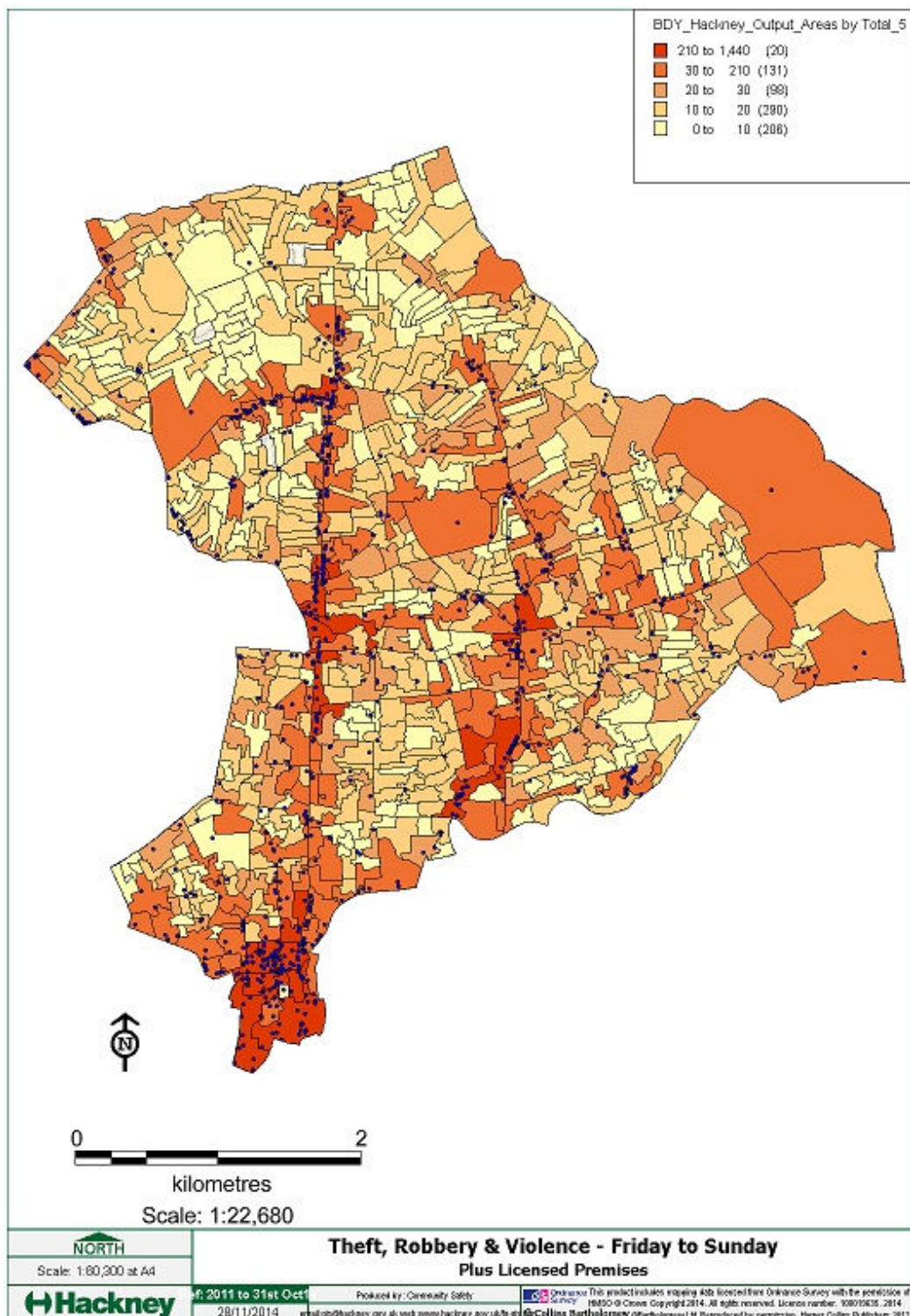
**Map 1 – Violence against the person, theft & handling and robbery from 1 January 2011 to 31 October 2014**



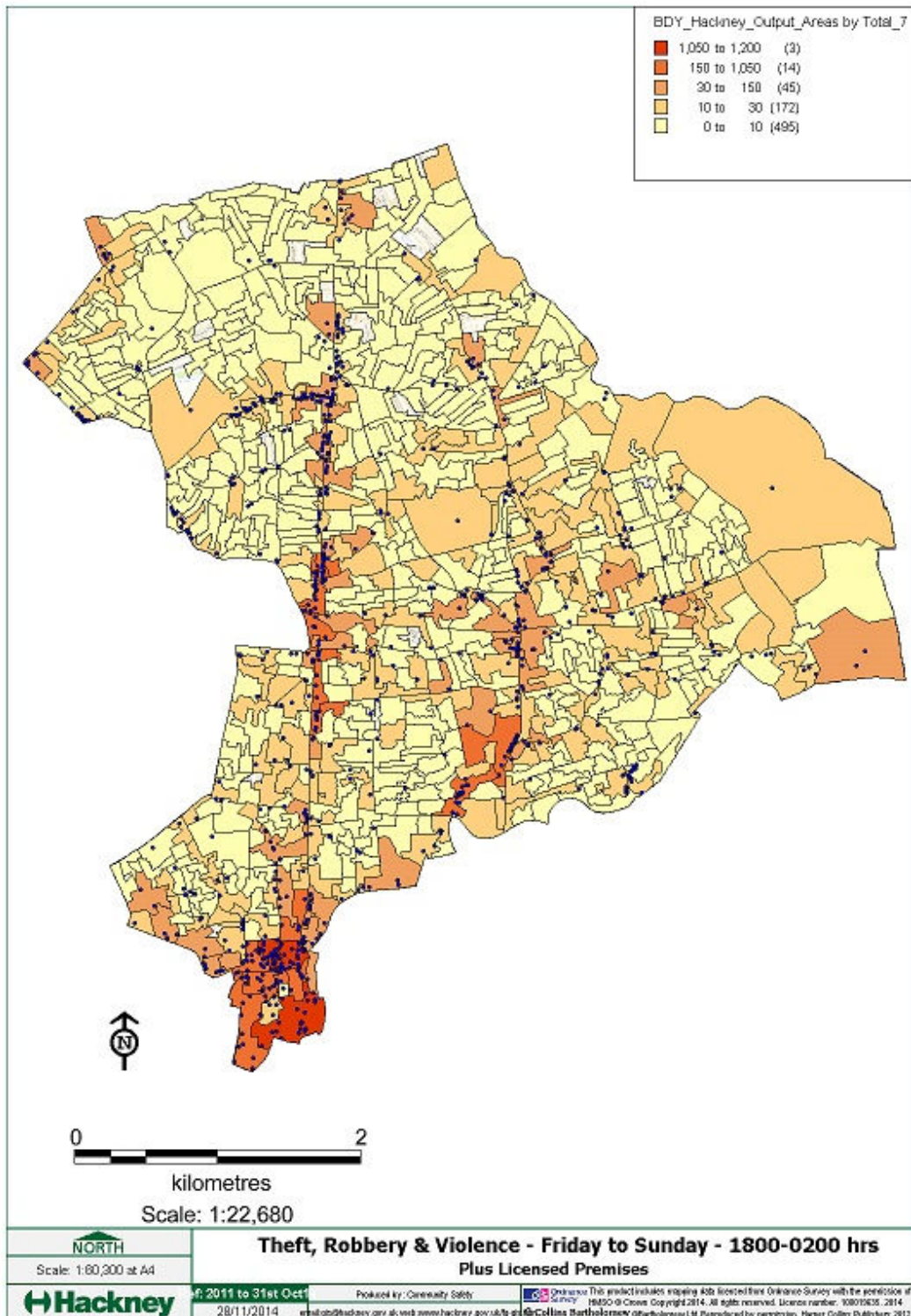
**Map 2 – Violence against the person, theft & handling and robbery between the hours of 2200 and 0200 (1 January 2011 to 31 October 2014)**



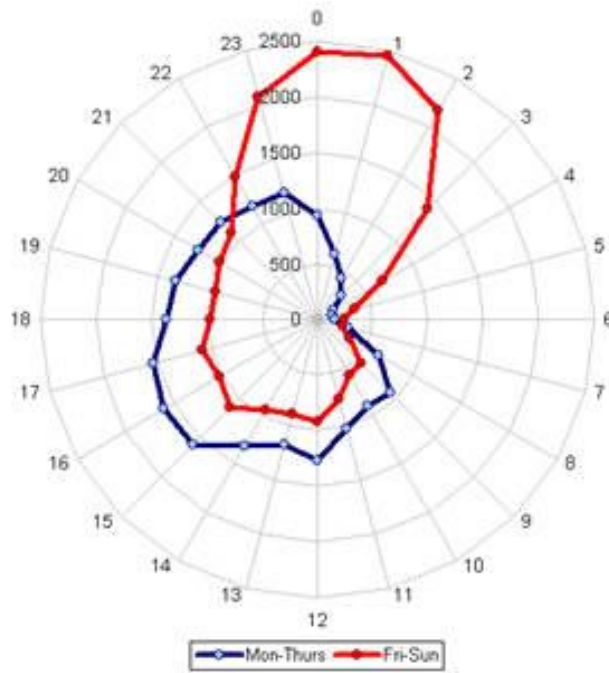
**Map 3 – Violence against the person, theft & handling and robbery – Friday to Sunday (1 January 2011 to 31 October 2014)**



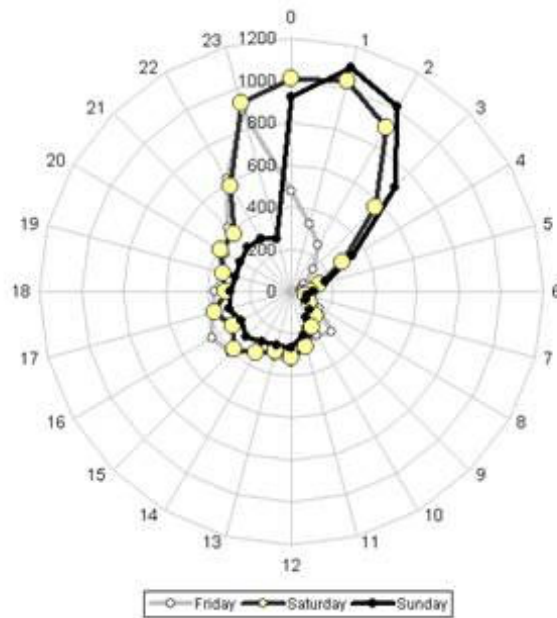
**Map 4 – Violence against the person, theft & handling and robbery – Friday to Sunday between the hours of 1800 and 0200 (1 January 2011 to 31 October 2014)**



**Chart 1: Violence, theft & robbery – by hour of day: weekday versus weekends**



**Chart 2: Violence, theft & robbery – by hour of day: weekday versus weekends**





# **LB Islington “Late Night Levy – Review of First Year of Operation”**

**January 2016**

## **BACKGROUND**

Islington Council adopted the Late Night Levy to come into effect on 1<sup>st</sup> November 2014 and from that date any licence holder permitted sell alcohol after midnight was required to pay the levy. All income raised by the levy must fund activities that benefit the late night economy

From the very outset the Council’s intention has been to use the levy to fund additional uniformed night time patrols and this has been achieved through funding a dedicated multiagency team called Operation Nightsafe.

The overall aim of Operation Nightsafe is to support and promote the late night economy in Islington by:

- providing a safe, welcoming night time environment for residents, workers and visitors
- reducing late night alcohol related crime, disorder, antisocial behaviour and nuisance
- minimising negative impacts on local residents.

Operation Nightsafe has two distinct complementary strands

- The deployment of both a rapid response and intelligence lead policing capability at night and day time follow up action
- The provision of a street based patrolling service, operated by Parkguard, with capacity to support to the licensed trade as well as providing police and medical support

## **LATE NIGHT LEVY FUNDED ACTIVITIES**

### **Operation Nightsafe – Police**

The Late Night Levy funds:

- a dedicated police sergeant to act as a Night Time Economy Coordinator
- a dedicated police constable to work on operational night time activities, and lead on day time follow up and engagement activities

Night time policing is carried out by officers drawn from neighbourhood, emergency and special police constabulary teams. The Night Time Economy Coordinator is responsible for collating intelligence and using this information to task and brief officers prior to deployment ensuring that resources target hotspot areas, problem-solving activities and call response. The police utilise various tactics including high visibility pulse patrolling, visiting licenced premises, using of passive drugs dog, taxi-touting operations and CCTV targeted patrols. Funding the Night Time Economy Manager has enabled capacity building resulting in improved consistency and effectiveness of policing the night-time economy particularly in relation to investigation, linking in with CID and reporting issues of concern for day time follow up by Police Licensing Officers.

During the day the dedicate police officers focus on:

- preparing night time briefings
- working with licenced premises to promote and share best practice
- dealing with problematic premises using a range of tools from action planning to reviews
- briefing staff working in late night venues or matters that can reduce crime and improve criminal detection rates for example, crime scene preservation, best practice in door supervision management, providing witness statements, CCTV management

### **Alcohol Related Domestic Violence**

Whilst outside the scope of the Late Night Levy the introduction of the Levy has resulted in the Mayor's Office for Police and Crime match funding the portion of the levy allocated to additional policing. The police have used this funding to recruit an additional two police officers to work in Islington on alcohol related domestic violence.

### **Operation Nightsafe- Parkguard Night Safe Patrol Team**

The Late Night Levy funds the Nightsafe Patrol Team, a four person, police accredited, street based tasking team provided by Parkguard. The team operates four nights per week, usually Thursdays to Sundays and covers the whole borough with locations of work being determined on a nightly basis by intelligence lead tasking, call response and police lead briefings. The Nightsafe Patrol provides:

- a rapid response to requests for assistance from licence holders paying the late night levy
- an early intervention style of approach to minimise demands on the emergency services
- medical and police support where needed
- assistance to members of the public in need
- enforcement action against offenders
- high visibility patrols

The service is unique in that it has filled significant gaps in the management of the night time economy in Islington. The dedicated street based patrol team, resourced by 4 regular officers, provides an early intervention style approach by responding to low level, potential or emerging problems. By engaging with people on the street, supporting door staff dealing with difficult customers and providing a rapid response to licence holder requests for assistance the Nightsafe Patrol Officers interventions invariably prevent escalation requiring emergency services support.

Another gap filled by Nightsafe Patrol officers is their ability to help vulnerable people, many of whom are temporarily vulnerable due to the effects of alcohol. Typical activities have included providing welfare checks and personal safety advice, calling taxis, providing a temporary safe haven, first aid or medical assistance. One officer per shift is trained in first aid to 'first on the scene level' and their skills have been utilised on many occasions to assist a casualty until the ambulance service arrives.

Not only have the Nightsafe Patrol Officers have developed a good working relationship with licence holders and their door staff the team have acquired excellent working knowledge of the night-time economy in Islington and made a significant contribution to information gathered by the police and Local Authority.

During the year Parkguard have strived to improve the service offered through investment in staff and equipment for example in the summer the company invested in a new radio system to allow the Nightsafe Patrol officers to communicate directly with Parkguard operatives working on activities in the borough providing the team more resilience when dealing with situations requiring additional resources.

### **Late Night Levy Board**

The Late Night Board was set up in August 2014 to oversee operation of the Late Night Levy. The Board, chaired jointly by Police Borough Commander and LBI Chair of Licensing, meets four times per year. Businesses paying late night levy were represented by eight licence holders nominated by our pubwatches. There are currently vacancies for licence holders representing late night off licences and food lead venues.

As well as reviewing the previous quarter's Operation Nightsafe activities the Late Night Board provides a useful opportunity for the licence trade to engage with the Police and Council at strategic level on night time economy issues and discussions this year have included:

- Exploring communication options
- Working together to embed the early intervention strategy
- Sharing best practice on selecting and managing contracted door staff
- Balloon seller enforcement strategy

### **LATE NIGHT LEVY ACHIEVEMENTS**

The Late Night Levy has enabled us to strengthening the partnership between the late night licenced trade, police and local authority through the support services provide by Parkguard and the targeted deployment of additional police resources at night.

Feedback from licence holders indicate that they welcome the creation of the late Night Levy Board as this has given them an opportunity to contribute to strategic discussions regarding the management of the late night economy with senior police and local authority officers and councillors as well as monitoring activities funded by the Late Night Levy.

Prior to the introduction of the Levy there was no capacity to adopt an early intervention approach. Parkguard has filled this gap by helping vulnerable people in the street and by working collaboratively with licence holder to demonstrate the benefits of providing a reactive response to potential or low impact issues of concern.

Levy funding has resulted in improved intelligence gathering through the collation of information from the Police, Parkguard, Local Authority Antisocial Behaviour, CCTV and Licensing Teams as well as licence holders reporting issues of concern. This information feeds into the nightly police lead briefing and tasking process.

### **Police**

- Targeted deployment of dedicated police night time economy teams Thursdays to Sundays
- 178 arrests for various offences including GBH, ABH, Affray Possession of Drugs, Taxi Touting and other Public Order offences
- Responded to 410 calls to 999 or 101 from licenced premises regarding violence, public order, drugs, weapons, theft
- Responded to 72 minor variation applications to amend licence terms and conditions
- Audited medical facilities of 7 late night venues in conjunction with the London Ambulance Service
- Conducted 20 multi-agency licence premises visits
- Executed 2 warrants for misuse of drugs
- Carried out enforcement activities in 7 dispersal zones
- Applied for and enforced 3 closure orders
- Called in 32 premises to the Licensing Officer Panel for action planning purposes

- Utilised the review process with respect to 10 licenced premises to either revoke the premises licence or impose additional licence conditions.

## **Parkguard**

Appendix 2 contains Parkguard's comprehensive review of Operation Night Safe Patrols activities during the first 11 months of operation to 31 October 2015

Key headline achievements are:

- Health and welfare checks of 316 people found vulnerable due to excess alcohol or drug use resulting in ill health or incapacity
- Provided medical assistance on 161 occasions preventing 54 ambulance callouts and 72 attendances at A&E
- Dealt with 365 incidents involving violent or aggressive behaviour preventing assault occurring on 207 occasions
- Generated 59 arrests, which is a significantly high figure considering that the primary focus of the patrol is prevention, supporting levy payers, police and local authority
- Requested/directed/ dispersed 451 to leave an area and warned or advised 738 about conduct
- Liaised on 2295 occasions with door staff/DPS/licence holders to provide support and advise on operational effectiveness
- Engaged with 90 taxi touts
- Visited all premises paying the late night levy to promote the service provided by Parkguard and received 98% satisfaction rate for the service
- Responded to 226 calls for assistance from door staff/DPS/licence holders

## **Balloon Sellers**

Since Nov 2014, there has been a steady rise in the reports of nitrous oxide balloon sellers operating in several key areas of the borough, The initial control strategy tasked Parkguard Nightsafe Patrol Officers to disrupt and deter balloon sellers through patrolling hotspots and engagement. Although initially this approach appeared to be successful, dispersal was only temporary as balloon sellers became more confident and started returning to the area as soon as the Patrol Officers left.

During the summer, balloon sellers were linked to an increase in reported violence with intent and theft offences in the Charterhouse Street area. The Police responded by using dispersal order powers and organising a 2 week operation to identify and prosecute balloon sellers which, although a number of offenders have been identified for prosecution, again resulted in only a temporary disruption as the number of balloon sellers increased once the operation ended.

A further joint enforcement operation, lead by Islington Street Trading Team, has been set up to take place during December 2015 and January 2016 to deal with a new wave of balloon sellers with the intention to collect sufficient evidence to apply for injunctions to ban offenders from the area.

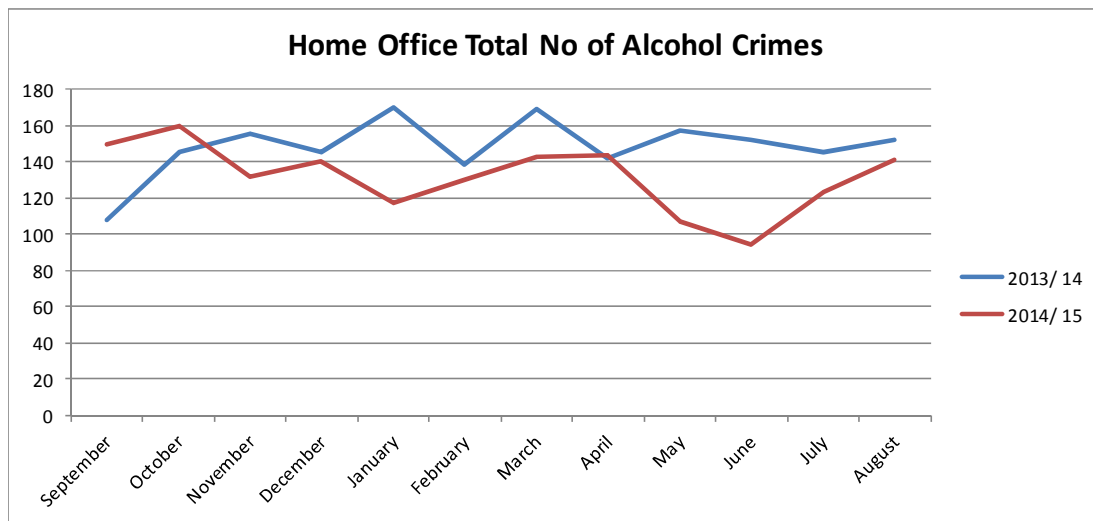
## **IMPACT ON ALCOHOL RELATED CRIME AND DISORDER**

Islington's Crime Data Analysts have examined the data for alcohol related crime and disorder for the first year of the Levy and compared this with the previous 12 months.

Overall there has been a 17% reduction in alcohol related crime since November 2014 and a 17% reduction in alcohol related crime between the hours of midnight and 8am. Violence continues to be the most frequently recorded crime type associated with alcohol; however levels have reduced by 14.4% over the last year.

Although there will be other factors that have contributed to this reduction Operation Night Safe has played an important part.

The chart below compares alcohol related crime by month for the period September 2013 to August 2015.



Source: Islington Alcohol Crime Profile Sept 2014 to Aug 2015, LBI Community Safety Unit

The chart shows that

- since October 2014 alcohol crime levels have consistently been below the previous year's monthly figures
- the traditional seasonal peak in alcohol crime levels during December/January and May did not occur in 2014/5.

Call levels to the both the police (999 and 101) and the council's ASB reporting line regarding alcohol related incident have increased by 29-30% over the last year, particularly in relation to calls coded as rowdy / drunken behaviour, which increased by nearly 100%. This indicates that the demand on night time response services in Islington has increased over that last 12 months and provides further evidence to use levy funding to support Operation Nightsafe.

### **LATE NIGHT LEVY INCOME AND EXPENDITURE**

At the start of the levy year on 1 November 2014 it was estimated that 386 premises would be liable to pay the levy raising an estimated income of £441,966

At the end of the levy year (31 October 2015)

352 licenced premises were liable for paying the levy



338 had paid the levy raising an income of £397,278

Of the 14 that have not paid the levy yet 8 premises have had their premises licence suspended for non-payment of licence fees and 6 are the subject of administrative queries that are in the process of being resolved.

Thirty five licence holders operated businesses that were compliant with the Best Practice Scheme and received a 30% reduction in their levy payment.

The cost of Policing and Parkguard was £368,000. Included in this figure is an underspend on the Parkguard contract. We have agreed that this underspend will be carried over to the second year of the levy allowing us to fund additional patrols and the deployment of an dedicated medical support team during December 2015. The remaining under spend will be used to support other targeted activities during 2016.

The Council is permitted to deduct late Night Levy administrative costs from Levy income however, it was decided that these costs will be absorbed in its mainstream budget and this approach was been endorsed by the late Night Levy Board on 3 November 2014.

At the end of the levy year there was surplus of £24,278.

The surplus will be carried over and used to fund any additional activities that the Late Night Levy Board believe will benefit the night-time economy.

Late Night Levy income and expenditure is summarised in Appendix 1

### **LOOKING FORWARD TO 2016**

Year 2 of the levy runs from 1 November 2015 to 31 October 2016 and for this period we estimate that 352 licence holders will be eligible for paying the levy raising £397,278 in income.

The strategic objectives set for year 1 will continue through to year 2 but proposed operational improvements include:

1. Extending shift pattern of police officers working on the balloon sellers operation during December 2015 and January 2016 (Police)
2. Introducing targeted use of Police drug dog patrols (Police)

3. Targeted deployment of specialist Parkguard support services ( including the mobile office as a safe haven during the lead up to Christmas)  
(Parkguard)
4. Establishing a network of night time safe havens (Police)
5. Further develop knowledge and skills of all Operation Night Safe Officers through briefing and training (Police and Parkguard)
6. Support the licenced trade by developing an intelligence bulletin to be delivered by Police Officers (Police)

## APPENDIX 1

### Late Night Levy Year 1: Income and Expenditure

#### 1. Income

On 20 January 2016 338 premises licence holders had paid the LNL providing an income of £397,272.

#### 2. Expenditure

1 Nov 2014 to 31 Oct 2015

Local Authority Administrative costs (waivered)

£0

Nightsafe Operation Police and Parkguard committed expenditure\*

£368,000

#### Surplus to be carried over to 2016/7

£24,278

\*NB this figure includes underspend of £43,000 committed expenditure on Parkguard contact that will be used to pay for additional Patrols during December 2015- Oct 2016

#### 3. Reconciliation of projected income with actual income

At start of levy year on 1 November 2014, we identified 386 premises as selling alcohol beyond midnight giving us a projected maximum income of £441,966.

#### Difference between actual and projected

The shortfall of 48 premises and £44,694 income is due to:

Reason	Number of premises	Income
Administrative errors- data extraction and inclusion of exempt hotels	6	£6783
Minor Variation applications to reduce hours received after 1/10/14 deadline	8	£7360
Premises no longer trading – licence revoked, surrendered, lapsed and unlikely to reopen	20	£17346
Licence suspended for non-payment of LNL and subject to follow up enforcement action and debt recovery	8	£6144*
Administrative queries that should result in LNL being paid once resolved	6	£7061*
Total	48	£44,694

\*some of this lost income is recoverable

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<b>ANNUAL REVIEW OF THE MEMBERS' ALLOWANCES SCHEME 2016/17</b>	
<b>COUNCIL MEETING DATE</b> 20 <sup>th</sup> July 2016	<b>CLASSIFICATION:</b> Open  If exempt, the reason will be listed in the main body of this report.
<b>WARD(S) AFFECTED</b> All Wards	
Tim Shields, Chief Executive	

## **1. INTRODUCTION**

- 1.1 Each year the Council is legally required to consider and agree a Members' Allowances Scheme.
- 1.2 Last year the Council agreed to disband its own Independent Remuneration Panel and join the arrangements provided by London Council's Independent Remuneration Panel. The Council invited Sir Rodney Brooke CBE DL to act as the Council's independent adviser on Members' Allowances. (Sir Rodney Brooke is also Chair of London Councils Independent Remuneration Panel).
- 1.3 The recommendations by Sir Rodney Brooke in his review in 2015 took account of inflationary adjustments to the Scheme over the next 4 years if the Scheme remains unchanged.
- 1.4 The Scheme essentially remains unchanged from that approved by Members for 2015/16 save for the impact of any agreed national pay settlement for local government officers for 2016/17 which will be applied to the Members Allowances Scheme for 2016/17.
- 1.5 The Scheme also sets out in detail the salary sacrifice schemes open to employees that Members are also entitled to access at Paragraph 11 of Appendix 1.
- 1.6 The draft Members Allowances Scheme for 2016/17 that relates to the report and recommendations is included at Appendix 1 for Council to consider.

## **2. RECOMMENDATIONS**

### **Council is invited to:**

- 2.1 Agree the report and draft Members Allowances Scheme attached at Appendix 1.

## **3. RELATED DECISIONS**

- 3.1 The Council's Members' Allowances Scheme for 2015/16 was agreed by full Council on 22<sup>nd</sup> July 2015. The related report can be found on the Council's website via the following link:

<http://mginternet.hackney.gov.uk/ieListDocuments.aspx?CId=112&MIId=3227>

#### **4. COMMENTS OF THE DIRECTOR OF LEGAL**

- 4.1 The legal framework for Members' allowances is established by section 18 of the Local Government and Housing Act 1989. This gave the Secretary of State the power to make regulations authorising or requiring local authorities to pay a basic allowance to each councillor and special responsibility allowances to councillors with special responsibilities.
- 4.2 The section was amended by section 99 of the Local Government Act 2000 to allow the Secretary of State to make regulations providing for the payment of pensions, allowances and gratuities to Members and the payment of carers allowances.
- 4.3 The current Regulations governing Members' Allowances are the Local Authorities (Members Allowances) (England) Regulations 2003. These provide that before a local authority makes or amends a scheme for Members' Allowances, it must have regard to the recommendations made to it by an independent remuneration panel.
- 4.4 There are three options open to a local authority. It can establish its own IRP; it can establish one jointly with other authorities or, in the case of London boroughs, it can make use of the recommendations from the IRP established by London Councils. An authority can, however, only use one IRP.
- 4.5 It is the duty of the IRP to produce a report making recommendations on the following:
- (a) the responsibilities or duties in respect of which the following should be available:
    - special responsibility allowance;
    - travelling and subsistence allowance; and
    - co-optees' allowance.
  - (b) the amount of such allowances and as to the amount of basic allowance;
  - (c) whether carers allowance should be payable to members of an authority, and as to the amount of such an allowance;
  - (d) whether, in the event that the scheme is amended at any time so as to affect an allowance payable for the year in which the amendment is made, payment of allowances may be backdated in accordance with regulations;
  - (e) whether adjustments to the level of allowances may be determined according to an index and if so which index and how long that

index should apply, subject to a maximum of four years, before its application is reviewed;

- 4.6 A copy of the report must be sent to the authority in respect of which recommendations have been made. Its existence must be advertised in the local press and copies made available for inspection by the public.
- 4.7 The Council's obligation is to have regard to the recommendations of the IRP. It does not have a duty to follow them although it would need to have good reasons to justify departing from them.
- 4.8 Allowances paid to the Speaker and Deputy Speaker are covered by a different legal regime. Schedule 2 to the Local Government Act 1972 provides that a London Borough may pay the Chair of the Council (in Hackney the Speaker) such allowances as the Council thinks reasonable for the purpose of enabling him / her to meet the expenses of his / her office. There is a similar power in respect of the Vice Chair (Deputy Speaker).
- 4.9 The IRP also has responsibility for recommending allowance rates for statutory independent and co-opted Members, and the Members' expenses rates.

## **5. COMMENTS OF THE GROUP DIRECTOR OF FINANCE AND CORPORATE RESOURCES**

- 5.1 The Members Allowance Scheme budget for 2016/17 is £1,269k which is £78k less than the 2015/16 budget allocation. Forecast expenditure for 2015/16 was £1,166k.
- 5.2 The Members Allowances Scheme was updated for 2016/17 and now includes salary sacrifice provisions for the Home Technology, Smartphone and Child Care Vouchers Scheme. The previous Members Allowances Scheme only covered the Employee Cycle Scheme.

These changes have no financial implications.

- 5.3 No changes have been made to allowance levels from the 2015/16 scheme.

Members Allowance Scheme	£k
Forecast for 2015/16	1,166
Budget for 2016/17	1,269
Surplus	(103)

- 5.4 The national pay settlement for local government officers has not yet been agreed for 2016/17. The financial impact of the national pay settlement is not yet known, however there is £103k surplus in the



existing budget (based on last year's forecast) that could be used to fund any additional costs arising.

- 5.5 There is a small risk that the surplus may not be enough when the actual figures are published; accordingly this will be monitored with the service.

**Tim Shields**  
**Chief Executive**

## **APPENDICES**

Appendix 1: Proposed Members' Allowances Scheme for 2016-17

## **BACKGROUND PAPERS**

No background papers have been relied upon in the drafting of this report.

<b>Covering Report Author:</b>	Yinka Owa, Director of Legal 020 8356 6234 <a href="mailto:yinka.owa@hackney.gov.uk">yinka.owa@hackney.gov.uk</a>
<b>Legal Comments</b>	Yinka Owa, Director of Legal 020 8356 6234 <a href="mailto:yinka.owa@hackney.gov.uk">yinka.owa@hackney.gov.uk</a>
<b>Comments of the Head of Finance &amp; Resources</b>	Jackie Moylan, Director of CACHF 020 8356 3032 <a href="mailto:jackie.moylan@hackney.gov.uk">jackie.moylan@hackney.gov.uk</a>

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# Members' Allowances Scheme

## 1. INTRODUCTION

- 1.1 This Scheme is based on the independent report and recommendations of Sir Rodney Brooke CBE DL, Chair of London Councils Independent Remuneration Panel. The London Borough of Hackney is part of the arrangements provided by London Councils Independent Remuneration Panel that is responsible for reviewing members' allowances and developing a report and recommendations for councils to consider.
- 1.2 This Scheme has been approved by full Council of the London Borough of Hackney in accordance with the Local Authorities (Members' Allowances) (England) Regulations 2003.
- 1.3 This Scheme may be cited as the London Borough of Hackney Members' Allowances Scheme for 2016-17 and shall have effect from 25<sup>th</sup> May 2016.
- 1.4 Before the start of each financial year, full Council shall adopt a Scheme for the payment of Basic Allowances, as required by the Regulations.
- 1.5 In addition, provision for the following allowances shall be made in accordance with the Regulations for payments of:
  - Special Responsibility Allowance;
  - Independent and Co-opted Members Allowance;
  - Independent Person Allowance;
  - Carers Allowance;
  - Maternity, Paternity and Sickness Pay;
  - Travel and Subsistence Allowance;
- 1.6 The London Borough of Hackney has also introduced specific arrangements for its Scheme to be independently reviewed on a routine basis with reference to London Councils Independent Remuneration Panel.

## 2. BASIC ALLOWANCE

- 2.1 A Basic Allowance is paid to all Councillors in recognition of their commitment to attend formal meetings of the Council as well as meetings with officers and constituents. The Basic Allowance is intended to cover any incidental costs which may arise, such as use of private telephones.
- 2.2 Each Councillor is entitled to claim a Basic Allowance of £10,262.90 per annum, which is payable monthly via the Council's payroll.

3. **SPECIAL RESPONSIBILITY ALLOWANCE**

- 3.1 A Special Responsibility Allowance (SRA) is payable in addition to the Basic Allowance to those Councillors that are given significant additional Council duties.

4. **THE ALLOWANCES**

- 4.1 The Basic Allowances and SRAs are as follows:-

**BASIC ALLOWANCE**

Basic Allowance All Councillors (except the Mayor)	£10,262.90
-------------------------------------------------------	------------

**SPECIAL RESPONSIBILITY ALLOWANCES**

Political Roles – Majority Group

Majority Group Chair	£2,294.39
Majority Group Secretary	£2,294.39
Majority Group Whip	£5,000.00

Political Roles – Opposition Groups

First Opposition Group Leader	£12,214.94
First Opposition Group Whip	£2,294.39
Second Opposition Group Leader	£8,143.30

Panel Members

Adoption Panel Member	£2,294.39
Fostering Panel Member	£2,294.39

Committee Chairs

Chair of Audit Committee	£7,407.45
Chair of Corporate Committee	£7,407.45
Chair of Licensing Committee	£16,450.00
Chair of Pensions Board	£2,294.39
Chair of Pensions Committee	£14,814.91
Chair of Planning Sub Committee	£16,450.00
Chair of Standards Committee	£2,294.39

Scrutiny Commission Chairs

Scrutiny Commission Chairs	£13,418.86
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### Speaker and Deputy Speaker

Speaker (see 4.3 below)	£18,063.85
Deputy Speaker (see 4.3 below)	£5,000.00

### Cabinet Members

Cabinet Members	£33,604.38
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### Deputy Mayor

Deputy Mayor	£39,867.19
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### Directly Elected Mayor

Directly Elected Mayor (see 4.4 below)	£78,290.31
----------------------------------------	------------

- 4.2 Only one SRA may be claimed. It will be for individual Members who would otherwise qualify for more than one SRA to inform the Chief Executive which allowance they wish to claim, otherwise the highest allowance will be paid.
- 4.3 The roles of Speaker and Deputy Speaker do not attract a SRA but are covered by a separate legal regime. Schedule 2 of the Local Government Act 1972 provides that a London Borough may pay the Chair of the Council (known as the Speaker in the London Borough of Hackney) such allowances and Full Council thinks reasonable for the purpose of enabling the Chair to meet the expense of the office. There is a similar power in respect of the Vice Chair (Deputy Speaker).
- 4.4 The role of directly elected Mayor does not attract a Basic Allowance or SRA. The Mayor receives one single allowance which covers all of the responsibilities included in the role.

## 5. **MEMBER ALLOWANCE UPLIFT**

- 5.1 The Basic and Special Responsibility Allowances are normally uplifted each year in line with the Local Government Pay Settlement Pay Rate when this becomes known, and will be reviewed and approved by Full Council prior to the start of each financial year.

## 6. **PENSIONS**

- 6.1 In accordance with legislation, since the start of the 2014-18 electoral term, Members of the Council are no longer entitled to participate in the Local Government Pension Scheme.

7. **MATERNITY, PATERNITY AND SICKNESS PAY**

7.1 All Members shall continue to receive their Basic Allowance in full in the case of maternity, paternity and sickness leave.

7.2 Members entitled to a Special Responsibility Allowance shall continue to receive their allowance in the case of maternity, paternity and sickness leave in the same way that the Council's employees enjoy such benefits. A replacement to cover the period of absence shall be appointed by Full Council, and the replacement will be entitled to claim an SRA. Where the SRA in question relates to the Cabinet, the appointment will be made by the Mayor.

8. **DEPENDENT CARERS' ALLOWANCE**

8.1 The Council will make reasonable payments for the reimbursement of the care of dependent relatives living with the Elected Member. Full details of the Dependent Carers' Allowance Scheme are attached at Appendix A.

9. **TRAVEL AND SUBSISTENCE ALLOWANCE**

9.1 The Council will provide an allowance to Members for any travel or subsistence costs incurred as a result of attending a Council Approved Duty outside of the Borough. Independent Members, Co-opted Members and the Independent Person can claim for any travel or subsistence costs associated with their Council duty. Full details of the Travel and Subsistence Allowance are attached at Appendix B.

10. **APPROVED COUNCIL DUTIES**

10.1 The schedule of approved Council duties can be found at Appendix C of this Scheme. Members of the Council may claim a Travel and Subsistence Allowance and/or Carers' Allowances when attending these duties.

11. **SALARY SACRIFICE SCHEMES**

11.1 Members are entitled to join the Council's employee Cycle Scheme whereby they can choose a bicycle and equipment from an approved supplier (up to £1,000 in value) and the Council purchases it and loans it to the Member. The Member will then repay the loan from their Basic Allowance in return for the loan of the VAT free bicycle across an agreed period. At the end of the loan period the Council may sell the bicycle to the Member at a fair market value.

11.2 Members are entitled to join the Council's employee Home Technology and Smartphone Scheme which runs periodically to enable the

purchase of information and communications technology equipment up to the value of £1,500 via salary sacrifice arrangements

- 11.3 Members are entitled to access the Council's employee Childcare Vouchers Scheme via salary sacrifice arrangements.

12. **PART PAYMENTS**

- 12.1 In the case of Basic Allowances, Special Responsibility Allowances, Travel and Subsistence Allowance, or Dependent Carers' Allowances, payment will only be made for the period during which a person performs the duties for which these allowances are payable. Where a Member, Independent Member, Co-opted Member or Independent Person resigns or ceases to be a Member, the part of the allowance payable for the period for which they cease to be a Member, may be withheld by the Council.

13. **REPAYMENTS**

- 13.1 Where payment of any allowance has already been made in respect of any period during which the Member, Independent Member, Co-opted or Independent Person concerned ceases to be a Member, or is in any other way not entitled to receive the allowance in respect of that period, the Member, shall repay to the Council on demand such part of the allowance as relates to any such period.

14. **OPTING TO FORGO AN ALLOWANCE**

- 14.1 Basic Allowance and SRAs will be paid automatically unless notice is received in writing from the Member concerned forgoing the entitlement in whole or in part. All such notices should be sent to the Chief Executive.

15. **CLAIMS AND PAYMENT**

- 15.1 Payments in relation to Basic Allowances, SRAs, Independent Member, Co-opted Member and Independent Person allowances shall be paid in monthly instalments in accordance with this Scheme.
- 15.2 Basic, SRA, Independent Member, Co-opted Member and Independent Person allowance payments are made net of income tax and national insurance through the PAYE system used for salaried employees. Bank details are therefore required for each Member. If a Member changes their bank details, the revised details should be provided to Member Services.
- 15.3 Claims for Travel and Subsistence allowances, and Dependent Carers' allowance should be submitted no later than 3 months from the date that expenses are incurred. Claims must be made on the agreed claim form available from Member Services.

15.4 Claims will be checked on receipt by Governance and Business Intelligence Services. Claims received before the 20th day of the month will be paid on or before the 15th day of the following month.

16. **ALLOWANCES FOR INDEPENDENT MEMBERS AND CO-OPTED MEMBERS**

16.1 The standard rate for Independent Members and Co-opted Members allowances is £111.88 per meeting. This is translated into an annual allowance by multiplying this by the anticipated number of meetings. This amount is payable to Co-opted Members on the Children and Young People Scrutiny Commission, Pensions Board, Pensions Committee and Standards Committee.

17. **THE INDEPENDENT PERSON**

17.1 The Council's Independent Person for ethical governance matters shall be entitled to an allowance of £446.92 per annum.

18. **CHAIR AND MEMBERS OF THE DESIGN REVIEW PANEL**

18.1 The Chair of the Design Review Panel shall be entitled to an allowance of £450.00 per meeting.

18.2 Members of the Design Review Panel shall be entitled to an allowance of £50.00 per hour, capped at £200.00 per meeting.

19. **PUBLICATION**

19.1 The Council is required to publish details of the Members' Allowances Scheme and the total amount received by each Member. The records must also be available for inspection by any local government elector for the authority, or by any local government elector of any principal council in whose area the authority operates.

20. **REVIEW OF THE SCHEME**

20.1 The Council has also introduced specific arrangements for its Scheme to be independently reviewed on an annual basis with reference to London Councils Independent Remuneration Panel.

20.2 Minor revisions are the responsibility of the Chief Executive..

21. **QUERIES**

21.1 Any specific queries regarding the entitlement to the Scheme should, be addressed to the Head of Governance and Business Intelligence Service (020 83563418). Queries regarding the processing of claims



and payments should be addressed to The Head of Governance and Business Intelligence Services (020 8356 3418).

**DEPENDENT CARERS' ALLOWANCE**

**1. LEGALITY**

1.1 The Scheme is established by the Council under the Local Authorities (Members Allowances) (England) Regulations 2003. The Dependent Carers' Allowance is payable in respect of the approved duties set out in Appendix C. The Scheme requires Members claiming the allowance to demonstrate and certify that carer expenses are actually and necessarily incurred in the conduct of their official duties.

**2. ENTITLEMENT**

2.1 The Scheme provides for payments to be made to Members in respect of care for "dependent relatives" living with the Member. For the purposes of the scheme, "dependent relatives" are defined as:

- I. children aged 15 or under;
- II. relatives requiring full time care as a result of disability or infirmity.

2.2 Allowances are payable for care provided by carers registered by a Member with the Authority. Under no circumstances will the allowance be payable to an immediate relative of the Member.

2.3 For meetings or duties within the Council's boundaries, the allowance will be paid for the duration of the meeting or approved duty plus an allowance for up to one hour's travelling time before and after the meeting. For duties outside the Council's boundaries, the allowance will be paid for the duration of the duty plus the actual travelling time to and from the venue. In all instances, total time claimed should be rounded to the nearest half-hour.

**3. RATES OF ALLOWANCE**

3.1 The Dependent Carers' Allowance is set at the same level as the London Living Wage and is paid at this rate irrespective of the number of dependants.

3.2 Where a dependent relative requires specialist professional care, the full cost of care will be allowed, with the prior written approval of the Chief Executive.

**4. CLAIMS PROCEDURES**

4.1 Members wishing to apply for Dependent Carers' Allowance must submit an application form to the Chief Executive, declaring that:

- (i) claims made shall only be made in respect of a named dependent relative (or relatives) as defined in the Scheme;

- (ii) claims shall only be made in respect of the entitlements set out in paragraph 2 above;
  - (iii) receipts shall be provided in support of all claims; and
  - (iv) where a specialist professional carer is to be engaged, that this is a necessary expense for which full reimbursement will be claimed.
- 4.2 Signed applications for registration of a carer are to be submitted by Members for approval by the Chief Executive.. Approved applications will be retained by Governance and Business Intelligence Service.
- 4.3 Members are required to notify Governance and Business Intelligence Service in the event of their entitlement to Dependent Carers' Allowance ending.
- 4.4 All claims will be processed through the Council's payroll system.
5. **AUDIT**
- 5.1 Internal Audit will review the systems for payment of Members' Allowances on a routine basis and include sample testing of Members' Allowances transactions in annual probity programmes.

**TRAVEL AND SUBSISTENCE ALLOWANCE**

**1. PUBLIC TRANSPORT**

- 1.1 Elected Members may claim expenses for journeys associated with an approved duty (see Appendix C) outside of the Borough. The Council will not provide an allowance for any travel within the Borough.
- 1.2 Independent Members and Co-opted Members of the Council and the Independent Person may claim for travel both inside and outside the Borough for journeys associated with an approved duty.
- 1.3 The rate must not exceed the ordinary standard class fare or any available saver fare.
- 1.4 Booking arrangements for travel outside of London must be made by Governance and Business Intelligence Service to seek the most cost-effective deal within current parameters.
- 1.5 A receipt must be produced for any claim.
- 1.6 For travel within London, Members may claim for travel on an Oyster Card. To claim for travel paid for on an Oyster Card, Members must provide Member Services with a printed receipt of the journey travelled, which can be obtained from most TfL stations.

**2. PRIVATE VEHICLE**

- 2.1 Elected Members, Independent Members, Co-opted Members and the Independent Person may claim expenses for journeys by private vehicle associated with an approved duty outside of the Borough. The Council will not provide an allowance for any travel within the Borough.

- 2.2 An allowance of 24p per mile can be claimed for travel by motorcycle.

An allowance of 46.9p per mile can be claimed for travel by motor vehicle (451-999cc engine) up to the first 8,500 miles annually. An allowance of 52.2p per mile can be claimed for travel by motor vehicle (1000cc engine) up to the first 8,500 miles annually.

- 2.3 Members, if using a private motor vehicle, should note that the Council does not provide any insurance cover. Members should have Business Use cover as part of their policy.

**3. TAXI**

- 3.1 Members can claim an allowance for the amount of a taxi fare, and any reasonable gratuity, to enable them to attend an approved duty if the following exceptional circumstances and criteria apply:

- in cases of a genuine emergency;
  - when no public transport is reasonably available to travel to the approved duty;
  - for safety reasons;
  - or if there is insufficient time to travel from one approved duty to another by public transport.
- 3.2 The cost of travel by taxi must have been incurred wholly and exclusively for a Member's attendance at an approved Council duty. Taxi fares can only be claimed by Members once approved by the Chief Executive..
- 3.3 A receipt must be produced for any claim.

#### 4. **HIRED VEHICLE**

- 4.1 Other than for a taxi, Members will only be able to claim an allowance per mile as per the rates detailed in paragraph 2 above. As such, Members will be reimbursed as if they had owned the vehicle, and will not be reimbursed for the cost of hiring the vehicle.
- 4.2 A receipt must be produced for any claim by the Member who hired the vehicle.

#### 5. **AEROPLANE**

- 5.1 Subject to prior approval by the Chief Executive, the cost of travel at the ordinary fare or any available cheap fare by regular air service or where no such service is available or in case of urgency the actual fare paid by the Member where the saving in time against other available means of transport is so substantial as to justify payment of the fare by that means.
- 5.2 A receipt must be produced for any claim.

#### 6. **BICYCLE**

- 6.1 Members may claim an allowance in respect of travel by bicycle or by any other non motorised form of transport undertaken, of 20p per mile, in connection with or relating to an approved Council duty outside of the Borough.
- 6.2 Independent Members, Co-opted Members and the Independent Person may claim a cycling allowance for journeys inside and outside of the Borough.

#### 7. **SUBSISTENCE**

- 7.1 The payment of subsistence allowance will only be payable to Members for approved Council duties and conferences subject to the approval of the Chief Executive.
- 7.2 When more than 4 hours away from normal place of residence, the repayment of subsistence allowances will be made to cover the actual cost incurred up to the following rates –
- (i) Breakfast - £5.50
  - (ii) Lunch - £7.50
  - (iii) Evening Meal - £10.50
  - (iv) Out of pocket expenses (per night) - £4.50
- 7.3 Members are also entitled to overnight accommodation, if required, when attending an approved duty outside of London, subject to the approval of the Chief Executive. Governance and Business Intelligence Service shall be responsible for making any bookings and will pay for the accommodation directly.
- 7.4 Receipts must be produced for any claim in order to be valid.

**APPROVED COUNCIL DUTIES**

For the purposes of the payment of Travel, Subsistence and Carers' Allowances, Approved Council duties are defined as the following official meetings set out below. For information, some outside bodies may pay an allowance to Members for their role and work on that specific outside body.

1. Appointments Committee or Sub Committees
2. Audit Committee
3. Cabinet or Cabinet Sub Committees
4. Council
5. Council Joint Committee
6. Corporate Committee or Sub Committees
7. Health and Wellbeing Board
8. Joint Committee of the Six Growth Boroughs
9. Licensing Committee or Sub Committees
10. Overview and Scrutiny Commissions
11. Pensions Board
12. Pensions Committee
13. Standards Committee or Sub Committees
14. Ward Forums
15. Education related meetings such as:
  - the Schools Admissions Forum
  - School Governing Bodies
  - the Standing Advisory Council for Religious Education (SACRE)
16. Independent Statutory Panels
  - Adoption Panel
  - Fostering Panel
17. A meeting of outside bodies:
  - Abney Park Cemetery Trust
  - Agudas Israel Housing Association
  - Bangla Housing Association
  - Chats Palace Arts Centre
  - CREATE London Ltd
  - Dr Spurstowe and Bishop Wood's Almhouse Charity
  - East London NHS Foundation Trust
  - Finsbury Park Trust
  - Greater London Enterprise
  - Groundwork Local Authority Strategic Input Board
  - Hackney Citizens Advice Bureaux (CAB)
  - Hackney Community Law Centre
  - Hackney Empire Ltd Board
  - (Check for updated) Hackney Parochial Charity
  - Hackney University Technical College
  - Homerton NHS Foundation Trust
  - Hornsey Parochial Charity
  - Industrial Dwellings Society
  - Lee Valley Regional Park Authority

- LGA General Assembly
- LGiU Management Committee
- LLDC Planning Decision Making Committee
- London Councils Executive
- London Councils Grants Committee
- London Councils Greater London Employment Forum
- London Councils Leaders' Committee
- London Councils Transport and Environment Committee
- LHC
- London Road Safety Council
- London Youth Games
- North London Waste Authority
- Reserve Forces and Cadets Association
- Shoreditch Town Hall Trust
- Shoreditch Trust
- South Hackney Parochial Charity
- Sun Babies Trust
- West Hackney Parochial Charity

18. Attendance at Conference meetings:

- London Councils
- Local Government Association

19. Attendance at any meeting which is an induction training session, seminar, presentation, or briefing arranged by Chief Officers of the Council for all members of a Committee, Sub Committee or Panel to discuss matters relevant to the discharge of the Council's functions and to which Members of more than one party Group have been invited.

20. Attendance at visits and inspection of sites and premises arranged by officers (e.g. opening of new facilities).

21. Attendance by Members who have the relevant special responsibility on matters concerning the discharge of the Council's functions.

22. Attendance before parliamentary Committees, official bodies and inquiries to give evidence or make representations on the Council's behalf.





<b>REPORT OF THE CHIEF EXECUTIVE</b>		
<b>OVERVIEW AND SCRUTINY</b> <b>REPORT OF OVERVIEW AND SCRUTINY</b> <b>Overview &amp; Scrutiny Annual Report 2015-16</b>  Council – 20 July 2016	<b>Classification</b>  Public	<b>Enclosures</b>  <b>Appendix 1</b> O&S annual report 2015-2016
	<b>Ward(s) affected</b>  All	

## Introduction

In accordance with Article 7.9 of the Constitution<sup>1</sup> Overview and Scrutiny presents an annual report of its activities to Full Council at the beginning of each municipal year.

Attached is the *Overview & Scrutiny Annual Report 2015-2016*.

## RECOMMENDATION

Council is requested to give consideration to the report.

**Report originating officer:** Tracey Anderson, Head of Scrutiny and Ward Forums, tel: 020 8356 3312.

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<sup>1</sup> 7.9 It will be a role of the Overview and Scrutiny Commission Chairs to report annually to Full Council on work that the Commissions have undertaken in the previous year, and may make recommendations to Full Council to amend their working methods where appropriate.

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## REPORT OF THE LOCAL GOVERNMENT OMBUDSMAN

<b>COUNCIL MEETING DATE</b> 20 <sup>th</sup> July 2016	<b>Classification:</b>  Open  If exempt, the reason will be listed in the main body of this report.
<b>Ward(s) affected</b>  All	
<b>Cabinet Member</b>  Cllr Guy Nicholson, Cabinet Member for Regeneration	
<b>Group Director</b>  Kim Wright , Group Director Neighbourhoods and Housing	

## **1. CABINET MEMBER'S INTRODUCTION**

- 1.1 The Local Government Ombudsman (LGO) has issued a report (Appendix 1) following her investigation of a complaint against the Council. The complaint related to a Planning Enforcement matter spanning a number of years, the details of which are set out in this report. The Ombudsman found that there had been fault on the part of the Council, and this had in their view caused injustice to the complainant.
- 1.2 The LGO report sets out a series of recommendations, of which all but one were already being implemented by the Council of its own accord before it became aware of the LGO report. The Council has therefore taken the action which the Ombudsman regards as providing a satisfactory remedy for the complaint, and provided a comprehensive update to the LGO. This report to full Council sets out those recommendations and the action undertaken by the Council.

## **2. GROUP DIRECTOR'S INTRODUCTION**

- 2.1 The LGO investigation referred to above relates to a planning enforcement case first opened in July 2006 against an unauthorised extension. Following a series of failed planning applications, the Council issued an Enforcement Notice in February 2009, ultimately leading to a successful prosecution in April 2013.
- 2.2 A complaint from a neighbour of the property (referred to as 'Mr Z' in the report) triggered the LGO investigation. As set out in Appendix 1 the LGO has summarised the complaint as being that *'Mr Z complains the Council has not taken direct action to remove an unauthorised extension built by his neighbour in 2006 and subject to an enforcement notice issued in February 2009'*.
- 2.3 The Council has made it clear to the LGO that in its view this complaint relating to direct action does not justify a report. It can be summarised that the findings of fault in the LGO report fall into one of two categories – either failure of the Council to successfully take timely direct action and/or failure to communicate effectively with the complainant ('Mr Z'). It is considered that these two broad categories of fault do not clearly sit together to cumulatively cause injustice to Mr Z to the extent set out in the LGO report.
- 2.4 It has been made clear to the LGO that direct action isn't a 'service request' that residents are entitled to, but is a discretionary power that must be proportionate. Direct action against the unauthorised development in question has now been implemented by the Council at a cost of upwards of £70,000 in contractor fees, over £15,000 in legal fees related to Mr Z's neighbour's latest injunction/court challenge, and many hours of senior Officer time. Although the contractor and court

costs are ultimately recoverable through a land charge it could take many years and serves as a drain on public finances in the interim.

- 2.5 At a time of significant budgetary constraints on local authorities, the Council will not be able to commit to direct action every time it is called upon by a resident. The Council's emerging Enforcement Policy (Appendix 2, and as considered by July Cabinet) and procedure notes will help clarify when it is appropriate to go down the direct action route. The Council accepts that there have previously been shortcomings in communication with Mr Z, but the direct action itself should not be subject of the complaint and LGO report.
- 2.6 It is unfortunate that the LGO report did not clarify that the majority of recommendations were already being implemented by the Council of its own accord long before it become aware of the report. For example the Council has been providing Mr Z with weekly updates for considerable time now, with direct action to remove the unauthorised development now implemented. This report sets out these recommendations in more detail, and explains the Council's approach to open planning enforcement cases more generally.

### **3. RECOMMENDATIONS**

#### **3.1 Council is asked to:**

**Note the contents of the LGO report (appendix 1) and the Council's response as set out in this report.**

### **4. REASONS FOR DECISION**

- 4.1 This report forms part of the Council's obligations under the Local Government Act 1974 to publicise receipt of a Local Government Ombudsman report.

### **5. DETAILS OF ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

- 5.1 None.

### **6. BACKGROUND**

- 6.1 The Council has a discretion to take planning enforcement action, although this is not a statutory duty. The key issue in the LGO case referred to in this report is whether or not the Council acted reasonably in considering whether or not to take enforcement action.
- 6.2 In considering the enforcement action the Council must have regard to its enforcement policy and Government guidance. The Council did/does have an Enforcement Policy and Practice Guidance as well as

published information on its approach to enforcement and priorities, although it has been updated to take account of more recent Government guidance. The updated policy was considered by Cabinet on 18 July 2016.

6.3 The Council did consider and pursue enforcement action in this case, the details of which are set out below. However, enforcement proceedings are often protracted and there are many steps which can lead to delays. Appendix 3 highlights the long enforcement history on this particular breach of planning control and demonstrates quite clearly the very protracted nature of enforcement activity which can cause frustration for the local planning authority and residents alike.

6.4 The LGO report makes a series recommendations set out below. All but one of the recommendations (relating to a £2,500 compensatory payment to the complainant) were initiated by the Council and underway prior to receipt of the LGO report.

- apologise to Mr Z for the fault causing injustice identified in this report;
- pay Mr Z £2500 in recognition of his injustice (£500 for his uncertainty and time and trouble and a further £2000 to reflect the impact of the unauthorised development);
- agree to provide as a minimum monthly updates to Mr Z (copied to this office) on the progress of its direct action to remove the unauthorised development (or such other action it might take in respect of that unauthorised development) until it has been removed;
- complete the draft of its enforcement strategy and include reference in there to keeping in touch with those who report breaches of planning control (basic good administrative practice would be for the Council to keep in touch monthly or as it should specify on a case-by-case basis);
- introduce a procedure for cases where direct action is appropriate to remedy breaches of planning control; this should include setting out the circumstances where such action is considered appropriate as well as process advice for officers on commissioning contractors; authorising expenditure and so on;
- ensure this report is considered as part of the Council's future budgetary planning for its enforcement service; the Council will consider what staffing level needs to be maintained in the future to prevent another backlog of cases recurring.

## **7. Enforcement History – Investigation to Prosecution Summary**

7.1 The initial enforcement visit to establish a breach took place on 26/05/2006. A case was opened, a subsequent site visit undertaken, and correspondence entered in to try to resolve the breach in

accordance with government guidance. A planning application to regularise the breach was eventually submitted on 20/12/2007.

- 7.2 Unfortunately it was invalid leading to further delays, which coupled with the ill health of the applicant and his use of volunteers at Planning Aid as his consultants, meant that the attempt to regularise the breach took over 14 months and was still not successfully resolved, with the application eventually withdrawn on 23/05/2008.
- 7.3 An Enforcement Notice with a requirement to “permanently and completely remove the unauthorised roof extension from the roof of the property” was authorised on the 26/02/2009 and served on 02/03/2009 with effect from 30/04/2009.
- 7.4 The owner of the property then exercised his right of appeal on both the refusal of planning permission and the Enforcement Notice and this brought inherent delays as it is not appropriate to take enforcement action whilst the appeal process is ongoing. The appeal of the enforcement notice was dismissed on 05/11/2009, planning permission was also refused and the compliance time extended to six months.
- 7.5 The owner of the property proceeded to submit a further planning application in May 2010 which was refused in August 2010 and the Council determined to prosecute against the failure to comply with the Enforcement Notice.
- 7.6 This prosecution was heard but adjourned at the Magistrates’ Court in January 2011, with further adjournments up to September 2011, where the Court considered the medical grounds for non-attendance and the Council secured a warrant for the owner of the property to attend court on 12/10/2011.
- 7.7 The case was heard and committed to Snaresbrook Magistrates’ Court and listed and heard in January 2012. Following yet further adjournments and appeals the owner was convicted on 04/04/2013.
- 7.8 The summary shows that the Council followed all reasonable and necessary steps, including the consideration of planning applications to regularise the breach up to prosecution for failing to regularise the breach, and was faced with protracted appeal and court proceedings which resulted in the significant amount of time to reach the conviction in April 2013.

## **8. Enforcement History – Post prosecution**

- 8.1 Following the prosecution and the failure of the owner to regularise the breach the Council had the option of taking direct action to remove the breach and ensure compliance with the Enforcement Notice.

- 8.2 In July 2013 officers resolved to take direct action to remedy the breach and obtained a quote for the works. The officers also, quite rightly, sought legal advice on the implications of the direct action given that it was a family home and that at least one resident was under 16, and that it was essential that the works left the property in a habitable state.
- 8.3 A date of 13/01/2014 was agreed for the works and the owner was informed. Direct action was commenced on 13/01/2014 in that scaffolding was erected and it would appear that several attempts were made by the contractor to remove the extension only to be obstructed by the owner. On the 31/01/2014 records show that the site was attended by the Enforcement Manager, the contractor and the Police who informed the owner that he should not obstruct the works.
- 8.4 Despite this it is clear that the contractors were obstructed from undertaking the works, and equality impact issues arose which the contractor was unable to deal with.
- 8.5 Following on from this aborted direct action a Temporary Stop Notice was served in May 2014 at a site meeting following which the owner instructed an architect to discharge planning conditions on a 2012 approved scheme so that he could implement that consent and rectify the long outstanding breach.
- 8.6 Having allowed time for this to happen the Council sought to take out a Mandatory Injunction in October 2014 as the case needed to be expedited given the length of time given the public interest and the harm to the adjacent occupier. Again quite rightly, albeit delayed, the Council sought legal advice before taking this action and in February 2015 were advised that given recent case law it would be very unlikely that a judge would be sympathetic to an injunction against a disabled and elderly man where the penalty for non-compliance is prison, a fine or the seizure of assets. As such the advice was that an application for an injunction would be unsuccessful and that it would be disproportionate.
- 8.7 Following on from this advice, and given the personal circumstances of the owner of the property, it was determined that the only option left for the Council was to pursue Direct Action again. This was authorised and a specialist contractor who would be able to deal with the particular circumstances and the equality implications was procured on the 15<sup>th</sup> November 2015.
- 8.8 Following initial surveys carried out by the contractor in January and February 2016, the Council obtained a warrant to undertake a thorough structural survey to clarify the structural safety of the building and to accurately assess the true costs of the work to restore the roof to a



habitable condition. Following completion of this surveying work, direct action commenced on 25 April 2016.

- 8.9 Whilst far from satisfactory in terms of timescales the Council has continued to try to resolve this enforcement issue using all the powers at its disposal, including discretionary direct action based upon legal advice. The process is inevitably lengthy and in this case has been particularly protracted with numerous planning applications, use of all the available appeal processes, court proceedings and attempted direct action and injunctions.
- 8.10 Whilst the delay is regrettable the chronology shows that the Council has persistently attempted to resolve this case despite the many constraints and hurdles put in its way.

## **9. Communication with complainant**

- 9.1 There has been regular communication with the complainant (referred to in the LGO report as 'Mr Z') from his initial contact with the Council after he purchased his property in 2010 until prosecution of the contravener in April 2013.
- 9.2 Mr Z purchased his home in April 2010, aware of the enforcement notice with the understanding that the Council *could* take direct action to the extent that he was not concerned about the unauthorised works. However rather than make further enquiries with the Council to understand more about the timescales and process for this discretionary power, Mr Z waited until after he had purchased the home, and approached the Council in May 2010. It is clear that from this point Mr Z had an expectation that the extension would be taken down, even though the unauthorised works would later be subject to a myriad of prosecutions, planning applications, and high court hearings – as well as an ultimate decision by the Council on whether direct action would be proportionate.
- 9.3 However from April 2013 until mid-2015, whilst activity was taking place, albeit not as speedily as it could have, there was an unacceptable level of communication with Mr Z for which the Council has apologised unreservedly.
- 9.4 The Council has no hesitation in agreeing with the LGO recommendation and has paid Mr Z the £2500 compensation immediately in recognition of the prolonged impact of the unauthorised development.
- 9.5 However Paragraph 2 of the LGO report states that Mr Z could not proceed with 'planned changes' to his own property, which the report proceeds to link to a finding of injustice. The Council had previously contested this assertion, and questions the LGO's definition of

'planned'. Mr Z has at no point sought pre-application planning advice from the Council and has no planning permission of his own to carry out any works to his home. In their professional opinion, Council surveyors consider that it has yet to be proven that Mr Z could not implement his own proposals (if in place), and that even if this was the case injustice would only have been caused if Mr Z had an extant planning consent that he was unable to implement.

- 9.4 The Council strongly contests the claim in paragraph 63 that Mr Z was still not kept informed of the timetable for beginning the now implemented direct action in 2015/16. The Council's Head of Planning has had frequent (normally weekly) telephone conversations with Mr Z during the procurement of suitably qualified contractors from September 2015 onwards. Although the timescales for such an appointment took longer than anticipated as acknowledged in the LGO report, Mr Z was kept informed throughout. Mr Z was disappointed with the delays, but was fully aware.
- 9.5 The Council's new Planning Enforcement policy includes a section relating to updating customers with progress on the enforcement cases and also managing expectation, and automatic notifications are being put in place to provide updates for those periods where there has been no significant change in circumstances, for example whilst a retrospective application is being considered, or during the appeal timetable.
- 9.6 The Enforcement Policy will be followed by a series of Standard Operating Procedure Notes for consistent enforcement activity including a decision tree, the most appropriate and expedient enforcement action at the respective stages in the enforcement process including direct action where appropriate.
- 9.7 To reduce delays in the procurement of contractors for Direct Action the Council has also been working towards the establishment of a framework arrangement with suitable contractors, which is being implemented this year.

## **10. Senior management & political oversight of enforcement cases**

- 10.1 The LGO report references a planning enforcement backlog and a lack of resources attributed to comments from previous and current officers. It concludes that the case under investigation has occurred in the context of a service apparently under-resourced and by implication lacking in senior management and political oversight.
- 10.2 The information provided to the LGO by previous Council Officers does not reflect the information that was provided to Senior Managers and Members over this extended period.

10.3 The Cabinet Member, Corporate Director and Assistant Director all had oversight of planning enforcement cases, as did the Chief Executive, Corporate Director of Finance and Resources and the Assistant Director of Finance .

10.4 A review of historical information shows that:

- Significant resources were allocated a dedicated planning enforcement 'backlog team' in 2009/10 when it was expected that the initial backlog would be addressed
- In March 2012 the service had a backlog of 580 investigations with a proposal in place to clear these by 31/03/2013, with two additional full time posts provided to the enforcement team to ensure that this happened. A report to senior managers in September 2012 stated that the situation was under control and that a significant new backlog was not being created
- Former Council Officers reported Enforcement performance on a monthly basis to the Assistant Director, Director and Cabinet Member, reporting in April 2013 that the former backlog had been cleared
- In May 2013 having received detailed reports from Officers the Corporate Director reported to the Chief Executive and the Director of Finance that thanks to their additional resources the backlog had been cleared
- In June 2013 the Director of Finance allocated an additional £100k to the Enforcement Team to prevent the build-up of a further backlog and help to manage the workload. Two extra posts have continued to be funded from that point.

10.5 Whilst there have been recruitment difficulties in the enforcement service the impression that has been given to the LGO of a chronically under-resourced enforcement service does not tally with the additional resources which have been continually provided to the planning enforcement team over this period, albeit with issues on how those resources have been deployed.

10.6 Given the information set out above, 2015/16 monitoring statistics of open enforcement cases demonstrated that this had not previously been accurately reported. Further investigation has shown that previous reporting by former Officers did not reflect the true position on the enforcement caseload. Having carried out an in-depth review, current senior officers have established that previously a case was being recorded as closed, and hence no longer in the backlog, when the case had been progressed to Formal Enforcement Action rather than being complied with.

10.7 Former Officers' definition of Formal Enforcement Action included:

- the serving of an Enforcement Notice
- the issuing of a Planning Contravention Notice (PCN)

- the authorisation of a Stop Notice
- 10.8 This goes some way to explaining why a large number of open cases was reported in 2015/16 and since it included some of the cases 'closed' in a previous backlog, was new information to senior management who could not have been expected to drill down into that level of operational detail as they were being informed by two former senior operational managers.
- 10.9 The approach to the current open enforcement cases was reviewed throughout 2015/16 and a case is only now considered to be closed if:
- there is no breach
  - the breach is minor and it is not expedient to enforce
  - the breach has been resolved
  - the appeal has been upheld
  - planning permission has been granted
  - the breach is now immune from enforcement action
- 10.10 The existing cases have been separated into an annual breakdown and are being systematically addressed with the priority being to review those cases reported in 2012 (closest to immunity) and where no enforcement notice has been served and the oldest cases namely 2001-05 where compliance checking is taking place. Once these cases have been reviewed, the planned approach will then move on to 2013 and 2006, and so on, approaching open cases from both ends.
- 10.11 There are two dedicated staff assigned to this work on top of the seven established enforcement team members, and three weekly reporting meetings internally on the detailed cases and a monthly report to the Director of Public Realm and Cabinet Member. This is a more accurate and more transparent reflection of the existing enforcement caseload than has previously been available to senior management. This revised approach to the work will take place in the context of the new enforcement policy, including the revised notifications for complainants, which will be integrated into the new Standard Operating Procedures.

## **11. Conclusions**

- 11.1 In summary, the Council has carried out the following actions:
- A comprehensive review of open enforcement cases, with a new management structure in place to deploy available resources, and close cases effectively.
  - A new and updated Enforcement Policy has been considered by Cabinet, including clarity on procedures for communication with residents and stakeholders. This is being supported by a Standard Operating Procedures and a new correspondence monitoring system

(including between internal Council departments), signed off by the Head of Planning.

- A £2,500 compensatory payment has been given to Mr Z.
- A Framework is being established in 2016/17 to enable the swift appointment of suitably qualified contractors for direct action.
- Two additional posts in the Planning Enforcement team have been further extended with funding secured.
- Direct Action works have been completed to remove the unauthorised works that were the subject of the LGO complaint.

## **12. Equality Impact Assessment**

12.1 The direct action process at the property that is subject of the LGO report required careful consideration of equality issues. Although not referenced in the LGO report it is clear in reviewing this case that the owner of the property has health and disability issues which have contributed to the delay and compromised the Council's actions.

12.2 The owner has frequently cited ill health as a reason for delay and the Council took equality impacts into account before taking any direct action. The Council has a responsibility to balance any action against the Human Rights of the individual affected. In this particular case the unauthorised development was partly constructed and therefore did not form a habitable space within the wider family home.

## **13. Sustainability**

13.1 The implementation of timely enforcement action will help deliver the Council's adopted planning policies and secure sustainable development across the borough.

## **14. Consultations**

14.1 Section 30 of the 1974 Local Government Act requires the Council to make a public notice in more than one newspaper within two weeks of receiving the LGO report, and to make the report available at one or more of the Council's offices for three weeks. These actions have been undertaken.

## **15. Risk Assessment**

15.1 The Council's specialist contractors completed a full risk assessment prior to commencing the direct action works, including a thorough structural survey of the property.

## **16 COMMENTS OF THE GROUP DIRECTOR OF FINANCE AND CORPORATE RESOURCES**

This report seeks the Council to note the contents of the Local Government Ombudsman (LGO) report (appendix 1) and the Council's response as set out in this report.

The LGO report includes a recommendation to make a £2,500 compensatory payment to a complainant (See 6.4). This will be funded from the Planning Service Revenue budget in 2016/17.

Paragraph 2.4 to this report notes that the cost of direct action against an unauthorised development has been implemented by the Council at an estimated cost of £70,000 in contractor fees plus £15,000 estimated for legal fees.

These costs will be met from a reserve established for Direct Action enforcement cases. This reserve bridges the interim funding gap where the Council intends to recover costs from the property owner in future years.

A reserve has also been allocated for additional posts in the Enforcement Team to prevent the build-up of workload backlogs.

## **17. COMMENTS OF THE DIRECTOR OF LEGAL**

- 17.1** The Local Government Ombudsman investigates complaints about maladministration and service failure. If there has been fault and an injustice has been caused, the Ombudsman may suggest a remedy – the Local Government Act 1974, section 26(1) and 26A(1).
- 17.2** Paragraph 6.4 of the Report outlines the LGO's recommendations and the actions taken by the Council as remedial action. The LGO considers that the proposed action provides a satisfactory remedy for the complaint.
- 17.3** The Council is obliged to make available to the public, the Ombudsman's report at the Council's offices and give public notice by an advertisement in a local newspaper as prescribed and within the timescales specified under the Act (or such other times agreed with the Ombudsman) - section 30.

## APPENDICES

Appendix 1 – LGO Report, May 2016

Appendix 2 – Enforcement Policy 2016

Appendix 3 – Planning chronology

### Background Paper

None

<b>Report Author</b>	Ian Rae, Head of Planning <a href="mailto:ian.rae@hackney.gov.uk">ian.rae@hackney.gov.uk</a> Tel: 020 8356 8051
<b>Comments of the Director of Legal</b>	Patricia Narebor, Head of Commercial <a href="mailto:patricia.narebor@hackney.gov.uk">patricia.narebor@hackney.gov.uk</a> Tel: 020 8356 2029
<b>Comments of the Group Director of Finance and Corporate Resources</b>	Philip Walcott, Group Accountant <a href="mailto:Philip.walcott@hackney.gov.uk">Philip.walcott@hackney.gov.uk</a> Tel:020 8356 2396

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# Report by the Local Government Ombudsman

## Investigation into a complaint against London Borough of Hackney (reference number: 14 006 093)

**10 May 2016**

## The Ombudsman's role

For 40 years the Ombudsman has independently and impartially investigated complaints. We effectively resolve disputes about councils and other bodies in our jurisdiction by recommending redress which is proportionate, appropriate and reasonable based on all the facts of the complaint. Our service is free of charge.

Each case which comes to the Ombudsman is different and we take the individual needs and circumstances of the person complaining to us into account when we make recommendations to remedy injustice caused by fault.

We have no legal power to force councils to follow our recommendations, but they almost always do. Some of the things we might ask a council to do are:

- > apologise
- > pay a financial remedy
- > improve its procedures so similar problems don't happen again.

# Investigation into complaint number 14 006 093 against London Borough of Hackney

## Contents

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Section 30 of the 1974 Local Government Act says that a report should not normally name or identify any person. The people involved in this complaint are referred to by a letter or job role.

## Key to names used

Mr Z	the complainant
Officer A	The Council's former Development Manager
Officer B	The Council's former Senior Enforcement Officer
Officer C	The Council's Development Control and Enforcement Manager
Officer D	The Council's Enforcement Team Leader

## Report summary

### Planning and Development

Mr Z complains the Council has not taken direct action to remove an unauthorised extension built by his neighbour in 2006 and subject to an enforcement notice issued in February 2009.

### Finding

Fault found causing injustice and recommendations made.

### Recommendations

To remedy the injustice caused the Council should:

- apologise to Mr Z for the fault causing injustice identified in this report;
- pay Mr Z £2500 in recognition of his injustice (£500 for his uncertainty and time and trouble and a further £2000 to reflect the impact of the unauthorised development);
- agree to provide as a minimum monthly updates to Mr Z (copied to this office) on the progress of its direct action to remove the unauthorised development (or such other action it might take in respect of that unauthorised development) until it has been removed;
- complete the draft of its enforcement strategy and include reference in there to keeping in touch with those who report breaches of planning control (basic good administrative practice would be for the Council to keep in touch monthly or as it should specify on a case-by-case basis);
- introduce a procedure for cases where direct action is appropriate to remedy breaches of planning control; this should include setting out the circumstances where such action is considered appropriate as well as process advice for officers on commissioning contractors; authorising expenditure and so on;
- ensure this report is considered as part of the Council's future budgetary planning for its enforcement service; the Council will consider what staffing level needs to be maintained in the future to prevent another backlog of cases recurring.

The Council has agreed to carry out these recommendations within one month of the date of this report.

## Introduction

1. Mr Z complains the Council has not taken direct action to remove an unauthorised extension built by his neighbour in 2006, which is subject to an enforcement notice issued in March 2009. He also complains that it has failed to keep him informed of action it has taken or proposed to take to remove the unauthorised extension.
2. Mr Z says that as a result he has been put to excessive time and trouble pursuing his complaints about this matter with the Council and had to suffer the consequences of living next to the unauthorised development for longer than should have been the case. He says he cannot proceed with planned changes to his own property as that would involve building on to the unauthorised extension. He also notes the unauthorised extension gives his neighbour access to a first floor roof used as a balcony area and which overlooks Mr Z's home giving direct views into his bedrooms and garden. Mr Z considers the unauthorised extension therefore causes him a loss of privacy. He also considers the extension blights the street due to its size and appearance.

## Legal and administrative background

### The Ombudsman's Powers

3. The Ombudsman cannot investigate late complaints unless we decide there are good reasons. Late complaints are when someone takes more than 12 months to complain to the Ombudsman about something a council has done. (**Local Government Act 1974, sections 26B and 34D**)
4. The Ombudsman investigates complaints about 'maladministration' and 'service failure'. In this report, we have used the word fault to refer to these. We must also consider whether any fault has had an adverse impact on the person making the complaint. We refer to this as 'injustice'. If there has been fault which has caused an injustice, we may suggest a remedy. (**Local Government Act 1974, sections 26(1) and 26A(1)**)

### Council powers to take enforcement action

5. The Council has discretion to take enforcement action. Where it appears there is a breach of planning control, the Council may issue an enforcement notice. (**The Town and Country Planning Act 1990, section 172(1)**)
6. The Council must set out in an enforcement notice what constitutes the breach of planning control. It must also set out what steps the developer must take to remedy the breach. (**DETR Circular 10/97 Enforcing Planning Control: Legislative Provisions and Procedural Requirements**)
7. The Council can prosecute for a failure to comply with an enforcement notice. (**The Town and Country Planning Act 1990, section 179**). Action is taken in the Magistrate's Court but the defendant can choose to defend the action in the Crown Court. Successful prosecution can lead to the defendant being fined but it does not ensure compliance with the notice.

8. The Council also has the power to take direct action to secure compliance with an enforcement notice. The Council can use reasonable force to enter land and carry out works. The developer contravening the notice is liable to pay the Council's costs for taking such action. The Council can also secure its costs by placing a charge on the property or land to which the enforcement notice relates. (*The Town and Country Planning Act 1990, Section 178*)
9. The Council also has the power to ask the High Court or County Court for an injunction to prevent an ongoing breach of planning control; for example to prevent the ongoing contravention of an enforcement notice (*The Town and Country Planning Act 1990, Section 187b*). Government advice is that before seeking an injunction the Council should consider the personal circumstances of the contravener and whether an injunction is proportionate. The guidance states an injunction is *"the most serious enforcement action that a local planning authority can take because if a person fails to comply with an injunction they can be committed to prison for contempt of court"*. Consequently it says Councils should only use injunctions as a *"last resort"*. (*Government Planning Practice Guidance; Ensuring effective enforcement, March 2014*)
10. The Council can also issue stop notices which are designed to immediately halt ongoing unauthorised building works. It is a criminal offence to contravene such a notice. (*Town and Country Planning Act 1990, Section 171*)
11. From 1 April 2012 Government guidance said councils should act proportionately in responding to suspected breaches of planning control. They should consider publishing a local enforcement plan to manage enforcement proactively in a way that is appropriate to their area. (*National Planning Policy Framework, paragraph 207*)

### **Hackney Council policy and performance on enforcement**

12. The Council has an Enforcement Policy which pre-dates the Government guidance referred to in paragraph 11 above and was drafted around 2007. This says the Council is *"firmly committed to protecting the environment from unauthorised and harmful development, preserving public amenity and improving people's surroundings"*. The document says that where it is unable to secure *"voluntary compliance"* to prevent an unacceptable breach of planning controls, it will consider serving an enforcement notice. The Council says that it will treat breaches of enforcement notices as the highest priority. It will consider prosecuting for failure to comply with such notices (although the document also makes reference to other options available to the Council to enforce against breaches of planning control as referred to above including direct action, injunctions and stop notices). The policy does not place any expectations on officers to keep in touch with those reporting breaches of planning controls.
13. The Council is currently drafting a local enforcement plan to replace the existing enforcement policy. It is also drafting a procedure for officers when they are considering authorising direct action to remedy a breach of planning controls.
14. The Council delegates all responsibility for planning enforcement to officers. Elected members who serve on the Council's Planning Committee are therefore not involved in decisions on planning enforcement cases. A monthly report is issued by the Council's

Planning Service which includes statistical data on enforcement cases and is copied to the Cabinet member with responsibility for the service. The report includes brief commentary on selected enforcement cases; for example where the Council receives an appeal against an enforcement notice or has begun a prosecution.

15. The November 2015 monthly report stated that the Council had 1469 open enforcement cases. It also showed that between the first quarter of 2014 and third quarter of 2015 the number of open cases had fluctuated between 1450 and 1590.
16. In December 2006 we issued a report on three complaints heavily criticising the Council's failure to take enforcement action over several years (*case reference: 05A12349 and two others*). Each complaint concerned unauthorised development on a neighbouring property and a failure by the Council to take enforcement action for three to four years. The report noted the Council's enforcement service was chronically understaffed and had a backlog of around 1500 cases. The Council said that it had restructured, was doubling its enforcement service and taking steps to tackle the backlog. During the course of this investigation we were told that a specialist backlog team the Council created around the time of this report was later merged into its enforcement service.

## How we considered this complaint

17. This report has been produced following the examination of relevant files and documents and interviews with the complainant and relevant employees of the Council.
18. The complainant and the Council were given a confidential draft of this report and invited to comment. The comments received were taken into account before the report was finalised.

## Investigation

### Background to enforcement action

19. Mr Z lives in a two storey Victorian terraced property. The property at the centre of his complaint adjoins Mr Z's house. The terrace has 'butterfly roofs' (where two inverted pitched roofs on a terrace meet in the middle).
20. The Council first became aware that Mr Z's neighbour had begun building a roof extension on his property in May 2006. He had no planning permission for this. Over time Mr Z's neighbour has demolished a shared chimney stack and built or partially built a 'mansard' style roof at the front (one with four sloping sides which become steeper halfway down) with a flat roof behind (thereby removing the 'butterfly' roof effect). The roof works also extend to the rear of the property giving Mr Z's neighbour access on to a first floor roof which is used like a balcony. This provides direct views into Mr Z's garden and first floor bedroom windows.
21. While the Council received a planning application from Mr Z's neighbour in early 2007 it could not make a decision on the application due to a lack of information provided. The Council would not validate the application and it was withdrawn. A Planning Officer's

report, written in November 2008 explained this decision and recorded many attempted contacts the Council had made with Mr Z's neighbour encouraging him to submit a valid planning application.

22. The report said the roof extension as built was incompatible with the rest of the terrace. It used different building materials and was incongruous due to its size resulting *"in a development that is intrusive and out of the scale and character of the area"*. The Council therefore considered the extension incompatible with its local planning policies. Senior officers approved a recommendation it serve an enforcement notice in December 2008.

### **The enforcement notice and prosecution**

23. The Council served that enforcement notice in March 2009 which would become effective at the end of April 2009. The notice required Mr Z's neighbour to *"completely remove the unauthorised roof extension"* and *"make good any damage resulting from carrying out the unauthorised works"*. This work was to be completed within three months of the notice taking effect (i.e. at the end of July 2009). The notice also referred to a wooden enclosure at the front of the building, although this was later removed and so is no longer relevant to the complaint.
24. Mr Z's neighbour appealed the enforcement notice to the Planning Inspectorate. In November 2009 the Inspectorate rejected the appeal, except for allowing Mr Z's neighbour an additional three months to comply with the notice. This meant the neighbour had until May 2010 to remove the unauthorised roof extension (where the Inspectorate decides not to uphold an appeal against an enforcement notice the time limit for compliance starts from the date of the appeal decision).
25. Mr Z purchased his home in April 2010, aware of the enforcement notice. He understood that the Council could take action to ensure the notice was complied with and so was not immediately concerned about the impact of the unauthorised extension. He first contacted the Council chasing an update on what action it proposed to take to ensure the extension was taken down in May 2010, when the period for compliance with the enforcement notice was about to expire.
26. In July 2010 Mr Z's neighbour submitted a planning application for a third floor at roof level. The Council refused this in September 2010 as the proposals were largely the same as the unauthorised extension. It considered the planned extension contrary to local planning policies as it was *"incompatible and obtrusive"* for the character of the street due to its *"size, design, materials, position and location"*.
27. Following this refusal of planning permission the Council began a prosecution against Mr Z's neighbour in December 2010. The Council prosecuted Mr Z's neighbour on two grounds. First, for his failure to comply with the planning enforcement notice. Second, for also failing to submit appropriate notifications complying with building regulations. The Council's then Head of Development Control, 'Officer A', told us that the Council always looked to prosecute when enforcement notices were not complied with, in preference to other enforcement options.



28. Both prosecutions were subject to delay due to Mr Z's neighbour being given repeated adjournments by the Courts and due to his non-attendance at more than one hearing. In January 2012 Mr Z's neighbour was found guilty of breaching building regulations. He was fined and ordered to pay costs. The concurrent prosecution for failure to comply with the planning enforcement notice was further delayed by the neighbour requesting transfer of the case to the Crown Court. But in April 2013 Mr Z's neighbour was convicted in the Crown Court for his failure to comply with the enforcement notice. He was further fined and ordered to pay costs.

### **Planning applications made during the enforcement process**

29. While the Council was prosecuting him, Mr Z's neighbour appealed its refusal of planning permission for his roof extension. The appeal was rejected by the Planning Inspectorate in June 2011.
30. In February 2012 Mr Z's neighbour submitted a further planning application for a third floor on his property. The Council considered the plans acceptable as they showed "a traditional size, design and materials for a mansard extension" and "reduced the visual bulk" of the unauthorised extension. The Council therefore approved these plans in April 2012.
31. However, the decision notice took account that the extension as built remained unauthorised. The report placed conditions requiring Mr Z's neighbour to obtain permission for the building materials to be used in the extension. It also imposed a condition to prevent the first floor roof to the rear of the house being used as a balcony that would overlook Mr Z's home. Mr Z's neighbour had three years to comply with these conditions and implement the planning permission. He failed to do this. So the planning permission has now expired.
32. In February 2013 Mr Z's neighbour submitted another planning application for a third floor on his home. This was for a larger extension than approved, similar to that subject to the enforcement notice and refused by the Council in September 2010. The Council refused this application in June 2013 again on the grounds of size and appearance; as well as citing the impact it would have on neighbours as it would "result in a material loss of outlook/increased sense of enclosure to the neighbouring properties".

### **Events after prosecution**

33. In May 2013 Mr Z made a complaint to the Mayor's office at the Council that the Council was not taking action to ensure his neighbour removed the unauthorised extension. The Mayor replied that he would ask the Council's planning committee to consider the case. The Mayor said the Council would consider taking direct action or seek an injunction against Mr Z's neighbour to ensure the extension's removal.
34. There is no record on the Council's planning files of the communications Mr Z had with the Mayor's office. However, after May 2013 Mr Z reports he had several conversations with a senior officer from the Council's enforcement service ('Officer B') and his emails refer to this. In July 2013 the Council resolved to take direct action to remove the unauthorised extension.

35. By October 2013 Mr Z was pressing the Council to take action and copied in his local Councillor to emails chasing a reply. An email from Officer B to Mr Z's local Councillor in November 2013 said there was delay in taking further action due to him becoming *"distracted by the loss of a number of staff members which has impacted on capacity within the team"*.
36. However, in November 2013 the Council commissioned contractors to remove the unauthorised extension. They arrived on site in January 2014 accompanied by Officer B and two police officers. The police advised Mr Z's neighbour not to prevent contractors removing the unauthorised extension. The contractors put up scaffolding and visited the site several times. However, they were unable to progress with the removal of the extension. The Council understands this was because of obstruction from Mr Z's neighbour. However, there are no contemporaneous records on the Council files that show what discussions took place between the Council and contractors (there is only an invoice from the contractors for around £12000).
37. In late February 2014 Mr Z contacted his local Councillor to express frustration that he did not know what was happening with the works to remove the extension and that he had seen no-one on site for two weeks.
38. Mr Z did not hear further from the Council until he alerted it in May 2014 that his neighbour had begun fresh building work on the roof. The Council served a temporary stop notice on Mr Z's neighbour to prevent this. The notice said *"the current unauthorised works are compounding the unacceptability and detriment that the roof extension has on the host property and the street scene"* and were contrary to several local planning policies.
39. Despite this action, Mr Z remained frustrated at the lack of progress to remove the unauthorised extension. He submitted a complaint via the Council's complaint procedure about the slow progress on removal and lack of communications. Officer A replied on behalf of the Council in July 2014. The reply apologised for the delays in undertaking enforcement action and poor communications. It said the Council had been *"let down"* by the contractor taking direct action and frustrated by Mr Z's neighbour. It said the Council would seek an injunction requiring Mr Z's neighbour to carry out the works to comply with the enforcement notice as well as seek alternative contractors to carry out direct action. The Council promised it would regularly update Mr Z on the progress of the work it was taking to ensure removal of the unauthorised extension going forward.
40. In September 2014 Mr Z escalated his complaint. He said *"it is ten weeks since I received the reply to my complaint outlining the plan of action the Council intends to take to resolve the unauthorised building work [...] the action sounded plausible and I was encouraged to believe progress would be made and better communication would be had. However, I am still completely in the dark about any developments or progress [...] my enquiries go unanswered [...]"*.
41. The Council replied to Mr Z's complaint in October 2014. The Council apologised for not keeping Mr Z better informed of its consideration of the unauthorised development. It said it would *"take steps"* to prevent a repeat and promised improved contacts moving forward.

It said that the Council was taking steps to obtain an injunction against Mr Z's neighbour and that it would keep Mr Z informed about that. It offered Mr Z £200 in recognition of the time and trouble he spent pursuing his complaint. In an internal email sent before the Council gave its reply to Mr Z, Officer B said "*to be honest the procurement work is taking longer than expected due to the volume of work in the team and the fact we are understaffed*".

42. When we asked about Officer B's comments, Officer A (who was Development Manager between 2009 and 2015) said the enforcement team faced systemic problems recruiting and retaining staff due to the pressures of work. Officer A told us that Officer B would not normally have had direct casework responsibility, but he became involved in this case due to such shortages. Officer A told us the Council had a dedicated Prosecutions Officer but that post was vacant for much of 2014 which added to other officers' workloads. Officer A also said she could recall only one other time the Council attempted direct action, even though prosecution did not lead to the removal of unauthorised development in all cases. This meant there were other cases in the Borough where serving an enforcement notice and successful prosecution had not stopped the breach of planning control, but no further enforcement action had been taken.
43. The Council says it allocated significant resources to tackling a backlog of cases in 2009. It understood that by March 2012 the backlog of enforcement cases was less than 600 and that Officer A reported there was no backlog by April 2013. The Council says it then allocated further resources in June 2013 to prevent a backlog recurring. However, the Council identifies that some cases were closed in error in this time. In particular it would close a case if officers took action such as serving an enforcement notice or prosecution. But this did not identify cases where enforcement action did not result in the remedy of the breach of planning control.
44. Under the terms of the proposed injunction discussed in late 2014 Mr Z's neighbour would have been expected to remove the unauthorised extension within three months or else face the possibility of imprisonment. In a report accompanying the reply to Mr Z's complaint, the Council also said that it was "*progressing the appointment of an appropriate contractor to undertake the outstanding works*" if the extension was not removed.
45. After receiving the reply to his complaint Mr Z again did not hear further from the Council. He contacted the officer who had investigated his complaint on several occasions between November 2014 and January 2015. In December 2014 he was advised the Council was drafting a further letter to his neighbour in anticipation of an injunction application.
46. However, after this date the Council decided not to proceed with the injunction. It said this was on the basis of legal advice which considered the circumstances of Mr Z's neighbour and which highlighted that the Council should "*explore all possibilities under the Planning Act prior to seeking injunctions*". In April 2015 the Council told us that instead it would therefore make a further attempt at removing the unauthorised extension through direct action using "*specialist contractors*".

47. In April 2015 the Council appointed a new Development and Enforcement Manager, 'Officer C' and an Enforcement Team Leader, 'Officer D'. Officer D reports to Officer C and Officer C reports to the Head of Planning (a new post filled in May 2015). They explained to us that the enforcement team has seven posts and one of these was vacant in September 2015. Each enforcement officer has an active caseload of around 70 cases each; so on current workloads officers cannot significantly reduce the backlog of enforcement cases. Officer C has been responsible for progressing action in this case, which would not usually be part of his day to day role.
48. By May 2015 the Council had obtained initial quotes from contractors for the proposed direct action. However, it was not until December 2015 the Council could instruct contractors. Between these dates the Council told Mr Z they anticipated that direct action to remove the unauthorised extension would begin in late summer or autumn 2015. Both Officer C and Officer D told us they encountered unforeseen difficulties appointing contractors and were hampered by a lack of procedure. In particular, Council Procurement Officers wanted more specific detail before agreeing to any contract. Both officers said they had learnt from this case and the experience would help them to draft a procedure. They had also spoken to other London authorities with more experience of undertaking direct action to help inform their work in this area. Officers C and D told us that they considered direct action failed in January 2014 because the Council did not use a specialist contractor with expertise in this area. They also noted that taking direct action committed the Council to spending thousands of pounds before any sums might be recovered; a process which could take several years. They said the budgetary implications of introducing the policy also needed to be considered.
49. As of today therefore the unauthorised roof extension remains largely the same as constructed when Mr Z purchased his home in 2010; although at the date of publication contractors had moved on site to remove it. Mr Z has told us that he would like to apply for his own planning permission to construct a mansard roof extension in keeping with the Council's planning policies. However, he does not consider he can begin work while the unauthorised works are in place as his building works would adjoin the unauthorised building of his neighbour which should be taken down and some of which encroach on to Mr Z's side of the roof (where the neighbour demolished the chimney stack and has partially erected a replacement). The Council's Building Control Manager comments that he does not consider Mr Z is prevented from building.
50. Officers C and D told us the Council's preference remained to prosecute where enforcement notices were not complied with, but they wanted the Council to be more flexible in considering other options as they recognised that a successful prosecution could not always ensure unauthorised development stopped. Both Officer C and Officer D told us that without more resources the Council could not reduce the backlog of cases in the service as officers could not be expected to take on more work at present.
51. In response to a draft of this report the Council said that it was "*surprised*" to learn it had just under 1500 open enforcement cases in November 2015. It had since allocated two officers to go through all historic open cases to decide what further action should be taken. As of March 2016, the Council has just under 100 planning enforcement cases

under review for the period 2001 to 2006 and a further 400 under review for the period 2007 to 2010. It is not known in how many of these cases a planning enforcement breach continues. It is noted the November 2015 report referred to by the Council included data going back to the first quarter of 2014/15 financial year and was a monthly report produced by officers. The data showed the number of open enforcement cases was 1450 in the first quarter of 2014/15.

## Conclusions

52. Mr Z's complaint involves consideration of the Council's actions over a number of years. He first contacted the Council asking it to take action against the unauthorised development in May 2010 and has contacted it regularly since. We consider Mr Z's first contacts were requesting a service, rather than making a complaint. But at some point Mr Z grew frustrated with the service response and it is at that point it is reasonable to consider his complaint began. We consider this could be best dated to May 2013 after the prosecution of Mr Z's neighbour completed. As this date was more than 12 months before the complaint to us this makes Mr Z's complaint a late complaint.
53. We consider it reasonable to consider the Council's actions from May 2013 despite the passage of time. First, this is because there are enough records for us to come to a view on the complaint. Second, because there has been a continuous chain of events during this time where Mr Z has kept the Council informed of his frustration with the neighbouring development. He has given the Council opportunities to fulfill promises given to him on taking action in response to those contacts. It would not be fair to now penalise Mr Z for not bringing a complaint to us sooner, for allowing the Council these opportunities to take action which might have resolved his complaint.
54. We considered whether we should also investigate the Council's actions from an earlier date. However, we considered it unlikely we could fault the Council for waiting for the outcome of the prosecution of Mr Z's neighbour which concluded in April 2013. As we noted above the prosecution was protracted, but this was for reasons out of the Council's control. We do not consider it would usually be good practice for the Council to take further enforcement action while a prosecution is outstanding. But we have recorded the long history of this case, as it helps emphasise why Mr Z is so frustrated that the unauthorised development remains in place.
55. We noted by April 2013 Mr Z's neighbour had clearly shown a flagrant disregard for following the law over several years and seemed intent on keeping his unauthorised extension despite repeated refusals by the Council to approve it. The Council was also aware that in a minority of cases its policy of prosecution did not lead to unauthorised development being taken down. But there was no suggestion on the Council's planning file that it gave any systematic consideration of what to do next in this case. That was fault.
56. It was understandable therefore that Mr Z should contact the Mayor's office in May 2013. It is noted we found no record of the communications Mr Z had with the Mayor's office on the Council's planning file. It is also noted that Mr Z was told the Council would refer his

concerns to its Planning Committee, when that body has no role in considering planning enforcement matters under the Council's delegated authority arrangements. There were faults therefore in how the Council handled Mr Z's contact at that time.

57. We noted that the Council took the decision to take direct action around July 2013, although it was a further four months before contractors were appointed. This offered false hope to Mr Z. After its contractors arrived on site the records do not show the Council monitored their actions. If it is the case that the contractors withdrew because of interference from Mr Z's neighbour then this begs the question of what the Council did to try and prevent this. There are no records of its planning officers consulting with the contractors, legal officers and the police to try and ensure the direct action completed. There also appears to have been no curiosity at the time to find out why it failed or what lessons could be learned for the future despite the costs to the Council in money and reputation. The Council's failure to monitor the direct action was fault.
58. Thereafter the Council again failed to undertake any further systematic consideration of its options. There is no indication the Council planned to take any further action to address the unauthorised development until Mr Z told it of the further building works in May 2014. Here the Council deserves some credit for acting promptly to serve a temporary stop notice halting the further works on site. However, the Council was still at fault for the drift which preceded this and in not taking action sooner to consider again its options for ensuring the removal of the unauthorised development. That was fault.
59. The Council decided around July 2014 it would attempt a different approach to resolve the matter by seeking an injunction against Mr Z's neighbour. But while this was promised at that time we saw little evidence the Council actively pursued this option until after Mr Z escalated his complaint in September 2014. We recognise the Council did not pursue the injunction on the basis of legal advice, which was consistent with the Government guidance quoted above. But we consider there was unnecessary delay in coming to that conclusion, which was a further fault.
60. We note also that in July 2014 Mr Z was told the Council would consider direct action a second time. But we saw no evidence this was actively pursued until April 2015; by which time the Council had abandoned the attempted injunction. That further delay was fault.
61. In comments on a draft of this report the Council suggests we are being unduly critical and it asked us to take account of the individual circumstances of Mr Z's neighbour. It suggested these had led to the abandonment of direct action in January 2014 and inevitably delayed action on the case. We did not accept this explanation. While the neighbour's personal circumstances were relevant to the decision not to pursue an injunction, there is no indication from the record those circumstances had any other significant impact on any other decision taken in this case. There were no records to explain why the direct action failed in January 2014 so the Council's comments on this appeared speculative. Those circumstances also did not explain the delay after the direct action was abandoned in January 2014, when legal advice on an injunction was not sought for a further nine to ten months.

62. We are sympathetic to the further delays the Council has experienced since April 2015. Like their predecessors the officers working on this case have been hampered by a lack of policy and precedent to cover cases where it needs to take direct action. We understand there are large sums of money involved in taking direct action and contracts will not be straightforward. It is possible the Council could have instructed contractors sooner than December 2015 but we do not think we could say any further delay has been so significant as to justify a further finding of fault.
63. But where Mr Z has been further let down has been with the Council's communications. It has been a recurring feature of this case that time and time again it has been left to Mr Z to chase the Council to find out what is happening. Throughout the duration of this complaint the Council has failed to keep in touch with him to explain its ongoing consideration of the case. This is even after it promised improved communications in response to his complaints made in July and October 2014. He was never told therefore why the direct action failed or when the Council decided not to proceed with the injunction against his neighbour. While there have been signs of improvement in communications during the time we have investigated this complaint, especially over the past six months, we note that Mr Z was still not kept informed of the timetable for beginning direct action which was pushed back over time. The dismal standard of communications in this case must lead to a further finding of fault. We note and welcome that in its comments on the draft report the Council has said that it accepts this criticism "*without hesitation*".
64. We also note that the faults set out above have taken place against a service which appears to be chronically under-resourced. The Council has said that the number of open enforcement cases in November 2015 came as a surprise and we accept that it has identified a flaw in its past practice of closing enforcement cases. But the data available in November 2015 appeared to identify a roughly static number of open cases from the beginning of the previous financial year, suggesting the situation had not arisen overnight or as a result of a sudden change in reporting practices.
65. However, we welcome the steps the Council has explained it is now taking to address its backlog of open cases. We welcome the Council's systematic approach to review its records of enforcement investigations going back to 2001. We welcome the resources the Council has committed to that. This demonstrates a commitment to try and avoid a repeat of the events forming this complaint.

## **Injustice**

66. The faults set out in paragraphs 55 to 63 above have caused injustice to Mr Z. As a direct result of the Council's faults he has been caused frequent uncertainty by not knowing its intentions about how it planned to tackle the unauthorised development. He has been put to unnecessary time and trouble pursuing his complaint.
67. The actions of Mr Z's neighbour have caused Mr Z a loss of amenity and privacy. The unfinished and unauthorised development is also an eyesore for Mr Z and other local residents; out of keeping with the street as the Council has consistently recognised. While we note some disagreement from the Council, we also consider it hampers Mr Z pursuing his plans to develop his own property. While the Council does not bear ultimate

responsibility for these impacts, its lack of timely action to take direct action to remove the unauthorised development has meant he has also lived with these impacts for longer than need have been the case.

## Decision

68. We have completed our investigation. There was fault by the Council causing injustice to Mr Z. The Council has agreed to take the action set out below to remedy that injustice.

## Recommendations

69. To remedy the injustice caused the Council should:
- a. apologise to Mr Z for the fault causing injustice identified in this report;
  - b. pay Mr Z £2500 in recognition of his injustice (£500 for his uncertainty and time and trouble and a further £2000 to reflect the impact of the unauthorised development);
  - c. agree to provide as a minimum monthly updates to Mr Z (copied to this office) on the progress of its direct action to remove the unauthorised development (or such other action it might take in respect of that unauthorised development) until it has been removed;
  - d. complete the draft of its enforcement strategy and include reference in there to keeping in touch with those who report breaches of planning control (basic good administrative practice would be for the Council to keep in touch monthly or as it should specify on a case-by-case basis);
  - e. introduce a procedure for cases where direct action is appropriate to remedy breaches of planning control; this should include setting out the circumstances where such action is considered appropriate as well as process advice for officers on commissioning contractors; authorising expenditure and so on;
  - f. ensure this report is considered as part of the Council's future budgetary planning for its enforcement service; the Council will consider what staffing level needs to be maintained in the future to prevent another backlog of planning enforcement cases recurring.
70. The Council has agreed to carry out these recommendations within one month of the date of this report.



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Document Name: Appendix 2-Planning\_Enforcement\_Policy\_pre Cabinet June 2016



# PLANNING ENFORCEMENT POLICY

## London Borough of Hackney

DRAFT

Document Number: 17133374

Document Name: Appendix 2-Planning\_Enforcement\_Policy\_pre Cabinet June 2016

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DRAFT

## 1 Introduction

- 1.1 The purpose of this document is to set out the planning enforcement policy of the Hackney Council. It sets out what the service does, and how we deliver the service to the community. It is not a legal document and does not provide advice on individual cases.
- 1.2 The Council is firmly committed to protecting the environment from unauthorised and harmful development, preserving public amenity, protecting the amenity of individuals, and improving people's surroundings. Planning enforcement is a necessary and important element of the planning process. The absence of an established enforcement policy and an effective enforcement system locally can quickly undermine confidence and the credibility of the whole planning system.
- 1.3 This document outlines the clear objectives, priorities and values for the planning enforcement function. It is intended to benefit both complainants and those responsible for a breach of planning control to ensure that planning enforcement operates in a consistent, balanced and proportionate manner and provides an efficient, effective and fair service.
- 1.4 It is the duty of the property owner, occupier or business operator to ensure all necessary consents have been obtained in order to carry out the work or activity they are considering, and it is important to engage with the Council as early as possible. Permission from the Planning Service (such as planning permission, listed building consent, or advertisement consent) is not the only consent that may be needed for a development. Dependent upon the nature of the development, Building Regulations Consent may be required for building works, or an alcohol licence, food registration certificate or HMO (Houses in multiple occupation) licence may be required for changes of use. This policy relates only to issues relevant to planning matters.
- 1.5 Planning enforcement decisions are taken within the context of Government legislation, guidance and Council Policy. Further information can be found on our website ([www.hackney.gov.uk/planning](http://www.hackney.gov.uk/planning)) and also the Government's Planning Practice Guidance ([www.planningguidance.communities.gov.uk/](http://www.planningguidance.communities.gov.uk/)).

## 2. The Main Objectives

2.1 The main objectives of the planning enforcement process are: -

- To investigate and remedy the undesirable effects of unauthorised development.
- To prevent breaches of planning control by proactive enforcement where appropriate with other Council departments.
- To co-operate with the public in tackling breaches of planning control.

2.2 The Council is committed to providing an effective planning enforcement service and it understands that the planning system can be undermined if unauthorised and unacceptable development is allowed to proceed or remain without any action by the Council

2.3 Planning can be complicated and the Council understands that people may not always be clear on what consents they need to obtain before starting their development or if consent is actually needed for their proposal. In order to help understand such requirements, information can be found on the Planning pages of the Council's website and the Planning Portal website: [www.planningportal.gov.uk/permission](http://www.planningportal.gov.uk/permission)

2.4 In addition, a Duty Planning Officer service is available to discuss whether a proposal requires planning permission.

2.5 A paid pre-application advice service is also available to assist those considering undertaking works to their property.

### 3. What is a breach of planning control?

- 3.1 The Council is committed to investigating all reported breaches of planning control. Breaches of planning control are defined in the Town and Country Planning Act 1990 as *“the carrying out of development without the required planning permission, or failing to comply with any condition or limitation subject to which planning permission has been granted.”* In addition, other unauthorised works such as those to protected trees or listed buildings or advertisements (covered by the Planning (Listed Buildings and Conservation Areas) Act 1990 and the Town & Country Planning (Tree Preservation)(England) Regulations 2012), also fall within the control of the local planning authority,
- 3.2 Breaches of planning control can include undertaking the following types of work where they need consent, without the necessary permissions (although this is not comprehensive):
- Building work requiring planning consent i.e. extensions, new homes, conversion to flats;
  - Works to a listed building without Listed Building Consent;
  - Demolition taking place in a Conservation Area, when it is required;
  - Works to, or removal of, protected trees;
  - Not building in accordance with the approved plans;
  - Advertisements being displayed without consent;
  - Breach of conditions on a planning permission;
  - Construction of high fences;
  - The neglect of land and/or buildings that adversely affects the amenity of the neighbourhood, and
  - Fly posting.
- 3.3 With the exception of some works (for example, amongst others, works to a statutory listed building, demolition within conservations area, protected trees (whether covered by a Tree Preservation Order (TPO) or where it lies within a conservation area), or the display of advertisements where they do not benefit from deemed consent), it is not an offence to carry out development without first obtaining planning permission or consent. Unauthorised works become a criminal offence once an enforcement notice has been served, the works have not been remedied before the compliance period, and there is no outstanding appeal against the enforcement notice. The Town and Country Planning Act 1990 (as amended) contains provisions within it (Section 73A) that allow for planning permission to be granted retrospectively. Not all unauthorised development is considered to be bad development. It is for this reason that formal enforcement action will not be pursued where, in planning terms, the development is considered to be acceptable.
- 3.4 A breach of planning control becomes immune from enforcement action if the local planning authority has failed to take formal enforcement action against it within the time limits set out in the Town and Country Planning Act 1990. The relevant time limits are: -

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- **Four years** from the substantial completion of operational development and from the change of use of any building to a single dwelling house, including use as flats; and
- **Ten years** for all other breaches i.e. change of use or breach of conditions other than those related to single dwelling houses.

There are no time limits laid down in relation to operational works to a listed building.

3.5 There are a number of issues which require consent from a landowner or third party but do not normally require planning permission, or where the issue is a private civil matter or covered by other legislation. Whilst these issues may be important and cause concern, they are not issues where the local planning authority can intervene unless restrictive conditions have been imposed upon the granting of a planning permission. Common examples are:

- Boundary disputes, deeds and covenants – these are a private matter
- Internal works to a non-listed building – although Building Regulations may be required
- Party wall agreements
- Obstruction of the highway
- Removal of trees, bushes etc. (unless located in a Conservation Area or covered by a Tree Preservation Order (TPO))
- Operating a business from home where the primary use remains residential
- Competition from other businesses
- Permitted development

#### **4. The principles that govern how we will respond to an alleged breach of planning control**

- 4.1 The Council is committed to protecting the environment and the amenity of individuals from unauthorised development and will investigate all alleged breaches of planning control that are reported to us. We will not, however, investigate complaints that have been received from anonymous sources.
- 4.2 It appreciates that breaches of planning control can cause harm to the local neighbourhood. Therefore, the Council aims to act promptly and fairly to ensure that appropriate and proportionate steps are taken to remedy breaches of planning control to its satisfaction.
- 4.3 In carrying out its duties the Council must also be fair to the person(s) who may be responsible for the unauthorised activity. The Council aims to assist by providing clear information that indicates what needs to be done to address the breach of planning control and what the reasonable timescales are to do that. The Planning Service will also set out what actions the Council may take if the suggested actions are not undertaken within the time frames given.
- 4.4 It is important to note that: -
- A breach of planning control is not in itself a reason to take enforcement action.
  - The Council will decide whether or not action will be taken (and the extent of that action). It will only take action when the Council considers it is expedient to do so having regard to the provisions of the relevant plans and any other material considerations.
- 4.5 All breaches of planning control will be assessed against the relevant policies contained within the Council's Development Plan (including the Core Strategy 2010, Development Management Local Plan 2015, adopted Area Action Plans and the London Plan 2015), other material considerations, as well as the local Enforcement Policy. An analysis of the harm that the breach is having on the local environment and on the amenity of individuals will also be made. This will determine whether or not it is expedient to continue to take enforcement action.
- 4.6 In most instances breaches of planning control can be rectified without the need to resort to formal enforcement action. The Council will have to consider, depending on the nature and scale of the breach and the harm that such a breach is causing to residential or local amenity, whether it is appropriate to work with the contravener to resolve the breach, or whether immediate enforcement action is required.
- 4.7 In general, unless the harm arising from the identified breach of planning control is so severe that immediate enforcement action is required, the local planning authority Council will endeavour to work with the contravener. Any negotiation will be undertaken within strict timescales to ensure that an effective and timely solution is

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achieved, having full regard to the policies contained within the Hackney Development Plan.

- 4.8 The Council will normally allow 28 days from the date of its warning letter to the contravener for the submission of a retrospective planning application where appropriate.

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## 5. How the Council will investigate an alleged breach of planning control

5.1 The Council receives around 700 complaints every year about alleged breaches of planning control. The majority of planning enforcement complaints are received from the general public. Complaints are made in writing direct to the Council or using the planning enforcement online complaints form.

5.2 The principles that will apply to investigations into an alleged breach of planning control:-

- **Prioritising** – Due to the number of complaints the Council receives, the Planning Service will prioritise the use of its resources so that the breaches that cause the most harm are dealt with first. The Service will also prioritise reactive enforcement investigations over proactive work.
- **Fairness** – The Council recognises its role as an arbiter of disputes and will ensure that, in investigating and resolving alleged breaches of planning control, both parties (complainant and the person responsible for the alleged breach) are treated fairly, by doing the utmost to provide clear advice that is free from errors.
- **Proportionality** – The Council's actions will be reasonable and will reflect the gravity of the breach of planning control under investigation.
- **Transparency** – Officers will communicate openly with all users of the service (complainant and the person(s) responsible for the alleged breach). They will be mindful of the Council's duties to abide by the Data Protection Act and ensure that complainants' details remain confidential.
- **Confidentiality** - All investigations into alleged breaches of planning control will be carried out on a strictly confidential manner. At no time will officers involved in the investigation reveal the source of the complaints that they are investigating. In addition, files that relate to Planning Enforcement matters will not normally be made available to any member of the public for inspection. Under these circumstances, there is a requirement that all complainants provide their name and contact details at the time of lodging a complaint. Anonymous complaints will not be accepted for investigation. It must be noted that, on rare occasions, complainants' details will need to be provided in court proceedings.

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### ***Initial Prioritisation of Complaints***

- 5.3 On receipt of a complaint alleging that there has been a breach of planning control, the complaint will be initially assessed by the Planning Service to determine the degree of urgency that the matter should be given in line with the Council's priorities.

### ***Site Visit***

- 5.4 It is intended that all sites (irrespective of the nature of the complaint) will be visited by an officer within ten working days of receipt of the complaint. Complaints concerning alleged irreparable damage to a statutory listed building or felling of a protected tree will normally be attended to within 24 hours of receipt.
- 5.5 The officer will normally make an unannounced visit to the site to gather information regarding the breach of planning control that has been reported. If the officer is unable to access the site, a further site visit may be arranged for a mutually convenient time. If the owner/occupier refuses to permit entry to the site/premises, the Planning Service will issue a Right of Entry Notice which will give advance notice of a site visit (at least 24 hours if the matter relates to a residential property).
- 5.6 If the Officer is still unable to enter the land after issuing a Right of Entry Notice, the Council will apply to the Magistrates' Court for a warrant to enter the premises. In such circumstances, after obtaining a warrant, Officers may be accompanied by the Police on their site visit.
- 5.7 Once the initial site visit has been undertaken, the findings will be assessed so that a decision can be taken on how the matter will progress. There are four possible courses the complaint can take:-
- i) No breach of planning control has been identified
  - ii) A breach of planning control has been identified but it is not expedient to take action
  - iii) A breach of planning control has been identified and the matter needs to be addressed
  - iv) Further investigation is required

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- 5.8 The table below outlines what actions we will take according to the status of the investigation.

<b>Status of the Investigation</b>	<b>The Council's Actions</b>
No Breach of planning control has been identified	The Council will write to the complainant to advise them of our findings and the investigation will be closed.
A breach of planning control has been identified where it is not expedient to take action	The Council will write to the complainant to advise them of its findings and provide an explanation as to why no action will be taken in this instance. The investigation will be closed.
A breach of planning control has been identified and retrospective planning application may regularise the breach.	<p>The Council will write to the person responsible for the breach of planning control and explain why the works/use require planning permission and provide advice on how that permission can be obtained.</p> <p>The Council expects a planning application to be submitted within 28 days. If an application is not submitted, the Council will decide whether it would be expedient to take enforcement action.</p>
A breach of planning control has been identified and the matter needs to be addressed.	<p>The Council will write to the complainant to advise them of its findings. The case will be assigned a priority (High/Medium/Low) and will be assigned to an enforcement officer to resolve the matter.</p> <p>The Council will also write to the person(s) responsible for the breach to advise them what steps they need to take to address the breach of planning control and the timescales within which those steps must be taken. The Council will also advise of the consequences of not complying with its request.</p>
Further investigation is required.	<p>The Council will write to the complainant to advise them of its initial findings. The case will be given a priority level and will be assigned to an Enforcement Officer to complete the investigation.</p> <p>The Council will write to the person(s) responsible for the breach to advise of the information that it needs. This may involve issuing a Planning Contravention Notice (PCN) which must be completed and returned to us within 21 days. A PCN may also be issued in the above circumstances.</p>

5.9 Further to the site visit and once an alleged breach of planning control has been identified, and a decision that it is expedient to take action has been made, the case will be assessed and placed into 'high', 'medium' or 'low' priority categories. A list of examples include:

**High Priority:-**

- Breaches of planning control that the Council deems to cause major harm or loss of amenity to individuals in terms of light, outlook, privacy or noise nuisance;
- Breaches of planning control that involve works to a listed building;
- Breaches of planning control that involve unauthorised pruning or removal of a tree in a conservation area/ or a protected tree.

**Medium Priority:-**

- Breaches of planning control through unauthorised changes of use or conversions of properties to flats or a house in multiple occupation ( unless in instances where the Council deem the breach of planning control results in major harm to the amenity of individuals in which case it will be a high priority);
- Breaches of planning control that relate to either the erection of a fence, roof extension or a rear extension (unless in instances where the Council deem the breach of planning control results in major harm to the amenity of individuals);
- Breaches of planning control that involve non-compliance with approved plans or conditions (unless in instances where the Council deem the breach of planning control results in major harm to the amenity of individuals);
- Breaches of planning control that involve the untidy appearance of a site or premises.

**Low Priority:-**

- Breaches of planning control that relate to the erection of a satellite dish or an advert where it does not cause major harm to a listed building;
- Breaches of planning control involving estate agent's boards.

***Updating the complainant after the site visit***

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- 5.10 Once a site visit has been undertaken and the priority has been assigned, the Council will write to the complainant giving the name of the case officer or explaining any delay in allocating the case.
- 5.11 Enforcement investigations can be protracted and complex and there may not be any significant progress to report on a regular basis. However, during the course of the investigation the Council will aim to contact the complainant at each important stage of the proceedings, or when circumstances have changed, and quarterly in all other circumstances. Updates for those periods where there has been no significant change in circumstances, for example whilst a retrospective application is being considered, or during the appeal timetable will also be provided.

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## **6. How the Planning Service will respond when it has been unable to establish whether or not a breach of planning control has occurred**

- 6.1 If the Council has been unable to establish whether or not a breach of planning control has occurred, officers will make further enquiries of the person(s) responsible for the alleged breach. This may involve making enquiries with other Council departments and/or government agencies. The Council may also issue a Planning Contravention Notice (PCN) to the person(s) it believes responsible for the alleged breach.
- 6.2 A Planning Contravention Notice is a legal document which can be served on any person(s) suspected of being responsible for an alleged breach of planning control. The document contains a number of questions relating to the alleged breach that must be formally responded to within 21 days. Failure to respond to a PCN is a criminal offence and can lead to prosecution in a Magistrates' Court.
- 6.3 In certain circumstances the Council may request a complainant's assistance to complete the investigation, (for example ask for a log of alleged noise nuisance).

## **7. How the Council will respond to a confirmed breach of planning control.**

- 7.1 Once the Council has confirmed that a breach of planning control has occurred officers will write to the person (s) responsible to advise them.
- 7.2 The Council may seek to address the breach by working with the contravener, by providing clear information to the person(s) responsible for the breach on what steps they need to take to resolve the matter within a specified timescale, and informing them what the repercussions would be should the breach not be rectified. This approach accords with government guidance, which advises Councils to initially seek to remedy the majority of cases through negotiation.
- 7.3 However, the Council will not allow discussions to become so prolonged that it may delay the commencement of formal enforcement action.
- 7.4 Examples of discussions include: -
- Asking to cease an unauthorised activity
  - Asking to submit a retrospective planning application or an application for a certificate of lawfulness
  - Asking to provide information to the Council regarding the unauthorised activity.

## **8. Formal powers available to the Council to address a breach of planning control**

- 8.1 Where the Planning Service has been unable to resolve a breach of planning control through negotiation or where a negotiated approach is not possible, the Council may decide to use more formal action using powers under the Town & Country Planning Act 1990 (as amended) where the Council deems the impact of the harm to be significant. In such instances, one or more of the following courses of action may be pursued: -

### ***Stop Notice and Temporary Stop Notice***

- 8.2 These notices require unauthorised activity to cease either at three days' notice or immediately and are used where the breach of planning control identified has a seriously detrimental effect on local amenity or on the amenity of individuals. The Temporary Stop Notice seeks the immediate halt to the development and it does not have to rely on the simultaneous serving of an Enforcement Notice.

### ***Serving a Stop Notice***

- 8.3 In instances where the Planning Service considers that the breach of planning control identified has a seriously detrimental effect on local amenity, a Stop Notice may be issued. Serving a Stop Notice requires the development to cease within a period, which shall commence not less than three days from the service of the Notice. Stop Notices can only be issued at the same time as an Enforcement Notice.
- 8.4 Whereas an Enforcement Notice can be appealed against and has a considerable time period before it comes into effect, the Stop Notice does not. If an appeal is lodged against the Enforcement Notice, the issuing of a Stop Notice can freeze the unauthorised development in its present state until such time that the Planning Inspector has determined the appeal against the Enforcement Notice.
- 8.5 When it is expedient to issue a Stop Notice, the Council will:
- Ensure that it refers to the Enforcement Notice that is applicable to the same unauthorised development
  - Specify the date when it becomes effective (at least three days after the date of service)
  - Ensure that it is served on any person who the Council believes has an interest in the land or who is carrying out any activity on the land which will be forbidden or prohibited by the Notice.

### ***Serving a Temporary Stop Notice***

- 8.6 In instances where it is considered expedient to issue a Temporary Stop Notice, the Council will:



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- Ensure that it refers to the nature of the activity that it considers is a breach of planning control;
- Specify the reasons why the Council considers that the Temporary Stop Notice should be issued;
- Ensure that a copy of the Temporary Stop Notice is displayed on the site (outlining the date on which it has been served, the activity that has to cease and the fact that failure to comply with the Notice is an offence);
- Ensure that it is served on any person who the Council believes has an interest in the land, or who is carrying out any activity on the land, which will be forbidden or prohibited by the Notice.

### ***Serving an Enforcement Notice***

- 8.7 This is the most common form of notice served where the development undertaken is considered unacceptable in planning terms and it is expedient to take formal action.
- 8.8 The notice will outline the nature of the alleged breach; identify the land on which the breach is occurring or has occurred, and identify the steps required to remedy the breach of planning control, together with the precise timescales within which these steps should be taken.
- 8.9 Where the Council determines that it is appropriate for an Enforcement Notice to be served, the following timescales for compliance will normally be applied:

Breach	Action	Compliance Period
Minor building works (e.g. rear extension, roof terrace/extension etc.)	Completely remove or make amendments.	1 - 3 months.
Extensive building works (e.g. roof extension).	Completely remove or make amendments.	4 – 6 months
Change of use of land or buildings (affecting residential amenity).	Cease use	1 - 3 months
Change of use of land or buildings (not affecting residential amenity but contrary to policy).	Cease use	3 – 6 months
Conversion into flats/bedsits (Occupied)	Revert premises to a single family dwelling house or its original use	6 months

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Conversion into flats/ bedsits (Unoccupied)	Revert premises to a single-family dwelling house or its original use.	3 months
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8.10 The timescales given in this table are a guide only. There may be instances where it is considered that the breach necessitates a period that is markedly different to that indicated above (usually this would be a shorter period). This could be either due to the precise nature of the breach and its consequent impact on amenity or due to the fact that the unauthorised development would become lawful if the timescales above were adopted.

8.11 There is a right of appeal to the Planning Inspectorate against an Enforcement Notice which may lengthen the process as the notice will not take effect until the appeal has been determined.

### ***Serving a Breach of Condition Notice***

8.12 Planning permission is usually granted with conditions and a Breach of Condition Notice is usually issued where a condition attached to a planning permission has or is not being complied with. The power to serve a Breach of Condition Notice relates to the failure to comply with conditions during the development stage or during the life of the development. The Notice gives the recipient a minimum of 28 days within which to comply. There is no right of appeal against this Notice. Failure to comply can lead to prosecution in a Magistrates' Court.

8.13 There are circumstances when it is not possible to serve a Breach of Condition Notice, for example, where a condition has been breached for more than ten years. The breach is then immune from enforcement action.

### ***Serving a Section 215 Notice***

8.14 A Section 215 Notice requires works to be carried out to clean up land and or buildings when its condition and or appearance adversely affect the amenity of the area. The Section 215 Notice can be used to deal with derelict buildings ranging from run-down houses, shops and vacant factories to semi-complete development or unsightly land, including over-grown gardens, in the interests of improving the appearance of the local environment.

8.15 When it is considered expedient to serve a Section 215 Notice the notice will:

- Specify the land to which the Notice relates
- Specify the steps that are required to improve the situation
- Specify the time period when the Notice shall come into force (not less than 28 days after it has been served)

### ***Seeking an Injunction***

8.16 An injunction is usually obtained from the High Court or the County Court and in instances where the Planning Service considers that a breach of planning control

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presents or may present a serious an immediate risk to public health and safety or cause significant undue harm to residential or local amenity.

- 8.17 If successfully obtained, an injunction can seek to prevent the continuation of a specific act. It can also be used to require a specific act to be carried out e.g. the requirements of a S106 legal agreement.
- 8.18 When it is considered expedient to seek an injunction the Council will provide 24 hours' notice (where possible) to persons known to it (the owner and or the occupier) as having an interest in the site of its intentions.

#### ***Serving a Tree Replacement Notice***

- 8.19 Trees that are the subject of a Tree Preservation Order and all trees that are located within a conservation area are commonly known as "protected trees". All works to a protected tree (including felling, pruning, lopping or topping) require the prior consent of the Planning Service before they are carried out.
- 8.20 In instances where a protected tree has been removed or felled without consent, or because it is dead, dying or has become dangerous, the Planning Service can require that the tree is replaced with another tree of an appropriate size and species at the same place as soon as is reasonably practical.

#### ***Serving a Discontinuance Notice***

- 8.21 The Discontinuance Notice requires the removal of an advertisement that has been displayed with the benefit of deemed consent (an advertisement that would not normally require consent from the Council prior to its display).

#### ***Seeking a Planning Enforcement Order***

- 8.22 A planning enforcement order can be used in instances where a breach of planning control has become immune from planning control by way of deliberate concealment of the breach. The Council applies for a Planning Enforcement Order at the magistrates' court and, once this is obtained, allows the Council to take action against the breach of planning control.

## 9. **The Council's actions after taking formal enforcement action**

### ***Appeals against Enforcement Notices***

- 9.1 When an Enforcement Notice is served, the Council will always advise the person(s) responsible for the breach of their right to appeal. However, there is no right of appeal against a Breach of Condition Notice.
- 9.2 Appeals are submitted to the Planning Inspectorate (a government agency). The Council will defend its position when an appeal is submitted against any Enforcement Notice. As part of the procedure for defending appeals, the Council will consult with the occupants of neighbouring and surrounding properties. It may also liaise with other Council departments and external agencies for assistance.
- 9.3 Once an appeal is submitted, the requirements of the enforcement notice are suspended until the Planning Inspectorate has formally considered and determined the appeal. The Council will not normally take any further action until the Planning Inspectorate has determined the appeal.
- 9.4 The Planning Inspectorate will decide whether the enforcement notice should be upheld or quashed. If the enforcement notice is upheld, the requirements of the notice (including the timescales) will become effective from the date of the Planning Inspectorate's decision. The Inspector may in some instances uphold the enforcement notice but vary its requirements (for example, to extend the time period in which the contravener must comply with the enforcement notice). If the Planning Inspectorate decides to quash the enforcement notice, the appeal will succeed on the grounds on which the appellant has made the challenge, for example, the Planning Inspectorate would quash the enforcement notice and grant planning permission if the appeal was made on grounds that planning permission should be granted.

### ***Prosecution***

- 9.5 The Council may prosecute in respect of an alleged breach of planning control. The procedures for doing so fall into two broad categories:
- i) Failure to comply with the requirements of any type of Enforcement Notice is an offence. Where a failure to comply with requirements of any form of Enforcement Notice has been identified, the Council will pass on details of this matter on to its solicitors for prosecution to be considered.

In instances where it is considered that prosecution is necessary, the Council will ensure that it writes a letter of intention to the alleged contravener to inform him/her of the Council's intention to commence prosecution

- ii) The display of unauthorised advertisements. To display an advertisement without the required consent is an offence. It does not require the serving of a formal Enforcement Notice. The Council can choose to prosecute immediately in such instances.

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**Direct Action**

- 9.8 Section 178 of the Town and Country Planning Act 1990 (as amended) grants Council's powers to take 'direct action' to remedy a breach of planning control where an enforcement notice has not been complied with. Similarly, the Council will use direct action to tackle unauthorised advertisements and fly posting.
- 9.9 Where the Council has had to use Direct Action to secure compliance with any Enforcement Notice or to remove advertisements, it will seek to retrieve the costs from the landowner.

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## 10. **Other Planning Enforcement Matters**

### ***Proactive Enforcement Investigations***

- 10.1 Whilst priority will be given to responding to reported breaches of planning control; the Council may also, subject to adequate resources being available, randomly monitor sites which have planning permission for compliance with relevant conditions or initiate theme – based enforcement investigations. Such monitoring may also apply to Section 106 agreements.
- 10.2 All temporary planning permissions will be forwarded to the Planning Enforcement Team for monitoring. To assist with the monitoring of temporary planning permissions, the Planning Service will ensure that temporary planning consents expire on the last day of the calendar month.
- 10.3 The principal responsibility for ensuring that planning permissions are correctly implemented rests with the developer/landowner. Notwithstanding, the Planning Service may randomly check any planning permission granted. The Planning Service may also check those planning consents that are being supervised at a building stage, by Approved Inspectors.

**Local Government Ombudsman Report  
Appendix 3 - chronology**

<b>DATE</b>	
26/05/2006	Initial enforcement visit – roof
12/07/2006	Enforcement case opened – letter sent requesting planning application
18/10/2006	Follow up letter
08/11/2007	Site visit 2
9/11/2007	Letter requesting a planning application
12/11/2007	Owner phoned to say planning application would not be submitted due to personal issues
29/11/2007	Planning Aid called and would submit on behalf of owner within 7 days
14/12/2007	Reminder letter sent to Planning Aid
20/12/2007	Planning application submitted for erection of mansard roof extension
08/01/2008	Letter sent as application invalid
29/01/2008	Letter sent threatening enforcement action
30/01/2008	Planning Aid requests extension to validation to 19/02/2008
30/01/2008	Extension agreed
18/02/2008	Planning Aid explains the delay is due to owner being in hospital
18/04/2008	Chasing letter sent as still invalid
23/05/2008	Planning application withdrawn
26/02/2009	Enforcement Notice signed
02/03/2009	Enforcement Notice served
30/04/2009	Enforcement Notice takes effect
21/05/2009	Planning Appeal Inquiry set for 14/10/09
30/07/2009	Enforcement Notice compliance date
12/08/2009	Planning Enforcement Appeal
05/11/2009	Decision appeal dismissed and refusal of planning consent – 6 months to comply ( extended)
26/05/2010	Planning application submitted for erection of a roof extension to create an additional storey
20/08/2010	Planning application refused.
19/01/2011	Matters heard at the Magistrates' Court adjourned to 2/2/11
31/01/2011	Appeal lodged against decision to refuse 2010/1307
11/05/2011	Owner made application for adjournment – 8 weeks
	Committal pending the outcome of planning appeal – dismissed 2/06/2011
06/07/2011	Case adjourned as owner unrepresented
18/07/2011	Owner unrepresented but handed papers – adjourned
03/08/2011	Owner failed to attend court – adjourned
25/08/2011	Failed to attend
13/09/2011	Medical grounds for non-attendance – no evidence. Council request a warrant Owner bailed to attend 12/10/2011
12/10/2011	Owner attended court – heard and committed to Snaresbrook Magistrates 06/12/2011 BC case listed 20/12/2011
25/01/2012	Matter heard and listed – Crown Court case delayed pending determination of planning application
09/02/2012	Planning application submitted for erection of a roof extension to create an additional storey and alterations to the existing two storey

	rear extension.
05/04/2012	Application granted permission with condition requiring that unauthorised works would need to be removed pre-commencement.
22/10/2012	Snaresbrook Crown Court – jury unable to make a decision trial fixed for 1/02/2013
12/12/2012	Further Application submitted for erection of a mansard roof, and erection of single storey rear extension on second floor level incorporating external alterations. Refused 21/06/2013
01/02/2013	Prosecution heard owner admitted making applications and appeals – too ill to comply
04/02/2013	Judge adjourns
04/04/2013	Owner convicted in Crown Court for non-compliance with EN served 26/2/09 which became effective 5/11/09.
30/7/2013	Officers resolved to undertake direct action under delegated powers, with local councillors then briefed.
24/12/2013	Officers serve warning notice to owner and updates Mr Z
09/01/2014	Solicitors write on behalf of owner in response to warning letter of 24.12.13. The letter confirms that owner is a disabled wheelchair user with 3 children. Letter threatened JR.
13/01/2014	Works due to take place – site attended by contractor , officers and 2 Police officers Police advised owner that he should not obstruct the Council. Scaffolding erected and several visits made by the contractor to remove the extension. After obstruction contractors agreed that owner could arrange to remove the material on and in the roof extension and make good.
28/04/2014	Mr Z makes formal complaint to Council.
14/05/2014	Temporary stop notice served, and site meeting between Officers and owner.
22/5/2014	Letter and plans submitted by Architects outlining proposed works to discharge planning conditions for approval.
03/10/2014	Council team notified that LGO case now opened.
28/10/14	Complaints team issue stage 2 response, advising Mr Z case due to go to court in mid-November 2014 seeking injunction.
10/02/2015	Legal advice that given recent cases it is very unlikely that a judge will be sympathetic to an injunction against a disabled and elderly man where the penalty for non compliance is prison, fine or assets seized.
12/11/2015	Direct Action specialists appointed to remove unauthorised works.
10/03/2016	Following a series of site visits a full structural survey undertaken by Council contractors.
25/04/2016	Direct Action works commenced.
01/05/2016	Owner secures temporary injunction from court pending a court hearing on 9 May 2016.
09/05/2016	Owner concedes on main roof extension, with revised injunction preventing works to the rear roof pending further hearing on 23 May 2016.
20/05/2016	Main roof extension removed by contractors.
23/05/2016	Owner concedes on rear roof. Injunction lifted and Council awarded costs.
XX/06/2016	Direct action completed.





<b>REPORT OF THE CHIEF EXECUTIVE</b>		
<b>OVERVIEW AND SCRUTINY</b>  <b>REPORT OF LIVING IN HACKNEY SCRUTINY COMMISSION</b>  <b>REVIEW OF THE PROPOSED EXTENSION OF THE RIGHT TO BUY TO HOUSING ASSOCIATION TENANTS AND FORCED SALE OF HIGH VALUE COUNCIL HOMES</b>  Living in Hackney – 14 March 2016  Cabinet – 18 April 2016  Council – 20 July 2016	<b>Classification</b>  Public	<b>Enclosures</b>  <b>Appendix 1</b> Report of review on 'The proposed extension of the right to buy to housing association tenants and forced sale of high value council homes'  <b>Appendix 2</b> Executive Response
	<b>Ward(s) affected</b>  All	

## Introduction

The Council was involved in providing detailed evidence to the Housing & Planning Bill Committee of Parliament, submitting amendments and suggesting new clauses. Living in Hackney's review 'The proposed extension of the right to buy to housing association tenants and forced sale of high value council homes' was undertaken as a response to the lack of affordable housing in Hackney relative to housing need, the impact of the previous government's reform of Right to Buy in 2012, and proposals to extend Right to Buy to Housing Association tenants as part of the legislative programme of the new government following the 2015 General Election.

The Commission heard evidence from a range of residents and TMOs and a number of senior figures came to Hackney to give evidence to us including Lord (Bob) Kerslake, who is Chair of Peabody and has been previously Head of the Civil Service and Permanent Secretary of DCLG. Lord Kerslake was at the forefront of opposing the key piece of legislation the Housing and Planning Bill, in the Lords. The Commission also heard from the Chair of the London Assembly's Housing Committee Tom Copley AM as well as Cabinet Members for Housing from our neighbours in Islington and Tower Hamlets and the Chief Executive of Family Mosaic.

The Commission concluded that the linking of the extension of Right to Buy to Housing Association tenants with councils being forced to sell off desperately needed social units was seriously flawed. The review highlighted that in areas of acute housing stress and high housing cost, such as Hackney, this would have serious and extremely far reaching adverse consequences for the communities living there now and in the future. The report highlights that it

was highly likely to undermine the Council's ability to undertake its statutory homelessness and other responsibilities.

The review has been useful in building a key local evidence base on these issues. Specific concerns were raised about Hackney potentially losing 700 homes over the next five years, on 'Pay to Stay' acting as a disincentive to work and aspiration, on how 'Starter Homes' will be unaffordable for nearly 98% of existing households in the borough and how the requirement to promote them will come at the expense of existing social and affordable rented homes. The proposals will result in even fewer homes being available for the Council to rehouse homeless families who are currently in temporary accommodation. On the introduction of fixed term tenancies it was pointed out how problematic these proposals will be and the perverse outcomes which might ensue.

## **RECOMMENDATION**

Council is requested to note the Commission's report and the response to it from the Executive.

**Report originating officer:** Tracey Anderson, Overview and Scrutiny Officer,  
Tel: 020 8356 3312.

**REPORT OF THE LIVING IN HACKNEY SCRUTINY COMMISSION****Review of the Proposed Extension of the Right to Buy to Housing Association Tenants and Forced Sale of High Value Council Homes**

Living in Hackney Scrutiny Commission –  
14<sup>th</sup> March 2016  
Cabinet – 18 April 2016  
Council – 20 July 2016

**Classification****Public****Enclosures****Appendices****1. FOREWORD**

The Council and its partners recognise the challenge for local residents in accessing truly affordable housing in the borough. The London housing market is in crisis due to the lack of affordable housing in all tenures.

This review was undertaken as a response to the lack of affordable housing in Hackney and to consider the likely impact of legislative proposals to extend the right to buy to housing associations and the forced sale of high value council properties.

The original terms of reference included consideration of the impact of the existing right to buy (RTB1), however, the focus of the scrutiny centred on the impact of the proposals in the Housing and Planning Bill in addressing housing needs in the borough, and on the likely impact on investment in affordable homes in Hackney.

The Commission recognises that proposals in the Housing and Planning Bill 2015 will have a major impact on availability of truly affordable homes and has received evidence which demonstrates the negative effects of the legislation, if passed into law without amendment.

The approach for this review has been innovative in that the review has focused on scrutinising the relevant sections of the Bill as it passes through the legislative process before it becomes Government policy. In taking this approach the Commission is conscious that little or no detail of how the legislation will be implemented or enforced is available; it is anticipated that the practicalities of implementation will be addressed in statutory instruments following Royal Assent.

The evidence received by the Commission is clear; the proposals outlined in the Housing and Planning Bill will have negative impacts for council tenants and for homeless families seeking affordable housing in the borough.

I would like to thank all the people who contributed to the Review through evidence at meetings, discussions with London First, and as Members of the Commission.

The Commission will continue to monitor the progress of the legislation and monitor the policy and its impact on access to affordable homes following enactment. The Commission will continue to monitor the work the Council is doing to mitigate the negative impacts of proposals and will consider any future initiatives the Council undertakes to support the availability of affordable homes in the borough for local residents.

A handwritten signature in black ink, appearing to read 'Cllr McKenzie', written over a horizontal line.

**Cllr Clayeon McKenzie**  
Chair, Living in Hackney Scrutiny Commission

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## 1. INTRODUCTION

- 1.1. This Review was undertaken as a response to the lack of affordable housing in Hackney relative to housing need, the impact of the coalition's reform of Right to Buy for council tenants in 2012, and proposals to extend the right to buy scheme to housing association tenants as part of the legislative programme of the new government following elections in May 2015.
- 1.2. The Commission sought to understand, through the evidence received in the review, the impact of the existing right to buy to council tenants and to assess the impact of the proposals in the Housing and Planning Bill. The Commission's scope was wide ranging and responded to the legislative framework as it emerged in the House of Commons from October 2015; the emphasis of the review focuses on the impact of proposals for the extension of right to buy to housing associations, forced sale of high value council homes, and pay to stay. The Housing and Planning Bill includes wide ranging legislation incorporating proposals for:
  - Extending Right to Buy to housing association tenants and a focus on home ownership
  - Starter homes and self-build
  - Pay to stay; higher rents for higher earning social tenant households
  - Reforms to the Planning system.
- 1.3. The Commission's initial scope for the review sought to understand:
  - The existing and likely impact of RTB1 and the proposed RTB 2 in addressing housing needs in the borough, including homelessness; and on investment in new social and intermediate housing in the borough.
  - The financial impact of RTB and forced sales for the council and council tax payers in the borough, and the wider public purse.
  - The impact of RTB on the private rented sector in Hackney.
- 1.4. The Commission also considered the Council's approach as the Bill passed through Parliament; supporting amendments and mitigations the Council submitted to Government.
- 1.5. The Commission took evidence over 5 meetings between September 2015 and January 2016 and met with London First, the business membership organisation, to capture research and details of the 50,000 houses per year campaign that they are supporting alongside partners and stakeholders.
- 1.6. Evidence was received from:
  - Cllr James Murray, Cabinet Member for Housing at London Borough of Islington

- Cllr Rachel Blake, Cabinet Member for Housing at London Borough of Tower Hamlets,
  - Brendan Sarsfield, Chief Executive, Family Mosaic
  - Tom Copley, Assembly Member and Chair of the Housing Committee at the Greater London Assembly
  - Lord Kerlake, Chair of Peabody Trust
  - Andy Bates and Cormac Hollingsworth, Leathermarket Tenant Management Organisation
  - Connie Cullen, Hackney Shelter
  - Hackney Residents
  - Colin Archer, North River Alliance
  - Iain Patterson, Homerton Hospital
  - Cllr Philip Glanville, Hackney's Cabinet Member for Housing.
- 1.7. The Commission would like to note that whilst it was originally proposed to take further evidence on the impact of RTB1, much of the evidence gathering focused on the proposals encompassed by the Housing and Planning Bill currently going through Parliament and to capture the impact of these proposals as currently outlined in the legislation.

## 2. SUMMARY, RECOMMENDATIONS AND OUTCOMES

### Summary

- 2.1. The Housing and Planning Bill currently being debated in Parliament, will if it receives Royal Assent, have significant and adverse implications for local residents and the Council in relation to access to truly affordable housing, specifically:
  - Extend the Right to Buy to housing association tenants.
  - Duty to consider selling vacant high-value council homes on the open market.
  - The imposition of a levy or 'housing tax' on the Council to fund Housing Association right to buy tenant discounts, which could be anywhere in England.
  - A requirement that the Council charges market or near market rents where households renting from the Council have an annual income of £40,000 or more.
  - A new restriction on the Council to only offer 2 - 5 year secure tenancies for new tenants; and amend the rules on succession.
  - The introduction of 'starter homes' as a new form of affordable housing tenure.
- 2.2. The Commission heard during the review that extending right to buy and forcing Councils to sell high value council homes, undermine the Council's ability to comply with its statutory obligations resulting in families staying longer in temporary accommodation and will add further pressure to the temporary accommodation budget. Proposals in the Bill provide no guarantee that the truly affordable homes the Council will be forced to sell are replaced with like-for-like in Hackney.
- 2.3. Evidence indicated that proposals will further reduce the supply of affordable housing by undermining S106 requirements on private developers to deliver affordable homes and undermine and put at risk the Council's housing regeneration programme.
- 2.4. The proposals will result, our evidence suggests, in 'starter homes' being built in place of social housing which will be unaffordable to Hackney families and people on modest incomes. Consideration of housing options across all tenures is shifting to home ownership under the proposals. It is also anticipated that the Council will incur additional expenditure to administer and enforce the Government's pay to stay proposals.
- 2.5. The high level of demand for housing of all tenures across London exceeds supply and the shift away from truly affordable homes as outlined in the Bill



will, it is anticipated, have a significant and negative impact on access to affordable homes and on maintaining and sustaining mixed communities across the Capital.

### **Context for the Review**

- 2.6. The scope of the Commission's Review was based on proposals in the Queen's Speech in June 2015 prior to the publication of the Bill (the First Reading in the House of Commons, 13<sup>th</sup> October 2015). The publication of the Bill and its progress through Parliament has enabled the Commission to support wider initiatives developing in the Council in support of submissions for amendments and mitigations to the legislation.
- 2.7. The Commission's approach and scope in this Review has been dynamic responding to Government proposals as they have emerged during the Bill's Parliamentary passage and the Commission has remained pragmatic in seeking to offer an evidence base to support initiatives developed by Hackney's Cabinet Member for Housing in seeking amendments and mitigations to the proposed legislation.
- 2.8. The National Housing Federation balloted housing association members and as a result entered into a voluntary agreement with Government in October 2015 which allowed:
  - Housing association tenants the right to purchase their home at a discount, subject to the overall availability of funding for the scheme.
  - The Government will compensate housing associations for the discount offered to tenants and housing associations will retain sales receipts to enable them to reinvest in the delivery of new homes.
  - Housing associations are able to use the proceeds from sales to deliver new supply and they will have flexibility to replace rented homes with other tenures such as shared ownership.
- 2.9. The Review considered the impact of Government proposals including the financial impact on the Council of forced sales and the effect on homelessness and temporary accommodation budgets.
- 2.10. In addition the Commission took evidence from Leathermarket Tenant Management Organisation (TMO) which is considering the development of a Community Land Trust as a vehicle for retaining social housing out of Council ownership and maintaining local mixed communities. Whilst the commission expressed concerns about the validity of this approach in terms of the legislation, as proposed, it was considered a positive approach in addressing the potential impact of proposals in the Bill.
- 2.11. Hackney's Cabinet Member for Housing outlined the work being done to provide submissions to Parliamentary Scrutiny Committees and to provide information at Department for Communities and Local Government's (DCLG) officer forums developing the forced sales formula.

## **Recommendations**

2.12. **The Commission makes the following recommendations, the findings for which are presented in Section 5 of the report:**

### **Home Ownership**

#### **Recommendation One**

The proposals to extend the right to buy to housing association tenants will provide housing associations with the capital receipts to reinvest in new homes, although they will, it is proposed have flexibility regarding tenure type and location of new housing units.

The Commission recommends that housing associations replace houses sold on a like for like basis and in the same geographical areas where possible.

#### **Recommendation Two**

The Commission considered the extension of right to buy to housing associations may reduce the availability of social housing in a locality and considered that housing associations offer portable discounts to tenants in order to retain significant levels of social housing in an area.

#### **Recommendation Three**

A qualifying period is incorporated as part of the criteria for right to buy to housing association tenants.

### **Duty to Consider Sale of High Value Council Homes/Local Authority Levy**

#### **Recommendation Four**

The Commission considered the levy should be reduced or the council excluded from it in certain circumstances including:

- Where the number of households in temporary accommodation in a local authority area exceeds the number of annual lettings available to a Council.
- Where a Council has a long term, identifiable self-financing housing capital development programme.
- Where a Council's annual RTB sales exceed 10% of its available annual lettings.
- Local authority areas experiencing acute housing stress as defined by overcrowding, homelessness acceptances, high and increasing levels of household in temporary accommodation.
- All local authority new build properties built within the last ten years are

exempted.

- All future local authority voids on designated and proposed regeneration estates.
- Properties where a compulsory purchase order (CPO) has been agreed or is in the process of being designated or where Demolition Notices are in force are exempted.

## **Starter Homes**

### **Recommendation Five**

The Commission recommends the presumption and obligation on local authorities to promote Starter Homes in high housing cost and high demand areas should be removed from the proposals. The Chair of the Commission to write to the Shadow Secretary of State for Communities and Local Government to seek the removal of the presumption and obligation on local authorities to promote Starter Homes in high cost and high demand areas.

## **Pay to Stay**

### **Recommendation Six**

The Commission recommends the principle of pay to stay should be resisted; however if pay to stay is introduced it should not be triggered by a £40k income threshold in London but be set at a rent level that better reflects social rent levels and be at a level that is truly affordable and sustainable for struggling low income families and does not constitute more than 33% of a household's total gross income. Additional income from any pay to stay rents should be retained by councils to invest in new build social housing.

## **Communications with Tenants and Residents**

### **Recommendation Seven**

The Commission recommends that information is made available to tenants and residents regarding the proposals in the Housing and Planning Bill and that activities are scheduled to deliver information about the changes that are proposed.

## **Outcomes**

**Since the review began the following outcomes have already been achieved.**

The following meetings have taken place to share details of Government proposals in the Housing and Planning Bill with Hackney residents

- i. 25<sup>th</sup> January 2016: Kings Park Ward Forum on Housing including the Housing Bill.
- ii. 28<sup>th</sup> January 2016: Defend Council Housing, Peoples Assembly debate at the Round Chapel on Housing Bill.
- iii. 11<sup>th</sup> February 2016: Housing Bill briefing for tenants and leaseholders at Haggerston Community Centre.
- iv. A tenants and leaseholders meeting is scheduled in early March 2016 to plan future steps to disseminate information to residents.
- v. Housing Strategy has held meetings with London Housing Leads to discuss strategy.
- vi. London Borough of Hackney has written to Lords with detailed amendments requested to the Bill, with follow up to Labour Housing Leads after second reading.
- vii. Written to Brandon Lewis, MP on Private Rented Sector (PRS) aspects of the bill, and revised 10 steps campaign.

A three-year qualifying period is included as part of the Government voluntary deal with housing associations (see recommendation three), which is the same as for council tenants<sup>1</sup>.

### **3. FINANCIAL COMMENTS**

- 3.1. The Housing and Planning Bill will have significant implication for the operations, assets and the finances of the Council, but until the Bill is passed and the detailed determinations are issues the extent to the impact is uncertain. In addition to the direct financial implications of the sale of properties and the levy from the Forced Sale of High Value Council Housing, this Bill will have a wider impact on the supply of affordable housing and therefore the numbers and location of families in temporary accommodation. Whilst 'allowances' have been included in the formula for the Levy, these may not cover the actual cost of disposal, replacement of sold properties and alternative temporary housing provision.
- 3.2. The most significant risk of the Forced Sale of High Value Assets is the potential number of properties that may be required to sell to pay the levy. Whilst the amendment may limit sales to 10% of stock, less than 10% of stock become vacant each year and therefore it is difficult to understand

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[http://nationalhousingfederation.newsweaver.com/icfiles/1/55885/161177/5359868/a266db71336fb8bfef6fbbf2/rtb%20offer%20final%20fed\\_2.pdf](http://nationalhousingfederation.newsweaver.com/icfiles/1/55885/161177/5359868/a266db71336fb8bfef6fbbf2/rtb%20offer%20final%20fed_2.pdf)

how this limit applies. If there is a limit of 10% of void properties each year, this would result in a £25-30m levy requiring the disposal of 50-60 properties. This number has to be considered alongside the 150-200 properties sold each year under the revised Right to Buy policy and the impact it has on affordable housing and the potential of future regeneration of housing blocks and estates.

- 3.3. The list of exclusion and exceptions to the Forced Sale of Council Housing needs to be financially considered by DCLG, as recently purchased New Build properties will carry a higher level of debt than historic stock. Also to be able to deliver the promised replacement homes, future regeneration sites need to be identified before forced sales commence.
- 3.4. Whilst Pay to Stay is likely to have less of a financial impact on the Council, its administration is likely to be complex and its implementation having a direct impact on tenants. As the Council houses more vulnerable tenants whose financial situation will be sensitive and likely to fluctuate, the monitoring of their income and the rent that is charged will be significant to them. This is similarly demonstrated by tenants whose benefit entitlement changes result in rent arrears and the difficulties in clearing them. The complex administration of 'Pay to Stay' will be similar to those of Housing Benefit and with the administration of HB transferring to DWP as part of the introduction of Universal Credit the Council need to ensure resources with the appropriate skills are retained to assess income and implement systems and procedures.
- 3.5. Therefore, the Housing and Planning Bill will have significant financial, administrative, operational and asset implications to the Council that have a far-reaching impact on services and provisions, but until the detail/determinations are issued the extent of these policies is unclear.

#### **4. LEGAL COMMENTS**

- 4.1. The Housing and Planning Bill is expected to be brought into force in early to mid-2016. As at early March 2016 it is in the Committee stage in the House of Lords. During the bill's passage through parliament various amendments and additions have been made.
- 4.2. Part 4, Chapter 1 implements the right to buy on a voluntary basis for private registered providers. Clause 62 provides that the Secretary of State may make grants to private registered providers in respect of right to buy discounts. A grant under this section may be made on any terms and conditions the Secretary of State considers appropriate.
- 4.3. Part 4, Chapter 2 of the Bill is titled 'Vacant High Value Local Authority Housing'. Clause 67 concerns payments to the Secretary of State by local housing authorities and provides that the Secretary of State may make a determination requiring a local housing authority in England to make a payment to the Secretary of State in respect of a financial year. The amount of the payment must represent an estimate of —

(a) The market value of the authority's interest in any high value housing that is likely to become vacant during the year, less

(b) Any costs or other deductions of a kind described in the determination. The Secretary of State must by regulations define "high value" for the purposes of this Chapter. Regulations may define "high value" in different ways for different areas. An amendment provides that the total payment required from all affected local authorities in any financial year shall not exceed the total grant paid in that year to private registered providers in respect of RTB discounts. A further amendment says the payments will not apply to more than 10% of total authority properties in the local housing authority area. A further amendment addresses the terms and conditions of the agreement to be made to reduce the amount that is required to be paid to the Secretary of State. A further amendment means that the amount payable includes an estimate of the repayment of capital debt on any high value properties sold; and the cost of replacing any high value properties sold on a one-for-one basis within the same local authority area.

4.4. Clause 74 contains a provision on a duty to consider selling vacant high value housing. A local housing authority in England that keeps a Housing Revenue Account must consider selling its interest in any high value housing that has become vacant. The duty applies only in relation to housing that appears in the Housing Revenue Account. The Secretary of State may by regulations exclude housing from the duty. In discharging its duty a local housing authority must have regard to any guidance given by the Secretary of State.

4.5. Clause 78 deals with mandatory rents for high income local authority tenants. It provides that the Secretary of State may by regulations make provision about the levels of rent that an English local housing authority must charge a high income tenant of social housing in England. The regulations may, in particular, require the rent—

(a) To be equal to the market rate,

(b) To be a proportion of the market rate, or

(c) To be determined by reference to other factors.

The regulations may, in particular, provide for the rent to be different—

(a) For people with different incomes, or

(b) For social housing in different areas.

The regulations may require a local housing authority to have regard to guidance given by the Secretary of State when determining rent in accordance with the regulations. An amendment means that the regulations shall not provide for an increase in rent chargeable to a tenant greater than 5% per annum or the Consumer Price index plus 2% whichever is the lesser. The regulations will only become effective for new tenancies granted

after 1 April 2017, and may not affect the rent of an existing tenant following a mutual exchange or transfer. The mandatory market rent levels for high income social tenants are over £40,000 in London and over £30,000 outside London. Tenants will be required to declare their income and the landlord will have to share the information with HMRC to confirm the accuracy of the data. Local authorities will have to hand over the increased rent (less admin costs) to the Treasury. An amendment will establish exemptions e.g. for those aged over 65, those with registered disability, those on zero hours contracts etc. A further amendment will establish that rent levels should reflect local affordability.

- 4.6. Clause 113 deals with the phasing out of secure tenancies for life. Schedule 7 provides the detail and provides that a person may grant a secure tenancy of a dwelling-house in England only if it is a tenancy for a fixed term that is at least 2 years, and no more than 5 years. At the end of the fixed term tenancy the local housing authority must hold a review process and decide whether to seek possession or offer a new or replacement tenancy on the same or a different property.
- 4.7. Clause 114 changes the law on succession to secure tenancies and related tenancies. Schedule 8 prevents anyone, other than a deceased tenant's partner, from succeeding to a secure tenancy. Moreover, the deceased partner will only succeed to a five year fixed term secure tenancy.
- 4.8. Clause 20 of the Welfare Reform and Work Bill provides that in relation to each relevant year, registered providers of social housing must secure that the amount of rent payable in respect of that relevant year by a tenant of their social housing in England is at least 1% less than the amount of rent that was payable by the tenant in respect of the preceding 12 months.

## **5. FINDINGS**

- 5.1. The main section of this report outlines the findings from the Commission's review. It outlines the proposed legislation as it relates to Right to Buy and the likely impact presented in evidence. The evidence received and Commission discussions underpins and informs the recommendations at a strategic level in the form of lobbying for amendments to the Bill, and for recommendations to support Hackney's approach going forward.
- 5.2. Government proposals shift current housing policy away from support for those in greatest housing need and often people on modest incomes and undermines the principle of mixed communities with mixed tenures. The extension of right to buy to housing associations and the forced sale of council houses are two separate and distinct policies which the Commission considers have been brought together in an opportunistic way that undermines council housing in order to promote home ownership.
- 5.3. The London housing market is in crisis due to the lack of affordable housing in all tenures. The legislation as it relates to housing policy will, the Commission believe, have a disproportionate and negative impact across London by reducing the availability of truly affordable housing.

### **The Housing and Planning Bill**

- 5.4. The Commission sought to examine the Bill proposals and its impact, if implemented, for local tenants and residents; specifically the extension of Right to Buy to housing association tenants and the forced sale of high value council homes. The Bill was presented in Parliament on 13<sup>th</sup> October 2015 for its First Reading in the House of Commons with proposals for:

### **Home Ownership**

- 5.5. The extension of Right to Buy to housing association tenants at a discount. The National Housing Federation (NHF) entered into a voluntary agreement with Government to support the proposals giving housing associations discretion not to sell in particular circumstances (such as a house that has been adapted for special needs) and to offer tenants a portable discount to another property in their own or another association's housing stock.
- 5.6. Housing associations will be able to use the proceeds from sales to deliver new homes and will have the flexibility to replace rented homes with other tenures such as shared ownership. The voluntary agreement agreed between the NHF and Government is designed to ensure housing associations are fully compensated to the full value of homes sold.

### **Forced Sale of High Value Council Houses**

- 5.7. Local authorities will be required to pay a levy to government, in part, to compensate housing associations for the discount given to tenants exercising their right to buy. The levy will be calculated on the basis of the



authority's high value housing stock that it is anticipated will become vacant on an annual basis.

- 5.8. The proposals, as currently outlined, suggest that councils will be required to deliver a lower levy to government if they deliver two homes for every home sold.

### **Starter Homes**

- 5.9. The proposals are designed to provide starter homes for first time buyers under the age of 40. Starter homes will be sold at a discount of 20% below market value. The Bill places a duty on all local planning authorities to promote the supply of starter homes.

### **Pay to Stay**

- 5.10. The Bill outlines provision for 'high income' social tenants (anticipated to be £40k in London and £30k elsewhere) to be required to pay market rent. The proposals as outlined relate to household income and are anticipated to affect households with individuals on modest incomes. Housing associations will have the option of whether to implement this policy, however, local authorities will have no discretion and will be required to implement the policy, as proposed.

### **The Phasing out of Lifetime Tenancies**

- 5.11. The policy brings an end to the principle of council tenancies for life and introduces fixed-term tenancies of 2-5 years for new tenants, with no automatic right to renew. Succession rights will also change such that, for all council tenants, automatic legal rights to pass on the tenancy will be restricted to the spouse or civil partner. The proposals for fixed-term tenancies do not apply retrospectively to existing contracts; those who inherit a council house tenancy will, however, be subject to the new regime.
- 5.12. The Bill has a number of measures to speed up the planning process and bring forward the supply of land for residential development.
- 5.13. The legislation provides little detail about the implementation of the proposals which it is anticipated will be set out in Regulations.

## **Evidence Received by the Commission**

### **Home Ownership**

- 5.14. Government policy as proposed in the Bill promotes home ownership above all other tenures and facilitates the building of Starter Homes. In evidence from Cllr James Murray, Cabinet Member for Housing at Islington, from research undertaken by Liverpool Economics, commissioned by the London boroughs of Camden, Enfield, Haringey and Islington, it was noted that

average earnings of those who obtain local authority tenancies in each of the boroughs in the research ranges from £200 to £269 per week. The high value of housing in London will mean that even with the discount the right to buy will be unaffordable for many tenants.

- 5.15. The Commission identified the potential for fraud in the right to buy process and wanted to see safeguards put in place. In evidence North River Alliance representative Colin Archer indicated that there is no qualifying period for applicants to right to buy, in the proposals, and applicants can apply even if the property is not the principal home of the applicant. North River Alliance suggested that Alliance Members would want to see a qualifying period incorporated as part of the qualifying criteria.
- 5.16. Housing associations will be able to use the proceeds from sales to deliver new homes and will have the flexibility to replace rented homes with other tenures such as shared ownership. The voluntary agreement entered into by the NHF with government ensures housing associations are fully compensated to the full market value of homes sold.
- 5.17. Colin Archer, from North River Alliance, noted that housing associations will be subject to charges from lenders on homes sold and these charges will need to be repaid to lenders, at a cost. This will affect the ability of housing associations to get loans at low cost in the long term, it was suggested, and small housing associations who do not have the level of flexibility in terms of cash flow will be more affected by the proposals. Some small associations who manage properties on behalf of other housing associations will lose management fees if homes they manage are sold.
- 5.18. Housing associations will be required to replace homes sold within a 3 year time frame, however, there is no requirement to replace homes in the same locality and Brendan Sarsfield from Family Mosaic Housing Association indicated, in evidence, that land acquisition takes time and is expensive in London. It was suggested that these factors may be a challenge for housing associations to replace like-for-like housing in the same locations as those where homes have been sold, particularly in Hackney with high land values. The Commission proposes replacement of housing sold under right to buy on a like for like basis in same geographical location.
- 5.19. The Commission considered the extension of right to buy to housing associations may reduce the availability of social housing in a locality and considered that housing associations offer portable discounts to tenants in order to retain significant levels of social housing in an area.

### **Forced Sale of High Value Council Houses**

- 5.20. The Government is proposing to implement forced sale of high value vacant council houses through a levy imposed on local authorities on an annual basis. The formula for determining the levy will be determined by DCLG and is anticipated to include an evaluation of market price and the flow of vacant council homes on an annual basis.

- 5.21. In evidence Cllr James Murray, Cabinet Member for Housing at London Borough of Islington outlined the social impact from research, commissioned by Islington, in conjunction with London Boroughs of Camden, Enfield, and Haringey. It was suggested that the proposals will have significant social impact on individuals, families and communities.
- 5.22. The research suggests that forced sale of vacant council homes will increase the number of families with children who will be unable to obtain a tenancy due to the policy and will have to make a choice between retaining existing networks but remaining in overcrowded or temporary accommodation if homeless, or moving to another borough or outside London to obtain a tenancy. It is suggested that there will be increased demand for temporary accommodation and increased demand for private rented sector housing as inner London boroughs rent property for temporary accommodation outside their own borough. It is anticipated that London and Hackney, specifically, will experience the negative impact of a rise in demand for temporary accommodation as a consequence of forced sales of high value council housing.
- 5.23. The Commission considers that the Council should be exempt from the forced sale of high value council homes where the number of households in temporary accommodation in a local authority area exceeds the number of annual lettings available to the Council. In addition where the Council's RTB sales exceed 10% of available annual lettings there should be an exemption from forced sale levy.
- 5.24. Cllr Murray, Cabinet Member for Housing at London Borough of Islington, noted that the policy, as proposed, is unworkable as there is no logical connection between the extension of right to buy to housing association tenants and forced sales proposals.
- 5.25. Whilst much of the evidence from housing associations was ambivalent about the extension of Right to Buy and forced sales, Lord Kerslake from Peabody Trust indicated that in his view the proposals were wrong in both principle and practice; wrong in principle to force housing associations to sell stock and wrong in practice as it will not increase housing supply or home ownership.
- 5.26. The proposals will impact on local authority's new build programmes across inner London, if high value thresholds are not raised significantly, as new build stock may be considered high value and have to be sold or be included in calculations for the local authority housing levy. The Commission consider all new build properties built within the last 10 years should be exempt from forced sales. In addition all future local authority voids on regeneration estates and properties subject to Compulsory Purchase Orders or Demolition Notices should be exempt.
- 5.27. The Commission considered that there will be regions across the country where there is no council stock and therefore the extension of right to buy to housing associations cannot be funded through the forced sale of council homes in the locality. As a result other regions may be required to fund

areas without empty council stock available i.e. a proportion of locally generated levy, particularly in London boroughs, may fund right to buy to housing association tenant discounts outside London in areas where there is no high value council stock. Tom Copley, London Assembly Member and Chair of the Housing Committee at the GLA, indicated in evidence that this would be unreasonable if money from forced sales left London. The proposals will undermine council development programmes and lead to the loss of family homes in the borough.

- 5.28. Perverse incentives may also begin to operate for local authorities; if a family move from a large council home the council may be required to sell the property, whilst families in need remain on the council waiting list.
- 5.29. The impact of Government proposals for Tenant Management Organisations (TMOs) is considered to be major and Leathermarket TMO gave evidence that suggests that TMO's may have to sell empty properties with the loss of income from renting these homes together with the proposed 1% rent reductions for the next 4 years reducing revenue substantially which will impact on TMO's ability to undertake maintenance and major works.
- 5.30. Cllr Rachel Blake, Cabinet Member for Housing at London Borough of Tower Hamlets noted that significant proportions of right to buy stock (estimated at 40% in Tower Hamlets) moves subsequently into the buy to let market. This, it is suggested represents poor value for the tax payer (Tom Copley).

The Commission considered the levy should be reduced or the council excluded from it in certain circumstances including:

- Where the number of households in temporary accommodation in a local authority area exceeds the number of annual lettings available to a Council.
- Where a Council has a long term, identifiable self-financing housing capital development programme.
- Where a Council's annual RTB sales exceed 10% of its available annual lettings.
- Local authority areas experiencing acute housing stress as defined by overcrowding, homelessness acceptances, high and increasing levels of household in temporary accommodation.
- All local authority new build properties built within the last ten years are exempted.
- All future local authority voids on designated and proposed regeneration estates.
- Properties where a compulsory purchase order (CPO) has been agreed

or is in the process of being designated or where Demolition Notices are in force are exempted.

### **Starter Homes**

5.31. Proposals in the Bill will provide starter homes for first time buyers under the age of 40. Starter homes will be sold at a discount of 20% below market value. The Bill places a duty on all local planning authorities to promote the supply of starter homes. For a £450k starter home, a household without a large deposit would require an income of over £110,000 pa to raise a mortgage, which is not an affordable option for Hackney residents seeking a truly affordable option and makes this obligation on local authorities unworkable in terms of reducing statutory homelessness or people in temporary accommodation.

**RECOMMENDATION** The Commission consider the presumption and obligation on local authorities to promote Starter Homes in high housing cost and high demand areas should be removed from the proposals.

### **Pay to Stay**

5.32. Under proposals households with 'high incomes' (anticipated to be £40k in London and £30k elsewhere) will be required to pay market rent. The proposals will affect households where individuals are on modest incomes but when combined will exceed the threshold.

**RECOMMENDATION** The Commission considers the principle of pay to stay should be resisted; however if pay to stay is introduced it should not be triggered by a £40k income threshold in London but be set at a rent level that better reflects social rent levels and be at a level that is truly affordable and sustainable for struggling low income families and does not constitute more than 33% of a household's total gross income. Income from any additional pay to stay rents should be retained by councils to invest in new build social housing.

5.33. In addition, the reduction in rent by 1% per year for the next 4 years will affect housing association revenue and council's housing revenue accounts. Councils became self-financing in 2012 and planning and investment proposals have been developed on a 30 year timeline based on rents at current levels. The 1% reduction will impact on the delivery of management, maintenance and administration of services to tenants and have a negative effect on future housing development programmes.

### **The Phasing out of Lifetime Tenancies**

5.34. The automatic right of tenants to pass on the tenancy to their next of kin, other than spouse or civil partner, will end under proposals. The legislation will also provide for a fixed terms of between 2-5 years to apply to all new tenancies, with no automatic right of renewal. The proposals for fixed-term tenancies do not apply to existing tenancy contracts however those who

inherit a council tenancy will be subject to the new regime. This will undermine sustainable communities and have the potential to impact on family and individual life. The criteria for tenancy renewal is not clear and will be set out in regulations however it could affect individual's ability and aspiration to plan for future work, schooling, or family connections and lead to a breakdown in social cohesion. The Commission considers that if the legislation as currently outlined comes into force it would be appropriate to provide council tenancies of 5 years as the norm in order to provide stability for residents and support family life and community cohesion.

### **Other Issues Identified in Evidence**

- 5.35. **Employers:** The Commission heard from the Homerton Hospital how the lack of housing has impacted on the recruitment and retention of entry-level qualified nursing staff and Lord Kerlake, in his role as Chair of King's College Hospital, suggested in evidence that recruitment and retention of all clinical staff, at all levels, is increasingly difficult due to the lack of available affordable housing in London.
- 5.36. London First, an independent business-led organisation with the aim of supporting London business through influencing national and local government policies, suggested that large and small employers have identified housing as a key challenge in London, and have started a campaign to see 50,000 homes build every year up to 2020.
- 5.37. **Partnership Working:** A number of Commission Members expressed concern that Government proposals will be damaging to partnerships between housing associations and local authorities. Hackney's Cabinet Member for Housing has worked to maintain these partnerships with Hackney-based housing associations
- 5.38. Lord Kerlake, the Chair of Peabody suggested in evidence that in practical terms housing associations and local authorities have to come together to work to mitigate the impacts of the policy and to work together on housing and wider joint initiatives that benefit people in greatest need for housing and other wider employment, training and health initiatives.
- 5.39. **Communications with Tenants and Residents:** A recurring theme throughout the Review has been the lack of objective information available to tenants and residents about the extension of right to buy and forced sale of council housing. The Commission heard from Tom Copley that there are campaigns under way including Social Housing Under Threat; he recognised that it is a difficult area to campaign on but suggested that there is an opportunity to develop this work, if the commitment and resources are present.

- 5.40. The Commission wanted to ensure that Hackney Tenants and residents have relevant information about all proposals and their impact on housing supply for the council and housing associations. This work is already underway with meetings scheduled with tenants and residents as outlined under outcomes under item 2 in this report.

**RECOMMENDATION:** The Commission considers information is made available to tenants and residents about the proposals in the Housing and Planning Bill and that events and activities are scheduled to deliver information about the changes that are proposed.

## **6. CONCLUSION**

- 6.1. Government has set out its priority to promote home ownership over all other tenures with this legislation. The Housing and Planning Bill will, if implemented as proposed, change the landscape of available housing options nationally and at a local level for Hackney residents. The Bill presents a challenge for local people who have been born, raised, or are settled for work in the borough to have access to truly affordable housing in the future.
- 6.2. The recommendations reflect the range of work taking place locally, and on the national stage to lobby for amendments to proposals in the Bill and to consider recommendations that will support Hackney in delivering this agenda if the legislation receives Royal Assent in the current form.
- 6.3. Communicating the impact of the proposals to local residents is a priority to ensure they have the information they need to consider the opportunities and constraints that the legislation, as proposed will create, when it receives Royal Assent.
- 6.4. By extending the right to buy to housing association tenants and forced sale of council homes to fund the discounts the Government is making a major policy shift in support of home ownership. Affordability for right to buy is likely to be very limited, in London and in Hackney specifically, and will not be readily available to people on modest incomes.
- 6.5. Housing association tenants will have the right to buy their home at a discount, subject to qualifying criteria and available funds. It is recognised, however, that due to high house prices across London, only a small number of existing tenants will be able to exercise their right to buy. Tenants who wish to apply may seek to port the discount to property outside London in order to get more value for money.
- 6.6. At the same time Council tenants on modest household incomes (£40k in London) will be required to pay market rents, which are potentially unaffordable and this may encourage tenants to exercise their right to buy. Without a higher threshold for household income, set at no more than 33% of household gross income, social rents and affordable homes for those on modest incomes and in greatest need will no longer be available.

- 6.7. The long term financial and social outcomes of exercising the right to buy have not been considered as part of this review, however, the consequences for defaulting on mortgage payments should be clearly articulated to tenants through effective communication channels before tenants exercise their right to buy.

## 7. CONTRIBUTORS, MEETINGS AND SITE VISITS

### Meetings of the Commission

The following people gave evidence at Commission meetings or attended to contribute to the discussion panels.

7 <sup>th</sup> September 2015 <sup>2</sup>	Cllr Rachel Blake Executive Member for Housing, London Borough of tower Hamlets
	Cllr James Murray, Executive Member for Housing, London Borough of Islington
	Brendan Sarsfield, Chief Executive Family Mosaic
15 <sup>th</sup> October 2015 <sup>3</sup>	Tom Copley, Assembly Member, Chair of Housing Committee, Greater London Assembly
10 <sup>th</sup> November 2015 <sup>4</sup>	Lord Kerslake, Chair Peabody Trust
16 <sup>th</sup> December 2015 <sup>5</sup>	Andy Bates, Leathermarket Tenant Management Organisation
	Cormac Hollingsworth, Leathermarket Tenant Management Organisation
	Connie Cullen, Hackney Shelter
	Two Hackney Residents
11 <sup>th</sup> January 2016 <sup>6</sup>	Colin Archer, North River Alliance

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<sup>2</sup> <http://mginternet.hackney.gov.uk/ieListDocuments.aspx?CId=119&MId=3375&Ver=4>

<sup>3</sup> <http://mginternet.hackney.gov.uk/ieListDocuments.aspx?CId=119&MId=3376&Ver=4>

<sup>4</sup> <http://mginternet.hackney.gov.uk/ieListDocuments.aspx?CId=119&MId=3377&Ver=4>

<sup>5</sup> <http://mginternet.hackney.gov.uk/ieListDocuments.aspx?CId=119&MId=3378&Ver=4>

<sup>6</sup> <http://mginternet.hackney.gov.uk/ieListDocuments.aspx?CId=119&MId=3379&Ver=4>



## Site Visits

The Commission made the following site visits for this review.

7<sup>th</sup> January 2016 Meeting with Jonathan Seager, London First

## 8. MEMBERS OF THE SCRUTINY COMMISSION

Councillor Clayeon McKenzie (Chair)

Councillor Sharon Patrick (Vice Chair)

Councillor Jon Burke

Councillor Sophie Cameron

Councillor Michelle Gregory

Councillor Vincent Stops

Overview and Scrutiny Officer: Natalie Kokayi ☎ 020 8356 7760

Legal Comments: Stephen Rix, Head of Litigation ☎ 020 8356 6122

Financial Comments: Simon Theobald, Financial Advisor ☎ 020 8356 4304

Lead Director: Charlotte Graves ☎ 020 8356 3670

Cabinet Member for Housing: Councillor Philip Glanville

## 9. BIBLIOGRAPHY

The following documents have been relied upon in the preparation of this report or were presented to the Scrutiny Commission as part of the investigation.

- Shelter (November 2015) The Forced Council Home Sell-Off [https://england.shelter.org.uk/\\_data/assets/pdf\\_file/0010/1187047/7862\\_Council\\_House\\_Sales\\_Briefing\\_v3\\_FINAL.pdf](https://england.shelter.org.uk/_data/assets/pdf_file/0010/1187047/7862_Council_House_Sales_Briefing_v3_FINAL.pdf)
- Institute of Public Policy Research (December 2015), Capital Failure Understanding the Roots of London's Housing Crisis <http://www.ippr.org/publications/capital-failure>
- Shelter Consultation Response to DCLG Consultation: Pay to Stay: Fairer Rents in social Housing (November 2015)

[https://england.shelter.org.uk/\\_data/assets/pdf\\_file/0019/1216342/2015\\_11\\_27\\_Shelter\\_response\\_to\\_DCLG\\_on\\_Pay\\_to\\_Stay.pdf](https://england.shelter.org.uk/_data/assets/pdf_file/0019/1216342/2015_11_27_Shelter_response_to_DCLG_on_Pay_to_Stay.pdf)

- London First Briefing Note, Housing and Planning Bill Second Reading in the House of Commons

<http://londonfirst.co.uk/wp-content/uploads/2015/10/London-First-Briefing-Housing-and-Planning-Bill-Second-Reading.pdf>

- National Housing Federation: An Offer to extend Right to Buy to Housing Association Tenants  
[http://nationalhousingfederation.newsweaver.com/icfiles/1/55885/161177/5359868/a266db71336fb8bfef6fbbf2/rtb%20offer%20final%20fed\\_2.pdf](http://nationalhousingfederation.newsweaver.com/icfiles/1/55885/161177/5359868/a266db71336fb8bfef6fbbf2/rtb%20offer%20final%20fed_2.pdf)

## 10. GLOSSARY

Below is a list of abbreviations used within this report and their full title.

Abbreviation	Definition
RTB	Right to Buy
TMO	Tenant Management Organisation
DCLG	Department for Communities and Local Government
CPO	Compulsory Purchase Order
NHF	National Housing Federation

**Cabinet Response to the Living in Hackney Scrutiny Commission Review into the Proposed Extension of the Right to Buy to Housing Association Tenants and Forced Sale of High Value Council Homes.**

**CABINET MEETING DATE**

18 April 2016

**CLASSIFICATION**

Open

**WARD(S) AFFECTED**

All Wards

**CABINET MEMBER**

Cllr Philip Glanville  
Housing

**KEY DECISION**

No

**GROUP DIRECTOR**

Kim Wright  
Group Director, Neighbourhoods and Housing

## **1. CABINET MEMBER'S INTRODUCTION**

- 1.1 The Council has an excellent record of accomplishment of providing genuinely affordable, good quality housing for rent and for sale; housing which meets the needs of Hackney residents across a range of incomes. We are rightly proud that it is in the process of becoming a major developer of homes over the coming years, as well as continuing to enable new homes through partnership and the planning process.
- 1.2 The Housing & Planning Bill contains measures to widen the scope of right to buy to include Housing Association tenants, funded by the forced sale of 'higher value' Council homes. This bill represents the most significant financial and housing supply threat to Hackney and Housing Associations' ability to provide truly affordable housing to Hackney residents since the Second World War. It will end the already strained post war consensus on housing and for the first time in over a century the Government will have no plans for new social housing.
- 1.3 The forced sale of Council homes will adversely impact Hackney residents and tenants' chances of securing good quality affordable housing in the borough, and as a result it is likely to have far-reaching implications on local resident's life chances, children's educational attainment and employment prospects as well as wider community cohesion.
- 1.4 The Council has been rigorously challenging many aspects of the Housing & Planning Bill, explaining the implications for Hackney residents and the Council, whilst recommending and promoting ways to mitigate the worst implications of the Bill for the borough. The LiH Scrutiny Commission's work has been a central and valuable part of this process. No other Council has yet produced such a piece of work exploring the potential impact of this legislation.
- 1.5 A central tenet of the Housing & Planning Bill is local authorities will be forced by the Government to sell 'higher value' social rented homes as they become vacant in order to be able to pay an annual levy (or tax) to the Government. This 'tax' would be levied without any regard to the housing pressures in a local authority area or the long-term financial viability of an authorities' Housing Revenue Account.
- 1.6 Despite the long-term significance of this policy and the financial risk it poses for local authorities, the Government has been extremely reticent to publish any details of how the levy regime will operate. This is despite legislative scrutiny and repeated requests for more detailed information by the House of Commons, House of Lords and a recent highly critical report by the National Audit Office regarding the Government assumptions underlying the policy and how it would operate.
- 1.7 The Government's continued reticence to publish any detailed information concerning the Bill's implementation has only served to

impede any steps the Council might and can take to mitigate the impact of the Bill's policies for Hackney Council and Hackney residents.

- 1.8 However, based on current information the Council estimates that it might have to sell 700 homes in the first five years of the policy (probably in large part to buy to let buyers). These properties will be sold on the open market in a context where the Council has a declining lettings base (last year 1,758 homes were available for lettings) and where 2,300 households are currently living in temporary accommodation awaiting long term secure affordable housing. A direct result of the forced sales policy is that an increasing number of Hackney families will spend longer periods in temporary accommodation waiting for a permanent home.
- 1.9 The Government has indicated that there will be a one-for-one (and in London two-for-one) replacement regime with respect to homes sold by Housing Associations. However, no evidence has been provided as to how this replacement regime will be funded and work. Equally there is no guarantee whatsoever that the replacement home would be in place before Council or Housing Association homes are sold, or will be truly like for like in terms of location, affordability or property size.
- 1.10 A social rented home sold in Hackney by a Housing Association could be replaced by a shared ownership or Starter Home in outer London, or even elsewhere in the country. Locally, the Council has been working with Housing Associations in the borough to seek to mitigate the impact of this policy. However, it is fair to say that this work has been impaired by the lack of any detailed information from the Government concerning how the replacement regime would be funded and function.
- 1.11 The Council does not believe that local authorities should be forced to sell desperately needed properties in an area of high housing stress such as Hackney to fund home ownership discounts for Housing Association tenants. The Council continues to be deeply sceptical that the homes sold by Housing Associations will actually be replaced on a two-for-one basis or on a like-for-like basis and in a timely manner. The extension of right to buy Housing Associations will only serve to reduce the housing opportunities available to Hackney residents.
- 1.12 Aside from the forced disposal of Council housing and the loss of Housing Association stock through right to buy, the reduction in truly affordable rented housing in the borough will be further exacerbated by the Government's commitment to place a duty on Councils to promote 'Starter Homes'.
- 1.13 Starter Homes would be sold at a discount of 20% on the local market value to first time buyers under 40. The Government is proposing that Starter Homes would be defined as 'affordable housing' with a proscription that local authorities would have to promote the provision of new Starter Homes on all sites of more than 10 homes.

- 1.14 Currently all evidence suggests that Starter Homes will be far from affordable to Hackney residents and tenants on moderate incomes and the presumption towards granting planning permission for Starter Homes would systematically force out more genuinely affordable types of housing such as shared ownership. This would further reduce the supply of social and genuinely affordable housing available to Hackney residents.
- 1.15 Based on the current average price for a flat in the borough, the Council estimates that a household would need an income of £71,000 to fund a mortgage to buy an average Starter Home, compared to the average household income in Hackney of £33,400.
- 1.16 Whilst the Council supports households who aspire to own their own home, and is developing over 500 homes for shared ownership, Starter Homes will not meet the needs of Hackney low and middle income earners home ownership aspirations. Currently Starter Homes represent a highly subsidised product for households who are currently better placed and able to purchase their own home, diverting resources away from truly affordable homes to rent and to buy. Unlike shared ownership these homes will not see the discount recycled into new affordable housing.
- 1.17 Other measures proposed in the Housing & Planning Bill would directly affect existing and future tenants living in social rented homes. The Housing & Planning Bill when it receives Royal Assent will make it mandatory for Councils to charge market rents to households with household incomes greater than £40,000 pa in London, a policy commonly known as 'Pay to Stay'.
- 1.18 This income threshold is very low in London terms, not far above the average household income in Hackney (£33,400) or a couple each earning the minimum London Living Wage (£34,000). Indeed, two cleaners working for Hackney Housing would exceed the Pay to Stay Cap. 'Pay to Stay' will act as a disincentive to aspiration amongst tenants, as higher paid employment could result in a huge and unaffordable hike in rent of around 300% in Hackney.
- 1.19 The additional sums raised from Pay to Stay will have to be paid to the Government not retained by the Council. The Council has not been given any assurances that it will be able to recover the estimated £500,000 a year it will cost to implement this policy from the increased rents it will collect through Pay to Stay. Indeed, the Council believes that the policy would actually cost both the DWP and the Council to implement due to higher housing benefit and local administration and enforcement costs.
- 1.20 Tenants in public and private meetings with me have expressed their acute and persistent concern that they will not be in a position to pay a market rent for their existing home, and will categorically not be in a position to move and rent a home in the private rented sector in Hackney. This is a concern shared by myself, the Council and indeed

the Scrutiny Commission. The Council continues to hold and promote the view that social or affordable rents should not exceed more than 33% of a person's gross income. We support recommendation six of the report wholeheartedly.

- 1.21 Tenants have also expressed their individual and collective anxiety over the Government's intention to phase out secure Council tenancies in favour of mandatory fixed-term tenancies of 2-5 years for most new Council lettings, with no automatic right to continue after the fixed term. Councils would be unable to offer secure lifetime tenancies in most cases. The Government has indicated that tenants who have to move because of regeneration or major works etc. may continue to have a lifetime secure tenancy after they move. However, this does not mitigate the acute sense of insecurity that many tenants now feel with respect to their housing.
- 1.22 Combined, all of the legislative changes outlined above represent the most significant threat to current and future supply of social housing in Hackney for a generation. Changes which will affect the availability of truly secure, long term and genuinely affordable housing for generations to come.
- 1.23 The Council will continue to lobby the Government, MPs and Lords to seek amendments to the Bill as it progresses, and to work with partners locally to mitigate the impact of the new policies in Hackney
- 1.24 I welcome the work of the Living in Hackney Scrutiny Commission's work on this issue. I thank the Commission for their work and fully endorse the recommendations they have made. I commend this report to cabinet.

## **2. RECOMMENDATION**

- 2.1. The Cabinet is asked to approve the content of this response.**

# Cabinet Response to the Living in Hackney Scrutiny Commission Review into the Proposed Extension of the Right to Buy to Housing Association Tenants and Forced Sale of High Value Council Homes.

## Executive Response to the Scrutiny Recommendations

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<p><b>Recommendation One</b></p> <p>The proposals to extend the right to buy to Housing Association tenants will provide Housing Associations with the capital receipts to reinvest in new homes, although they will, it is proposed have flexibility regarding tenure type and location of new housing units.</p> <p>The Commission recommends that Housing Associations replace houses sold on a like for like basis and in the same geographical areas where possible.</p>	<p>We agree with this recommendation.</p> <p>The Government has indicated its intention that every home sold through right to buy will be replaced on a one-for-one basis, and in London this will be on a two-for-one basis. However, the proposed two-for-one replacement regime in London is highly unlikely to be a truly like for like replacement in terms of affordability, tenure and location. Whilst the Government's detailed proposals have not yet been published, indications are that the Government intention is that Housing Association rental properties that are sold will be replaced with shared ownership homes. There is a very high likelihood that the vast majority of these shared ownership properties will be built in outer London, not in Hackney.</p> <p>The Council has made numerous written and verbal submissions (to the Housing and Planning Bill Committee and the DCLG Select Committee) that any Housing Association homes that are sold through the right to buy in Hackney are replaced on a true like-for-like basis in terms of affordability and location. The Council has also tabled a range of amendments to the Housing and Planning Bill on this issue.</p>
<p><b>Recommendation Two</b></p> <p>The Commission considered the extension of right to buy to Housing Associations may reduce the availability of social housing in a locality</p>	<p>We agree with this recommendation.</p> <p>The Council has consistently raised its concern over the potential impact the extension of right to buy will have on the availability of Housing Association rented</p>



<p>and considered that Housing Associations offer portable discounts to tenants in order to retain significant levels of social housing in an area.</p>	<p>lettings. An amendment to the Housing and Planning Bill has been recommended to make it mandatory that a Housing Association offers a portable discount to a tenant who wishes to exercise their right to buy in areas where social housing comprises 30% or less of the total stock within an area.</p> <p>The Council is concerned that once the extension of right to buy is made available to the majority of Housing Association tenants, cumulatively this will result in a reduction in the number Housing Association properties available for rent in Hackney. This would in turn lead to a reduction in the availability of Council nominations to Housing Association properties as they become available for letting.</p> <p>The Council is currently working with Hackney Housing Associations to explore the scope for a local voluntary agreement whereby Housing Associations would offer a portable discount to a tenant if they wished to exercise their right to buy with the objective of minimising the number of Housing Association rented properties lost to the sector.</p>
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<p><b>Recommendation Three</b></p> <p>A qualifying period is incorporated as part of the criteria for right to buy to Housing Association tenants.</p>	<p>We agree with this recommendation</p> <p>Indications are that the three-year qualifying period included as part of the Government's voluntary deal with the National Housing Federation will be the eligible period for Housing Associations seeking to exercise their right to buy, which would be the same as for Council tenants.</p>
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<p><b>Recommendation Four</b></p> <p>The Commission considered the levy should be reduced or the Council excluded from it in certain circumstances including:</p> <ul style="list-style-type: none"> <li>• Where the number of households in temporary accommodation in a local authority area exceeds the number of annual lettings available to a Council.</li> <li>• Where a Council has a long term, identifiable self-financing housing capital development programme.</li> <li>• Where a Council's annual RTB sales exceed 10% of its available annual lettings.</li> <li>• Local authority areas experiencing acute housing stress as defined by overcrowding, homelessness acceptances, high and increasing levels of household in temporary accommodation.</li> <li>• All local authority new build properties built within the last ten years are exempted.</li> <li>• All future local authority voids on designated and proposed</li> </ul>	<p>We agree with this recommendation</p> <p>The Council has been actively promoting since the summer of 2015 a number of property exclusions and exemptions from the force sales regime. The main drivers underlying these exemptions and exceptions include safeguarding the current and future housing regeneration program, maintaining an adequate portfolio of housing stock to meet the Councils current and future housing obligations as well as maintaining an appropriate level of social housing in as many areas as possible within the borough.</p> <p>All of the exemptions and exceptions that have been identified by the Commission reflect the property exclusions the Council has raised through numerous written and verbal submissions to the DCLG and the Housing and Planning Bill committee.</p> <p>The Council is particularly concerned that properties that fall vacant on current regeneration estates are not sold on the open market as this will lead to a more extensive and possibly prohibitive leaseholder buyback program and will add a significant financial risk to the Councils existing housing regeneration financial modelling.</p>
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<p>regeneration estates.</p> <ul style="list-style-type: none"> <li>• Properties where a compulsory purchase order (CPO) has been agreed or is in the process of being designated or where Demolition Notices are in force are exempted.</li> </ul>	
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<p><b>Recommendation Five</b></p> <p>The Commission recommends the presumption and obligation on local authorities to promote Starter Homes in high housing cost and high demand areas should be removed from the proposals.</p>	<p>We agree with this recommendation</p> <p>The Council unambiguously takes a view that a presumption in favour of Starter Homes will result in no ‘affordable’ homes being built in Hackney. This concern has been raised with the DCLG and the Government, through the Council’s written response to the ‘Proposed Changes to the National Planning Policy Framework’ as well as within the Council’s written and verbal evidence provided to the Housing and Planning Bill committee</p> <p>The Council has significant concerns relating to the overall value for money of the Starter Homes initiative and particularly the Government’s intention to spend £2.3 billion supporting effectively the delivery of only 60,000 starter homes, at an average grant rate of approximately £38,000 per unit. The Council would take the view that this disproportionate level of subsidy towards Starter Homes is yet another indication of the inconsistency and contradictory nature of the Government’s overall housing policy.</p> <p>The Council has consistently made the point that a presumption in favour of Starter Homes and their definition as ‘affordable’, when they clearly they are not affordable in</p>
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Hackney or London more widely. Shelter has found that the average Starter Home will be unaffordable to families on middle incomes in a majority (58%) of the country by 2020.

The figure in Hackney will be nearer the national figure of 98% of households on the National Living Wage (Shelter estimate) who will not be able to afford a Starter Home. A 20% discount would reduce the price of an average flat in Hackney to £420,800 not far from the maximum selling price for Starter Homes. However a without a large deposit a household would need an income of over £100,000 pa to secure a mortgage on a Starter Homes at this price. In a context where 95% of households in social housing and 70% across the borough have an income of £30,000 or less Starter Homes are clearly not a viable or appropriate product.

Essentially these homes will come at the cost of cutting the supply of truly affordable housing in Hackney and unnecessarily fettering the Council's ability to require low-rent homes from developers that will meet the needs of Hackney residents. It will have serious and far reaching adverse consequences particularly with respect to the Council complying with its statutory homeless obligations and reducing the number of households (now over 2,300) living in insecure temporary accommodation.

The Government has recently published its draft regulations with respect to Starter Homes and it is intended that the Council responds in a robust way reflecting the concerns outlined above and the concerns that have been raised by the Living in Hackney Scrutiny commission

<p><b>Recommendation Six</b></p> <p>The Commission recommends the principle of pay to stay should be resisted; however, if pay to stay is introduced it should not be triggered by a £40k income threshold in London but be set at a rent level that better reflects social rent levels and be at a level that is truly affordable and sustainable for struggling low income families and does not constitute more than 33% of a household's total gross income. Additional income from any pay to stay rents should be retained by Councils to invest in new build social housing.</p>	<p>We agree with this recommendation.</p> <p>The Council has consistently raised its, and Hackney tenants concerns with the Government over the way the Pay to Stay proposals are structured and the criteria for defining a 'higher income'. The Council has made the case (supported with detailed case studies) that Pay to Stay will act as a significant disincentive to work and aspiration. The Council believes the policy is contradictory in terms of the Government's wider objectives. Part of the rationale for the policy is removing what is referred to as the rental 'subsidy' from so called high earners. It is likely that the tenants affected are more likely in turn to exercise the RTB, which will entitle them to a significantly higher 'subsidy' in the form of a RTB discount at the taxpayers' expense which could be over £103,000.</p> <p>In addition to acting as a significant disincentive to work and aspiration the Council has also made the case that Pay to Stay would also result in significant additional housing benefit costs for the Government, and set and running costs for the Council. Far from being an income generator for the Government it will actually cost the Council over £500,000 to set up and implement the scheme in the first year.</p>
<p><b>Recommendation Seven</b></p> <p>The Commission recommends that information is made available to tenants and residents regarding the proposals in the Housing and Planning Bill and that activities are scheduled to deliver</p>	<p>We agree with this recommendation.</p> <p>The Council has been working over an extended period assessing the impact of all of the Housing and Planning Bills measures in the Hackney context. This work has included proposing amendments to the Bill, outlining the impact of the Housing and</p>

information about the changes that are proposed

Planning Bill's provisions for Hackney residents and tenants as well as holding open meetings with Hackney residents and tenants and bespoke meetings with individual tenant associations. In addition the Council has undertaken advice and information activities which have included making available information concerning the impact of the Bill through the local press, publication of the Council's written submissions on the Council website, meetings with individual housing providers working in Hackney, letters to MPs, Peers and Government Ministers.

**Information and advice activity conducted by the Council and the Cabinet Member for Housing on the Housing and Planning Bill**

- Presentation to Woodberry Down Community Organisation Board
- Public update and discussion at Hackney: A place to call home event
- Information session on the Housing & Planning Bill for campaigning tenants, advertised in Hackney Today.
- Cabinet Member support and work with leafleting campaigning residents
- Cabinet Member attendance at tenant panel meetings,
- Hackney Homes Board meeting briefing on the Housing & Planning Bill
- Open briefing and discussion meeting for Hackney Homes tenants
- Update article for Hackney Homes News on the impact of the Housing Bill Hackney action.
- Meeting with Team Hackney and other stakeholders focusing on the Housing & Planning Bill and other issues.
- Hackney Better Homes Partnership Board Meeting on the Housing and Planning Bill

**Information and advice work reported in the press**

Hackney Gazette:

[http://www.hackneygazette.co.uk/news/hackney Councillor and minister clash over affordable housing plans 1 4306769](http://www.hackneygazette.co.uk/news/hackney_Councillor_and_minister_clash_over_affordable_housing_plans_1_4306769)

[http://www.hackneygazette.co.uk/news/new social homes could be sold off before occupancy under Government plans 1 4316817](http://www.hackneygazette.co.uk/news/new_social_homes_could_be_sold_off_before_occupancy_under_Government_plans_1_4316817)

[http://www.hackneygazette.co.uk/news/politics/half hackney Council s housing stock in hoxton and stoke newington may have to be sold 1 4380288](http://www.hackneygazette.co.uk/news/politics/half_hackney_Council_s_housing_stock_in_hoxton_and_stoke_newington_may_have_to_be_sold_1_4380288)

Hackney Citizen:

<http://hackneycitizen.co.uk/2015/07/17/extending-right-to-buy-will-force-mass-Council-home-sell-off/>

<http://hackneycitizen.co.uk/2015/09/18/shelter-warns-right-to-buy-will-force-sale-of-over-2000-hackney-homes/>

<http://hackneycitizen.co.uk/2016/02/10/right-to-buy-social-housing-attack-law/>

The Guardian:

<http://www.theguardian.com/housing-network/2015/oct/05/right-to-buy-deal-truly-affordable-homes-hackney>

<http://www.theguardian.com/uk-news/davehillblog/2016/jan/11/what-will-zac-goldsmiths-2-for-1-housing-bill-amendment-achieve>

Other:

<http://www.theeastender.net/hackney-campaigners-say-kill-the-housing-bill/>

<http://www.24dash.com/news/housing/2015-10-01-Full-letter-Cllr-Philip-Glanville-urges-HAs-to-say-no>

<http://www.eastlondonlines.co.uk/2016/01/future-unclear-for-social-housing-in-hackney/>

### **Future and ongoing activity**

- Launch of an information about the Housing Bill on Hackney Council's website
- Continue to support and advise to local Councillors and TRAs organising local meetings about the Housing Bill
- Writing to all Housing Associations in the borough about the voluntary aspects of the Housing Bill
- Cabinet Member support for further meetings of the 'Save Hackney's Social Housing' group.
- Further communications to tenants and residents regarding the proposals in the Housing and Planning Bill.

During the purdah period during the run up to the London Mayoral elections neither the Council, Hackney Homes nor Cllr Glanville in his official capacity as Cabinet Member can directly write to tenants or organise meetings on political issues like the Housing Bill. The Council will of course continue this type of activity once purdah ends and it builds on the direct communications we have already done through Hackney Today, the public meeting and Hackney Homes news.





<b>APPOINTMENTS AND NOMINATIONS TO OUTSIDE BODIES</b>
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<b>COUNCIL</b> 20 <sup>th</sup> July 2016	<b>CLASSIFICATION:</b>  <b>OPEN</b>
<b>WARD(S) AFFECTED</b>  All	
<b>GROUP DIRECTOR</b>  Tim Shields, Chief Executive	

## **1. Summary**

- 1.1 The Council appoints or nominates people to represent it on various Outside Bodies. The Council's arrangements for the appointment or nomination of its representatives to Outside Bodies differ depending on the type of nomination or appointment being made. The Mayor and/or Cabinet have delegated responsibility for executive side nominations or appointments. Full Council is responsible for non-executive side appointments.
- 1.2 Two nominations to Outside Bodies are listed in the attached schedule.

## **2. Recommendations**

**Council is recommended to:**

- 2.1 **Agree the appointment or nomination of Members to Outside Bodies on behalf of the Council as listed in the Schedule.**

Report Originating Officer: Tess Merrett 020 8356 3432

Appendix 1

**HACKNEY NOMINATIONS TO OUTSIDE BODIES  
2016/2017**

NAME OF OUTSIDE BODY	Number of Appointees/ Nominees	Appointee(s)/ Nominee(s) (Deputies)	Tenure of Appointment	Decision required
<b>COUNCIL NOMINATIONS</b>				
South Hackney Parochial Charity	1	Cllr Katie Hanson	4 years	For approval by full Council
Groundwork	1	Cllr Jonathan Burke	1 year	For approval by full Council

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**APPOINTMENTS TO COMMITTEES AND COMMISSIONS**

<p><b>COUNCIL</b> 20<sup>th</sup> July 2016</p>	<p><b>CLASSIFICATION:</b> Open  If exempt, the reason will be listed in the main body of this report.</p>
<p><b>WARD(S) AFFECTED</b>  N/A</p>	
<p><b>GROUP DIRECTOR</b>  Tim Shields, Chief Executive</p>	

**1. Summary:**

1.1 In accordance with Council Procedure Rule 2.1 xiv Council is asked to agree changes in membership of Committees and Commissions as set out below.

**2. Recommendations:**

**Council is requested to:**

2.1 Agree the appointment of the following as co-opted members to the Children and Young People Scrutiny Commission:

- Sevdie Ali to replace Kyla Kirkpatrick as a Parent Governor representative.
- Jane Heffernan to fill the vacancy as the Roman Catholic Westminster Diocesan Schools Commission representative.

2.2 Agree the re-appointment of the following as co-opted members to the Children and Young People Scrutiny Commission:

- Richard Brown as the London Diocesan Board for Schools (Church of England) representative.
- Sophie Conway as a Parent Governor representative.
- Rabbi Judah Baumgarten as the Orthodox Jewish community representative.
- Shuja Shaikh as the North London Muslim Association representative.
- Ernell Watson as the Free Churches Group of Churches Together in England representative.
- Jo Macleod as the Hackney Schools Governors' Association representative.
- Ella Cox, Beth Foster-Ogg, Skye Fitzgerald McShane and Louis Comach as the Hackney Youth Parliament representatives.

2.3 Agree the re-appointment of the following as co-opted members to the Standards Committee

- Julia Bennett, George Gross, Adedoja Labinjo and Onagette Louison.

Originating Report Officer Tess Merrett 020 8 356 3432