



PLANNING SUB - COMMITTEE

Wednesday 27 July 2022
at 6.30 pm Council Chamber, Hackney Town
Hall

The live stream can be viewed here:

<https://youtu.be/XpBoN0k2flg>

The backup live stream is here:

https://youtu.be/k94Vn0-i_mQ

Planning Sub-Committee members

Cllr Michael Desmond, Cllr Clare Joseph, Cllr Michael Levy, Cllr Jon Narcross, Cllr Clare Potter, Cllr Steve Race (Chair), Cllr Ali Sadek, Cllr Lee Laudat-Scott, Cllr Jessica Webb (Vice Chair) and Cllr Sarah Young.

Substitute members

Cllr Claudia Turbet-Delof, Cllr Shaul Krautwirt, Cllr M Can Ozsen, Cllr Benzion Papier, Cllr Fliss Premru and Cllr Ifraah Samatar

Mark Carroll
Chief Executive
Tuesday 19 July 2022
www.hackney.gov.uk

Contact: Gareth Sykes,
Governance Officer
Email: gareth.sykes@hackney.gov.uk

Planning Sub-Committee

Wednesday 27 July 2022

Agenda

1 Apologies for Absence

• Declarations of Interest

A Member with a disclosable pecuniary interest or a prejudicial interest in a matter who attends a meeting of the authority at which the matter is considered:

- must disclose the interest at the start of the meeting or when or when the interest becomes apparent, and
- may not participate in any discussion or vote on the matter and must withdraw from the meeting proceedings in person or virtually.

A Member who discloses at a meeting a disclosable pecuniary interest which is not registered in the Register of Members Interests or the subject of a pending notification must notify the Monitoring Officer of the interest within 28 days of the disclosure.

Disclosable pecuniary interests, personal interests and prejudicial interests are defined at paragraphs 8.1 - 15.2 of Section 2 of Part 5 of the constitution and Appendix A of the Members' Code of Conduct.

3 To consider any proposal/questions referred to the sub-committee by the Council's Monitoring Officer

4 Minutes of the Previous Meeting

No minutes available for approval at this meeting.

5 **2021/1906: De Beauvoir Estate, Downham Road, Hackney, London, N1** (Pages 11 - 116)

6 **2021/3456: 34 Colvestone Crescent** (Pages 117 - 138)

7 **2021/3204: Land at Bishopsgate Goods Yard, Bethnal Green Road, London E1 6GY** (Pages 139 - 162)

8 **2021/0275: Yetev Lev Boys School, 111 - 115 Cazenove Road, Hackney, London, N16 6AX** (Pages 163 - 188)

9 **2021/3106: 184 Evering Road, London, E5 8AJ** (Pages 189 - 198)

10 Delegated decisions*

*Document removed from pack after formatting errors identified at the 27 July 2022 meeting by the committee. Reformatted document resubmitted at the 2 November 2022 meeting.

11 Future meeting dates

The Planning Sub-Committee to note the following meeting dates:

2022

7 September
28 September
2 November
7 December

2023

11 January
1 February
22 February
3 April
3 May

12 Any other business

PUBLIC ATTENDANCE

Following the lifting of all Covid-19 restrictions by the Government and the Council updating its assessment of access to its buildings, the Town Hall is now open to the public and members of the public may attend meetings of the Council.

We recognise, however, that you may find it more convenient to observe the meeting via the live-stream facility, the link for which appears on the agenda front sheet.

We would ask that if you have either tested positive for Covid-19 or have any symptoms that you do not attend the meeting, but rather use the Livestream facility. If this applies and you are attending the meeting to ask a question, make a deputation or present a petition then you may contact the Officer named at the beginning of the Agenda and they will be able to make arrangements for the Chair of the meeting to ask the question, make the deputation or present the petition on your behalf. The Council will continue to ensure that access to our meetings is in line with any Covid-19 restrictions that may be in force from time to time and also in line with public health advice. The latest general advice can be found here - <https://hackney.gov.uk/coronavirus-support>

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. 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:

- Director of Legal, Democratic and Electoral Services
- 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.

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

i. 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;

ii. 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

iii. 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. If you have a disclosable 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 (subject to the rules regarding sensitive interests).

ii. You must leave the meeting when the item in which you have an interest is being

discussed. You cannot stay in the meeting 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.

iii. If you have, however, obtained dispensation from the Monitoring Officer or Standards Committee you may remain in the meeting 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.

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. 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 meeting, 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 meeting unless you have obtained a dispensation from the Monitoring Officer or Standards Committee. You cannot stay in the meeting 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 meeting. Once you have finished making your representation, you must leave the meeting 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 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 non-pecuniary interest.

Further Information

Advice can be obtained from Dawn Carter-McDonald, Director of Legal, Democratic and Electoral Services via email dawn.carter-mcdonald@hackney.gov.uk

Introduction

The majority of planning applications for extensions to a home, new shop fronts, advertisements and similar minor developments are decided by Planning Officers. The Planning Sub-Committee generally makes the decisions on larger planning applications that:

- may have a significant impact on the local community; and
- are recommended for approval by the Planning Officer.

Planning Sub-Committee members use these meetings to make sure they have all the information they need and hear both sides before making a decision.

The Planning Sub-Committee

The Planning Sub-Committee is made up of Councillors from all political parties. One of the Councillors is the Planning Sub-Committee Chair. When making decisions the Planning Sub-Committee will always be:

- open about how they came to a decision,
- fair when making a decision, and
- impartial by not favouring one side over another.

All Planning Sub-Committee members will keep an open mind regarding planning applications.

The meetings are necessarily formal because the Chair and members want to listen to everyone and have the chance to ask questions so that they can fully understand the issues. Those speaking, either for or against a planning application, are generally given five minutes to explain their concerns/why they believe the application has merit. If there is more than one person for or against a planning application the five minutes is to be divided between all the persons wishing to speak or a spokesperson is to be nominated to speak on behalf of those persons. The Chair will help groups speaking on the same item to coordinate their presentations.

How the Meeting Works

The Planning Sub-Committee will normally consider agenda items in turn. If there are a lot of people for an item the Chair might change the order of the agenda items to consider an item earlier.

At the beginning of each meeting the Chair will explain how the meeting works and what can and cannot be taken into account by Planning Sub-committee members when making decisions. The procedure followed at each meeting is set out below:

- The Chair welcomes attendees to the meeting and explains the procedure the meeting will follow,
- Apologies received,
- Members declare any interests in an item on the agenda,
- Minutes of previous Planning Sub-committees are considered/approved,
- The Planning Sub-committee will consider any proposal/questions referred to the Sub-committee by the Council's monitoring officer,
- The Chair asks the Planning Officer to introduce their report/recommendation to the

Planning Sub-Committee. The Planning Officer will also inform Planning Sub-committee members of any relevant additional information received after the report was published,

- Registered objectors are given the opportunity to speak for up to five minutes,
- Registered supporters and the applicant are given the opportunity to speak for up to five minutes,
- Councillors who have registered to speak to object or in support are given the opportunity to speak for up to five minutes. The registered objectors or supporters, as the case may be, will be given the opportunity to speak for a further five minutes in such circumstances to ensure equal time is given to all parties,
- Where the applicant is a Councillor they must leave the meeting after the Planning Sub-committee members have asked them any questions of clarification/discussions

Regarding an agenda item that have been completed so that members can consider and vote on the recommendation relating to the Councillor's planning application.

- Planning Sub-committee members can ask questions of objectors and supporters or their agents and ask Council officers for further clarification before considering a Planning Officer's recommendation,

Where Planning Sub-committee members have concerns regarding a planning application that cannot be addressed to their satisfaction when considering the application, the members can resolve to defer determining the planning application until such time as their concerns can be addressed.

- The recommendation, including any supplementary planning conditions/obligations or recommendations proposed during the consideration of an item by the Planning Sub-Committee members, is put to a vote. Where an equal number of votes is cast for and against a recommendation, the Chair has a casting vote.

Decisions

Decisions of the Planning Sub-Committee relating to planning applications shall be based on:

- National planning policies set out by Government,
- Regional strategy, the London Plan, set out by the Greater London Authority,
- Development plan documents, such as the Core Strategy, Development Management Local Plan etc., and
- Other 'material planning considerations' such as the planning history of a site.

Non-planning considerations are not relevant to the Planning Sub-committee's decision making and should be disregarded by the Sub-Committee.

Speaking at the Meeting

If you have submitted a written representation to the Council in respect of a planning application you, your nominated agent or any local Councillor can register to speak at the meeting at which the application is considered by the Planning Sub-

Committee. Any person registering to speak should contact governance@hackney.gov.uk by 4.00pm on the working day before the meeting.

Speakers can seek to introduce a maximum of two photographs or other illustrative material that depicts a fair impression of the relevant site at the meeting if this will aid them

in making their representations. However, such material will only be allowed if it has been submitted to Governance Services at governance@hackney.gov.uk by 4.00 pm on the working day before the meeting and its inclusion is agreed to by all parties attending the meeting on this particular matter. In all cases, the Chair of the Sub-Committee will retain their discretion to refuse the use of such illustrative material.

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ADDRESS: De Beauvoir Estate, Downham Road, Hackney, London, N1	
WARD: De Beauvoir	REPORT AUTHOR: Nick Bovaird
APPLICATION NUMBER: 2021/1906	VALID DATE: 23-09-2021
<p>DRAWING NUMBERS:</p> <p>Existing Plans and Elevations: 9_1804_B_P_200_A, 9_1804_E_P_200_A, 9_1804_H_P_200_A, 9_1804_N_P_200_A, 9_1804_T_P_200_A, 9_1804_W_P_200_A, 9_1804_B_P_310_A, 9_1804_E_P_310_A, 9_1804_H_P_310_A, 9_1804_N_P_310_A, 9_1804_T_P_310_A, 9_1804_W_P_310_A,</p> <p>Proposed Site Plans: 9_1804_1_P_001_B, 002_B, 010_A, 011_A, 012_A, 013_A, 014_A, 015_A, 016_A,</p> <p>Proposed Floor Plans: 9_1804_B_P_210_C, 211_C, 212_C, 215_C, 216_A, 9_1804_E_P_210_C, 211_C, 212_C, 213_C, 215_C, 216_C, 217_C, 9_1804_H_P_210_E, 211_C, 212_C, 213_C, 215_C, 216_C, 217_C, 9_1804_N_L_210_C, 211_C, 212_C, 215_C, 216_C, 217_C, 9_1804_T_P_210_A, 211_A, 212_A, 213_A, 214_A, 9_1804_W_P_210_G, 211_C, 212_C, 215_C, 216_C, 217_C,</p> <p>Proposed Elevations: 9_1804_B_P_300_C, 301_C, 302_C, 303_C, 9_1804_E_P_300_C, 301_C, 302_C, 303_C, 9_1804_H_P_300_C, 301_C, 302_D, 303_C, 9_1804_N_P_300_C, 301_C, 302_C, 303_A, 9_1804_T_P_300_A, 301_A, 302_A, 303_A, 9_1804_W_P_300_F, 301_C, 302_C, 303_F,</p> <p>Sections: 9_1804_B_P_400_C, 401_C, 9_1804_E_P_400_C, 401_C, 402_C, 403_C, 9_1804_H_P_400_C, 401_C, 402_C, 403_C, 9_1804_N_P_400_C, 9_1804_P_401_C, 402_C, 403_C, 404_C, 405_C, 406_C, 407_C, 9_1804_T_P_400_A, 401_A, 9_1804_W_P_400_C, 401_C, 402_C, 403_C, 404_C, 405_C, 406_C,</p> <p>Flat Types: 9_1804_1_P_040_A, 041_A, 042_A, 043_A, 044_A, 045_A, 046_A, 047_A, 048_A, 049_A,</p> <p>Tenure Site Plans: 9_1804_1_P_020_A, 021_A, 022_A, 023_A, 024_A, 025_A,</p>	

Wheelchair Accessibility Site Plans:
9_1804_1_P_030_A, 031_A, 032_A, 033_A, 034_A,
035_A,

Stage 3 Landscape Outline Specification
VLA-SP-L-3011-010 Rev 01, Planting Schedule
VLA-SH-L-3011-002 Rev 01,

Landscape Plans: VLA-DR-L-3011-1010 Rev 04, 1020
Rev 04, 1030 Rev 01, 1040 Rev 01, 1050 Rev 01, 3010
Rev 04, 3020 Rev 04, 3030 Rev 01, 3040 Rev 01, 3050
Rev 01, 4010 Rev 01, 4020 Rev 01, 4030 Rev 01, 4040
Rev 01, 4050 Rev 01, 5010 Rev 01, 5021 Rev 01, 5022
Rev 01, 5030 Rev 01, 5040 Rev 01, 5050 Rev 01, 6010
Rev 01, 6020 Rev 01, 6030 Rev 01, 6040 Rev 01, 6050
Rev 01, 7000 Rev 01, 7001 Rev 01, 7002 Rev 01, 7003
Rev 01,

Materials Palette: 9_1804_1_P_700_A, 701_A

Detail Drawings: 9_1804_1_P_500_A, 501_A, 502_A,
503_A,

Design and Access Statement Rev C, Planning
Statement, Air Quality Assessment June 2021 by
XCO2, Arboricultural Assessment, Biodiversity Net
Gain Assessment V2.0 by the Ecology Consultancy,
BREEAM Appraisal 21/05/2021 by XCO2, Delivery and
Servicing Management Plan May 2021, Conservation
Area Impact Assessment V3_Jun21 by SLR,
Daylight/Sunlight Assessment 7 September 2020,
Equality Impact Assessment, Health Impact
Assessment Rev 4, Estate Co-ordination Plan July 21,
Fire Strategy Report – Downham Road East Rev 02 by
MLM Group, Fire Strategy Report – 81 Downham Road
Rev 02 by MLM Group, Fire Strategy Report –
Townhouses Rev 02 by MLM Group, Fire Strategy
Report – Downham Road West Rev 02 by MLM Group,
Fire Strategy Report – Balmes Road Rev 02 by MLM
Group, Fire Strategy Report (Hertford Road) Rev 02 by
MLM Group, Flood Risk Assessment Rev 02 by Wilde,
JBA Flood Data by Envirocheck, Transport Assessment
July 2022 (Issue 6), Preliminary Ecological Appraisal
V2.0 by the Ecology Consultancy, Residential Travel
Plan May 2021, Statement of Community Involvement
June 2021, Sustainability Statement June 2021 by
XCO2, Whole Lifecycle Carbon GLA Spreadsheet,
Vibration Assessment Rev A by Adnitt Acoustics, Stage
3 Acoustics Report by Adnitt Acoustics

Circular Economy Statement May 2022 by XCO2,

Proposed Riser allowances to facilitate a future District
Heat Network Connection (drawing) by XCO2,

Proposed Communal Plant allowances to facilitate a future District Heat Network Connection (drawing) by XCO2,

Health Impact Assessment April 2021 by Tibbalds,

De Beauvoir Phase 1 ref.2021/1906 Consultation Response Pack dated 18th January 2022 from Tibbalds

Planning Query Response Document dated 15th June 2022

Letter from Waldrams dated 03/12/2021 “Re: De Beauvoir Estate Phase 1”

Letter from Waldrams dated 06/12/2021 “Re: De Beauvoir Estate Phase 1- 81 Downham Road”

Letter from Waldrams dated 15/12/2021 “Re: De Beauvoir Estate Phase 1”

De Beauvoir Estate Phase 1 (2021/1906) Addendum dated 07/02/22 by Waldrams

Public Realm / Landscape response to planning comments by Vogt January 2022

Note on Ecology by Temple dated 03/02/2022

Report on Underground drainage issues (SUDS) raised following the planning submission Ver.3 by Wilde Consulting Engineers

9_1804_3.2.3_Cycle Strategy Document dated 01.03.22 by Henley Halebrown

Car and Cycle Parking Summary Schedule dated 11/04/2021

66200643-MLM-ZZ-XX-RP-YF-00011 (Fire Strategy) dated 27/04/2022 by MLM Group

Stormwater Drainage Strategy (Addendum to Flood Risk Assessment) 683-054-SDS-0 Rev 2

Sustainability Statement March 2022 by XCO2,

Response to Sustainability Statement Comments dated 29/04/2022

Mayor of London ‘Be Seen’ Statement, RXYQ-U Technical Details Spreadsheet, Energy Memo: GLA Consultation, Amicus LAHP-2302LT Air Source Heat Pump Technical Data Sheet, GLA Carbon Emission Reporting Spreadsheet, Low Temperature R-Split Heat Pump (outdoor) R410-A Technical Data Sheet, Amicus boost heat pumps Technical Data Sheet,

Energy Statement March 2022 by XCO2, JB195078/AT/B02 Rev C, EV Parking Map, Planning Query Response Document Rev E, Whole Lifecycle Carbon Assessment by XCO2 dated 07/06/2022	
AGENT: Tibbalds, 9 Maltings Place , 169 Tower Bridge Road, London, SE1 3JB	APPLICANT: Hackney Housing Supply Programme
PROPOSAL: All works associated with site clearance of six sites and erection of five buildings of six storeys and a four storey row of ten terraced houses, to provide 189 mixed tenure residential dwellings (Use Class C3) and 593m2 of non-residential space (Use Class E); landscaping to include residential courtyards, public realm, tree planting, the provision of play space, reorganisation of existing car parking and all associated infrastructure.	
POST SUBMISSION REVISIONS: <ul style="list-style-type: none"> ● Ground floor footprint reduced on corner of Downham Road and Southgate Road; ● Internal revisions to allow amended fire strategy; ● Trees retained on Downham Road; ● Pillar removed on Hertford Road; ● Development description amended to refer to 593m2 non-residential space, following amended Design and Access statement. <p>These amendments are sufficiently minor that it has been considered unnecessary to carry out a further consultation on the application.</p>	
RECOMMENDATION SUMMARY: Grant planning permission subject to conditions, Unilateral Undertaking, no issues arising from consultation with the Health and Safety Executive, and referral to the Greater London Authority.	

REASON FOR REFERRAL TO PLANNING SUB-COMMITTEE:	
Major application	Yes
Substantial level of objections received	Yes
Council Owned Application	Yes

ANALYSIS INFORMATION

ZONING DESIGNATION: (Yes) (No)

CPZ	De Beauvoir	
Conservation Area	No	
Listed Building (Statutory)		No
Listed Building (Local)		No
Priority Employment Area	No	

LAND USE:	Use Class	Use Description	Floorspace Sqm
Existing	Sui Generis D1	Parking Podium TRA Building	1358 52
Proposed	E C3	Non-Residential Residential	593 18829

RESIDENTIAL USE DETAILS:	Residential Type	No. of Bedrooms per Unit				Totals
		1	2	3	4+	
Proposed						
Private	Flats	35	32	17		
	Houses			10		94 (49.7%)
Social rent	Flats	22	22	15		59 (31.2%)
Intermediate	Flats	15	13	8		36 (19.0%)
Totals		72 (38.1%)	67 (35.4%)	50 (26.5%)		189

PARKING DETAILS: (Whole Estate)	Parking Spaces (General)	Parking Spaces (Disabled)	Bicycle storage
Existing	71	6	0
Proposed	52	12	451 Residential (incl 72 for visitors)

			16 Commercial (incl 2 for visitors)
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CASE OFFICER'S REPORT

1.0 SITE CONTEXT

1.1 The application comprises five sites within the De Beauvoir Estate, which is bounded by Southgate Road to the west, Downham Road to the north, the Regents Canal to the south and Hertford Road to the east. The De Beauvoir Estate was constructed in the 1960s and '70s and contains five towers of 15-19 storeys, a number of 6-7 storey linear blocks along with lower blocks and terraced rows. Across Downham Road lies the De Beauvoir Conservation Area, which is characterised by 2-3 storey Victorian semi-detached properties and terraces. To the west lies Rosemary Gardens within the London Borough of Islington, which is flanked by 4-5 storey modern development on the corner of Southgate Road. Hertford Road, which bounds the estate to the east, is characterised by 2-3 storey Victorian buildings and 4-5 storey modern development. The height of Downham Road as it heads east beyond Hertford Road towards Kingsland Road, climbs as it becomes characterised by modern development. The five sites within the proposed development are as follows:

1.2 Downham Road West:

The site is located at the north western corner of the estate, on the southern side of Downham Road, at the corner with Southgate Road. The site comprises an existing compound of twelve portakabins in its northern portion, with publicly accessible green space to the south including mature trees.

1.3 TRA and 81 Downham Road:

The site is located on the southern side of Downham Road, approximately halfway between Southgate Road (60m to west) and Clifford Road (40m to east). It is to the north of the 6 storey, L-shaped building of St Laurence Court and the existing green space to the north of the 6 storey St Brelades court. The site comprises a Multi-Use Games Area ('MUGA'), parking and a Tenants and Residents Association (TRA) office on the western part of the site. Across an access road (Ufton Road), the eastern part of the site is vacant but was last occupied by a temporary primary school. The southern part of the site includes car parking accessed via Ufton Road and landscaped green space. Six street trees border the site on Downham Road, one of which is within the site boundary.

1.4 Downham Road East

The site is located on the southern side of Downham Road, on the corner with De Beauvoir Road, which lies to the west. The southern boundary of the site is formed by the 19 storey tower of Lanresse Court and its associated green space and the 7 storey linear block of Fermain Court. The site contains 12 portakabins forming a contractor depot. The southern part of the site contains car parking, a substation, a bin store bordering the Lanresse Court green space and a mature tree. Seven street trees border the site on Downham Road on De Beauvoir Road.

1.5 Balmes Road:

The site is located adjacent and to the north of the Regent's Canal, between the two 15 storey towers of Granville Court and Corbiere House. The northern part of the site is landscaped green space bounded by the 6 storey blocks of St Aubins Court, St Brelades Court and Benyon Court. Existing development across the Regents Canal is varied but generally post-war and of 5-7 storeys, with the northern boundary of the ongoing Colville Estate regeneration also reaching the canal edge opposite the site. The site comprises a former parking garage over two levels, which is now disused. It contains several trees neighbouring the canal towpath and has a sizeable community garden adjacent to the west, to the north of the towpath.

1.6 Hertford Road:

The site is located on the southern side of Downham Road, on the corner with Hertford Road, forming the north eastern corner of the estate. The southern boundary of the site formed by the 7-storey Fermain Court and the 6 storey St Martins Court. The site currently contains unutilised hardstanding. It is bordered by seven street trees.

1.7 In terms of land use constraints, none of the sites are located in a Priority Office or Industrial Area (POA/PIA), The Downham Road East and Hertford Road sites are located within the Crossrail 2 Safeguarding Zone. Regents Canal is a designated Green Link and Site of Importance for Nature Conservation (SINC).

1.8 The sites have a Public Transport Accessibility Level (PTAL) of 2-5 (where 1 is the lowest and 6 is the highest).

2.0 Conservation Implications

2.1 The sites do not lie within any conservation area but all are within the setting of a Conservation Area. The Regents Canal Conservation Area lies to the south of the estate, adjacent to the Balmes Road site. The De Beauvoir Conservation area lies to the north of Downham Road, adjacent to the other sites. The eastern part of the estate is adjacent to the Kingsland Conservation, across the road from the Hertford Road site. Approximately 70m to the west of the Downham Road West site lies East Canonbury Conservation area in L.B. Islington.

2.2 None of the sites contain any statutorily or locally listed buildings, nor are there any on the wider De Beauvoir Estate.

2.3 Nos.96- 98 Downham Road are statutorily listed at Grade II and lie directly across Downham Road from the TRA site. Nos.22-24 Hertford Road are statutorily listed at Grade II and lie to the south of the Hertford Road site. To the north of the Downham Road East site, No.54 Downham Road is locally listed, as are Nos.60-62 Downham Road 115m to the west.

2.4 The site does not lie within an Archaeological Priority Area.

3. Planning History

3.1 *De Beauvoir Estate*

2020/3298: Request for an Environmental Impact Assessment (EIA) Screening Opinion under the Town and County Planning (Environmental Impact Assessment) Regulations 2017 (as amended) for a development consisting of works associated with site clearance, construction of buildings and landscaping across Phases I and II of Estate Regeneration scheme.
EIA not required: 10-12-2020

Officer's Note: There are a number of other recent applications on the site for works to the fenestration of existing buildings.

3.2 *Downham Road West*

2005/1175: Retention of a two storey portacabin to provide temporary offices in connection with the Hackney Decent Homes Programme for a period of five years, together with ten car parking spaces and 2.5m high hoarding and gates.
Granted: 11-11-2005

3.3 *TRA and 81 Downham Road*

2017/1144: Temporary use of the site as a school buildings including provision of 2 x two storey, modular buildings, 1 x single storey building for school hall, 2 x single storey administration buildings and associated works.
Granted: 05-09-2017

3.4 *Downham Road East*

2005/1287: Retention of a single storey portacabins on top of existing garages for use as offices and storage in connection with the Hackney decent homes programmes for a period of 6 years.
Granted: 11-11-2005

3.5 *Colville Estate*

2011/0734: Outline Planning Application for: The demolition of the existing buildings comprising of 412 dwellings and 350 sq.m (Gross Internal Area) of non-residential floorspace, and the development of a residential led mixed use scheme of replacement buildings comprising of: Residential (Use Class C3) up to 884 dwellings, of which up to 1,010 sq.m (GIA) can be Business (Use Class B1); Mixed use of Retail (Use Class A1), Financial and professional services (Use Class A2), Restaurants and café (Use Class A3), Drinking establishments (Use Class A4), Hot food takeaways (Use Class A5), Community/Health uses (Use Class D1), and Assembly and leisure (Use Class D2) up to 950 sq.m (GIA); Vehicular and cycle parking (to basement, semi-basement, under-croft and surface level); Together with associated areas of open space, hard and soft landscaping; alterations to new pedestrian and vehicular accesses and highway and engineering works; electricity sub-station and other utility requirements, including an energy centre; and other associated temporary works or structures.
Granted: 30-03-2012

3.6 *90-100 De Beauvoir Road*

2014/1671: Part demolition of single-storey rear elements to 92 and 94 De Beauvoir Road and erection of new two-storey rear element to rear of 92 De Beauvoir Road with internal courtyard area; erection of single-storey roof extension to 92 and 98 De Beauvoir Road at second floor level to replace existing roof structures; erection of

single storey roof extension to 94, 96, and 100 De Beauvoir Road at third floor level; erection of single storey rear extension at second floor level; total increase in B1 floorspace of 1,065sqm (net 686sqm); provision of additional cycle storage.
Granted: 21-09-2015

3.7 *19-29 De Beauvoir Road*

2019/1063: Temporary change of use from retail (use class A1) to an office (use class B1) and installation of new front door.
Granted 04/07/2019

3.8 2012/2828: Demolition of existing buildings and erection of a part 4-, part 9-storey building to provide 462 sq.m of Retail (Use Class A1) floorspace at ground and basement floor, and 33 self-contained residential units (2 x 1-bedroom, 20 x 2-bedroom, and 11 x 3-bedroom) to the upper floors together with the formation of roof terraces and balconies, disabled car parking, secure cycle spaces, refuse/recycling storage and, hard and soft landscaping.
Granted: 20/01/2014

3.9 *Carriageway adjacent to Rose Lipman Library/ Community Centre*

2013/0571: Installation of a Barclays Cycle Hire docking station for 32 cycles on carriageway adjacent to Rose Lipman Library.
Granted 05/04/2013

3.10 *59 Downham Road*

2012/1125: Installation of internally illuminated and static fascia sign (3.25m x 0.3m). Together with installation of non-illuminated wooden projecting sign (0.5m x 0.3m) at fascia level of the ground floor of shop unit.

3.11 *24 Southgate Road*

2006/0957: Conversion of existing four-storey over basement building and addition of nine floors to create thirteen-storey over basement building comprising 1200 sqm B1 (Business) floor space at lower and upper ground floors and 98 affordable housing units (27 one-bed units, 53 two-bed units and 18 three-bed units)above.
Refused: 19-07-2006 (Allowed on appeal)

3.12 No relevant enforcement or appeal history.

4.0 Consultation

4.1 Date Statutory Consultation Period Started: 4th November 2021

Officer note: The original consultation started in September 2021 and additional letters were sent to statutory consultees, including LB.Islington, in early November, who had not been sent letters at first.)

4.2 Date Statutory Consultation Period Ended: 25th November 2021

4.3 Site Notices: Yes.

4.4 Press Advert: Yes

4.5 Neighbours

Letters of consultation were sent to 1820 adjoining owners/occupiers. At the time of writing the report (19/06/2022), 31 objections had been received, on the following grounds:

- The proposed design of the new blocks is not adequate to preserve the character of the area and should be rethought;
- Impact on daylight, sunlight, outlook and the sense of enclosure at neighbouring properties;
- Overlooking of existing properties;
- The existing estate has been poorly maintained and money from private sales here should be spent on maintenance of the existing buildings;
- Loss of green space on corner of Southgate and Downham Roads, in contradiction of the Council's vision of sustainability and a greener future. This space is well used;
- Loss of existing mature trees;
- Too little open space is proposed for the new residents, when compared to the policy target of 14m² per new resident, which would require 26,485m²;
- Downham Road should be turned into a park, to provide 7000m² of new open space;
- Loss of the grow your own allotments for existing residents;
- The new buildings will make the estate too dense;
- The proposed affordable housing is not genuinely affordable;
- Impact on fire safety because of a narrow alley proposed between the new three storey terrace and existing buildings, which wouldn't allow access by fire crews;
- Potential for anti-social behaviour in the alley between the new three storey terrace and existing buildings;
- New residents should not be given parking permits and there should be no additional parking areas provided;
- More bicycle storage should be provided for existing residents. The old pram sheds should be upcycled into safe, secure bike storage;
- The application should have come forward as individual applications for separate sites, rather than all together;
- The pre-planning consultation process has not led to any substantive changes to the design of the proposal;
- Residents have not received letters from the Council about the planning consultation;

- The planning website does not make it easy to send in comments;
- Consultation comments should be available for public view;
- Impact on existing residents during the construction period, including noise, dust and the increased road traffic with construction lorries;
- Downham Road is too busy to cross, even without the construction period and additional homes proposed;
- The Balmes Road car park should be reopened, not built on;
- All the proposed sites fall within the definition of a tall building, as defined by the London Plan, because they are all over 18 metres tall and all, except for one building, are 6-storeys high. Particular consideration is therefore required in relation to their impact on neighbouring properties in terms of amenity, including daylight, sunlight and privacy.
- The submitted Daylight Sunlight report is inaccurate in relation to 81 Downham Road in particular;
- There has therefore been inadequate assessment of the impact of the Development on the siting of the De Beauvoir CA within the submitted Conservation Area Impact Report, where there is no discussion of how adding buildings that better conform with the design, mass and height of buildings on the estate would impact on the siting of the De Beauvoir CA.
- The Downham Road East buildings will narrow the pavement at the corner of Downham and De Beauvoir road in a manner that will be unsafe for pedestrians.

These objections are considered in the report that follows.

4.6 Statutory / Local Group Consultees

4.6.1 Greater London Authority (GLA) - Stage 1 Review:

Principle of estate regeneration:

Whilst offering additional housing and affordable housing supply, the infill proposal will have a direct and permanent impact on residents living within an existing estate, including changes to community facilities, amenity, play and sports facilities, access and parking. Further information should be provided to demonstrate the proposal will ensure minimal disturbance to existing residents during construction, and that engagement will continue during construction phases (paragraphs 15 to 24).

Land use principles:

The principle of the residential use and the optimisation of the site to support housing delivery is strongly supported, subject to securing the re-provided residents' facility in accordance with Policy S1 and GPGER principles, and subject to further justification for the proposed reconfiguration of the existing basketball courts (paragraphs 25 to 41).

Affordable housing:

The infill scheme proposes 50% affordable housing (by habitable room) with a tenure split of 62% social rent and 38% shared ownership. The scheme may be eligible to follow the Fast Track Route subject to confirmation that the proposed affordable offer would be secured unconditionally; that the proposed tenure split is acceptable to the Council; and that the scheme meets other relevant policy requirements and obligations to the satisfaction of the borough and the Mayor. Affordability levels must be secured within a S106 agreement. If the FTR criteria are met, only an early stage review mechanism is required (paragraphs 45 to 52).

Urban design:

The overarching approach introduces a well-defined, consistent residential typology that reflects the existing character of the area. The height and massing responds well to its surroundings. Further detail is required regarding the play strategy (paragraphs 53 to 78).

Transport:

Conditions and obligations are required to secure a detailed construction logistics plan, delivery and servicing plan, travel plan, LCDS compliant cycle parking, EVCP provision and the public realm improvements identified in the ATZ assessment (paragraphs 122 - 135).

Other issues on environmental issues and sustainable development also require resolution prior to the Mayor's decision making stage.

Circular economy

The GLA CE Team has advised that the Applicant has provided a revised Circular Economy Statement which is welcomed and that the Applicant has provided a good level of input following the issue of previous comments, including the provision of all outstanding supporting documents. A post-construction monitoring report condition should be added.

Water

In response to the previous GLA Stage 2 water Comments, the Applicant provided a Stormwater Drainage Strategy – Addendum to Flood Risk Assessment (Wilde, 22 April 2022). The Applicant has thereby committed to what was deemed the most feasible strategy of discharging into the public combined sewer. The discharge rate has been reduced from 2 l/s to 5 l/s, which is supported. Areas suitable for permeable paving and blue roof have been confirmed and are now clearly shown in the updated drainage plan. This is supported.

Officer's Note: Further submissions have been made to the GLA, during the course of the application, addressing the comments above. The GLA will undertake a final review of the submission at the point of its Stage 2 referral, following a decision by the Hackney Planning Sub Committee.

4.6.2 De Beauvoir Estate Tenants and Residents Association:

- Impact on the townscape and on the amenity of existing residents;
- There are too many documents submitted for it to be possible for residents to review them all within the statutory consultation period;
- The application contains no benefits to existing residents;

- Leaseholders have been informed that they are financially liable to contribute to the costs of the proposed infrastructure and landscaping;
- Prior to the planning application, residents were informed that the proposal would contain 100% affordable housing;
- More social rented accommodation should be proposed;
- The application does not clarify how the construction programme would be monitored;
- Other developments in Hackney that have been granted planning, based on a planning policy compliant tenure mix, have subsequently had to revert to a model with +50% private sale;
- Phases 2 & 3 have not outlined their proposed tenure mix;
- No community consultation has taken place to date regards phases 2 and 3 despite both being outlined as proposed / ring fenced in this phase 1 planning application. This means residents & stakeholders are being asked to take into account phases 2 & 3 without having any information to assess the overall proposed Housing Supply Programme, or its impact on the De Beauvoir Estate. The phases must be understood as a whole;
- There are inaccuracies in the numbers of existing residential units / number of residents on De Beauvoir Estate throughout the submission. The reference / source / method of calculation for numbers used is not supplied. In addition, they appear to diverge from those used by other Council services e.g. Leaseholder Services / Service Charges. The impacts of the development on existing infrastructure cannot therefore be accurately assessed;
- The non-residential uses do not benefit the wider estate;
- Despite assurances prior to the application that the inbuild courtyard blocks would not be “gated”, and the design would be outward facing, they are gated and inward looking;
- References to passive surveillance should be removed, since it is undefined in the submission and implies neighbours should intervene, though it would be dangerous to do so.
- The construction process is liable to be noisy and dusty, involving many heavy vehicles, to the detriment of existing residents and potential damage to the infrastructure and public realm of the estate;
- The demolition of the Balmes Road podium garages must not damage the allotment garden or pollute the soil;
- Though the buildings are described as six storeys, they have higher floor to ceiling heights than the existing buildings of the estate, additional height at ground floor and parapets around the rooftop space. As such, the Proposed Elevations show that they are the same height as 8 storeys of the existing tower blocks;
- The proposals create a significantly higher defined street-frontage along Downham Road, that hides the existing Estate buildings;
- Overshadowing of the Grow Your Own garden adjacent to the Balmes Road site. These are productive spaces, well used by the community. BRE guidance should be only one consideration when assessing whether these spaces are badly affected. A third of the 10 raised bed allotments and the wild flower garden will be in shade all year round. It is not possible to grow fruit and vegetables in low light conditions;
- Set up in 2017 and developed over 5 years, the significant funds raised necessary to set up and develop the DBE GYO were raised by a group of residents/volunteers via Tenants Residents Association Funds and the Greater London Authority Greener Space Fund. To date the allotment gardens/GYO have cost in excess of £100,000, in addition to the annual costs to gardeners of provisioning their own plots, and

enormous contribution of time, energy and dedication by the community of gardeners involved;

- The “new storage space provided” to the GYO replaces an existing lock up storage which is being demolished. The gardeners already used what these proposals refer to as “additional GYO area to the western edge of the building”;
- It will not be safe to go to the allotments or play in the playground in front of Granville court during the construction period;
- The applicants show an ignorance of the use of the estate, such as suggesting that the west, rather than the east, entrance to Granville Court is the best used;
- Intermediate housing products should not be considered affordable housing;
- This should not be considered a regeneration scheme, since includes no repairs to existing blocks, such as Fermain Court, which have not been adequately maintained or refurbished for years;
- Green Space proposals disregard feedback from residents which highlighted how important grassy areas are to the estate. Grassy areas have not been increased compared to the existing condition despite this being highlighted as a concern;
- Proposed grassy area between Corbiere House and Granville Court is not biodiverse and would be north facing;
- There is no genuinely improved public realm for existing residents, nor increased or improved play space provision, and existing open space would be reduced;
- Only 2.46m² open space is proposed per person, short of the 14m² required by policy LP48;
- In the event of a shortfall, LP48 requires applications “to make physical improvements to the public realm to improve access to existing public open spaces and make financial and/or physical contributions towards the provision of new open space.” This is not proposed;
- The improved UGF is only achieved because of the hardstanding on the existing sites. Even then the improvement is 0.303, rather than the residential policy target of 0.4. There could be much greater gains with less emphasis on proposed hard standing or grassy areas and HSP should consider these matters more important;
- The amount of trees to be lost (28, of which 18 are mature), shows that the designs have not properly considered their importance, along with hedges and other natural features. The number of new, immature trees (17% increase) to be planted is not commensurate with the loss of the mature trees. As Phase 1 of the development, this also creates a poor precedent for any future development of the estate;
- There is no access to the proposed gated green space, or rooftop gardens for existing residents and no proposal to provide rooftop gardens on the existing towers and mid-rise blocks for existing residents;
- Peregrine Falcons have regularly nested on DBE for the last 5 years. This is disregarded / ignored in these proposals;
- In sunlight amenity terms, the two amenity spaces adjacent to the Balmes Road proposal do not meet the BRE Guidelines’ recommendations for an amenity space;
- No evidence is presented to support the statement that the applications will improve existing residents health and well being, despite it being identified as a key aim. This despite significant negative impacts for health and well-being being identified in these proposals (without mitigating measures);
- Very low engagement in all consultations prior to the application submission was reported. The Tenants Residents Association was not included in the consultation, despite it being the only statutory local government body representing residents on the Estate;
- The concerns raised by residents during the initial consultations have been ignored;

- There is a reduction in the number of parking permit spaces available to residents;
- There is no provision for other forms of housing e.g. pitches for the traveller community, custom-self build, housing for older and vulnerable people;
- The Phase 3 ringfenced locations outlined in this proposal have not been publicised or consulted upon.

4.6.3 Hackney Society

The HSPG need to be convinced that the scale, bulk and massing along Downham Road is appropriate in the context of the surrounding conservation areas. For a scheme of this prominence we expect to see a series of fully rendered verified views (where the scheme can be seen) and wirelines (where the scheme is hidden by obstacles) to allow the full extent of the proposals to be reviewed. The massing views shown within the Conservation Appraisal are wholly inappropriate and do little to convince the HSPG that the scheme is appropriate in the Downham Road context.

We have been unable to find a context site section within the planning documentation that cuts across the De Beauvoir Conservation Area, through Downham Road and the proposals. This drawing would allow the scheme to be reviewed in the neighbouring context. Its omission suggests that this relationship may not be wholly successful and might highlight that the reduction in pavement width along this stretch of Downham Road is inappropriate as a mediator between the carriageway and new building line.

There is limited consideration within the proposal documents that show how the existing estate's navigation has been considered. This seems a missed opportunity to review and improve the way in which the estate navigation and routes work for both residents (both existing and new) and the people that visit or move through the estate.

The proposed scale and massing of courtyard "C" blocks are tight and although the apartments are shown as dual aspect, these overlook the deck access, which is not as generous as it could be. We suspect that the kitchens that look onto these areas will be dark and not provide the passive surveillance that the architects hope they would.

The siting of the new proposals will have a negative impact on the existing residential amenity and whilst the Daylight / Sunlight Report does its best at negating these affects, the existing dwellings (especially those at the base of the existing blocks) will be severely impacted.

The materiality and architectural expression of the new proposals clearly references the existing estate architecture with the added flourishes and detail that are typical of Henley Halebrown's other estate regeneration projects within Hackney. Whilst we understand that the estate needs to be seen as a coherent whole and that the same architectural expression is a way of harmonising the new with the existing, we feel that there is a missed opportunity to bring more individual character to the blocks. The scale of the proposals could absorb bolder or differing materials, colours and textures.

Officer's Response: The design of the development is discussed in detail below and a further context section across Downham Road has been provided during the course of the application.

4.6.4 Kingsland Conservation Advisory Committee (CAAC):

We appreciate the need for more properties in Hackney to alleviate the Council's large waiting list and making use of space on the De Beauvoir Estate is a reasonable option. However we do have some reservations about how the proposed buildings along Downham Road will affect the setting of the De Beauvoir and the Kingsland Conservation Areas.

We seriously regret the decision not to follow the established building line along Downham Road but to set the four buildings (Hertford Road, Downham Road East, 81 Downham Road and Downham Road West) closer to the pavement edge. Given the bulk of the six storey blocks and the proposed use of the dark lbstock brick to match the existing buildings on the estate, siting the new buildings so close to the road will appear oppressive and have a detrimental effect on the streetscape. The views along Downham Road from Viewpoint 01, at the junction of Southgate Road, and Viewpoint 8, at the junction with Kingsland Road, demonstrate how overbearing the new six storey buildings will be.

In the Heritage Statement a study of the visual impact and significance of effect concludes that 'none of the sites should have an adverse effect on the Conservation Areas as they represent an improvement to the existing baseline environment'. However as the sites currently comprise hoardings and shipping crates, recycling bins, derelict concrete structures and a parking podium it is quite hard not to make a positive difference. Even so of the 12+1 viewpoints two have a neutral impact/effect, eight are low beneficial/slight enhancement and only three show medium beneficial/moderate enhancement which is hardly a ringing endorsement of the proposals.

Downham Road West at the junction of Southgate Road and Downham Road is a very visible corner stone to this development particularly as it is located on the borders of Hackney and Islington. The proposed design fails to enhance this site. It should hold and visually help 'turn the corner'. Merely having a token amendment at ground floor level fails to give this facade refinement.

The entrances on these buildings appear too narrow given the amount of use they will receive. Double width doors would seem a better solution and be more in keeping with the large entrance lobby areas. The suitable provision of furniture and plants should make these places attractive for residents rather than just spaces to traverse before reaching the lifts and stairs. It is unfortunate that at the Downham Road West and 81 Downham Road buildings the flats on the ground floor, most of which are designated for wheelchair access, are served by the much smaller entrances adjacent to plant rooms. We are also concerned about the outside central spaces in these buildings which are uninspired with a single tree, hard landscaping and surrounded by the rear of the plant and switch rooms, the waste stores and the retail units. A touch of beauty would not go amiss!

We hope that the accommodation will be as good and spacious as possible given the many constraints. We note that all of the flats and houses exceed the minimum

space standards set out in the London Plan and elsewhere. However we are disappointed that the living areas in the flats for five persons could not be more generous. The two houses at either end of the new terrace overlook the waste storage facilities for St Lawrence Court. Not only is this an uninspiring view but it could be quite noisy when the bins are being moved or someone is dumping heavy items or bottles. Similarly we hope that the two ground floor flats at the Balmes Road site have suitable acoustic treatment for the walls separating them from the cycle store, plant rooms and waste storage. These flats are lower than the upper section of public walkway beside the canal. Not only will their view from the outside terrace/balcony be limited but there may be loss of privacy issues resulting from the walkway.

Many of the properties on the north side of Downham Road opposite the proposed new buildings will suffer some loss of light. It would seem that, because this is an urban area, reductions in daylight no greater than 30% are deemed minor transgressions from targets laid out in the BRE guidelines. There are some properties where several windows will suffer a 30-39.9% reduction and a few where the reduction in daylight will be greater than 40%. All 16 of the windows at 32a-34 Hertford Road will be substantially affected by the Hertford Road building and it is argued that some of the windows have been partially or entirely blocked from within for the last ten years, but the use of the building may change in future.

However it is on the estate itself where the greatest reductions are observed, most notably at St Lawrence Court, St Aubins Court and St Brelades. Many of these windows do not meet the BRE criteria and nearly a half face a reduction in daylight of greater than 40%. These values are explained as primarily the result of the architecture of the buildings or that the windows serve circulation spaces or non-habitable rooms. According to the Daylight and Sunlight report 'numerical targets within BRE guidelines are purely advisory and may be viewed flexibly where it is appropriate to do so within the confines of the development site'. We wonder the value of commissioning these reports if all the anomalies can be explained away with impunity. However the report does point out that, with respect to Trafalgar Point on the corner of Southgate Road, 'it should be noted that were the ground floor windows required to be respected to no greater than 20% reductions in daylight it is likely that the development site at Downham Road West would be restricted to a much lower massing across the site, likely as low as one or two stories'.

The architects have provided drawings showing the constraints and opportunities of each site. Those for the proposed buildings along Downham Road and Hertford Road show orange hatched lines in front of the Victorian buildings which are not explained in the key to the diagrams. However the explanation of 'possible rights to light issues with existing dwellings' is provided on the diagram for the Balmes Road site where there aren't any such issues. It is noted that the other major constraint of residential windows and amenity close to the boundary will require measures to address privacy, overlooking and overshadowing concerns. But the issue of possible rights to light issue does not appear to be addressed.

The De Beauvoir Estate will be made far more appealing with the provision of plenty of greenery such as trees and shrubs. We would like to see some variation from the dark lbstock brick referred to in our second paragraph. This material strikes a rather stark and sombre stance and the intermingling of a lighter and possibly a

multi-colour brick could brighten and enliven the estate panoramas. We appreciate the desire to provide new hard landscaping which matches that already on the estate. However when the estate was built fifty years ago the need for more permeable materials was not recognised and we hope that the wish to replicate the existing paving does not prevent the use of more sustainable materials which will also permit better drainage.

4.6.5 CPRE: The Countryside Charity:

Objection, on the following basis:

1) Communal open space provision is 2.5 sqm per person, much lower than LP33 target of 14 sqm per person and a great deal more can be done to create more communal open space, including green and play space as part of this development, to support both existing and new residents.

2) 26,485 sqm more communal open space would be needed to meet LP33 policy of 14 sqm per person (across the whole estate). To address some of the deficiency, we propose Downham Road is transformed into a 'Streetpark' to deliver as much as 7,000 sqm of communal open space.

Downham Road is very wide: we calculate the carriageway covers 7,000 sqm. The pavements are also very wide and could be incorporated to give the feel of more space. Access for utilities and emergency services can be maintained while also converting the carriageway and footway into attractive communal open space. A Downham Road Streetpark could also more effectively incorporate the green and play spaces at the south end of Ufton Road into a useable amenity for estate residents.

Further space should be found by reducing space given to private car parking and superfluous road capacity within the estate (retaining access as needed).

3) Residents in blocks neighbouring the estate are very concerned that the green space at the corner of Downham Road and Southgate Road will largely disappear. This much-loved green space is well-used by local residents for exercise and other leisure activities and is vital for mental and physical health and well-being. The small green space left will be negatively impacted by the large new block at the north.

4) Loss of mature trees and habitat. While we appreciate space must be found for social housing, 13 mature trees will be lost as part of the Downham Road West development and this is regrettable given the importance of mature trees in combatting damaging climate change. Paragraph 4.2 of the Ecological Appraisal advises that 'measures must be taken to ensure this habitat is retained and enhanced'. It also states that the area is 'of significant value to wildlife within the urban environment, providing important ecosystem services including reducing urban heat island effect and flood alleviation, as well as a therapeutic benefit to the public that use the area'.

4.6.6 London Borough of Islington:

LB.Islington makes the following observations:

1. The proposed Downham Road West building is of a harmfully poor standard of design including its awkwardly splayed building line, its poor interface between ground floor and the primary street edge, and the low quality of architecture.
2. The height of the proposed Downham West building, given its location and proximity to neighbouring buildings would result in harm to the daylight and sunlight of nearby properties and would fail to safeguard the living conditions of neighbouring occupiers.
3. Impacts on the privacy of residents of Trafalgar Point should be fully assessed and mitigation measures secured as appropriate

Officer Response: These issues are considered in the report that follows.

4.6.7 Design Review Panel:

8th October 2019

The applicant is proposing a family of modular building elements, designed specifically for the De Beauvoir Estate which can be deployed flexibly in different combinations on a variety of sites. The block typologies include 6 storey, dual aspect, deck-access block elements which can be combined into courtyards, corner or linear blocks, and a 4 storey townhouse typology which can be applied to smaller and shallower sites. All of the proposed buildings intend to respond to the challenges of their particular locations.

1) Hertford Road is a bracket shaped block on an exposed car park on the corner of Downham Road and Hertford Road. The block would enclose an exposed corner of the estate and introduce active frontage to Downham Road.

2) Downham Road East mirrors Hertford Road on the west end of Fermain Court North. The pair of buildings frame a space to the front of Ferman Court. The building presents a strong street frontage and corner to De Beauvoir Road and Downham Road, replacing a car park.

3) 81 Downham Road comprises a courtyard / perimeter block which addresses the two routes running beside it as well as the open space to the south. Together with existing buildings it would form a residential green square surrounded on 4 sides with buildings of similar height. To the west of the perimeter block is a narrow site where a 4 storey, townhouse block is proposed. This block would present its frontage to Downham Road.

4) Downham Road West, at the north western corner of the estate occupies a vacant site and part of an existing public space. Lost public space would be re-provided on Balmes Road. The perimeter block proposed here would address Southgate and Downham Road and St Aubin's Court and the public space on Benyon Road. The proposal would present an animated facade to the public space which currently suffers from a lack of natural surveillance.

The Panel suggested that opening a view through the south side of the block could allow residents to glimpse the trees in the park from within the block, although they accept the position of the opening in the block where it is shown.

5) South of Balmes Road and facing directly onto the Regent's canal, a 6 storey block is proposed between Granville and Corberie Towers. The development here would involve the removal of the parking structure and creation of a large new open space in between the towers.

The Panel asked whether closing off views to the canal or creating better views and increasing access would be preferable and as such suggest further work may be needed to this block, as the finished design will likely set the tone for future development on similar sites to the north of the Canal. They also thought that the introduction of low height shoulders implied the need for a building which breaks from the confinements of the pattern book in this location.

Public realm – Landscape

The Architects acknowledge that public spaces are ill-defined but they also propose to maintain the division between vehicle streets and pedestrian routes. Their concept is to clarify the pedestrian routes and improve the public spaces they pass through as a sequence of unique gardens. They identify that the spaces beneath buildings on these routes are positive.

The Panel observed that movement through the estate is confusing, especially on pedestrian paths and that these routes are hostile and illegible. The Panel acknowledged that the project was originally focused on individual sites to avoid the connotations of a comprehensive plan, but they want to see a comprehensive, estate-wide 'landscape management plan' to come forward so that the project will 'give back to the estate'.

They gave an example of the lane next to St Aubin's Court which is fronted by backs, which the new block would face. They note that this as an end situation would not be positive and suggest that a strategic overview of how the public realm works plus opportunities [to resolve these situations] should be produced.

Height – Bulk – Massing

The panel accepted that 6 storeys was the right height for most blocks. They asked whether taller elements could be possible in some locations but accepted that this would have negative impacts on amenity.

Architecture

The architecture of the scheme is still at a conceptual stage but the Panel welcomed an architecture 'found in the existing buildings'. However they questioned why some elements but not others had 'made it into the pattern book'. They gave the example of the offset vertical lines seen on many buildings, and maisonettes which step in below to give facades a double height rhythm. The Panel questioned whether taking just a few elements would fail to reflect the 'meatiness'/mass of the original scheme. As a final point they suggested that the Architects don't feel restricted to using yellow and blue panels, as seen across the estate, as these were simply cheap options at the time of construction. They suggested that the Architects could avoid over-emulating or being too timid.

The Panel noted that the Architects are showing great reverence towards the buildings but would like to see more acknowledgement of what doesn't work. The Panel would like to see the project take the opportunity to repair and make better the existing estate. They went on to say that from experience, they were aware that there are issues of confused fronts and backs, and weaknesses where buildings meet the ground.

The Panel would like to see problems of the existing estate brought into focus and questions asked on how proposals could avoid repeating mistakes [when, for example, repeating patterns such as front doors facing inwards].

The Panel look forward to seeing how blocks using repeating patterns will be tailored to the unique challenges of their sites. For example, how a block will work when it has a combination of commercial, storage and residential at the ground floor.

The Architects discussed plans to create an attractive communal circulation through the blocks to make walking up through the building a pleasure. The Panel were interested in this idea and suggested the possibility of joining up with neighbouring blocks or repeating some of the large upper floor communal spaces seen elsewhere in the estate.

An analysis of successful deck access, including how they meet the ground and how they are accessed, should be undertaken in order to assess whether the current proposals, whilst architecturally interesting and generous, are appropriate and will be of optimum use to future residents.

Summary

In summary, panel members expressed that they would like to see a strategy produced which focuses on landscape, routes and legibility of the estate, and which attends to the public realm weaknesses of the estate. They would like the context included with each site to be wider, with red lines expanding to take in the surrounding public realm.

The Panel has confidence in the Architects and their emerging approach, and in the quality of accommodation that is being developed. The Panel asks that proposals are worked up with respect to the existing estate but also with confidence to add a distinct layer of architecture which doesn't over-emulate.

14 May 2020

Introduction

The Panel welcome the opportunity to see the emerging scheme for the second time. Five applications, one for each site, are expected to be submitted for planning permission later in 2020.

Urban context - Townscape

The Estate is considered to be one of the best examples of post-war council state architecture in Hackney. The rigorous and cohesive character and construction is considered to be high quality and is popular with resident groups. However, despite the architectural strengths of the estate, the urban design reflects the concerns of a

different era. For example the streets and pedestrian routes through the site are hostile to people on foot and are often not addressed by frontages. All pedestrian routes are complex, indirect and unwelcoming to non-residents. This contrast with the legible street pattern to the north create a disconnection between the estate and its surroundings.

The current proposal

The pre-application submission currently proposes a minimum of 160 residential units across 5 sites. The HSP overarching Unilateral Undertaking targets the provision of 35% social rent, 35% intermediate and 30% market units at these five De Beauvoir sites. Around 900sqm of commercial floorspace will also be provided at either/or the 81 Downham Road and Downham Road West sites.

The applicant's concept is for a family of modular building elements, with repeating high-quality features, which can be deployed flexibly in different combinations on a variety of sites in the De Beauvoir Estate. These are now being tailored to each individual site.

The proposed typologies include 6 storey blocks with dual aspect flats accessed by external gallery, which can be combined into courtyards, corner or linear blocks, and a 4 storey townhouse typology which can be applied to smaller and shallower sites.

Hertford Road is a bracket shaped block on an exposed car park on the corner of Downham Road and Hertford Road. The panel is supportive of this block's sense of enclosure on an exposed corner of the Estate and the introduction of active frontage to Downham Road, including a shop.

Downham Road East mirrors Hertford Road on the west end of Fermain Court North. The pair of buildings frame a space to the front of Ferman Court. The building presents a strong street frontage and corner to De Beauvoir Road and Downham Road, replacing a car park.

81 Downham Road comprises a courtyard / perimeter block which addresses the two routes running beside it as well as the open space to the south. Together with existing buildings it would form a residential green square surrounded on 4 sides with buildings of similar height. To the west of the perimeter block is a narrow site where a 4 storey, townhouse block is proposed. This block would present its frontage to Downham Road. The panel welcomes the inclusion of townhouses into the Estate and of the scale of the proposal.

Downham Road West, at the north western corner of the estate occupies a vacant site and part of an existing public space. Lost public space would be re-provided on Balmes Road. The perimeter block proposed here would address Southgate and Downham Road and St Aubin's Court and the public space on Benyon Road. The proposal would present a facade to the public space which currently suffers from lack of natural surveillance.

South of Balmes Road and facing directly onto the Regent's Canal, a 6 storey block is proposed between Granville and Corberie Towers. The development here would involve the removal of the parking structure and enclose a large new open space in between the towers.

Public realm – Landscape

Scope: Since the last review the red line boundaries around each site have been expanded to create the opportunity to extend the landscape improvements and other wider benefits around each site. The architects are working with the council on a landscape management plan to ensure that there is coordination across the estate which will bring benefits to new and existing residents. Vogt Landscape Architects are also working on proposals.

Legibility: The architects have acknowledged the security and legibility issues of the estate, including the labyrinth of routes, and presented some detail on how their sites will coordinate with each other and with later phases of estate development to clarify routes and improve public spaces which they pass through. The panel note that the public/private confusion of green spaces does not work at present and that this is not addressed in the current plans. The panel would like to see a typology of space identified and an appropriate landscape treatment for each. They acknowledge that although phase 1 may not be able to solve these problems, Phases 1 and 2 together (with some linking spaces) must not miss the opportunity to improve legibility and public realm. Proposals should address unattractive service roads acting as walking links and the removal of under-used or unattractive garages facing these improved routes.

Arrangement and quantity: The Panel are enthusiastic about seeing a new public space on Balmes Road which could be a new focal point in the Estate and which will go some way towards mitigating the loss of open space and aspect on Downham Road West. They consider some of the reference photos of inspiration projects to be inappropriate. They look forward to seeing a detailed plan for this space. The panel agree with the commitment to no net loss of open space but don't see any evidence presented.

Character: The panel see a landscape which is potentially quite austere, and in combination with architecture of a similar character, could result in new places which are not responsive to the domestic character or the culture of this part of east London. The Panel see no significant mention of familiar, low-level planting, soft services or street furniture which will better engage with people, children and pets. They also see ornamental rather than native species planned, but not justified.

Trees and biodiversity: The panel note that trees and open space are an important foil to the hard architecture of the estate but note a high impact on existing trees overall with no mention in the landscape plans of canopy cover or biodiversity assessment or proposals. The panel remind the applicant and the council that work is needed to assess all existing trees for condition and character, in order to preserve worthwhile trees, ensure urban greening, and to deliver a biodiversity net gain - a GLA requirement.

Play and child-friendly landscape: The panel are concerned by the lack of clear commitment to play - there is an absence of play strategy and child and family-friendly public realm emphasis. Play space appears to be reduced overall. The locations of MUGAs next to dwellings are seen as potentially problematic and there is also a lack of types of play besides MUGAs.

Height – Bulk – Massing

The panel accepts that 6 storeys is the right height for most blocks. The massing allows for dual aspect units with gallery access, which the panel supports.

Architecture

The panel praises the ambition of the scheme. They support the concept of creating good, modest buildings with moments of material intensity and quality. The panel enjoyed the special details across the proposals such as high quality entrances and focus on generous communal spaces such as stairs and access routes. These need to be seen through to the construction stages in detail.

The panel discussed the character of the proposals and suggested that there was a high level of restraint on the building facades and that this could result in buildings which are seen as too severe by the residents. They questioned whether the external appearance of the new blocks could be more joyful, domestic and human, especially considering that there seems to be more colour on the existing blocks. Generally, The panel suggests that there should be variety in appearance from one block to another, to avoid the sense of an enforced uniformity and allow opportunities for personalisation.

The panel warned that the details which are proposed to give the buildings their special quality including the communal spiral stairs, elliptical stair window and other areas of generosity could easily be watered down, value-engineered or be seen as non-essential at a later stage if they aren't 'fundamentally feasible'.

The panel addressed the evolving designs for Balmes Road and its relationship with the canal. The panel felt that the architects' positive goal of creating a family of buildings with a strong relationship to the estate and with signs of a single design hand, could be relaxed at the canal edge where a different context and character dominates. The panel felt that the proposals shown did not sit on the canalside well and that, as it is flanked by greenery, the appearance of the building should be unique and related to the canal character area. They suggest that while there is a clear logic to relating the north side of the block to the estate, that the south side and the two flank walls should have a different 'energy'.

The panel evaluated some of the internal layout plans and identified some areas where adjustments could be made. They noted that some living rooms were narrow and deep and windows were relatively small. In the same units the large windows and balconies were off bedrooms and the panel questioned why the balconies are not off the living area. The panel also suggested that so having many doors off the living room could risk turning that room into a corridor. The panel would prefer not to see this gesture repeated across the development.

Conclusion

The panel is supportive of the direction of the proposal and the council's commitment to work with good architects and landscape designers to deliver best practice mixed-tenure housing. The panel are keen to ensure that the areas of quality on the current plans are delivered and are especially keen on ensuring that the range of finer details, which promise to elevate the scheme can be achieved. The panel would like to encourage the architects to be less restrained with the

external appearance of the blocks and to continue tailoring all blocks to their specific contexts.

The panel wants to see a continued focus on harnessing these developments to address the wider urban design failures of the estate and its public realm. They feel that the landscaping and public realm work is critical to integrate new and old and, most importantly, to answer the question of existing residents - 'what's in it for us'? The panel feels that the answer is still undefined in approach and detail on the landscape.

Officer's Response: Following these pre-application DRP responses, the applicants have engaged with Hackney officers prior to the submission of the application. The key concerns have been addressed, either through design iterations or explanation of the design intent and consideration of other options. The design of the scheme, its impact on surrounding heritage assets and its impact on the amenity of neighbouring properties are considerations of the report that follows.

4.6.8 Crossrail 2

No objection, subject to a condition and an informative relating to piling, foundations, basements and other structures to mitigate any potential impact of the development on the working of Crossrail 2. The application relates to land within the limits of land subject to consultation by the Crossrail 2 Safeguarding Direction.

4.6.9 Canals and Rivers Trust:

No objection, subject to conditions on Landscaping, External Lighting, Surface water drainage, a survey of the boundary wall, Suitable informatives should also be added. The development will bring more people to the area, but does not integrate with or enhance the canal corridor or towpath. We therefore consider that a contribution towards biodiversity enhancements and wayfinding, would be reasonable, which would complement the local amenity for future and existing residents.

Officer's Comment: The applicants have agreed a £20,000 contribution towards Biodiversity Improvements and wayfinding along the canal. This is included as in the Heads of Terms of the Unilateral Undertaking, below.

4.6.10 Thames Water:

Following receipt of further information from the applicant during the course of the application, we have no objection to the proposal, subject to conditions requiring further information on water network upgrades and the piling methods proposed.

4.6.11 Hackney Swifts Society:

We understand that this development will have a significant ecological impact with several mature trees removed. If it goes ahead in any form, best practice ecological enhancement should be in the planning conditions, in particular swift bricks or boxes installed in accordance with best practice guidelines, e.g. guidelines from CIEEM.

4.6.12 Secured by Design Officer:

No objection. We have met a number of times with the project Architects to discuss Crime Prevention and Secured by Design (SBD). Subject to the recommendation of a condition requiring secured by design accreditation, we consider this proposal would provide a safe and secure development.

4.7 Council Departments

- 4.7.1 Transportation: Two-tier cycle parking should not be the majority of the cycle spaces provided. Cycle lockers are not supported. 20% of existing car parking spaces to be retained should be upgraded to support Electric Vehicle Charging Points. However, there is no objection to the development in principle, subject to a variety of transport related Unilateral Undertaking clauses and conditions.
- 4.7.2 Streetscene: No objection, subject to an agreement for Section 278 highway work at an estimated cost of the work of £659,988.53
- 4.7.3 Waste: No objection. The proposed design is thorough and well thought out. Vehicle access, management of waste and capacity are in keeping with guidelines.
- 4.7.4 Environmental Protection: No objection, subject to conditions in respect of noise, soundproofing, no primary cooking at the Class E uses (since no flues are proposed), vibration from Crossrail 2, and the construction process.
- 4.7.5 Pollution Air: No objection, the Air Quality Assessment is acceptable with no further comments required. A construction management plan should be recommended to ensure that relevant air quality and dust mitigation measures to the development are incorporated including Non-Road Mobile Machinery (NRMM)
- 4.7.6 Public Health: No objection. Wayfinding measures should be set up around the estate. Community cohesion should be a focus of the development. Expanding the food growing to the rooftops is a good idea and should involve further resident consultation. Two tier cycle parking is not preferred. It should be noted that Class E premises can provide unhealthy eating opportunities but the decision not to allow primary cooking at the Class E units is welcome, since it means that hot food takeaways would not be established.
- 4.7.7 Pollution Land: No objection. Nevertheless, these sites are classified as Sites of Potential Concern, so we recommend attaching three contaminated land conditions to the application, which will require a detailed phased contaminated land risk assessment to be undertaken.
- 4.7.8 Drainage: No objection. Following amendments to the submitted documentation and the submission of the updated SuDS proforma it has been demonstrated that the proposed development will not increase the risk of flooding on and offsite, will provide SuDS where appropriate and will comply with the national and regional planning policy. The estate covers a large area and some parts have a high risk of surface water flooding. As such, a condition should be added in respect of the proposed SUDS and blue roofs. Surface water from the site shall be managed

according to the approved strategy and the overall site peak discharge rate is restricted to 2 l/s for each site.

- 4.7.9 Building Control: No objection. Following amendments to the Fire Safety documents during the course of this application, the submission is considered acceptable. Further details would be expected on submission of the Building Regulations application and this is considered appropriate.

5.0 POLICIES

5.1 Hackney Local Plan 2033 (2020)

- PP1 Public Realm
- LP1 Design Quality and Local Character
- LP2 Development and Amenity
- LP3 Designated Heritage Assets
- LP4 Non Designated Heritage Assets
- LP9 Health and Wellbeing
- LP11 Utilities and Digital Connectivity Infrastructure
- LP12 Housing Supply
- LP13 Affordable Housing
- LP14 Dwelling Size Mix
- LP17 Housing Design
- LP26 New Employment Floorspace
- LP27 Protecting and Promoting Office Floorspace in the Borough
- LP41 Liveable Neighbourhoods
- LP42 Walking and Cycling
- LP43 Transport and Development
- LP44 Public Transport and Infrastructure
- LP45 Parking and Car Free Development
- LP46 Protection and Enhancement of Green Infrastructure
- LP47 Biodiversity and Sites of Importance of Nature Conservation
- LP48 New Open Space
- LP49 Green Chains and Green Corridors
- LP50 Play Space
- LP51 Tree Management and Landscaping
- LP52 Waterways, Canals and Residential Moorings
- LP53 Water and Flooding
- LP54 Overheating
- LP55 Mitigating Climate Change
- LP56 Decentralised Energy Networks (DEN)
- LP57 Waste
- LP58 Improving the Environment - Pollution

5.2 London Plan (2021)

- GG1 Building strong and inclusive communities

- GG2 Making the best use of land
- GG3 Creating a healthy city
- GG4 Delivering the homes Londoners need
- GG5 Growing a good economy
- GG6 Increasing efficiency and resilience
- D1 London's form, character and capacity for growth
- D3 Optimising site capacity through the design-led approach
- D4 Delivering good design
- D5 Inclusive design
- D6 Housing quality and standards
- D7 Accessible housing
- D8 Public realm
- D11 Safety, security and resilience to emergency
- D12 Fire safety
- D14 Noise
- H1 Increasing housing supply
- H4 Delivering affordable housing
- H5 Threshold approach to applications
- H6 Affordable housing tenure
- H7 Monitoring of affordable housing
- H8 Loss of existing housing and estate redevelopment
- H9 Ensuring the best use of stock
- H10 Housing size mix
- S4 Play and informal recreation
- S5 Sports and recreation facilities
- E1 Offices
- E2 Providing suitable business space
- E9 Retail, markets and hot food takeaways
- E11 Skills and opportunities for all
- HC1 Heritage conservation and growth
- G1 Green infrastructure
- G4 Open space
- G5 Urban greening
- G6 Biodiversity and access to nature
- G7 Trees and woodlands
- G8 Food growing
- SI 1 Improving air quality
- SI 2 Minimising greenhouse gas emissions
- SI 3 Energy infrastructure
- SI 4 Managing heat risk
- SI 5 Water infrastructure
- SI 6 Digital connectivity infrastructure
- SI 7 Reducing waste and supporting the circular economy
- SI 8 Waste capacity and net waste self-sufficiency
- SI 12 Flood risk management
- SI 13 Sustainable drainage
- SI 14 Waterways – strategic role
- SI 15 Water transport
- SI 16 Waterways – use and enjoyment
- SI 17 Protecting and enhancing London's waterways
- T1 Strategic approach to transport

- T2 Healthy Streets
- T3 Transport capacity, connectivity and safeguarding
- T4 Assessing and mitigating transport impacts
- T5 Cycling
- T6 Car parking
- T6.1 Residential parking
- T6.2 Office Parking
- T6.3 Retail parking
- T6.5 Non-residential disabled persons parking
- T7 Deliveries, servicing and construction
- T9 Funding transport infrastructure through planning
- DF1 Delivery of the Plan and Planning Obligations
- M1 Monitoring

Hackney Child Friendly SPD
Hackney Planning Contributions SPD
Regents Canal Conservation Area Appraisal
De Beauvoir Conservation Area Appraisal
Kingsland Conservation Area Appraisal
Mayor of London Shaping Neighbourhoods: Play and Informal Recreation SPG
Mayor of London Housing SPG
Mayor of London Sustainable Design and Construction SPG
Mayor of London Transport Strategy

5.3 National Planning Policies/Guidance

National Planning Policy Framework (NPPF)
Planning Practice Guidance

5.4 Legislation

Town and Country Planning Act 1990 (as amended)
Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990

6.0 COMMENT

- 6.0.1 Planning permission is sought for all works associated with the clearance of five sites and the erection of five buildings of six storeys and a four storey row of ten terraced houses, to provide 189 mixed tenure residential dwellings (Use Class C3) and 593m² of non-residential space (Use Class E). The scheme provides landscaping to include residential courtyards, public realm, tree planting, the provision of play space, the reorganisation of existing car parking and all associated infrastructure.
- 6.0.2 Five of the six sites face Downham Road, which runs along the northern boundary of the estate. Downham Road West is the most westerly of the proposed buildings, a U-shaped courtyard block of 6 storeys providing 54 residential units and ground

floor commercial space, on the corner of Southgate Road. 30 metres to the east, the TRA and 81 Downham Road site would contain a four storey terrace row of ten houses and, adjacent to this to the east, another 6 storey U-shaped building containing 54 units and ground floor commercial space.

6.0.3 The Downham Road East site would be an L-shaped building of 6 storeys containing 30 residential units and ground floor commercial space, on the corner with De Beauvoir Road. The Hertford Road site would contain another L-shaped building of 6 storeys, forming the next corner of the block. It would contain 19 residential units and some ground floor commercial space. At the south of the estate, alongside the Regents Canal, the Balmes Road site would contain a 6 storey linear block of 22 residential units.

6.0.4 The proposed tenure/unit mix of the new buildings would be as follows:

	1 Bed	2 Bed	3 Bed	Total	%
Private	35	32	27	94	49.7%
Intermediate	15	13	8	36	19.0%
Social Rent	22	22	15	59	31.2%
Total	72	67	50	189	
%	38.1%	35.4%	26.5%		

6.0.5 This represents 50% of the overall provision as affordable housing, with 38% of that provided as intermediate housing and 62% provided as social rented units. Of the social rent units, 37% would be provided as 2 bed dwellings (22) and 25% as 3 bed dwellings (15).

6.0.6 In addition to the residential element, the following commercial spaces would be provided (GIA):

- 182 m² of flexible floorspace (Class E) ground floor space within Downham Road West;
- 192 m² of flexible floorspace (Class E) ground floor space within 81 Downham Road;
- 161 m² of flexible floorspace (Class E) ground floor space within Downham Road East;
- 59 m² of flexible floorspace (Class E) ground floor space within Hertford Road.

6.0.7 Also included within the proposals are new landscaping works. This would involve the creation of new public open space with play space, including a new square north of the Balmes Road Site, residential courtyards, new pedestrian and cycle connections, new tree planting and all associated infrastructure.

Housing Supply Programme

- 6.0.8 The redevelopment of the site forms part of a wider housing programme being undertaken by the Council's Estate Regeneration team across a number of housing estates and sites across the borough. The Housing Supply Programme (HSP) involves infill site development across a number of housing estates and sites across the Borough. The HSP is intended to complement the Council's Estate Regeneration Programme by delivering new homes on Council-owned sites currently in non-residential use, such as garage blocks. Important key principles are that no demolition of existing homes will take place, there will be no net loss of green space and there will be no loss of play space. Where necessary, existing parking spaces that are in use will be re-provided. The programme, which was first approved by Cabinet in February 2016, has the potential to support the delivery of up to 400 new homes across the borough, subject to the outcome of feasibility studies, option appraisals and compliance with planning policy.
- 6.0.9 In the context of the above, Estate Regeneration has signed up to a programme wide and overarching Unilateral Undertaking (UU) which sets out what will be built on each of the sites within the programme (see Appendix A). All projects within the programme are required to meet the terms set out in the UU including tenure mix and unit numbers.
- 6.0.10 The main considerations relevant to this application are:
- 6.1 Principle of the development of the site, land uses and amount of development
 - 6.2 Proportion and tenure mix of housing provision
 - 6.3 Design of the proposed development
 - 6.4 Quality of accommodation
 - 6.5 Transport and Servicing
 - 6.6 Impact on Nearby Residential Amenity
 - 6.7 Energy and Sustainability
 - 6.8 Trees and Biodiversity
 - 6.9 Health and Wellbeing
 - 6.10 Other planning matters
 - 6.11 Consideration of Consultee Responses
 - 6.12 Planning contributions and Community Infrastructure Levy (CIL)
 - 6.13 Equalities Considerations

Each of these considerations is discussed in turn below.

6.1 Principle of the development of the site, land uses and amount of development

Principle of development and land uses

- 6.1.1 The Hackney Local Plan aims to meet the London Plan annual requirements for new housing set out in London Plan policy H1. Local Plan policy LP12 provides a general presumption in favour of housing and LP13 states the requirement for affordable housing (including social/affordable rented and intermediate housing) to meet identified housing need in the borough. Proposals for new housing development will be permitted provided they would not adversely conflict with other development plan

policies, particularly in relation to design quality, amenity, environmental sustainability and employment land and floorspace.

- 6.1.2 Within the overall proposed mix, the great majority of the floorspace would be residential (18,829m²), with 593m² as flexible Class E commercial floorspace. Class E floorspace is flexible by its nature and would respond to local demand for retail, restaurant or employment opportunities. In this location outside of a Priority Office or Industrial Area, or a designated Town Centre, the flexibility of the floorspace is considered appropriate and the only conditions on the future use of these spaces that are recommended involve the removal of permitted development rights and of the right to primary cooking on site where there are no flues proposed. The commercial space would provide active frontages at ground floor level, including Downham Road and is considered to complement the residential uses. Within the above policy context the principle of this residential-led, mixed use development is considered acceptable.
- 6.1.3 A condition is recommended to remove permitted development rights to convert the Class E commercial spaces to residential uses that would prejudice the findings of the above assessment.
- 6.1.4 The GLA's stage 1 report commented that the re-provision of the existing Tenants and Residents' Association (TRA) community facility must be secured within any planning application, to ensure that the facilities previously offered within the De Beauvoir Estate are reprovided, in accordance with Policy S1 of the London Plan and the Mayor's Good Practice Guide to Estate Regeneration. Hackney Housing Supply Programme have confirmed that they are committed to finding new space for the TRA Community facility and the planning statement clarifies that *"The existing TRA office space that is to be demolished will be re-provided with new commercial space. Conversations are on-going between the applicant and the TRA to establish which unit they will occupy and the specifications they require."* Given that this commitment is made within the submission, a condition has been added requiring the re-provision of the TRA within one of the units of the estate. It has not been considered necessary to finalise the location of this within the proposed development, save for the requirement to provide an equivalent amount of floorspace to that which is to be demolished.

Employment and Skills Obligations

- 6.1.5 A Ways into Work contribution of £107,893.80 has been secured which will provide employment support to residents, through job brokerage, work placements, local labour programmes, supply chain management and programmes aimed at assisting SMEs. In addition, the Heads of Terms to the Unilateral Undertaking require an Employment and Skills Plan in partnership with the Regeneration Delivery Team to ensure a joined up approach to local provision of employment support. The plan should aim to achieve a 30% commitment to local labour and at least one apprentice to be employed per £2 Million of construction contract value.

Density

- 6.1.6 The 2021 London Plan requires Borough's to take a design-led approach to the densification of areas. As such, infill development of the type proposed should be assessed with regard to the place-making potential of the proposed blocks, the bulk

and massing within the context and the impact on the amenity of existing residents. These aspects, among other similar relevant aspects, are assessed in detail below. The principle of the densification of the site is acceptable, subject to those findings.

6.1.7 In light of the above, the development is considered acceptable in land use terms.

6.2 Proportion and tenure mix of housing provision

Tenure Mix and Affordable Housing

6.2.1 Policies within the London Plan and Local Plan 2033 allow a fast tracked approach for developments that provide 50% of housing as affordable and of which 60% are social rented and 40% intermediate, to promote mixed and balanced communities.

6.2.2 The regeneration of the De Beauvoir Estate, of which this is the first phase, forms part of an ambitious housing programme, the Housing Supply Programme, which is run across a number of housing estates in the Borough by the Council's Estate Regeneration Team and complements the Estate Regeneration Programme. The Housing Supply Programme is seeking to deliver around 400 homes.

6.2.3 The best available figures for the pre-existing tenure mix at the De Beauvoir Estate is set out in the table below, although it is acknowledged that these figures are incomplete and the total number of existing properties is around 850:

	Total	%
Private	612	(25%)
Intermediate	0	0
Social Rent	204	(75%)
Total	816	

6.2.4 The proposed tenure mix for Phase 1 is set out in the table below:

Proposed						
Private	35	32	27		94	49.7%
Intermediate	15	13	8		36	19.0%
Social Rent	22	22	15		59	31.2%
Total	72	67	50		189	
%	38.1%	35.4%	26.5%			

6.2.5 As such, 50.2% of the proposed units would be affordable, with a social

rent/intermediate split of 62:38. This is in line with local and regional policy and is considered acceptable. No viability analysis is necessary, given that the scheme is policy compliant in this respect.

- 6.2.6 The layout of the new blocks is intended to provide a balanced mix of new unit tenures across the estate:
- Downham Road West would be a mix of market and intermediate units;
 - The terraced houses on the TRA site would be for market sale;
 - 81 Downham Road would be a mix of market and intermediate units;
 - Balmes Road would be socially rented;
 - Downham Road East would be socially rented;
 - Hertford Road would be a mix of market, intermediate and socially rented units.

This arrangement would help to improve tenure diversity across the estate, in line with the aspirations of the Local Plan, and is considered acceptable.

- 6.2.7 In light of the above, the proposed development is considered acceptable in terms of its tenure mix.

Unit Mix

- 6.2.8 With regard to the unit size mix, Local Plan 2033 policy LP14 (Dwelling Size Mix) requires 33% of the available market units to be family sized (3 bedrooms or more), with a higher proportion of 2 bedroom than one bedroom units. Social rented units are expected to show an even split across 1bed, 2bed and family sized units. In intermediate units, cost implications mean that family sized intermediate units are only expected at a rate of 15-25% of the available units, with a higher proportion of two bedroom than one bedroom units.
- 6.2.9 Nevertheless, LP14 is also clear that “The Council will consider variations to the dwelling size mix sought if this can be justified based on the tenures and type of housing proposed, site location, area’s characteristics, design constraints, scheme viability; and where shared ownership is proposed, the ability of potential occupiers to afford the homes proposed.”
- 6.2.10 As per the table above, the proposed housing mix provides family sized units in the following percentages:

Proposed family sized units (3 bedroom)		
	3 bed	%
Private	27	29%
Intermediate	8	22%
Social Rent	15	25%
Total	50	26.5%

- 6.2.11 As such, the number of intermediate units is in line with LP14, while the number of

social rent and private units are below the target figures. Nevertheless, existing planning consents for social rented units under the HSP sites (see Appendix A) show that the target number of social rented units has already been achieved (40 consented units against a total requirement of 37). The additional 15 homes here would take the total provision to 55, showing that the balance across the HSP sites has been weighted towards the delivery of social rent family homes. The 27 private 3 bed units proposed here would still leave the total figure short of the requirement of the overarching UU (38 against a total requirement of 67) but it is considered acceptable to prioritise the delivery of larger social rent units in this way and the aims of the overarching UU, which are designed to protect the delivery of affordable housing are considered to be met and the mix justified.

6.2.12 The proposed two bedroom dwellings (67 units) are only marginally outnumbered by proposed one bedroom dwellings (72 units) and this too is in line with the expectations of policy.

6.2.13 For these reasons the proposed development is considered acceptable in terms of both tenure and unit mix.

6.3 Design of the proposed development

Urban Design

6.3.1 Policies D1-D4 of The London Plan 2021 require architecture to make a positive contribution to a coherent public realm, streetscape and wider cityscape, incorporating the highest quality materials and design appropriate to the surrounding context. LP33 Policy LP1 states that all new development must be of the highest architectural and urban design quality. Development must respond to local character and context having regard to the boroughwide Characterisation Study, and be compatible with the existing townscape and local views.

6.3.2 Policy HC1 of The London Plan 2021 requires development proposals affecting heritage assets, and their settings, to conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings. LP33 Policies LP3 (Designated heritage assets) and LP4 (Non designated heritage assets) require the Council to conserve designated and non-designated heritage assets (including their settings).

Site layout and arrangement

6.3.3 The proposed layout of the new in-fill developments help to better define the existing open space and help to organise the existing ambiguous in-between spaces of the estate. Towards the north, the new buildings create additional frontage to Downham Road, which contributes to the strengthening of this street edge and would create a more pedestrian friendly environment. Although the building line is slightly closer to the pavement than existing buildings on the application sites, this is considered acceptable given the high design quality of the new developments and the varied character of Downham Road at present. This would be a significant improvement on the existing condition. The Downham Road buildings are primarily non-residential at ground level which would enhance the vibrancy of the street. The terraced houses do have residential ground floors but also provide active frontage due to the entrances

facing Downham Road. The block to the south at Balmes Road also helps to improve the edge condition to the Regents Canal in comparison to the existing car park.

- 6.3.4 The courtyard entrances to the two U shaped blocks (Downham Road West and 81 Downham Road) are considered successful and help to accommodate the necessary provision of bins and bikes. During the course of the application, the applicants have proposed additional soft landscaping within these courtyard spaces to provide a more welcoming shared amenity space that can also help with noise mitigation from activity in this space. Entrance spaces and lobbies are generally considered to be of a high quality.
- 6.3.5 There is a rhythm and logic to the layout of the terraced houses that is considered to be of a high quality in design terms. The changes in layout to the ends of the terrace help to make a feature of the corner condition. The new terrace helps to strengthen the street edge which is supported.
- 6.3.6 The courtyard and existing pedestrian routes accessed from the Hertford Road and Downham Road East blocks incorporate double height spaces of high design quality. These facilitate the existing routes across the estate, towards Fermain Court, to be enhanced. The corner unit H1 helps to activate the streetscape to Downham and Hertford Road.
- 6.3.7 The colonnade to the north of the Balmes Road block helps to create a sense of threshold to the block which is positive in design terms. In addition the block retains a positive relationship with the grow your own space to the west, and enhances this by providing a bench on the west elevation of the building.

Massing and Form

- 6.3.8 The general 6 storey height limit across the proposal is considered appropriate given this adequately responds to the prevailing mid-rise height of existing six storey blocks across the wider De Beauvoir Estate. It is acknowledged that the floor to ceiling heights of the proposal are greater than that of the existing estate, due to modern standards of construction, however the resultant scale and massing is considered to be appropriate and helps to enhance the edge condition of the estate, especially to the north. The proposed height of the six storey blocks is considered, on balance, to be appropriate as it would help to differentiate the new interventions on the estate, whilst allowing for a high quality modern quality of accommodation to these units. The block to the south also helps to frame the new open space to the north, and provide an appropriately scaled building, forming an edge to the canalside. The massing allows for dual aspect units with gallery access which is of high desirability in design terms.

Architecture and Materials

- 6.3.9 The proposal for the six new buildings share an architectural language that responds well to the existing architectural language of the estate. The shared architectural language helps to ensure the new buildings read as part of the wider estate, whilst differentiating them as new additions that relate to one another. The buildings address corners in a suitable manner and help to enhance the character and legibility of the existing estate.

- 6.3.10 The architectural motifs and features found in the existing buildings on the estate have provided a reference point for which to inform the proposed materiality and detailing of the proposal. The architecture picks up on the strong horizontal bands expressed in the existing buildings. The proposals also pick up on the existing estate colours through proposed steelwork and help to ensure a sense of continuity across the entire estate.
- 6.3.11 The large circular windows at the cores and shared circulation spaces are considered appropriate and help to encourage their use. They also serve to enhance the legibility of the buildings. Other key details such as the structural soffit to the open and accessible double height space of Downham Road East are considered to be of exceptional quality, and help to create visual interest that benefits the wider estate. Details of the proposed materials, as well as 1:20 drawings of key junctions are required in order to ensure design quality is retained throughout the planning process.
- 6.3.12 The quality of circulation and shared lobby spaces is of the highest quality. The architecture is such that there is a clear sense of arrival to each block, and the spaces are generous and use high quality materials. The shared staircase is of a high quality and will encourage community cohesion. This also corresponds to the aspirations of the Growing Up in Hackney: Child Friendly Places SPD.
- 6.3.13 In relation to the Balmes Road block to the south, the Design Review Panel raised concerns regarding the character of this block and how it relates to the canal. The panel had concerns that whilst the block relates well to the estate, it fails to respond to the canal edge. Improvements have been made subsequently to this block. The subtle stepping of the building form helps to reflect the curve of the canal and the gable end elevations to the block differ from the other buildings in the family, helping to provide activation along the canal side from the three elevations.
- 6.3.14 A condition is recommended to remove Schedule 2, Part 1 permitted development rights on the development so that, for example, the terrace row of houses is not subject to uncontrolled extension in a manner that is unforeseen in the above assessment.

Conservation and Heritage

- 6.3.15 The Council is under statutory duties contained within sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to grant permission only to applications which preserve or enhance listed buildings, their settings and conservation areas. The National Planning Policy Framework (2021) provides a range of policies relating to heritage protection at paragraphs 189 to 208. The Council has considered the proposed development in relation to these policies and particularly Paras 199 to 208. Policy HC1 of the London Plan (2021) and Policy LP3 of LP33 require that development preserves or enhances the character of designated heritage assets. The impacts of the proposed development on these heritage assets are considered as follows as required by the above identified legislation and policy.
- 6.3.16 The site does not fall within a conservation area but does lie within the setting of the De Beauvoir Conservation Area to the north, and the Regents Canal Conservation Area to the south.

De Beauvoir Conservation Area:

- 6.3.17 The proposal is located in close proximity to the De Beauvoir Conservation Area to the north. The northern edge of Downham Road features a relatively strong building edge that indicates the boundary of the Conservation Area. The current condition on the south of Downham Road, where the subject site is located, is fragmented and has a detrimental impact on the quality of the existing streetscape of Downham Road in views looking east and west. The proposal will help to repair this street edge and help to enhance the streetscape of Downham Road. Therefore, it is considered that the proposal will cause no harm to the setting of the Conservation Area. The proposal will serve to preserve and enhance the setting of the Conservation Area.

96 & 98 Downham Road:

- 6.3.18 96 & 98 Downham Road are Grade II listed semi-detached pair of buildings located to the north of the application site, within the De Beauvoir Conservation Area. For the reasons aforementioned, namely the TRA terraced houses forming a stronger street edge opposite the listed buildings, it is considered that the proposal will help to enhance the setting of this pair. As a result, there is no harm identified.

60 & 62 Downham Road:

- 6.3.19 60 & 62 Downham Road are a locally listed pair of buildings located to the north of the application site, within the De Beauvoir Conservation Area. For the reasons aforementioned, namely the proposal of forming a stronger street edge opposite the locally listed buildings, it is considered that the proposal will help to enhance the setting of this pair. As a result, there is no harm identified.

Regents Canal Conservation Area:

- 6.3.20 The southern boundary of the site is located in close proximity to the Regents Canal Conservation Area. The existing condition of this edge is typified by a towpath that sits at a lower level to the high level canal path alongside the De Beauvoir Estate. As such, the existing estate has a generally poor relationship to this section of the canal. The proposal for the six storey block of Balmes Road is considered to be of an appropriate scale, form and massing for the northern edge of the canal. The opposite side of the canal features buildings of a similar form, scale and massing that help to define the canal edge, with these buildings being located within the Conservation Area. It is also true that other areas of the canal that are also located adjacent to the Conservation Area feature development on the northern bank of the canal. The proposal is well set back from the towpath edge. The eastern edge of the site is also located next to the Regents Canal Conservation Area. The north east corner of the application site has a poor relationship with the streetscape at present, in use as a car park. The proposal is of a scale form and massing that is similar to the surrounding area and development on the corner will help to contribute to active uses and repair the building line on Downham Road. The streetscape will benefit from greater activation. Therefore, it is considered that the proposal will cause no harm to the setting of the Regents Canal Conservation Area. The proposal will serve to preserve and enhance the setting of the Regents Canal Conservation Area.

Kingsland Conservation Area:

- 6.3.21 The Hertford Road site is located adjacent to the western boundary of the Kingsland Conservation Area. The north east corner of the application site has a poor relationship with the streetscape at present, in use as a car park. The proposal is of a

scale form and massing that is similar to the surrounding area and development on the corner will help to contribute to active uses and repair the building line on Downham Road. The streetscape will benefit from greater activation. Therefore, it is considered that the proposal will cause no harm to the setting of the Kingsland Conservation Area. The proposal will serve to preserve and enhance the setting of the Kingsland Conservation Area.

Conservation and Heritage Conclusions

- 6.3.22 For the above reasons it is considered that, since there is no harm, the policy tests relating to substantial and less than substantial harm to designated heritage assets in NPPF paragraph 201 and 202 are not engaged. It is also considered that, since there is no harm, the balancing act required in relation to non-designated heritage assets in NPPF paragraph 203 is not engaged.
- 6.3.23 It is considered that the Council has discharged its duty in relation to Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and that the proposals preserve and enhance the conservation area and do no harm to the setting of the listed building.
- 6.3.24 It is also considered that the proposals are in compliance with LP33 Local Plan policies LP3 Designated Heritage Assets and LP4 Non Designated Heritage Assets and with The London Plan Policy HC1 Heritage Conservation and Growth and the NPPF.

Landscaping

- 6.3.25 The proposal of a feature tree, to the internal courtyards at both Downham Road West and 81 Downham Road, will help to mitigate noise within the courtyard and offer additional greening of these spaces, which is supported in line with the Growing up in Hackney: Child Friendly Places SPD.

Communal Amenity Space:

- 6.4.26 The total amount of communal space for future occupants across the sites amounts to 5,715m² (1027m² of additional space). This is located across the rooftops of the new buildings, (81 Downham Road, Hertford Road, Downham Road East and Downham Road West), gated courtyards within two of the new buildings (Downham Road West and 81 Downham Road) and publicly accessible space at ground level to the north of the Balmes Road development, on the site of the existing podium car park.
- 6.4.27 During the course of the application, the applicants have clarified that:
“The intended use for the roof garden space is a Grow Your Own initiative. We propose to offer the residents of 4/5 of the new blocks (excluding the Balmes Road building due to limited space) the opportunity to establish their own resident-led growing club. The roof structure and design has been laid out to reflect this intent. It is anticipated that a resident-led effort will be made with support and oversight of the LBH Resident Participation team to source funding for any initiative that is established in a similar manner to the existing GYO club.”
- 6.4.28 The provision of additional shared green spaces to the roof of the proposed buildings is welcomed and corresponds to the aspirations and guidelines contained in the

Growing Up in Hackney: Child Friendly Places SPD. The recommended landscape plan condition includes these spaces to ensure their provision is secured through later stages of the planning process.

- 6.4.29 The previous concerns raised by the DRP in relation to the lack of rigour in the plans for the landscape proposal are considered to have been adequately addressed. Each of the new open spaces are well defined and of a high design quality, with variety and careful consideration in order for them to relate to their individual contexts.
- 6.4.30 The additional open space represents 2.46m² per new occupant. Local Plan policy LP48 requires 14m² of outdoor amenity space per resident (of which there would be 417), equating to 5838m². LP48 also requires 4m² of outdoor space per employee of the commercial units, equating to 256m² for the projected employee yield of 64 (based on the Hackney Planning Obligations SPD figures). As such the proposed 2532m², which includes both the private residential space and the net gain in the communal open space, represents an underprovision in relation to the target. Nevertheless, this is an application to infill underutilised sites on an existing estate and, as such, there are notable constraints on the provision of additional open space, as well as existing open space that could be better maintained and upgraded. As such, a payment in lieu towards the enhancement of existing public open space on the estate is considered acceptable in this instance. The figure for this payment in lieu is based on the methodology of the Planning Obligations SPD and is calculated at £408,775.12.
- 6.4.31 A payment of £20,000 to the Canal and Rivers trust towards biodiversity Improvements and wayfinding along the canal is also included in the proposed Heads of Terms to the Unilateral Undertaking.

Play Space:

- 6.4.32 In line with LP50 10m² of playspace has been provided for each child. The child yield of the development, using the GLA calculator is 88.4 and 884m² is provided, in accessible locations across the sites. A condition has been recommended to require details of the playspace prior to the commencement of above ground works, to ensure that it meets the needs of the age ranges that will use it.
- 6.3.33 The proposed playable landscapes across the estate are designed to be of a high quality and they offer a variety of play and amenity spaces. Where constraints are noted such as the courtyard space to the south of Downham Road East and Hertford Road, consideration has been given in order to maximise landscaping possibilities such as tree planting.
- 6.3.34 The re-provision of MUGA spaces also corresponds with the guidelines on MUGAs in the Child Friendly SPD. The provision of two generously sized MUGAs that offer variety in their layout and design offers additional play opportunities for young people of different ages and abilities.
- 6.3.35 The aforementioned payment in lieu will be used to upgrade the existing facilities of the estate and Rosemary Gardens is directly across Southgate Road to the west of the site, providing further opportunities for play. As such, the application is considered acceptable in terms of its child playspace provision.

Design Conclusions

- 6.3.36 It is considered that the proposals are of a very high quality in design terms and will give better definition to the existing estate, creating an improved environment in which to live and work, from an architectural and landscape design point of view.
- 6.3.37 The scheme is considered acceptable in design and conservation terms subject to the recommended conditions, which will ensure high quality detailing and landscaping.

6.4 Quality of Accommodation

Residential Floorspace

- 6.4.1 New residential developments are expected to provide a good standard of amenity for future occupiers and demonstrate compliance with the minimum floorspace standards of London Plan policy D6 and the requirements of the Mayor's Housing SPG. LP33 policy LP17 references these standards. It is noted that the BRE has updated its guidance on how to assess quality of light received to new developments, which postdates the submission of this application. Nonetheless, the methodology utilised in the assessment of the proposal is considered to provide sufficient understanding on which to make an assessment.
- 6.4.2 In terms of overall unit size, all prospective flats are dual aspect and meet the minimum overall floorspace and headroom standards. The flats are well laid out, with access to storage and good sized rooms. The deck access arrangement is well designed to ensure that habitable rooms are not overlooked but that passive surveillance is possible from the adjacent non-habitable rooms. All of the units have access to private balconies or gardens, as well as communal outdoor areas. The proposal will therefore provide acceptable living conditions for future residents.
- 6.4.3 The submitted daylight/sunlight report shows that the units are well laid out, providing good levels of daylighting and sunlighting to each unit. All but 15 of the proposed habitable rooms meet the ADF targets of the 2013 BRE guidance and all the main living areas meet the ADF target. All habitable rooms show good No Sky Line (NSL) results. The sunlighting of the units is maximised by the positioning of windows and balconies, so that the great majority of units are well sunlit. It is noted that a number of kitchens are not well daylit or sunlit but this is as a result of the deliberate placement of the non-habitable rooms adjacent to the deck access and the overall benefits of this arrangement are understood, despite the obvious disbenefit that this reduces the light to these kitchens.
- 6.4.4 Overall, it is considered that the proposed standard of accommodation is very good and should be found acceptable.

Accessibility of Residential Units:

- 6.4.5 London Plan policy D6 seeks to achieve the highest standards of accessible and inclusive design. To ensure a fully accessible environment, London Plan policy D7 requires 90% of all new housing to be built to the nationally described housing

standard Building Regulations M4 (2), which replaced Lifetime Homes standards. The remaining 10% of the residential units should be wheelchair user dwellings, either Building Regulations M4 (3)(a) wheelchair adaptable and/or M4 (3)(b) wheelchair accessible.

6.4.6 Information has been submitted within the application illustrating all units are designed to comply with Building Regulations M4 (2) standards. 10% would be Building Regulations M4 (3)(a) wheelchair adaptable, in line with the standards, and a condition is recommended in this regard.

6.4.7 Secured by Design:

The applicants have met a number of times with the Secured by Design officer. Overall, the design is considered likely to result in an acceptable level of security and to discourage anti-social behaviour. A condition has been recommended to ensure that the Secured By Design Officer is consulted further on the details of the scheme prior to the occupation of the residential units and an informative has also been added in this regard.

6.4.8 In light of the above, the proposed development is deemed to provide a high standard of residential accommodation for prospective future residents and is subsequently deemed to meet the requirements of LP33 policies LP1, LP17, LP48 and LP50, London Plan policies D6 and D7 and the Mayor's Housing SPG.

Commercial Floorspace

6.4.9 The site does not have an employment designation and is not within a town centre but the proposals aim to provide Class E floorspace in order to activate ground floor frontages and provide commercial opportunities within a mixed use development. The proposed commercial floorspace would be in Class E and therefore in a more flexible use than the replaced retail, restaurant or employment Use Classes. The proposal is for small floorplate accommodation, which would be suitable for a number of uses. This approach is considered acceptable and the proposed floorspace is well-designed to allow this flexibility. As such, the proposed accommodation is considered to be of high quality and it is not recommended that any particular use be required by a restrictive condition.

6.4.10 Notwithstanding the above, no external or internal extract flues are proposed as part of this application, so the applicant has agreed to a condition preventing the use of any of the proposed commercial units for the primary cooking that might be associated with a restaurant use.

Quality of Accommodation Conclusions

6.4.11 For these reasons, the proposed standard of accommodation for future residents and employees is considered to be acceptable.

6.5 Transport and Servicing

6.5.1 The applicant has submitted a Healthy Streets Transport Assessment (TA) as part of the application which has been carefully reviewed. This evaluates the application site

in relation to Healthy Streets indicators such as enabling people to choose to walk, cycle and use public transport and that the public realm encourages pedestrians from all walks of life.

- 6.5.2 Cycle Superhighway 1 (CS1) is located along De Beauvoir Road, which runs through the estate. TfL Quietways 2 and 11 are located to the north of the site. These provide routes to Clerkenwell, Islington and Walthamstow. A Santander docking station is located on Hertford Road, which provides access to 23 bicycles for hire.
- 6.5.3 The Public Transport Accessibility Level (PTAL) of the site location is rated between 3 and 5 (on a scale of 1-6b, where 6b is the most accessible). Haggerston Overground station is located between 350 and 800m east of the site. This provides access to a number of stations in Hackney and London. There are a number of bus stops located in close proximity to the site. These include locations on Southgate Road (B102) and Kingsland Road (A10). The services provide connections to a range of destinations in Hackney and London and include a number of night bus services.
- 6.5.4 The TA outlines that a Low Traffic Neighbourhood (LTN) is planned within the De Beauvoir Estate. This will encompass a range of low traffic restrictions to encourage active travel uptake. The LTN will be implemented on Hertford Road and De Beauvoir Crescent.

Trip generation, car and cycle parking

- 6.5.5 The applicant has provided trip generation data as part of the TA. The proposed development is predicted to provide 145 and 101 two-way trips in the AM and PM peak respectively. Following discussions with the applicant, a trip generation summary across a whole day has been provided. This shows that 1287 two-way trips are predicted. The majority of trips are predicted to be made by sustainable transport modes. In particular, there are no predicted car trips. This would represent a manageable increase in two-way movements that should be able to be accommodated by the local highways network. The majority of trips are predicted to be made by sustainable modes of transport. In total, 97% of trips are predicted to be made via walking, cycling or public transport.
- 6.5.6 It is noted that a number of assumptions and adjustments have been made to the data that may underestimate the overall trip numbers. For example, the use of the 2011 Census to show the modal split for the application site is relatively outdated and is focused on commuter trips to work which may skew the modal share figures. The data may also underestimate the recent decrease in public transport patronage that can be attributed to the Covid-19 pandemic. These factors highlight the importance of implementing a well managed travel plan and delivery and servicing plan to reduce motor vehicle use and dependency and promote sustainable transport uptake, which are a focus of the assessment below.

Car parking

- 6.5.7 The site and surrounding roads are located in Parking Zone H which operates between Monday to Friday 8:30 - 18:30. The TA sets out the vehicle parking strategy for the application site. This states that the new aspects of the scheme are proposed

to be car-free with the exception of Blue Badge parking provision. This is supported by the London Plan and LP33.

- 6.5.8 A CPZ exclusion to restrict parking permits being issued is recommended for all new users of the proposed site (except those with a blue badge) and this is a recommended clause in the unilateral undertaking.
- 6.5.9 LP33 policy LP45 outlines that in housing estate development schemes, parking provision may be re-provided where it can be demonstrated that there are existing occupiers with established vehicle parking spaces or permits. The policy states that the re-provision of parking is acceptable when it is delivered as part of an overall package of measures, including improved walking and cycling routes and improvements to the public realm.
- 6.5.10 In addition to the provision of a car-free development for new residents, the scheme proposes to reduce the overall provision of car parking across the De Beauvoir Estate. The applicant has conducted a number of parking surveys to gauge the level of parking demand for the existing spaces that would be impacted by this development, which has been shown to be 64 spaces. Accordingly, the parking provision within the development boundary (red line) has been reduced from 77 spaces to 65 spaces which would include 6 Blue Badge vehicle parking spaces for new residents (12 in total). This means that existing demand would be slightly over (5 spaces) the level of provision but the parking survey also indicates that the estate as a whole (outside the red line boundaries of the sites) has spare parking capacity. As the first phase of the project, with scope to judge the impacts of these changes in future, the proposal is considered acceptable.
- 6.5.11 The reduction in parking provision is supported by the Council, in line with the policies outlined above. The London Plan states that all residential car parking spaces must provide infrastructure for electric or Ultra-Low Emission vehicles and 12 electric vehicle charging points are proposed, with passive provision for all the remaining spaces. This is in line with the policy and is considered acceptable.

Blue Badge Car Parking Spaces

- 6.5.12 LP33 states that disabled parking should be provided in accordance with the London Plan, which requires that it is provided for three per cent of the dwellings. Given that 189 units are proposed, the required level of provision is 6 spaces.
- 6.5.13 The application site proposes that 12 residential Blue Badge spaces will be provided, all of which would be within 50m of the new residential entrances and all of which would be fitted with electric vehicle charging points. The Travel Plan would be used to monitor need above this level and the applicants have committed to converting up to 13 more if they are needed. This is above the level of provision required by Local Plan policies and is supported by the Council. The uptake of Blue Badge parking spaces would be monitored as part of the travel plan process and would be balanced against the need for residential parking spaces for existing residents.
- 6.5.14 The original application did not provide Blue Badge parking spaces for the commercial element of the scheme but, following discussions with the applicant, 2 Blue Badge parking bays will be provided for the commercial element of the scheme.

These are proposed to be installed on the public highway, within 50m of site entrances. This proposal is supported by transportation and highways teams and will ensure that employees and visitors are not discouraged or discriminated against when considering the application site as a place to work or visit in Hackney.

- 6.5.15 These aspects have been committed to through the proposed Parking Design and Management Plan, contained within the Travel Plan in the proposed Unilateral Undertaking. As such, the car parking need of the site will be monitored and adapted over time. For example, the provision of blue badge spaces will be as part of a responsive arrangement that reflects on-site need at any given point. These arrangements are considered acceptable.

Cycle parking

- 6.5.16 The residential cycle parking initially proposed a total of 358 long-stay cycle parking spaces and 46 short stay spaces. Following discussions with the applicant, the overall quantum of cycle parking spaces has been increased to 451 spaces. This consists of 379 long stay spaces and 72 short stay spaces. It is noted that the great majority of these spaces would be two-tier josta style cycle parking (382).
- 6.5.17 Non-residential cycle parking spaces are not shown on the submitted plans and would be contained within the footprint of the individual commercial units. The recommended cycle parking plan would require that details of the commercial cycle parking be provided at the next stage. This would include visitor spaces, for which none are currently proposed but for which there is sufficient space in the public realm of the estate within the red line boundaries of the application sites. For the proposed level of non-residential floorspace, 2 visitor spaces are required by policy. 14 staff spaces are required within the units themselves and these will be required to be accessible.
- 6.5.18 Cycle lockers are provided in the front gardens of the terraced housing and this is considered to be acceptable, since these would be private spaces for the occupants of these units.
- 6.5.19 The 72 visitor cycle spaces represent more visitor provision than the 36 that would be required by policy for a scheme of this size but it is noted that there is no visitor cycle parking proposed for the Downham Road West building.
- 6.5.20 A table submitted with the application shows the proposal as follows:

Cycle Parking Summary									
Site	Policy Requirement	Cycle Parking Type						Total Proposed	Variance
		Communal Store (Two-Tiered)	Communal Store (Accessible)	Courtyard (Sheffield stand)	Landscape (Sheffield stand)	Landscape (Accessible)	Front Garden (Bike Locker)		
Downham Road West	128	126	3	0	0	0	0	129	1
81 Downham Road - TRA Row Houses	25	0	0	0	0	0	20	20	-5
81 Downham Road	128	114	0	16	0	0	0	130	2
Downham Road East	72	60	0	0	12	0	0	72	1
Hertford Road	46	38	0	0	7	1	0	46	0
Balmes Road	53	44	0	0	10	0	0	54	1
Total	451	382	3	16	29	1	20	451	0
	100%	85%	1%	4%	6%	0%	5%	100%	0%

- 6.5.21 Hackney Policies LP41, LP42 and LP43 in LP33 highlight the importance of new developments making sufficient provisions to facilitate and encourage movements by sustainable transport means. Local Plan 2033 policy LP42 requires that cycle parking shall be secure, accessible, convenient, and weatherproof and will include an adequate level of parking suitable for accessible bicycles, tricycles and cargo bikes. It is noted that 85% of the cycle parking spaces in the internal stores are to be provided as two-tiered stands and that two tier stands of this type are considerably less accessible for potential users. The applicants have stated that they are not able to provide a higher proportion of single tier cycle parking provision while providing the proposed overall quantum and other benefits of the scheme.
- 6.5.22 As such, this remains a weakness of the application that must be considered within the planning balance. A cycle parking plan is required by the recommended condition, to show layout, foundation, stand type and spacing. The Cycle Parking design will include consideration of the personal security of those accessing the compound, including lighting, CCTV and visibility in the compound. Additional security measures and deterrents such as controlled access and CCTV provision will be included in the provision and the applicants have agreed to this already. The conclusion of this report is that, with this recommended condition, the high proportion of two tier cycle parking is insufficient grounds to warrant refusal of the application in this instance.

Use of the public highway

- 6.5.23 The application includes three areas where the site boundary encroaches onto the public highway. These are:
- Corner of Downham Road and Southgate Road;
 - Southern portions of the Balmes Road site;
 - Eastern portions of the Hertford Road site.
- 6.5.24 The areas in question are relatively small and agreement has been reached with the Borough's Highways team that the land can be stopped up and used within the development. This will form part of a separate agreement, outside of this permission.

Sightlines and Visibility Splays at Junctions

- 6.5.25 During the course of the application there have been two changes to the scheme to help with the visibility at junctions:
- A pillar has been removed from the undercroft at the Hertford Road building, to ensure that cars using the vehicular crossover are visible and have good sightlines on approach;
 - The ground floor level of the Downham Road West building at the north western corner has been brought back, so that the existing sightlines are maintained.
- 6.5.26 Following these amendments, the Borough's Highways teams have agreed that the scheme represents appropriate development with regard to the safety of pedestrians and vehicles using the surrounding roads and pavements. Nevertheless, Highways Officers have asked that a condition be added in respect of a road safety audit for Hertford Road in order to assess further details prior to the construction of that building.

- 6.5.27 The original proposal involved refuse trucks overrunning the shared surface at the two corners of the 'U' shape of Ufton Road in front of St Lawrence Court on their weekly collection days. This is no longer proposed and the refuse vehicles would continue to carry out their weekly collections from Downham Road, as per the existing situation. It is noted that a fire engine would need to overrun the shared surface but the rarity of this situation, added to the good visibility for pedestrians and road users at those corners, means that such a situation is considered to be acceptable.
- 6.5.28 For these reasons, the proposal is considered to represent an acceptable development with regard to the safety of pedestrians and road users.

Deliveries and Servicing

- 6.5.29 A framework delivery and servicing plan (DSP) has been submitted as part of the application and is considered to be acceptable, subject to the recommended condition requiring a final DSP to be submitted. This would provide further details on trip generation, swept path analysis, vehicle types, dwell times, potential consolidation and maximising sustainable transport deliveries prior to the occupation of the proposed buildings.

Car Club

- 6.5.30 Local Plan policy LP45 states that all major residential developments will be required to contribute towards the expansion of the local car club network including those using low-emission vehicles. The applicant has made reference to this policy as part of their TA. To encourage occupants to travel by sustainable modes, a contribution towards the introduction of an Electric Vehicle Car Club (EVCC) of £10,000 has been recommended within the Unilateral Undertaking. This contribution should be paid by the applicant to the Council. The estimated cost of this is £10,000. All future residents would be provided with a car-club membership and driver credit, equivalent to £60 free membership and or driving credit to a registered car club provider. This is also a recommended Head of Terms within the Unilateral Undertaking.

Refuse Strategy

- 6.5.31 Following amendments to the application, the Council's Waste Officer has reviewed the proposal and raises no objection to the location or capacity of waste storage provided. The submitted documentation now agrees that:
- If commercial waste is to be presented for collection on the public highway, the collection point shall be directly outside the premises from which the waste is produced;
 - Waste on the public highway must be collected within 2 1/2 hours;
 - All waste must be in receptacles marked with details of the waste carrier responsible for collecting it;
 - Waste must never be allowed to escape from receptacles and the public highway must not be marked as a result of waste being stored there for collection.

On this basis, the proposal is considered to provide suitable waste and collection servicing arrangements.

Public Realm and Highway Improvement Works

- 6.5.32 In accordance with requirements of Local Plan 2033 policy PP1, all developments are expected to be integrated into the surrounding public realm and/or provide contributions to urban realm improvements within the site vicinity.
- 6.5.33 The estimated cost for the Highways Works is £659,988.53 and a contribution of this amount will be committed to via the Unilateral Undertaking. The proposal is to reconstruct the adjacent footways and crossovers and the planting of 50 Trees along Downham and Southgate Roads.

Works to Canal Towpath

- 6.5.34 Policy SI 16 requires that development protects and enhances adjacent waterways. LP23 policy LP52 notes that compensatory measures can be appropriate when considering the impacts to waterways. It is considered that a compensatory measure of £20,000 to the Canal and Rivers trust towards towpath improvements and biodiversity measures would be appropriate and this has been agreed with the applicant and added to the proposed heads of terms for the Unilateral Undertaking.
- 6.5.35 In line with the submitted Ecology Note, the Construction and Environmental Management Plan condition includes a requirement to provide details of pollution controls in respect of the canal. As such, the proposal is considered acceptable with regard to its impacts to the canal and its towpath.

Construction Logistics

- 6.5.36 Due to the scale and nature of the proposed development, a detailed Construction Logistics Plan to mitigate negative impact on the surrounding highways network has been recommended by condition, with an associated monitoring fee of £8750 in the proposed Unilateral Undertaking. Transport for London have been added as consultees for this condition, as per the request of the GLA.

Travel Plan

- 6.5.37 A Framework Travel Plan (TP) outlining measures to manage travel demand has been submitted alongside the Transport Assessment. A full travel plan for both residential & commercial elements of the development would be committed to via the proposed Unilateral Undertaking, in line with comments provided by TfL and LB.Hackney Transport officers during the course of this application. The full travel plan would be carried out in accordance with TfL's best practice guidance and comes with a monitoring fee of £2000.

Crossrail 2

- 6.5.38 The site is located within the limits of land subject to consultation by the Crossrail 2 Safeguarding Direction. As such, the Crossrail 2 Safeguarding Team have required a Crossrail 2 related construction method statement for all of the ground and below ground structures, foundations and basements. This condition has been recommended, below.

Summary

- 6.5.39 The development is considered acceptable with respect to the level of car and cycle parking, servicing arrangements and the scope of highway works. The proposal improves access to the canal, promotes the use of sustainable transport modes and will not give rise to any adverse impacts to the surrounding highway network.
- 6.5.40 Conditions requiring the provision of cycle parking, a road safety audit, demolition, construction and delivery/servicing plans have been recommended, along with Unilateral Undertaking clauses restricting future residents from applying for parking permits, Blue Badge spaces, compliance and adoption of a Travel Plan containing a Parking Design Management Plan and Highway Works.
- 6.5.41 In light of the above, it is considered that the proposed development is acceptable in terms of transport considerations.

6.6 Impact on Nearby Residential Amenity

- 6.6.1 London Plan policy D3 states that development should have regard to the form, character and function of an area, through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions and that they should deliver appropriate outlook, privacy and amenity. Policy D6 requires that the design of development should provide sufficient daylight and sunlight to new and surrounding housing that is appropriate for its context. Local Plan 2033 policy LP2 is concerned with the amenity of neighbouring occupants.

Daylight, Sunlight and Overshadowing Assessment

- 6.6.2 The assessment of the daylight, sunlight and overshadowing impact of the proposal on nearby sensitive receptors is informed by a Daylight and Sunlight Review submitted in support of the application. The methodology adopted for the assessment of daylight, sunlight and overshadowing is set out in the 2011 Building Research Establishment (BRE) Guidance. In accordance with BRE guidelines and with best practice, the assessments undertaken considered primarily residential properties.
- 6.6.3 When assessing daylight to existing properties, the primary methods of measurement are vertical sky component (VSC); and No Sky Line (NSL).
- 6.6.4 The BRE Report sets out two guidelines for vertical sky component: a) If the vertical sky component at the centre of the existing window exceeds 27% with the new development in place, then enough sky light should still be reaching the existing window and b) If the vertical sky component within the new development is both less than 27% and less than 0.8 times its former value, then the reduction in daylight will appear noticeable to the occupants and more of the room will appear dimly lit. In this urban area, VSC levels of around 15% would be considered typical of the windows in the surrounding streets and is considered to be a reasonable rule of thumb when considering the retained levels of daylight to surrounding properties following the proposed development.

- 6.6.5 The BRE Report also gives guidance on the distribution of light in existing buildings, based on the areas of the working plane which can receive direct skylight before and after the new development. If this area is reduced to less than 0.8 times its value before, then the distribution of light in the room is likely to be adversely affected, and more of the room will appear poorly lit. This is referred to as the No Sky Line (NSL) analysis.
- 6.6.6 For sunlight, the primary method of measurement is annual probable sunlight hours (APSH) to windows of main habitable rooms of neighbouring properties that face within 90° of due south and subtend the new development at an angle of 25 degrees from the centre of the lowest window to a main living room. If a point at the centre of a window can receive more than one quarter of APSH, including at least 5% of APSH in the winter months, then the room should still receive enough sunlight. If these percentages are not met and the reduction in APSH is more than 20% of its former value, then the loss of sunlight will be noticeable.
- 6.6.7 BRE guidance is clear that it needs to be applied with regard to the site context. Sunlight and daylight target criteria as found in the BRE guidance have been developed with lower density suburban situations in mind. In denser inner urban contexts, sunlight and daylight levels may struggle to meet these target criteria in both existing and proposed situations. The target criteria cannot therefore be required for dwellings in denser inner urban locations as a matter of course, in line with guidance set out in paragraph 1.3.46 of the Mayor of London's Housing SPG.
- 6.6.8 In addition, the guidance clarifies that the impact of balconies and other overhangs may be discounted from the calculation of daylight and sunlight impacts, since balconies (and their supporting structures) bring their own amenity but will constrain existing windows by overhanging them. The guidance therefore considers that this aspect of balconies should not be to the detriment of future development.
- 6.6.9 *Daylight Impacts*
- 6.6.10 The impact on the VSC and NSL of neighbouring properties is considered acceptable. Significant impacts (> 20%) can be seen at many surrounding properties but the retained levels of VSC and NSL following the development would be typical for the surrounding streets of this urban area. There are neighbouring properties where a more detailed assessment is useful and this is provided in the paragraphs that follow:
- 6.6.11 Downham Road East:
The flank windows at Lanresse Court show significant reductions in VSC but only one window, at the first floor, retains less than 15% (13%). There are significant impacts to Living Room windows and these already have low levels of VSC. The worst of these would take the VSC from 15.74% to 9.73% and the impacts are seen as high as the seventh floor. However this situation is exacerbated by the balconies to these rooms. In line with the BRE guidance, the applicants have considered the impact of the development without balconies and in that circumstance, the levels of VSC would not fall below 17% after the development. These results are considered acceptable.
- 6.6.12 Downham Road West:

Levels of daylighting at properties facing the proposal site are unusually high because of the open nature of the existing site.

At Trafalgar Point, to the west across Southgate Road, there is an overhang above the ground and basement floors. The basement rooms are already greatly obstructed by this overhang and their positioning and the impact of the development is limited to around 3% VSC at each window, which is considered not to be significant. The ground floor rooms that are not set in underneath the overhang show good retained VSC (>17%) and NSL, which demonstrates the impact of the overhang, and the impact of the proposal to the other windows at ground floor is also considered to be acceptable. This conclusion is affirmed by the results at 1st floor and above, where the impacts to VSC are large (typically 0.5 to 0.6) but the retained VSC is acceptable at >18% and the retained levels of NSL are also acceptable.

At St Aubins Court, to the east of the proposal site, there are balconies and set in windows, though the open nature of the proposal site has helped with the daylighting of these. The windows at ground floor that are not obstructed by overhangs all retain 19%, or more, VSC and these are the main windows for the units on this facade. At first floor level, windows under balconies see significant impacts to daylighting (for example, from 23% to 9% VSC) but it can be seen that this is largely the impact from the balconies and set ins themselves, since windows that are not under balconies would retain at least 20% VSC, despite significant impacts to the existing situation. A similar scenario is replicated on the floors above in respect of VSC and is similarly considered acceptable. The NSL figures show significant impacts but the rooms that are not directly affected by set ins and balconies retain good levels of daylight distribution. As such, the impacts to the daylighting of these units are considered acceptable.

81 Downham Road and TRA Site

- 6.6.13 At St Lawrence Court, to the south of the TRA site and to the west of the 81 Downham Road site, a number of windows are overhung by deck access or the floor above and provide light only to non-habitable rooms. The impacts to the VSC and NSL to these windows are considered acceptable. East facing ground floor windows (W20-22) are significantly affected, with low levels of retained VSC but the north facing windows to the same unit (W23-26) retain around 19% VSC. Since these windows serve the same unit, albeit different rooms, the retained level of daylight is found to be acceptable and the amount of daylight improves at each floor upwards. The NSL to the lower floors served by windows W20-26 is significantly impacted but the retained amount of floorspace outside the no sky line is considered acceptable.

At St Aubins Court, to the west of the terraces proposed for the TRA site, the layout of the facing windows alternates by floor. The ground floor (and second and third floor) windows serve non-habitable rooms placed under an overhang. These windows have low existing VSC and the proposals would have only small impacts in absolute VSC terms, so it is considered that these impacts to VSC should be considered acceptable. First floor (and third and fifth floor) windows are not under an overhang, the windows serve habitable rooms and retained VSC is acceptable, being no lower than 16.5%. The NSL for these windows is not significantly impacted where the windows serve habitable rooms.

79 Downham Road is a house to the east of 81 Downham Road. Here the VSC is significantly impacted to three rear windows of this end of terrace property and retained levels are 13% to 14.6%. However, given that this is a house, with no VSC impacts to the front windows and only a marginal impact to NSL, it is considered that these minor deviations below the benchmark of 15% for this area should be considered acceptable.

1-90 Portelet Court is a tower to the east of 81 Downham Road. There would be significant impacts to VSC but good levels of retained VSC (lowest 23%) except at the one window per floor which is placed under a balcony. Overall, the units therefore remain acceptably daylight and the NSL figure shows only marginal impacts.

At St Brelades Court, across the green space to the south of 81 Downham Road, the layout of the facing windows alternates by floor. Ground floor (and second and third floor) windows show significant impacts to VSC from low levels but are deck access windows beneath an overhang and serve non habitable rooms, so the results are considered acceptable. The NSL to these non-habitable rooms is sometimes significantly impacted but the retained levels are acceptable. The first floor (and third and fifth floor) facing windows are not beneath an overhang, they serve habitable rooms and the retained VSC is no lower than 15.2%, which is also considered acceptable.

Hertford Road

- 6.6.14 There are three windows showing significant reductions to a low level of VSC at 32a and 34 Hertford Road (to 9%, 3% and 10% VSC), which are twin terraced properties to the east of the site. However these are windows above doors and serve rooms that are already daylight from large windows that show reductions to an acceptable level (15%). As such, the NSL of these rooms is also retained to an acceptable level, with 68% and 77% of the rooms within the no sky line. This is considered to be acceptable. At 1 to 49 St Martins Court there are six significantly affected windows but these serve a stairwell, rather than habitable rooms.

Daylight Conclusions

- 6.6.15 At all other tested windows the VSC impact of the proposed development is considered not to be significant in percentage and/or absolute terms and to be acceptable on this basis.
- 6.6.16 The submitted Vertical Sky Component and No Sky Line figures help explain the impact of the proposals in daylight terms. While some significant impacts are seen, the affected windows are not left less daylight than would be expected for this inner city context. Where levels of daylight drop below the standard benchmark VSC of mid teens, this is explicable by features of those buildings' architecture, such as balconies and overhangs. As such, it is considered that the scheme is acceptable with regard to its impact on the daylight of neighbouring properties.

6.6.17 *Sunlight Impacts*

- 6.6.18 The following paragraphs consider the impacts to sunlight in terms of Annual Probable Sunlight Hours (APSH), expressed as a percentage.

Balmes Road

- 6.6.19 The APSH at the ground floor of Granville Court is significantly affected, particularly at four windows (W4-W7) that go from good sunlighting to receiving less than 25% annual sun and 5% winter sun. The two closest windows (W6 and W7) would see no winter sun, from good existing levels. Nevertheless, the annual sun received by all windows at the floors above would be at least 25%, except the closest windows (W7), where it would be at least 25% at the 2nd floor upwards. The winter sun is at least 5% at all windows from third floor upwards (except W7, where this figure would be attained at the 4th floor upwards. These impacts are significant but it is noted that all other surrounding properties, the retained sunlight would be within BRE guidance and that, because of the positioning of the building, the impacts to sunlight on the great majority of surrounding windows would be marginal or non-existent. On balance, the impacts to sunlight from the Balmes Road building are considered to be acceptable.

Downham Road East

- 6.6.20 The building is positioned to the north of all surrounding residential windows, except those across Downham Road. At those Downham Road properties the APSH figures for annual sun show high levels of retained sunlight. The winter APSH figures show a reduction below 5% at four windows but all retain some winter sun (3% or higher) and the impact of the proposed building is considered to be acceptable in these terms.

Downham Road West

- 6.6.21 Properties across Downham Road show significant changes but from a good level of existing sunlight and they would still meet the BRE targets. At Trafalgar Point some windows show significant reductions at ground and basement floors but all the windows that already meet the BRE targets would still do so. It is noted the ground floor windows where the existing APSH is low are affected by an existing overhang on the building and the 1st floor windows all retain good APSH. At St Aubins Court most of the windows are not within 90° of due south and so have not been tested but there are also 6 small south facing windows flanking the balconies, which would be significantly impacted. Of these 6 windows only 2 receive the minimum BRE standard of sunlighting in the existing situation but it is nevertheless noted that all 6 receive significantly less sunlight as a result of the proposal. Nevertheless, given the small number of windows affected, it is considered that the impact to the sunlighting of these windows should, on balance, be considered acceptable.

81 Downham Road and TRA site

- 6.6.22 While there are significant impacts to the APSH of numerous windows (>20%), all these affected windows would retain both annual and winter APSH at BRE target levels where they are currently met. The exception is at two flank windows (per floor) of St Laurence Court where significant impacts to annual hours are seen (between a 70% and 50% reduction in each case), although the winter hours remain above target levels. In total, only nine windows are affected to below the annual BRE target level and, on balance, the impact to sunlight from these buildings is therefore considered acceptable.

Hertford Road

- 6.6.23 The majority of the surrounding windows face north and at all windows where there is a significant impact to sunlight, the retained levels are in line with BRE targets and are considered acceptable for this location.

- 6.6.24 *Overshadowing of Private and Public Outdoor Amenity Areas*
- 6.6.25 The daylight sunlight report shows that on the equinox (21st March) the proposed public space to the north of the Balmes Road site would continue to have over 2 hours of sunlight over no less than 58% of its area, in line with the BRE targets.
- 6.6.26 With respect to the community garden space adjacent to the west of the Balmes Road site, analysis has been carried out to show how much of the space would receive 2 hours of sunlight on 21st March and 6 hours on the same date, the BRE target being 50%. The impact of the adjacent trees has also been calculated in both scenarios. The results show that there would only be a marginal impact as a result of the Balmes Road building. 65% of the ground area would receive 2 hours of sunlight on 21/3 in the proposed scenario, compared to 67% in the existing scenario. 16% of the ground area would receive 6 hours of sunlight on 21/3 in the proposed scenario, compared to 9% in the existing scenario. As such, not only is the BRE target passed but the overall impact is also shown to be very limited.

Daylight/ Sunlight Conclusions

- 6.6.27 The proposal is surrounded by residential development. As such, it would have a significant impact on the existing levels of daylight and sunlight experienced by some existing occupiers. However, in each case, where affected windows had adequate existing levels of daylight and/or sunlight, the retained levels are considered to be appropriate for this inner London location, or for the reduction to be explicable by the existing features, such as balconies and overhangs, of the affected buildings. Overall and on balance, the impact of the proposal on the daylight/sunlight of existing occupiers is considered to be acceptable and should be approved.

Outlook/Sense of Enclosure

- 6.6.28 In line with the assessment above in respect of daylight/sunlight, it is noted that the proposed buildings would develop sites that are currently open. As such, it is accepted that there will be greater restriction to the outlook of some neighbouring properties and, similarly, an increased sense of enclosure. In general, it is considered that the impacts have been mitigated by the proposed massing of the buildings, which are limited to a six storey height, and their positioning across roads or public realm from neighbouring windows, thereby creating a good separation between new and existing development.
- 6.6.29 At one particular set of windows this analysis does not hold, the east-facing flank windows of St Lawrence Court that would be separated from the proposed 81 Downham Road block at a distance of approximately 7m. The proposed building is approximately one storey higher than St Lawrence Court, given the difference in floor to ceiling heights and, albeit that the proposed building is here at one of its two narrowest points, the loss of outlook and increased sense of enclosure at these east-facing windows would be significant. Nevertheless, in the context of a scheme of this scale, the amenity impact to these windows is considered to be acceptable. Though two bedrooms per floor would be affected, the units would still retain good outlook to all other rooms, since they have their outlook to the north and south. Though the impact to amenity would therefore be significant, on balance, it is not considered sufficient grounds to recommend refusal of the scheme.

- 6.6.30 For these reasons, on balance, the impact of the scheme on the outlook and sense of enclosure of neighbouring occupants is considered to be acceptable.

Privacy and Overlooking

- 6.6.31 The Council has no specific policy guidance on acceptable separation distances for overlooking. This is due to the differing established grain and density of the borough, the potential to limit the variety of urban space and unnecessarily restrict density.
- 6.6.32 Generally, the proposed development would be of a layout and design that provides adequate distances between windows in the proposed development and windows (and private amenity spaces) in surrounding properties. These distances would be reflective of the urban grain of surrounding streets. In each case the development would be separated from the adjoining neighbours by a street or public realm, which would create a fairly conventional pattern of development. In light of this, the level of overlooking created is considered acceptable.
- 6.6.33 As originally submitted, the exception was the narrow (~7m) distance between 81 Downham Road and the existing eastern flank windows at St Lawrence Court. However, the proposed western flank of 81 Downham Road has been amended during the course of the application to provide oriel windows that face away from the existing windows at St Lawrence Court. Corner balconies on that elevation are sufficiently set away from existing windows that they would have only an oblique view and so privacy screening is considered to be unnecessary. This ensures that there would be no significant additional overlooking of St Lawrence Court as a result of the proposals.
- 6.6.34 The development is therefore deemed acceptable in terms of prospective privacy and overlooking and so meets London Plan policy D3 and LP33 policy LP2.

Noise/Odour

- 6.6.35 Local Plan policy LP2 seeks to manage the amount of noise and odour arising to and from a development, in line with surrounding environs.
- 6.6.36 The mixed use accommodation proposed as part of this development is deemed to reflect the existing surrounding context, through providing predominantly residential uses with Class E accommodation at ground floor level. The Council's Environmental Protection team have reviewed the proposal and raise no objection, subject to internal ambient noise, soundproofing and plant noise conditions, coupled with demolition, construction and site environmental management conditions for the construction phase, which will limit noise and disturbance to surrounding occupiers. A considerate contractor's clause is included within the Unilateral Undertaking to further protect adjoining residents.
- 6.6.37 The applicants have not included a flue to any of the Class E units. As such, a condition has been recommended to ensure no primary cooking will take place within any of the Class E units allowed under the permission. This will protect the amenity of existing and future residents from odour impacts that might otherwise have arisen.

Amenity Conclusions

6.6.38 The proposed development is considered acceptable in terms of its impact on daylight, sunlight, overlooking, noise and odour. The proposed development is considered to be of an overall massing, layout and positioning which would not give rise to an unacceptable detrimental impact in terms of sense of enclosure or overbearing impact. In all respects the proposed development is considered to be acceptable in terms of its amenity impact.

6.7 Energy and Sustainability

6.7.1 London Plan policy SI 2 and LP33 policy LP55 state major development proposals should be net zero-carbon. The proposed development includes Air Source Heat Pumps and rooftop photovoltaic panels, achieving a total offset of 48.7% of regulated CO2 emissions over the baseline emissions.

6.7.2 The overall carbon emission savings are above the policy requirement and considered acceptable. The shortfall in carbon reductions to net zero would require a carbon offset payment of £298,965, based on £95 per tonne, which would be sought through the Unilateral Undertaking.

6.7.3 Photovoltaic panels are proposed for the roof and a condition has been recommended to require accredited certification that the array installed has at least a power capacity of 27kWp.

6.7.4 A Circular Economy Statement has been submitted and revised during the course of the application. It has been reviewed by the Borough and the GLA and is considered acceptable, subject to the condition in respect of a post-construction monitoring report that is recommended below.

6.7.5 London Plan policy SI2 requires consideration of the whole life cycle of the development, and an assessment has been submitted in this regard, which demonstrates how reductions have been achieved and is considered acceptable. A recommended condition requires monitoring of the performance of the completed development, in line with the 'be seen' stage of the energy hierarchy of SI2.

6.7.6 LP55 requires that non-residential floorspace meet BREEAM 'Excellent' rating. It is noted that the proposed BREEAM is 'Very Good', with a score of 65% shown in the submitted pre-assessments for the three larger units, only 5% short of the 'Excellent' target. This is accepted at this stage, given the relatively small size of the proposed commercial units, subject to a post-construction condition requiring the submitting of a BREEAM certificate for the larger three of the five units to show that at least a 'Very Good' rating of 65% has been achieved.

6.7.7 A further condition recommends that any insulation and refrigerant materials must have a low or zero Global Warming Potential (GWP) and Zero Ozone Depleting Potential (ODP).

6.7.8 For these reasons, the proposal is considered to be properly sustainable.

Water Network, Drainage and Flood Risk

- 6.7.9 The estate covers a large area and some parts have a high risk of surface water flooding.
- 6.7.10 The Council's Drainage team have reviewed the proposal and state no objection, subject to two conditions, the first of which requires the submission and approval of the detailed specification of the sustainable drainage system supported by appropriate calculations, construction details, drainage layout and a site-specific management and maintenance plan.
- 6.7.11 Thames Water have also reviewed the proposal and have requested the recommended condition in respect of the potential for water network upgrades. They also require the recommended condition requiring details of the proposed piling in advance of the commencement of development.
- 6.7.12 Subject to the above conditions, the proposal is deemed to be in line with the requirements of local and regional policy.

6.8 Trees and Biodiversity

- 6.8.1 Policy G7 (Biodiversity and access to nature) and G7 (Trees and Woodland), along with Local Plan 2033 policies LP47 (Biodiversity and Sites of Importance of Nature Conservation) and LP51 (Tree Management and Landscaping) stress the importance of trees and biodiversity.
- 6.8.2 The submitted planning statement clarifies that there are a total of 198 trees across the wider estate. During the course of the application, an updated arboricultural report has been prepared, which removes fewer trees than originally proposed. Nevertheless, across the 5 sites, the proposal involves the loss of 18 trees, including street trees. One of the trees to be removed is of Category A status (a London Plane adjacent to the canal), 9 are Category B and the rest are either Category C or U. This represents a significant loss of amenity and biodiversity from the sites.
- 6.8.3 Set against this loss is the proposal to plant 71 trees within the site boundaries. The number of trees on the estate would therefore increase from 198 to 249 albeit that the new trees would need to grow to maturity to provide the same biodiversity benefits as those to be removed.
- 6.8.4 The proposal also involves the loss of existing green space on the Downham Road West site and though this existing green space is not well maintained it contains 5 of the trees noted above as marked for removal and a further 4 are removed to allow more open landscaping of the remaining space. The existing green space provides a useful doorstep resource for existing residents, as well as a relatively biodiverse area with mature trees and this has been noted by a number of objectors.
- 6.8.5 As such, the reduction in size of this space and the loss of 18 trees from across the estate must be balanced against proposed benefits to biodiversity, including the new tree planting, the creation of a sizeable new outdoor amenity space on the Balmes Road site, the better landscaping of the remaining space at Downham Road West and the upgraded landscaping of the existing communal green space to the south of 81 Downham Road.

- 6.8.6 Aside from the Downham Road West development, the buildings are sited on areas of existing hardstanding or cleared ground, with little biodiversity value and the landscaping and tree planting of the application provide a net gain to the biodiversity of the site. The proposed Urban Greening Factor of the current proposals is 0.303, which falls short of the 0.4 target within LP48 for residential-led mixed use development but is a significant improvement on the existing value of 0.157.
- 6.8.7 London Plan policy SI 17 (Protecting and enhancing London's waterways) and Local Plan 2033 policy LP52 (Water spaces, Canals and Residential Moorings) require the protection of the biodiversity of London's waterways. The Balmes Road scheme is to the north of the canal and would not overshadow it. Three trees would be removed along the canalside but an existing car park of a larger footprint would be removed and allow the landscaping of the new square. The Canal and Rivers Trust (CRT) have suggested a £20,000 compensatory/ mitigatory payment, agreed by the applicant, and the CRT could use this money on such measures if they deem it appropriate. The payment will be committed to in the Unilateral Undertaking.
- 6.8.8 The development is identified as being in an area where swifts are nesting and will potentially nest. Being on the edge of the canal, it also provides a good location for roosting bats. A recommended condition requires that the scheme include bird bricks, nest boxes and bat bricks or boxes. This arrangement is considered to provide a welcome increase to the biodiversity potential of the site.
- 6.8.9 As such, there are positives and negatives of the scheme in respect of its impact on biodiversity. The loss of mature trees with a high biodiversity value is not entirely mitigated by the replanting of trees but the number of new trees proposed is welcomed and it is noted that this is the first phase in a regeneration of the estate, which is likely to include further landscaping and tree planting in future phases. The calculated CAVAT value of the trees to be lost (£377,564) will provide a resource for additional planting in the estate.
- 6.8.10 Similarly, the loss of the majority of the existing green space at Downham Road West is a significant disbenefit of the scheme and one that has led to objections in the consultation for this application. Nevertheless, the most heavily treed area of this space would be retained and its landscaping improved. Rosemary Gardens lies across Southgate Road from the Downham Road West site and provides an excellent, well maintained resource. Tree planting of the existing green space to the south of 81 Downham Road is welcomed for a space that is currently mostly grassed and of little biodiversity value. The removal of the Balmes Road car park and the proposal to landscape the space to the north of the proposed building with two lines of trees along the new square is also a benefit of the scheme, providing a new green space centrally within the estate and removing a car park of no biodiversity value. Space is provided at the roofs of the proposed buildings for food growing and biodiverse living roofs. As above, the scheme would provide £408,775.12 within the Unilateral Undertaking to upgrade existing outdoor amenity space, along with a £20,000 contribution towards biodiversity improvements and wayfinding along the canal.
- 6.8.11 For these reasons, on balance, the proposal is considered acceptable with regard to

its impact on biodiversity and trees. Future phases and the use of funds from the heads of terms of the Unilateral Undertaking for this phase will be expected to build upon the positive aspects of the scheme to improve the landscaping and biodiversity of the estate, in line with the requirements of local and regional policy. Conditions are recommended to ensure that the final details of the proposal are also acceptable.

6.9 Health and Wellbeing

- 6.9.1 London Plan policy GG3 (Creating a healthy city) and Local Plan 2033 policy LP9 (Health and Wellbeing) state development should be designed, constructed and managed in ways that improve health and promote healthy lifestyles to help to reduce health inequalities.
- 6.9.2 The applicant has submitted a Health Impact Assessment (HIA) which seeks to assess the potential impacts of development on the social, psychological and physical health of individuals and communities. The following sections are an evaluation of the development's impact on specific health themes covered within the HIA, as advocated by the above policies.

Housing Quality, Affordability and Design (Positive)

- 6.9.3 Access to adequate housing is critically important for health and wellbeing. This development will meet the required accessibility standards. The units are in line with London and Local Plan policies in relation to unit sizes, design, and layout. Dual aspect units have been maximised and none are single aspect and north facing.
- 6.9.4 Affordable housing provision within the development fits within the wider Housing Supply Programme and 50% of all units would be in affordable tenures, with the Affordable Housing tenure mix in line with policy. It is noted that the housing and tenure mix is not entirely in line with some of the policy targets. However, given the sites form part of an existing estate and wider estate regeneration programme, along with the utilisation of underdeveloped sites within the estate boundary, the development is considered positive in terms of housing, housing quality and design.

Accessibility and Active Travel (Neutral)

- 6.9.5 Transport has a positive role for health in London; it is the main way that people stay active. As well as 'active travel' (i.e. walking or cycling trips), this also includes the incidental physical activity connected to use of public transport. Given the health benefits of physical activity, and levels of physical inactivity locally, interventions to increase uptake of walking and cycling are strongly encouraged for public health (as well as other transport) objectives.
- 6.9.6 The development is the first phase of a regeneration of the estate that aims to increase accessibility across the estate and within its boundaries (by e.g. reducing severance), and to encourage pedestrian/cycle movement by residents, employees and the wider community (e.g. by wayfinding measures across the estate, rationalising parking arrangements, by removing the Balmes Road two storey car parking, by introducing new routes and communal spaces and by providing a total of 451 cycle parking spaces) and integrating pathways within the existing pattern of movement.

- 6.9.7 The Borough's Public Health team have noted that there is an over provision of two tier bicycle racks over more accessible spaces. This is considered a disbenefit of the scheme, although found acceptable for the reasons given above, and means that the overall impact of the development is considered neutral in terms of accessibility and Active Travel.

Air Quality, Noise and Neighbourhood Amenity (Neutral)

- 6.9.8 The development will essentially be 'car-free' minimising transport-related emissions. However, the cars of existing units and deliveries, along with the traffic of neighbouring roads will produce air pollution that could affect the development's residents. Heat and hot water will be provided by ASHPs and therefore the building related emissions will be Air Quality Neutral. Recommended conditions require that construction Non-Road Mobile Machinery would comply with emissions standards and that NOx emissions standards set out in the GLA's 'Sustainable Design and Construction SPG' will be maintained on-site. Healthy materials will be specified which will be non-toxic and low emitters of Volatile Organic Compounds (VOCs) and formaldehyde.
- 6.9.9 The development will not add significantly to external noise levels caused by traffic or commercial uses. Conditions restricting the hours of commercial operation have been recommended. Children's play areas are incorporated into the design but these have been designed to minimise disruption and are considered acceptable in these terms. The amenity impacts to residents have been assessed in detail above and been found to be acceptable.

Access to Open Space and Nature (Neutral)

- 6.9.10 Providing convenient and attractive open/green space can lead to more physical activity and reduce levels of heart disease, strokes, obesity, cancers and mental health conditions.
- 6.9.11 The development of Downham Road West involves the partial loss of an existing green space to the north of Benyon Road. Set against this, it will deliver an improved and better integrated public realm, including a new open space to the north of the Balmes Road building, two Multi Use Games Areas (MUGA) to replace one that is to be lost. The open space and play space provision on the sites themselves is limited but a payment in lieu of £408,775.12 in respect of the shortfall against policy would allow upgrading of existing spaces within the wider estate. The large park of Rosemary Gardens lies across Southgate Road to the west of the estate, providing further access to open space. All proposed open spaces are overlooked and accessible; the new buildings have private outdoor amenity space, along with courtyard amenity space at 81 Downham Road, Downham Road East and West; existing flats are to be provided with new balconies.
- 6.9.12 Overall tree coverage across the site would be improved along with new, more biodiverse soft landscaping and roofing enhancing the overall biodiversity value of the site.

Access to Healthcare and other Social Infrastructure (Neutral)

- 6.9.13 Strong, vibrant and inclusive communities require good quality infrastructure. Opportunities for the community to participate in the planning of the place where they live can contribute positively to mental health and wellbeing.
- 6.9.14 The proposal does not include the provision of any healthcare services or contribute to meeting educational needs, but the HIA contains calculations of availability at nearby healthcare and education services and finds that there is sufficient capacity at present. A contribution through the Community Infrastructure Levy (CIL) would be made to mitigate the increased demand for health and education services.
- 6.9.15 The development will include new employment space and new and remodelled public open spaces with support for play. Buildings and open spaces are accessible for the disabled and elderly. The HIA identifies other play areas, several libraries and other community/cultural services near the site, including the Rose Lipman Centre.

Social Cohesion and Lifetime Neighbourhoods (broadly positive)

- 6.9.16 Fragmentation of social structures can lead to communities demarcated by socio-economic status, age and/or ethnicity, which can lead to isolation, insecurity and a lack of cohesion.
- 6.9.17 The development provides housing in a range of tenures, sizes and degrees of accessibility within an existing estate, broadening the overall mix of tenures. Plots of long-term vacant land blighting the estate will be removed. The open spaces incorporate a mix of uses (e.g. play areas supportive of a varied age range, biodiversity, sitting areas for the elderly). The rooftops of the development provide planting beds for future residents. A range of employment floorspace is provided by the development. Across its phases, the development aims to integrate into the wider movement network (facilitating cohesion with the wider community) and seeks to remove existing severance (to promote accessibility). The new open spaces are publicly accessible and designed to be used by everyone (promoting social cohesion). All entrances and access routes will provide level access enabling all users to access buildings and open spaces safely. Furthermore, the development will be tenure blind, with all the buildings in a mix tenure, save for the Downham Road East and Balmes Road buildings, which would be entirely socially rented. The overall tenure mix of the new buildings is policy compliant with a 60:40 split between Social Rent and Shared Ownership units within the Affordable Housing and is considered likely to lead to beneficial results in terms of the overall social cohesion of the estate.

Access to Work and Training (Positive)

- 6.9.18 Employment contributes to mental and physical health through the opportunity to be active and have a sense of purpose and control, as well as reducing deprivation. Work also supports recovery from physical and mental illness. The proposed commercial units are to be flexible within Class E, providing e.g. workspaces, retail or cafe uses as appropriate to the needs of future tenants. The proposal will provide employment opportunities during both the construction and operational phases of development. The applicant and contractor plan to sign up to the Council's construction training programmes, which would provide opportunities for local apprentices. They also intend to commit to an agreed Local Labour Plan and monitor

the amount of local labour recruited, engaged, and hired. These aspects form Heads of Terms within the proposed Unilateral Undertaking.

Access to Healthy Food (neutral)

- 6.9.19 Access to healthy food can improve diet, and contribute to preventing chronic diseases and obesity. The proposal does not provide opportunities for growing food locally through e.g. allotments or community food growing spaces for existing residents. However, there is an existing Community Garden at the estate, adjacent to the canal. At roof level, 4 of the 6 buildings would provide planters for future residents to use to grow their own plants. Retail units are proposed on site which, by virtue of the recommended condition to remove the rights to primary cooking on site, will not be operated as hot-food takeaways. The development is deemed to have a neutral impact in terms of access to healthy food.

Minimising the Use of Resources (Positive)

- 6.9.20 Reducing waste, including disposal, construction processes and encouraging recycling can improve human health by minimising environmental impacts. The proposal would densify the estate making good use of brownfield land to help meet existing and future housing and economic need in the Borough. A condition requires the production of a post-construction monitoring report to be completed in line with the GLA's Circular Economy Statement Guidance.
- 6.9.21 Should this application be approved, a demolition and construction waste management plan will be produced, setting out how resources will be managed and waste controlled at all stages during the construction project. The application is accompanied by an energy and sustainability statement, which outlines the proposed energy efficiency measures for the development and provides a Carbon Offset payment of £298,965 through the Unilateral Undertaking. The proposal delivers many new secure and waterproof cycle spaces, promoting sustainable transport. The proposal is deemed to have a positive impact in terms of minimising the use of resources.

Climate Change (Positive)

- 6.9.22 The development enhances diversity through new planting, and brown and blue roofs. The development incorporates renewable energy through utilising Air Source Heat Pumps and photovoltaics. It will incorporate passive design including insulation, air tightness and enhanced u-values. The proposal includes a surface water management strategy where the discharge rate has been reduced from 5 l/s to 2 l/s, which is supported. Areas suitable for permeable paving and blue roof have been confirmed and are now clearly shown in the updated drainage plan and are recommended to be secured by condition.

Crime Reduction and Community Safety (Positive)

- 6.9.23 Planning and urban design that promotes natural surveillance and social interaction can help reduce crime and fear of crime, both of which impact adversely on the mental wellbeing of residents. This application has been reviewed by Design Out Crime officers who have provided a number of recommendations for improving

community safety that have been incorporated into the design. The public realm will benefit from passive surveillance through overlooking from the properties and will be well lit at night. CCTV will cover entrance areas, bin and bike stores, and (when there is not fob access) lift areas and lobbies. The development is deemed to have a positive impact in terms of crime reduction and community safety.

Summary

- 6.9.24 This development has strong potential to contribute positively to public health in Hackney. This is reflected in the approach to landscaping, supporting active modes of travel, efforts to make the estate integrate into the wider movement network and create a sense of place. The mitigation measures proposed for reducing impacts of construction on air quality and noise; as well as proposed measures to promote local employment and training opportunities in construction and procurement are noted and supported. The proposed development is deemed to meet the requirements of London Plan policy GG3 and LP33 policy LP9.

6.10 Other Planning Matters

Ground Contamination

- 6.10.1 The site is of potential concern with regard to contaminated land and are within the higher bracket of risk in terms of their prioritisation for inspection under Part 2A. This is because of the residential nature of the proposal and former land uses, noted as Garages, Works and Furniture Works. Contaminated Land Officers have reviewed the submission and are satisfied that the proposals are acceptable, subject to three conditions (covering pre-development, pre-occupation and unexpected contamination) to ensure the safety of the construction period and final development. On this basis, the proposal is considered to be acceptable with regards to land contamination.

Fire Safety

- 6.10.2 In line with Policy D12 of the London Plan, the submission includes Fire Statements for each of the proposed buildings. These have been reviewed by the Borough's Building Control department and are considered to be satisfactory. Compliance with these documents is recommended by the proposed condition.
- 6.10.3 During the course of the application changes were made to the proposed buildings in order to meet the new and emerging Building Control requirements in this regard. The amended scheme is therefore being assessed by the 'Gateway One' statutory consultees in the Health and Safety Executive (for residential buildings above 18m tall) and no decision notice will be sent until that consultee response has been received and the new arrangements agreed.

6.11 Consideration of Consultee Responses

- 6.11.1 In general, the response to issues raised by consultees has been outlined in the main body of the report, However there were additional consultation questions that are dealt with here:

The existing estate has been poorly maintained and money from private sales here should be spent on maintenance of the existing buildings.

Officer Response: Maintenance of the existing buildings of the estate is carried out separately from the Housing Supply Programme, which focuses on the provision of new buildings within existing estates. Nevertheless, the recommended payments within the Unilateral Undertaking will improve the urban realm of the wider estate and the proposal is considered acceptable in these terms.

Too little open space is proposed for the new residents, when compared to the policy target of 14m² per new resident, which would require 26,485m².

Officer Response: The 26,485m² figure appears to be incorrect, since it implies 1891 new residents. The amount of open space required, along with the proposed payment in lieu to make up the shortfall, is considered in detail above.

Downham Road should be turned into a park, to provide 7000m² of new open space; Loss of the grow your own allotments for existing residents.

Officer Response: The existing allotments on the estate are adjacent to the proposed Balmes Road building and would be retained. There are no allotments in the existing green space adjacent to the Downham Road West site. With regard to turning Downham Road into a park, which was a point raised by a number of objectors, this is a well used east/west route and it would not be practicable or desirable in highways terms to remove it and push traffic onto other neighbouring roads. However, there are emerging plans from the Council's Streetscene team to narrow the road where it passes the northern edge of the estate and to provide soft landscaping, including trees in this location. This is not a consideration of this planning report however, since the plans are at an early stage and have not yet been subject of full public consultation.

The proposed affordable housing is not genuinely affordable.

Officer Response: The proposal provides a policy compliant mix of Affordable Housing, with 62% of the Affordable Housing being Social Rent units. This is in excess of the requirements of the Housing Supply Programme in its overarching Unilateral Undertaking and of the relevant planning policy.

Impact on fire safety because of a narrow alley proposed between the new three storey terrace and existing buildings, which wouldn't allow access by fire crews.

Officer Response: Ufton Road is U-Shaped and will be maintained in its existing width at all points other than the corners of the U. The proposal would have no significant impact on the ability of fire crews to access the northern facade of St Lawrence Court as a result of the proposed development. As above (para 6.5.27), the fire trucks would need to overrun the shared surface at the two corners of the U but the visibility for pedestrians and vehicles is sufficient at that point to ensure that this rare occurrence would not create a risk for either.

Potential for anti-social behaviour in the alley between the new three storey terrace and existing buildings.

Officer Response: Ufton Road currently runs behind the blank walls of the MUGA and a surface level car park. It is considered that there is no more likelihood of anti-social behaviour as a result of the building of the terrace row than there is at present. The scheme has been reviewed by Secured by Design (SBD) officers and they are

satisfied with the recommended condition that requires SBD accreditation of the scheme.

New residents should not be given parking permits and there should be no additional parking areas provided. The Balmes Road car park should be reopened, not built on.

Officer Response: The submitted documentation outlines the parking need of existing residents and an aim of the phases of the estate regeneration is to remove unneeded parking spaces, such as the two storey car park on the Balmes Road site. The proposed Unilateral Undertaking would ensure that future residents do not qualify for parking permits.

More bicycle storage should be provided for existing residents. The old pram sheds should be upcycled into safe, secure bike storage.

Officer Response: The provision of greater levels of bicycle storage for existing residents is not within the scope of this planning application and is not a reason for refusing the application.

The application should have come forward as individual applications for separate sites, rather than all together.

Officer Response: It is considered that separating the sites in this way might have made the consultation process more difficult to navigate for interested residents who were interested in the implications of the development across the whole of the estate. There is no planning reason not to have submitted the application in the manner chosen and it is considered acceptable in these terms.

The pre-planning consultation process has not led to any substantive changes to the design of the proposal.

Officer Response: The pre-planning consultation process is intended to provide the applicants with information that will inform their scheme. Nevertheless, the results of the process itself are a matter of concern to the applicants, rather than this planning report, which has focused on the acceptability or otherwise of the scheme that has been presented.

Residents have not received letters from the Council about the planning consultation; The planning website does not make it easy to send in comments.

Officer Response: The consultation has been carried out with more neighbouring residents than is necessitated by the Borough's Statement of Community Involvement, in order to reflect the number of residents that were consulted in the pre-planning process. The planning website is just one of a number of ways that residents may submit representations and is no different for this application than any others. As such, this is not a reason to refuse the application.

Consultation comments should be available for public view.

Officer Response: The Local Planning Authority's position is that the publication of consultation comments may, in some cases, lead to issues with the identification of objectors and so to unforeseen consequences. As such, Hackney does not publicise letters in full but instead they are summarised within the report.

Impact on existing residents during the construction period, including noise, dust and the increased road traffic with construction lorries. Downham Road is too busy to cross, even without the construction period and additional homes proposed.

Officer Response: The temporary disruption of construction work is mitigated, so far as is possible, by the proposed condition requiring a Construction Management Plan. There are no particular circumstances in this instance that would mean the construction period would be especially problematic on any of the sites in question and so this temporary disruption is considered to be insufficient grounds to refuse the application.

All the proposed sites fall within the definition of a tall building, as defined by the London Plan, because they are all over 18 metres tall and all, except for one building, are 6-storeys high. Particular consideration is therefore required in relation to their impact on neighbouring properties in terms of amenity, including daylight, sunlight and privacy.

Officer Response: The proposed buildings do not meet the Hackney definition of a tall building within the local plan (50% taller than the prevailing context or which significantly changes the skyline or is 30 metres or more in height). Nevertheless, the impact on neighbouring amenity is considered in detail above.

The submitted Daylight Sunlight report is inaccurate in relation to 81 Downham Road in particular.

Officer Response: Waldrams, who carried out the Daylight/Sunlight assessment have responded in detail to this objection in their “De Beauvoir Estate Phase 1 - 81 Downham Road” Letter dated 6th December 2021. Their response is considered reasonable and to show that the impacts of the development may be assessed from the documentation that has already been produced. As such, the findings of the amenity section of this report, above, are considered to hold.

There has therefore been inadequate assessment of the impact of the Development on the siting of the De Beauvoir CA within the submitted Conservation Area Impact Report, where there is no discussion of how adding buildings that better conform with the design, mass and height of buildings on the estate would impact on the siting of the De Beauvoir CA.

Officer Response: The submitted documents are considered sufficient to allow full consideration of the impact of the proposed development on the conservation area.

The Downham Road East buildings will narrow the pavement at the corner of Downham and De Beauvoir road in a manner that will be unsafe for pedestrians.

Officer Response: There is consideration of the changes to the highway width in the assessment above, along with how the visibility at junctions would affect pedestrians and road users. The apparent pavement width at the Downham Road East building would certainly narrow but it is particularly wide at the moment, not all of which is Highways land, and it would not be reduced to less than 3m wide at any point. This is considered to be an acceptable arrangement with regard to pedestrian safety.

6.11.2 *Comments from the Tenant and Residents Association:*

There are too many documents submitted for it to be possible for residents to review them all within the statutory consultation period.

Officer Response: We have accepted consultation comments up to the date of this committee, with any comments received beyond the date of this report being added to the addendum. There is a necessary level of detail to planning applications, which is

not avoidable but we have responded to resident queries via phone and email where there have been questions that related to the detail of the reports.

The application contains no benefits to existing residents. This should not be considered a regeneration scheme, since it includes no repairs to existing blocks, such as Fermain Court, which have not been adequately maintained or refurbished for years.

Officer Response: As above, maintenance of the existing buildings of the estate is carried out separately from the Housing Supply Programme, which focuses on the provision of new buildings within existing estates. Nevertheless, the recommended payments within the Unilateral Undertaking will improve the urban realm of the wider estate and the benefits of the proposal in respect of the wider public realm of the estate are a consideration of the report above.

Leaseholders have been informed that they are financially liable to contribute to the costs of the proposed infrastructure and landscaping.

Officer Response: The project goes through a lengthy governance review to ensure that appropriate compliance is made with regards to recharging service charges. This query falls outside the planning remit and can be addressed to the project's Housing Supply Team which, in this context, is acting as a separate entity from the Local Planning Authority.

Prior to the planning application, residents were informed that the proposal would contain 100% affordable housing.

Officer Response: This is not a planning consideration. The provision of Affordable Housing is considered above.

More social rented accommodation should be proposed.

Officer Response: The Housing Supply Programme aims to maximise the provision of Affordable Housing by funding it via the provision of open market units. The proposed level of Social Rent units is considered above.

The application does not clarify how the construction programme would be monitored.

Officer Response: This will be carried out via monitoring of the conditioned Construction Management Plan, for which £8750 is provided in the proposed Unilateral Undertaking.

Other developments in Hackney that have been granted planning, based on a planning policy compliant tenure mix, have subsequently had to revert to a model with +50% private sale.

Officer Response: The tenure mix is committed to via the proposed Unilateral Undertaking and any changes to this that resulted in less affordable housing being proposed would require a further submission to the planning authority, at which point it would be reviewed. The HSP is also subject to an overarching Unilateral Undertaking, which requires that 50% of the units to be provided within the whole programme be affordable.

Phases 2 & 3 have not outlined their proposed tenure mix.

Officer Response: The next two phases are not yet at application stage and only Phase 2 has yet got to the stage of pre-application discussions. As such, the tenure

mix is one of a number of aspects to these phases that will be subject to significant revision prior to any application being submitted.

No community consultation has taken place to date with regards to phases 2 and 3 despite both being outlined as proposed / ring fenced in this phase 1 planning application. This means residents & stakeholders are being asked to take into account phases 2 & 3 without having any information to assess the overall proposed Housing Supply Programme, or its impact on the De Beauvoir Estate. The phases must be understood as a whole.

Officer Response: This is a standalone application and is not dependent on Phases 2 or 3. The assessment above considers the merits of the application without regard to any further phases and their presence in parts of the submission documents is intended to provide information without prejudicing the assessment of the merits of this application.

There are inaccuracies in the numbers of existing residential units / number of residents on De Beauvoir Estate throughout the submission. The reference / source / method of calculation for numbers used is not supplied. In addition, they appear to diverge from those used by other Council services e.g. Leaseholder Services / Service Charges. The impacts of the development on existing infrastructure cannot therefore be accurately assessed.

Officer Response: It is noted that the Council does not hold authoritative data in respect of the existing residents and dwellings of the De Beauvoir estate. This has been noted by the Borough's Regeneration team in their response to queries by officers during the course of this application. Nevertheless, the data that has been provided is considered to be sufficient to allow the assessments made in the report above, such as the paragraphs relating to the Health Impact Assessment, and is perhaps better than the level of data that might be found if a proposed development were surrounded by private development within the Borough. This is considered to be insufficient grounds to recommend refusal of the application.

The non-residential uses do not benefit the wider estate.

Officer Response: The provision of commercial development and employment opportunities is considered to be a benefit to the estate and wider Borough, in line with the aims and objectives of local policy. It also provides active frontages at ground floor level, with benefit to the surrounding public realm.

Despite assurances prior to the application that the inbuild courtyard blocks would not be "gated", and the design would be outward facing, they are gated and inward looking;

Officer Response: As a Council owned scheme, it is of note that there are questions about assurances given at pre-application stage. Nevertheless, it would be unusual for horseshoe-shaped developments such as Downham Road West or 81 Downham Road to have public courtyards, for security reasons and because these are clearly semi-public, semi-private spaces for the residents of the block. The bike stores, for instance are directly accessible from the courtyards. As such, the gating of these spaces is not considered unacceptable in planning terms and it is considered that there would be little benefit to existing residents from the opening up of these courtyard spaces, when compared to the existing and proposed communal amenity space of the estate.

References to passive surveillance should be removed, since it is undefined in the submission and implies neighbours should intervene, though it would be dangerous to do so.

Officer Response: Passive surveillance is a commonly used term and refers to the decreased likelihood that crime will be committed in areas that are seen by neighbouring windows. Moreover, personal intervention is not implied, simply that the authorities could be called by anyone observing crime from well positioned windows.

The demolition of the Balmes Road podium garages must not damage the allotment garden or pollute the soil.

Officer Response: A condition has been recommended requiring a Demolition and Construction Management plan. This will allow oversight of the process and will be dealt with in conjunction with the requirements of the recommended Contaminated Land conditions.

Though the buildings are described as six storeys, they have higher floor to ceiling heights than the existing buildings of the estate, additional height at ground floor and parapets around the rooftop space. As such, the Proposed Elevations show that they are the same height as 8 storeys of the existing tower blocks.

Officer Response: This is correct and the height and massing of the proposed blocks is assessed above in townscape and amenity terms.

Set up in 2017 and developed over 5 years, the significant funds raised necessary to set up and develop the De Beauvoir Grow Your Own (GYO) were raised by a group of residents/volunteers via Tenants Residents Association Funds and the Greater London Authority Greener Space Fund. To date the allotment gardens/GYO have cost in excess of £100,000, in addition to the annual costs to gardeners of provisioning their own plots, and enormous contribution of time, energy and dedication by the community of gardeners involved.

Officer Response: The impact of the proposed Balmes Road building on the Grow Your Own gardens is shown to be limited in the submitted Daylight/Sunlight report and the assessment of its findings above.

The “new storage space provided” to the GYO replaces an existing lock up storage which is being demolished. The gardeners already used what these proposals refer to as “additional GYO area to the western edge of the building”.

Officer Response: This is noted and provides additional background information to the assessment above.

It will not be safe to go to the allotments or play in the playground in front of Granville court during the construction period.

Officer Response: The construction period will be carefully managed via the Construction Management Plan that has been required by the recommended condition. There appears to be no reason why the access to amenity areas across any of the sites cannot be safely maintained during the construction period.

The applicants show an ignorance of the use of the estate, such as suggesting that the east, rather than the west, entrance to Granville Court is the best used.

Officer Response: This objection is noted but in terms of the specific example of Granville/ Corbiere Court entry, the improvement to the west access by the removal of

the podium car park and the creation of the green space appears to give a better entryway than currently exists.

Intermediate housing products should not be considered affordable housing.

Officer Response: This statement does not accord with local, regional or national planning policy and would not form a reason for refusal of the application.

Green space proposals disregard feedback from residents which highlighted how important grassy areas are to the estate. Grassy areas have not been increased compared to the existing condition despite this being highlighted as a concern.

Officer Response: The impact of the proposal in terms of the proposed and existing communal space is a consideration of the report above. As an infill development within an existing estate, space for new landscaping is limited but the proposal does include the new grassed area assessed above.

Proposed grassy area between Corbiere House and Granville Court is not biodiverse and would be north facing.

Officer Response: The proposals are considered to represent an appropriate mix of grassed amenity areas, play areas and biodiverse planting.

The amount of trees to be lost (28, of which 18 are mature), shows that the designs have not properly considered their importance, along with hedges and other natural features. The number of new, immature trees (17% increase) to be planted is not commensurate with the loss of the mature trees. As Phase 1 of the development, this also creates a poor precedent for any future development of the estate.

Officer Response: The number of trees to be removed has decreased during the course of the application and now stands at eighteen (since the Arbeco tree survey was carried out in 2020, T17 has also been removed and T18 has died). The acceptability of removing this number of trees is considered in detail in section 6.8.

There is no access to the proposed gated green space, or rooftop gardens for existing residents and no proposal to provide rooftop gardens on the existing towers and mid-rise blocks for existing residents.

Officer Response: This is correct. The rooftops of the blocks are for future residents only and this is a typical arrangement, which will help with the management of the blocks and the rooftop spaces themselves.

Peregrine falcons have regularly nested on DBE for the last 5 years. This is disregarded / ignored in these proposals.

The applicants have had regard to the nesting of peregrines on the estate and have been advised by their ecology advisors that there are no impacts from the proposed schemes, due to the distance between the sites and their current perching/nesting locations. The proposed sites themselves do not contain nesting locations and it is considered unnecessary to recommend a condition in this regard.

In sunlight amenity terms, the two amenity spaces adjacent to the Balmes Road proposal do not meet the BRE Guidelines' recommendations for an amenity space.

Officer Response: The impact of the proposed Balmes Road building on the allotments to the west is assessed above and found to be both acceptable and limited. The proposed new amenity space to the north of the building would be overshadowed in parts throughout the early part of the year but the space is sizeable

and is 30m from the new 6 storey building at its northern edge. As such, it will be more than adequately sunlit to serve its purpose. The playground to the west of Granville Court is sufficiently distant to ensure that it will not be significantly impacted by the proposals.

Very low engagement in all consultations prior to the application submission was reported. The Tenants Residents Association was not included in the consultation, despite it being the only statutory local government body representing residents on the Estate.

Officer Response: The applicants have provided minutes of the previous meetings, which gives some detail as to the efforts that were carried out to engage residents and receive information and opinion that could feed into the design process. Nevertheless, the success or otherwise of this pre-planning process is a matter for the Estates team to consider, rather than being a reason to refuse this application.

There is a reduction in the number of parking permit spaces available to residents.

Officer Response: The parking surveys carried out on the estate to support the scheme with reference to Local Plan 2033 policy LP45(B) have been reviewed by the Borough's Highways Team and have been found to be acceptable. As such, the proposed level of parking provision across the estate is considered to be in line with existing need and will be further revised during later phases of the scheme, along with policy compliant levels of cycle parking for future residents and a Travel Plan to ensure that sustainable means of travel are prioritised.

There is no provision for other forms of housing e.g. pitches for the traveller community, custom-self build, housing for older and vulnerable people.

Officer Response: This is correct but it is considered that the proposed density of development, housing mix and tenure mix are in line with the aims of local and regional policy and the Housing Supply Programme. As such, the development is considered acceptable in these terms.

6.12 Planning contributions and Community Infrastructure Levy (CIL)

6.12.1 The Mayor of London has introduced a CIL to assist with the funding of Crossrail. In the case of developments within the London Borough of Hackney, Mayoral CIL2 is chargeable at a rate of £60 per square metre of development. Hackney Zone C CIL is applicable to this development, at a rate of £190 per square metre of residential floorspace, while the commercial units would be nil rated for Hackney CIL.

6.12.2 The proposal involves the erection of new buildings with a net additional floorspace of 19,522m². The development is as such liable for both Local CIL and Mayoral CIL. There is no existing floorspace on any of the sites that has been in use for six continuous months of the 36 previous months. The Hackney and Mayoral CIL liability for the development is calculated as follows:

6.12.3 LBH CIL

18,829m² x £190 (New Residential Floorspace – Zone C) = £3,577,510.00

Nil charge for new commercial floorspace in this part of the borough

6.12.4 Mayoral CIL

19,522m² x £60 = £1,171,320.00

6.12.5 Further recommended heads of terms for the Unilateral Undertaking covering Hackney Works (operational phase), Hackney Works (construction phase), Employment Skills Plan, Carbon offset contribution, Provision of Affordable Housing, Considerate Contractor Scheme, Travel Plan, Travel Plan monitoring, Restrictions on Parking Permits, Car Club membership, Highways Works, ECV car club space, Blue Badge Spaces, Build to Rent Management Plan, payment to Canal and River Trust, a payment to reflect CAVAT values of removed trees and a contribution to offsite open space delivery are set out in recommendation B.

6.13 **Equalities Considerations**

6.13.1 The Equality Act 2010 requires public authorities, when discharging their functions, to have due regard to the need to (a) eliminate unlawful discrimination, harassment and victimisation and other conduct; (b) advance equality of opportunity between people who share a protected characteristic and those who do not; and (c) Foster good relations between people who share a protected characteristic and persons who do not share it. The protected characteristics under the Act are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

6.13.2 Having regard to the duty set out in the S149 Equality Act 2010, the development proposals do not raise specific equality issues other than where discussed in this report.

7.0 CONCLUSION

7.1 The principle of the residential-led redevelopment of these underdeveloped sites within the wider estate is considered acceptable in land use planning terms and to be in accordance with policy objectives within the Local Plan, London Plan and National Planning Policy Framework. The amount of development, land uses and their distribution across the site has been adequately justified and is supported.

7.2 The proposal represents a first phase in the regeneration of the De Beauvoir estate, with landscaping and tree planting that is in line with the aspirations for future phases. It provides a policy compliant tenure mix, providing 95 new units of Affordable Housing in an area of great need.

7.3 The submitted scheme is considered to be of high architectural quality and well integrated within its context. The scheme would contribute to improving the quality of the existing fabric, its permeability and the urban character of the estate and local area. The detailing of the proposal and its impact on heritage assets is also considered acceptable.

- 7.4 The proposal is acceptable in planning terms in all other respects, including the impact on amenity of adjoining residents, transport impact and car parking provision, sustainability and energy efficiency measures and biodiversity.
- 7.5 The proposal is, on balance, therefore deemed to comply with pertinent policies in the Hackney Local Plan 2033 (2020) and the London Plan (2021), and the granting of permission therefore is recommended subject to conditions, completion of the Unilateral Undertaking, no issues arising from consultation with the Health and Safety Executive and referral to the GLA.

8.0 RECOMMENDATIONS

8.1 Recommendation A

That planning permission be GRANTED, subject to no issues arising from consultation with the Health and Safety Executive, referral to the Greater London Authority and the following conditions:

8.1.1 - Commencement within three years

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

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

8.1.2 - Development in accordance with plans

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

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

8.1.3 - Design details to be approved

Prior to commencement of above ground works of the development hereby approved, the following details shall be submitted to and approved in writing by the Local Planning Authority:

- a. Detailed drawings of typical windows, doors and facade sections;
- b. Detailed section drawings of all types of walls, including doors and windows, soffits, roofs, sills, thresholds and joints with the adjoining materials; interfaces with balconies, balustrades and balcony soffits. This should include details of the

transition between materials on blocks with front and rear materials. (All at scale 1:5, 1:10 and 1:20);

- c. Details of ground floor residential, workspace and shopfront entrance design, and signage strategy;

The development shall be carried out in full compliance with the details thereby approved.

REASON: To ensure that the external appearance of the building is satisfactory and does not detract from the character and visual amenity of the area and to ensure an acceptable standard of accommodation for future occupants.

8.1.4 - Design samples to be approved

Prior to commencement of above ground works of the development hereby approved, the following details shall be submitted to and approved in writing by the Local Planning Authority:

- a) At least two on site mock ups of the most significant parts of the proposed elevations (these areas to be agreed with the Council), with a red line drawing provided to show location in facade of the mock up;
- b) On site mock-up to demonstrate appearance and detailing of external balcony structures;
- c) On site mock up of windows for main facade types, with red line drawing provided to show location in facade of mock-up;
- d) Material samples of all externally appearing features, including lobby materials;
- e) Provision of a detailed materials sheet showing the location of materials, their manufacturer and product reference and precedent photographs.
- f) The submitted details shall include bricks, and not brick slips.

The development shall be carried out in full compliance with the details thereby approved. crossrail

REASON: To ensure a high standard of design.

8.1.5 Withdrawal of permitted development rights

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended by any order revoking and re-enacting that Order with or without modification) no development within Schedule 2, Part 1, Class(es) AA, A, B, C, D, E, F, G and H, or Schedule 2, Part 2, Class A, or Schedule 2, Part 3, Class MA to that Order shall be carried out without express planning permission from the Local Planning Authority or Secretary of State first being obtained.

REASON: To ensure a satisfactory appearance to the development and a high quality of design, preserve and enhance the character and appearance of the neighbouring Conservation Areas, to ensure a mix of uses across the estate and to safeguard the residential amenity of future occupiers of the development.

8.1.6 Crossrail 2 safeguarding condition

None of the development hereby permitted shall be commenced until detailed design and construction method statements for all of the ground floor structures, foundations and basements and for any other structures below ground level, including piling and any other temporary or permanent installations and for ground investigations have been submitted to and approved in writing by the Local Planning Authority which:-

- (i) Accommodate the proposed location of the Crossrail 2 structures including

temporary works;

- (ii) Accommodate ground movement arising from the construction thereof;
- (iii) Mitigate the effects of noise and vibration arising from the operation of Crossrail 2 within its tunnels and other structures.

REASON: To ensure the safety of the development in relation to the Crossrail 2 safeguarding area and to protect any future operational requirements of the railway.

8.1.7 Piling Method Statement (Thames Water)

No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

REASON: The proposed works will be in close proximity to underground water utility infrastructure. Piling has the potential to impact on local underground water utility infrastructure.

8.1.8 Water Network Upgrades (Thames Water)

No development shall be occupied until confirmation has been provided that either:

- 1) All water network upgrades required to accommodate the additional demand to serve the development have been completed; or
- 2) A development and infrastructure phasing plan has been agreed with Thames Water to allow development to be occupied.

Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

REASON: The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development

8.1.9 - Landscaping and Public Realm Design

Prior to commencement of the landscaping works, a detailed hard and soft landscaping scheme illustrated on detailed drawings, shall be submitted to and approved in writing by the Local Planning Authority. Details shall include but not be limited to: all communal areas including the proposed play spaces, the rooftop shared spaces to 81 Downham Road, Hertford Road, Downham Road East and Downham Road West and the garden spaces to the south of the Balmes Road building; boundary treatments; wayfinding measures; and all trees and other planting showing location, species, type of stock, numbers of trees/plants, and areas to be seeded, turfed or left as a natural/biodiverse zone. All landscaping in accordance with the scheme, when approved, shall be carried out within a period of twelve months from the date on which the development of the site commences or shall be carried out in the first planting (and seeding) season following completion of the development, and shall be maintained to the satisfaction of the Local Planning Authority for a period of ten years, such maintenance to include the replacement of any plants that die, or are severely damaged, seriously diseased, or removed.

REASON: To enhance the character, appearance and ecology of the development and contribution to green infrastructure.

8.1.10 Tree Protection: Foundations and Excavation:

No piling mats, foundations or excavation more than 0.5m beyond the ground floor footprint where it would enter the Root Protection Area of any tree. Any postholes permitted in the RPA are to be sleeved to avoid leaching of cement.

REASON: To safeguard and protect neighbouring trees.

8.1.11 Tree Protection: Services

No services, trenches or soakaways to impinge on any Root Protection Areas unless expressly approved in writing by the Local Planning Authority. Permission would need agreement on the precise location and method of installation.

REASON: To safeguard and protect retained trees.

8.1.12 Tree Protection Plan

A Tree Protection Plan (TPP) including details of the siting of barriers and/or ground protection for trees at each site shall be submitted to and approved in writing prior to the commencement of works. The works shall only be carried out in accordance with the details thereby approved.

REASON: To ensure the trees close to the development are adequately protected during the construction process.

8.1.13 - Air Source Heat Pumps

Full details of location of the condenser units from the Air Source Heat Pumps (ASHP) (or any other related fixed plant adopted), shall be submitted to and approved by the Local Planning Authority, in writing, before any above ground development commences. The ASHP thereby approved shall be installed prior to the occupation of the development.

REASON: In the interest of addressing climate change and reducing greenhouse gases.

8.1.14 - Solar PV Arrays

Prior to occupation of the development hereby approved, a report by an accredited PV installer confirming that arrays of PV panels with capacity of 27kWp have been installed on the roof of the development shall be submitted to and approved in writing by the Local Planning Authority. The arrays thereby approved shall be maintained throughout the lifetime of the development.

REASON: To ensure that the development is adequately sustainable and contribute towards local, regional and national commitments to a net-zero carbon emission future.

8.1.15 - Air Permeability Testing

Prior to occupation of the development hereby approved, a full air permeability test report confirming the domestic and non-domestic units have achieved an air permeability of 3 and 5 m³/h/m²@50pa, respectively, shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure the development meets the sustainability requirements of local and regional policy.

8.1.16 – BREEAM Assessment

Within 12 weeks of occupation of each of the three commercial units of over 200m² of the development hereby approved, BREEAM post-construction certificates (or any assessment scheme that may replace it) confirming a 'Very Good' rating with a minimum score of 65% (or another scheme target of equivalent or better environmental performance) have been achieved shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure the development meets the sustainability requirements of local and regional policy.

8.1.17 - Circular Economy Statement

Prior to the occupation of the development, a post-construction monitoring report that will demonstrate that the design of the development proposals is in line with the circular economy hierarchy, shall be completed in line with the GLA's Circular Economy Statement Guidance and approved in writing by the Local Planning Authority and the Greater London Authority. The recommendations of the statement thereby approved shall be carried out in full.

REASON: In the interests of sustainable waste management and in order to maximise the re-use of materials, in line with the sustainability requirements of the London Plan.

8.1.18 - Energy monitoring information

In order to demonstrate compliance with the 'be seen' post-construction monitoring requirement of Policy SI 2 of the London Plan, the legal Owner shall at all times and in all respects comply with the energy monitoring requirements set out in points a and b below. In the case of non-compliance the legal Owner shall upon written notice from the Local Planning Authority immediately take all steps reasonably required to remedy non-compliance.

- a. Once the as-built design has been completed (upon commencement of RIBA Stage 6) and prior to the buildings being occupied (or handed over to a new legal owner, if applicable), the legal Owner is required to provide updated accurate and verified estimates of the 'be seen' energy performance indicators for each reportable unit of the development, as per the methodology outlined in Chapter 4 'As-built stage' of the GLA 'Be seen' energy monitoring guidance. All data and supporting evidence should be uploaded to the GLA's monitoring portal. The owner should also confirm that suitable monitoring devices have been installed and maintained for the monitoring of the in-use energy performance indicators, as outlined in Chapter 5 'In-use stage' of the GLA 'Be seen' energy monitoring guidance document.
- b. Upon completion of the first year of occupation following the end of the defects liability period (DLP) and for the following four years, the legal Owner is required to provide accurate and verified annual in-use energy performance data for all relevant indicators under each reportable unit of the development as per the methodology outlined in Chapter 5 'In-use stage' of the GLA 'Be seen' energy monitoring guidance document. All data and supporting evidence should be uploaded to the GLA's monitoring portal. This condition will be satisfied after the legal Owner has reported on all relevant indicators included in Chapter 5 'In-use stage' of the GLA 'Be Seen' energy monitoring guidance document for at least five years.

In the event that the in-use evidence submitted shows that the as-built performance estimates have not been or are not being met, the legal Owner must use reasonable endeavours to investigate and identify the causes of underperformance and the potential mitigation measures and set these out in the relevant comment box of the 'be seen' spreadsheet. Where measures are identified, which it would be reasonably practicable to implement, an action plan comprising such measures should be prepared and agreed with the Local Planning Authority and be implemented by the legal Owner as soon as reasonably practicable.

REASON: In order to ensure that actual operational energy performance is minimised and demonstrate compliance with the 'be seen' post-construction monitoring requirement of Policy SI 2 of the London Plan

8.1.19 - Insulation and Refrigerant Materials

Prior to commencement of the relevant phase of construction, the selection of insulation and refrigerant materials to have, wherever feasible, a low or zero Global Warming Potential (GWP) and Zero Ozone Depleting Potential (ODP), shall be submitted to and approved in writing by the Local Planning Authority.

REASON: In the interest of addressing climate change and reducing greenhouse gases.

8.1.20 - No new pipes and plumbing

No new plumbing, pipes, soil stacks, flues, vents, grilles, security alarms or ductwork shall be fixed on the external faces of the buildings unless as otherwise shown on the drawings hereby approved.

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

8.1.21 - No visible or additional roof plant

No fixed plant or equipment shall be positioned on the unless as otherwise shown on the drawings hereby approved. The fixed plant and equipment shown on the roof plans hereby approved shall be located and installed so as not to be visible above the parapets of the buildings.

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

8.1.22 - Contaminated land (pre-development)

Development except demolition to ground level will not commence until preliminary risk assessment work has been undertaken and fully reported on. If required, additional physical site investigation work will be undertaken and fully reported on and a remedial action plan will be produced to the satisfaction of and approved in writing by the Planning Authority. Where physical site investigation work has not been agreed at a pre-application stage, further physical investigation work must be agreed with the contaminated land officer before being undertaken. Development will not commence until all pre-development remedial actions, set out within the remedial action plan, are complete and a corresponding pre-development verification report has been produced to the satisfaction of and approved in writing by the Planning Authority. Work shall be completed and reported by a competent person/company in line with current best practice guidance, including the Council's

contaminated land planning guidance. The Planning Authority and Contaminated Land Officer must receive verbal and written notification at least five days before investigation and remediation works commence. Subject to written approval by the Planning Authority, this condition may be varied, or discharged in agreed phases.

REASON: To protect human health, water resources, property and the wider environment from harm and pollution resulting from land contamination.

8.1.23 - Contaminated land (pre-occupation)

Before first occupation/use of the development a post-development verification report will be produced to the satisfaction of and approval in writing by the Planning Authority. The verification report must fully set out any restrictions on the future use of a development and demonstrate that arrangements have been made to inform future site users of the restrictions. Work shall be completed and reporting produced by a competent person/company in line with current best practice guidance, including the Council's contaminated land planning guidance. The Contaminated Land Officer must receive verbal and written notification at least five days before development and remedial works commence. Subject to written approval by the Planning Authority, this condition may be varied, or discharged in agreed phases. Any additional, or unforeseen contamination encountered during the course of development shall be immediately notified to the Planning Authority and Contaminated Land Officer. All development shall cease in the affected area. Any additional or unforeseen contamination shall be dealt with as agreed with the Contaminated Land Officer. Where development has ceased in the affected area, it shall re-commence upon written notification of the Planning Authority or Contaminated Land Officer.

REASON: To protect human health, water resources, property and the wider environment from harm and pollution resulting from land contamination.

8.1.24 - Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 7 days to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site. An assessment must be undertaken in accordance with the requirements of the site investigation, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of the approved remediation scheme. The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report must be submitted to and approved in writing by the Local Planning Authority in accordance with the implementation of the remediation scheme.

REASON: To protect the end user(s) of the development, any adjacent land user(s) and the environment from contamination

8.1.25 - Refuse Strategy

Prior to the occupation of the development full details of the arrangements for storage for refuse and recycling areas, including details of doors to storage chambers, details of locking arrangements, details of ventilation and details of the management arrangements and proposed collection points for residential and commercial waste to be presented twice weekly (general waste/recycling) and once weekly (food waste) prior to collection, to facilitate collection of waste, shall be submitted to and approved in writing by the Local Planning Authority. Such details as approved shall be implemented prior to the occupation of the development and shall thereafter be retained.

REASON: To protect the amenity of existing and future residents, to ensure that there is adequate provision for the hygienic and convenient storage of refuse and recycling and to ensure that the drag distances for refuse are appropriate each collection day.

8.1.26 - Cycle Parking

Notwithstanding the details shown, prior to the commencement of above ground works, details of secure bicycle storage facilities in respect of long-stay and short-stay residential cycle parking spaces (451 in total) and 14 long-stay and 2 short-stay non-residential cycle parking spaces, including layout, stand type and spacing, shall be submitted to and approved in writing by the Local Planning Authority. Such details as are approved shall be implemented prior to the occupation of the development and shall thereafter be retained.

REASON: To ensure that adequate provision for the safe and secure storage of bicycles is made for occupants and visitors.

8.1.27 - Boundary wall

Prior to the occupation of the Balmes Road building hereby approved, a survey of the condition of the boundary wall at the back of the towpath, and a method statement and schedule of the repairs identified, shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

REASON: To ensure there is no adverse impact on the structural integrity of the towpath boundary wall and the Regents Canal and its towpath as a result of the development.

8.1.28 – Public Realm Lighting Strategy/ External Lighting

Prior to the commencement of the relevant works, a public realm lighting strategy is to be submitted and approved by the Local Planning Authority. No external lighting related to the development hereby permitted shall be installed unless it is in full accordance with details which have been previously submitted to, and approved in writing by, the local planning authority. Such details shall include location, height, type, colour and direction of light sources and intensity of illumination, with a lux levels plan. Any lighting that is so installed shall not thereafter be altered.

REASON: In the interests of the protection of the biodiversity of the Blue Ribbon Network.

8.1.29 - Demolition and Construction Management Plan

No development shall take place until a detailed Demolition and Construction Management Plan covering the matters set out below has been submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance

with the details and measures approved as part of the demolition and construction management plan, which shall be maintained throughout the entire construction period.

- a) A demolition and construction method statement. It will cover all phases of the development to include details of all noise and vibration (including noise from ancillary or temporary power supplies, details and locations of noisy activities including mobile plant machinery) and details of the best practicable means of mitigation employed against noise and vibration in accordance with British Standard Code of Practice BS5228 and measures to control dust and preserve air quality (including a risk assessment of the demolition and construction phase);
- b) A detailed demolition and construction logistics plan to include the following: the construction programme/ timescales; the number/ frequency and size of construction vehicles; construction traffic route; location of deliveries; pedestrian and vehicular access arrangements; any temporary road/ footway closures during the construction period;
- c) A demolition and construction waste management plan setting out how resources will be managed and waste controlled at all stages during the construction project;
- d) Procedures for maintaining good public relations including complaint management, public consultation and liaison. Arrangements for liaison with the Council's Community Safety Team;
- e) Showing that no surface water (either via drains or surface water run-off) or extracted perched water or groundwater shall be discharged into the Regent's Canal during the demolition/ construction works. Such waters should be discharged to the available foul sewer or tankered off-site;
- f) Showing that any surface water drains connecting the site with the waterway are capped off at both ends for the duration of the demolition & construction works i.e. at the point of surface water ingress and at any outfall to the canal;

REASON: To avoid hazard and obstruction being caused to users of the public highway and the London Canals SMINC as a result of the proposed development, in the interests of sustainability and in the interest of public safety and amenity.

8.1.30 - Non-Road Mobile Machinery

All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance. Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority. The developer shall keep an up to date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/>.

REASON: To ensure that emissions from the site during the construction phase are acceptable with regard to public health and amenity.

8.1.31 – NOx Emissions

The NOx emissions standards set out in the GLA’s ‘Sustainable Design and Construction SPG’ will be maintained on-site.

REASON: To ensure the acceptability of the scheme with respect to NOx pollution.

8.1.32 - Delivery and Servicing Plan

A Delivery Service Plan (DSP) specifying delivery and servicing arrangements, including but not limited to trip generation, swept path analysis, vehicle types, dwell times, potential consolidation and maximising sustainable transport deliveries, shall be submitted and agreed by the Local Planning Authority prior to the occupation of the development. Delivery and service arrangements shall thereafter take place in accordance with the measures identified within the DSP.

REASON: In order to ensure that the development does not prejudice the amenity of adjoining occupiers.

8.1.33 – Internal Noise Levels

All residential premises shall be designed in accordance with BS 8233:2014 “Guidance on sound insulation and noise reduction for buildings” to attain the following internal noise levels:

<i>Activity</i>	<i>Location</i>	<i>07.00 to 23.00</i>	<i>23.00 to 07.00</i>
Resting	Living room	35 dB LAeq	None
Dining	Dining area	40 dB LAeq	None
Sleeping	Bedroom	35 dB LAeq	30 dB LAeq

Before commencement of the use of each building hereby permitted a test shall be carried out to show the standard of sound insulation required shall be met and the results submitted to the Environmental Protection Team for approval. The insulation thereby approved shall be maintained throughout the lifespan of the development.

REASON: To ensure that the occupiers and users of the proposed development do not suffer a loss of amenity by reason of excess environmental noise.

8.1.34 – Soundproofing

Prior to the commencement of above ground works a scheme of sound insulation designed to prevent the transmission of excessive airborne noise between the proposed commercial and residential uses of the building shall be submitted to and approved in writing by the Environmental Protection Team. The airborne sound insulation performance shall achieve Rw 55dB for the building elements separating the commercial and residential components of the development, a higher level of sound insulation than in the advice given in Approved Document E of the Building Regs for residential developments alone. The sound insulation shall be installed and maintained only in accordance with the details so approved. Before commencement of the use hereby permitted a test shall be carried out prior to the discharge of this condition to show the standard of sound insulation required shall be met and the results submitted to the Environmental Protection Team for approval. The insulation thereby approved shall be maintained throughout the lifespan of the development.

REASON: To ensure that occupiers of the neighbouring and proposed residential premises do not suffer a loss of amenity by reason of noise.

8.1.35 - Plant Noise

The total noise level from fixed plants shall be 10dB(A) or more below the background noise level at any noise sensitive premises at any time. The fixed plant shall be installed and constructed in accordance with the approved scheme and be permanently maintained thereafter.

REASON: To ensure that occupiers of the neighbouring premises do not suffer a loss of amenity by reason of noise nuisance from fixed plant and machinery.

8.1.36 – No Primary Cooking

The use of the commercial units hereby permitted under Class E may include the serving of hot and cold drinks, sandwiches and other light refreshments for consumption on or off the premises. No primary cooking of unprepared food shall be carried out at any of the units. Only reheated or cold food that has been prepared elsewhere shall be served within these premises.

REASON: No flue is proposed for the commercial units, so the restriction would ensure that occupiers of neighbouring premises would not suffer a loss of amenity by reason of odour.

8.1.37 - Sustainable Urban Drainage

No development shall commence, other than works of demolition, until full detailed specification of the sustainable drainage system supported by appropriate calculations, construction details, drainage layout and a site-specific management and maintenance plan have been provided. Details shall include but not limited to the proposed blue roofs (with a substrate depth of at least 80mm not including vegetative mats), permeable asphalt, underground attenuation system and the flow control system, which shall be submitted and approved by the LPA in consultation with the LLFA. Surface water from the site shall be managed according to the approved strategy and the overall site peak discharge rate is restricted to 2 l/s for each site.

REASON: To ensure that the development will not increase the risk of flooding on and offsite, including pollution of the waterway, providing SuDS where appropriate, and will comply with relevant planning policy

8.1.38 - Biodiverse Green Roof

Notwithstanding the details shown on the plans and documents hereby approved detailed drawings/full particulars of the proposed development showing the matters set out below must be submitted to and approved by the Local Planning Authority, in writing, prior to occupation. The development shall not be carried out otherwise than in accordance with the details thus approved and shall be maintained throughout the lifespan of the development.

- Biodiverse, substrate-based extensive living roofs on each building (with a minimum substrate depth of 100mm), including a detailed maintenance plan;

REASON: To enhance the character and ecology of the development, to provide undisturbed refuges for wildlife, to promote sustainable urban drainage, to enhance the performance and efficiency of the proposed building and assists in the meeting the Local Plan objective of reducing carbon emissions.

8.1.39 - Bird and Bat Box Provision

Prior to the occupation of the development swift bricks, nest boxes and bat bricks or boxes will be installed at appropriate locations on the north (bird bricks) and south (bat bricks)

elevations of the buildings. The bricks and boxes will be maintained throughout the life cycle of the development.

REASON: To provide a potential habitat for local birds and bats, in line with the policy aim of increased biodiversity for these sites, which include a canalside location.

8.1.40 – Secured by Design

Prior to the first occupation of each building or part of a building or use, a 'Secured by Design' accreditation shall be obtained for such building or part of such building or use and thereafter all features are to be permanently retained.

REASON: To ensure the safety and security of existing and future residents.

8.1.41 – Accessibility

Ten percent of the residential units hereby approved shall be completed in compliance with Building Regulations Optional Requirement Part M4 (3) 'wheelchair user dwellings' (or any subsequent replacement) prior to first occupation and shall be retained as such thereafter. All other dwellings within the development hereby approved shall be completed in compliance with Building Regulations Optional Requirement Part M4 (2) 'accessible and adaptable dwellings' (or any subsequent replacement) prior to first occupation and shall be retained as such thereafter.

REASON: To assist in meeting the Local Development Framework Core Strategy objective of reducing carbon emissions.

8.1.42 Fire Strategy

The details and measures set out in the Fire Strategy documents hereby approved shall be carried out in full and maintained to the satisfaction of the Local Planning Authority for the lifetime of the development.

REASON: To ensure that the measures outlined to mitigate the risks of fire remain part of the development as constructed.

8.1.43 Tenants and Residents Association

Prior to the occupation of the residential units on the site of the 81 Downham Road building, a new unit will have been provided for the Tenant and Residents Association (TRA) that will have an equivalent amount of floorspace to the existing unit which is to be demolished. The unit will continue to be provided for the TRA unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that the existing community facility is adequately replaced, in accordance with Policy S1 of the London Plan and the Mayor's Good Practice Guide to Estate Regeneration.

8.1.44 Road Safety Audit

Prior to the construction of the Hertford Road building, a road safety audit of the adjacent highway shall be undertaken and the details agreed in writing by the Local Planning

Authority. The development shall only be carried out in accordance with the details thereby approved.

REASON: To ensure that the detail of the proposed development describes a properly safe environment for pedestrians and road users.

8.2 Recommendation B

8.2 That the above recommendation is subject to completion of a Unilateral Undertaking which secures the following matters to the satisfaction of the Head of Planning and the Director of Legal and Governance Services.

Highways and Transportation

- Car Free Agreement – to restrict new residents and business uses of the development from obtaining parking permits to park in the surrounding CPZ bays.
- Contribution towards the car club membership (£60 per unit within the development)
- Travel Plan (including a Parking Design and Management Statement) and Travel Plan monitoring fee of £2000.
- A contribution towards Highways Works of £659,988.53
- A contribution of £8750 towards Construction Logistics and Community Safety (CLOCS) and Construction Logistics Plan (CLP) monitoring.
- Provision of 12x Disabled car parking spaces on the site, all of which will be served by an electric vehicle charging point. Passive provision for remaining 53 spaces.
- Payment of £10,00 for 1x on-street car club space with electric vehicle charging point.

Hackney Works Contribution

- A Ways into Work contribution of £107,893.80.

Employment, Skills and Construction

- Employment and Skills Plan to be submitted and approved prior to implementation.
- Active programme for recruiting and retaining apprentices and as a minimum take on at least one apprentice per £2 million of construction contract value and provide the Council with written information documenting that programme within seven days of a written request from the Council; Commitment to the Council's local labour and construction initiatives (30% on site employment and 30% local labour for first five years of operational phase) in compliance with an Employment and Skills Plan.
- Quarterly Labour returns through 5 year period.
- A support fee of £1,500 per apprentice placement in order to cover; pre-employment, recruitment process, post-employment mentoring and support; and
- If the length of the build/project does not allow for an apprenticeship placement, and it can be demonstrated that all reasonable endeavours have been undertaken to deliver the apprenticeship, a £7,000 fee per apprentice will be payable to allow for the creation of alternative training opportunities elsewhere in the borough.
- Considerate Constructor Scheme – the applicant to carry out all works in keeping with the National Considerate Constructor Scheme.

Affordable Housing

- The agreed Affordable Housing to be provided.

Carbon Offset Payment

- A Carbon Offset Payment of £298,965

Payment in Lieu for Open Space

- £408,775.12 for improvements in the vicinity. To reflect the underprovision of on-site open space by 2532m².

Payment to reflect CAVAT Values of removed trees

- £377,564 as a one off payment, to be spent on mitigation in the vicinity.

Payment to Canal and Rivers Trust

- £20,000 to the Canal and Rivers Trust towards biodiversity enhancement and wayfinding measures.

Costs

- Payment by the landowner/developer of all the Council's legal and other relevant fees, disbursements and Value Added Tax in respect of the proposed negotiations and completion of the proposed Unilateral Undertaking, payable prior to completion of the deed.
- Monitoring costs of £44,359.69 (including Travel Plan and CMP monitoring) payable on completion of the agreement.

8.3 Recommendation C

That the Sub-Committee grants delegated authority to the Director of Sustainability and Public Realm and the Head of Planning (or in their absence either the Growth Team Manager or DM and Enforcement Manager) to make any minor alterations, additions or deletions to the recommended heads of terms and/or recommended conditions as set out in this report provided this authority shall be exercised after consultation with the Chair (or in their absence the Vice-Chair) of the Sub-Committee (who may request that such alterations, additions or deletions be first approved by the Sub-Committee).

9.0 INFORMATIVES

A reason for approval is required quoting all the Local Plan and London Plan policies listed at sections 5 of this report. In addition the following informatives should be added:

- SI.2 Work Affecting Public Highway
- SI.3 Sanitary, Ventilation and Drainage Arrangements
- SI.6 Control of Pollution (Clean Air, Noise, etc.)
- SI.25 Disabled Person's Provisions
- SI.27 Fire Precautions Act

SI.28 Refuse Storage and Disposal Arrangements
SI.34 Landscaping
SI.45 The Construction (Design & Management) Regulations 1994
SI.48 Soundproofing

NSI Prior consent for construction from the Local Authority.

NSI Applicants should refer to the Crossrail 2 Information for Developers available at crossrail2.co.uk. Crossrail 2 will provide guidance in relation to the proposed location of the Crossrail 2 structures and tunnels, ground movement arising from the construction of the tunnels and noise and vibration arising from the use of the tunnels. Applicants are encouraged to contact the Crossrail2 Safeguarding Engineer in the course of preparing detailed design and method statements. In addition, the latest project developments can be found on the Crossrail 2 website www.crossrail2.co.uk which is updated on a regular basis.

NSI The proposed development is located within 15 metres of Thames Water's underground assets and as such, the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures:
<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.

Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB

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

NSI Code of Practice for Works Affecting the Canal & River Trust.
The applicant/developer should refer to the current "Code of Practice for Works Affecting the Canal & River Trust" to ensure that any necessary consents are obtained (<http://canalrivertrust.org.uk/about-us/forbusinesses/undertaking-works-on-our-property>).

NSI Surface water discharge
The applicant is advised that surface water discharge to the towpath or canal will require prior consent from the Canal & River Trust. Please contact the Canal & River Trust Utilities team: (liz.murdoch@canalrivertrust.org.uk).

NSI The Trust as Landowner
The applicant is advised that any oversail, encroachment or access to the Trust's land or waterway requires written consent from the Canal & River Trust, and they should contact the Trust's Estates team (Bernadette.McNicholas@canalrivertrust.org.uk) regarding the required agreement.

NSI The applicant must seek the continual advice of the Metropolitan Police Service Designing out Crime Officers (DOCOs) to achieve accreditation. The services of MPS

DOCOs are available free of charge and can be contacted via docomailbox.ne@met.police.uk.

NSI The applicant is reminded that the responsibility for notifying the Council on the discovery of any contamination on the site lies with them. Should contamination that was unforeseen (by the RSK report hereby approved) be discovered during the construction process, it should be reported to the Local Planning Authority immediately.

NSI The best practical means available in accordance with British Standard Code of Practice BS5228 shall be employed at all times to minimise the emission of noise from the site.

NSI A Trade Effluent Consent will be required for any Effluent discharge other than 'Domestic Discharge'. Applications for this consent should be made to Thames Water.

NSI Construction activities audible at the facade of the nearest noise sensitive premises shall only be carried out between the specified hours: Monday to Friday 08:00-18:00 hours; Saturdays 08:00-13:00 hours; at no time on Sundays and Public Holidays unless otherwise agreed in prior consent to the Local Authority under the provisions of Section 61 of the Control of Pollution Act 1974.

NSI The provision of deadwood and/or rubble piles to enhance wildlife value is strongly supported. These features will provide additional microhabitats to support a broader range of plants and invertebrates, and will benefit Hackney BAP target bird and moth species.

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

ALED RICHARDS

Strategic Director of Sustainability and Public Realm

NO.	BACKGROUND PAPERS	NAME/DESIGNATION AND TELEPHONE EXTENSION OF ORIGINAL COPY	LOCATION CONTACT OFFICER
1.	<p>Application documents and LBH policies/guidance referred to in this report are available for inspection on the Council's website.</p> <p>Policy/guidance from other authorities/bodies referred to in this report are</p>	Nick Bovaird x8291	Hackney Service Centre, Hillman Street, London E8 1FB

	<p>available for inspection on the website of the relevant authorities/bodies</p> <p>Other background papers referred to in this report are available for inspection upon request to the officer named in this section.</p> <p>All documents that are material to the preparation of this report are referenced in the report</p>		
--	---	--	--

APPENDIX A – Current figures in respect of the overarching Unilateral Undertaking for the Housing Supply Programme

Housing Supply Programme - Tenure and Housing Mix (as agreed in the Overarching Unilateral Undertaking)

	Social Rented Units				Intermediate Units				Open Market Units				Total
	1 bed	2 bed	3 bed +	Total	1 bed	2 bed	3 bed +	Total	1 bed	2 bed	3 bed +	Total	
Units	23	42	37	102	33	52	16	101	47	88	67	202	405
Unit %	23	41	36	100	33	51	16	100	23	44	33	100	N/A
DMLP Target	< 2 bed	> 1 bed	36%	N/A	< 2 bed	> 1 bed	16%	N/A	< 2 bed	> 1 bed	33%	N/A	N/A
Tenure % (units)	25%				25%				50%				100%
Tenure % (habitable rooms)	26%				23%				51%				100%

Housing Supply Programme - Tenure and Housing Mix (schemes with planning consent*)

	Social Rented Units				Intermediate Units (Shared Ownership)				Open Market Units				Total
	1 bed	2 bed	3 bed +	Total	1 bed	2 bed	3 bed +	Total	1 bed	2 bed	3 bed +	Total	
Units	40	45	40	125	25	34	7	66	41	62	9	112	303
Unit %	32	36	32	100	38	51	11	100	37	55	8	100	N/A
LP33 Target	30%-34%	30%-34%	33%-36%	N/A	< % than 2 bed	> % than 1 bed	15%-25%	N/A	< % than 2 bed	> % than 1 bed	33%	N/A	N/A
Tenure % (units)	41%				22%				37%				100%
Tenure % (habitable rooms)	44%				21%				35%				100%

*Mandeville Street, Daubeney Road, Pedro Street, Fairbank Estate, Buckland Street, Wimbourne Street and Frampton Park Estate

APPENDIX B – Site photos



The estate, looking north.



The estate, looking south:



Downham Road West site:



Existing green space, looking north towards Downham Road West site:



Looking East towards Downham Road West site:



Looking southeast from Downham Road West site:



Downham Road West site, looking south east towards trees to be retained:



81 Downham Road and TRA sites:



Corner of De Beauvoir and Downham Roads (Downham Road East site):



Green space south of Downham Road East site:



Looking west down Downham Road towards Hertford Road site:



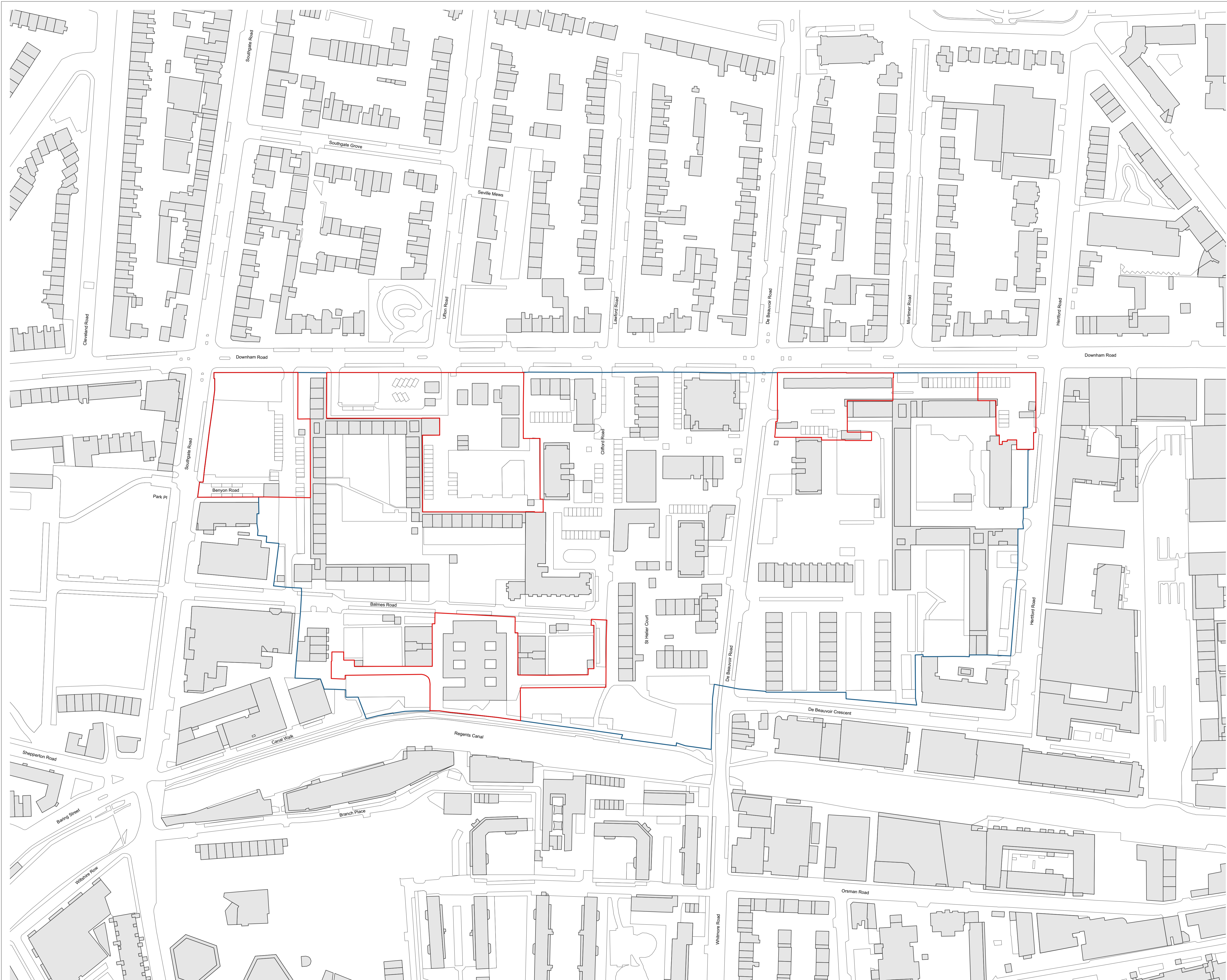
Hertford Road site, looking east:



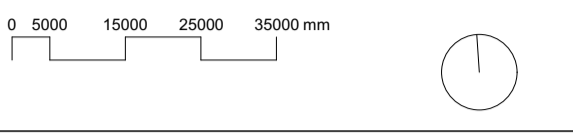
Hertford Road site looking west:



Balmes Road site (existing podium car park):



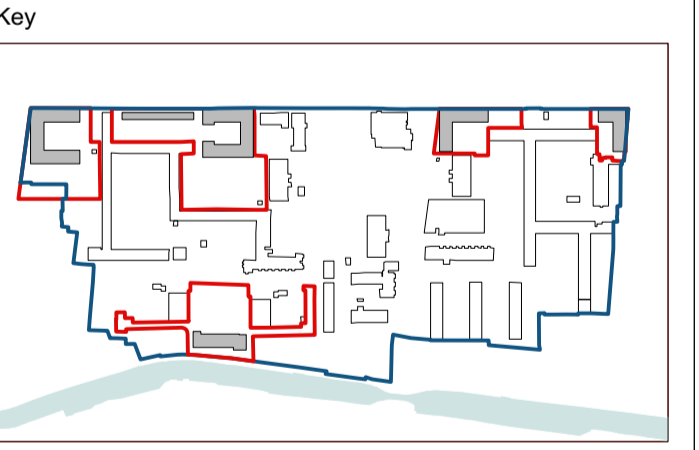
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Specific notes

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Title
Site Location Plan

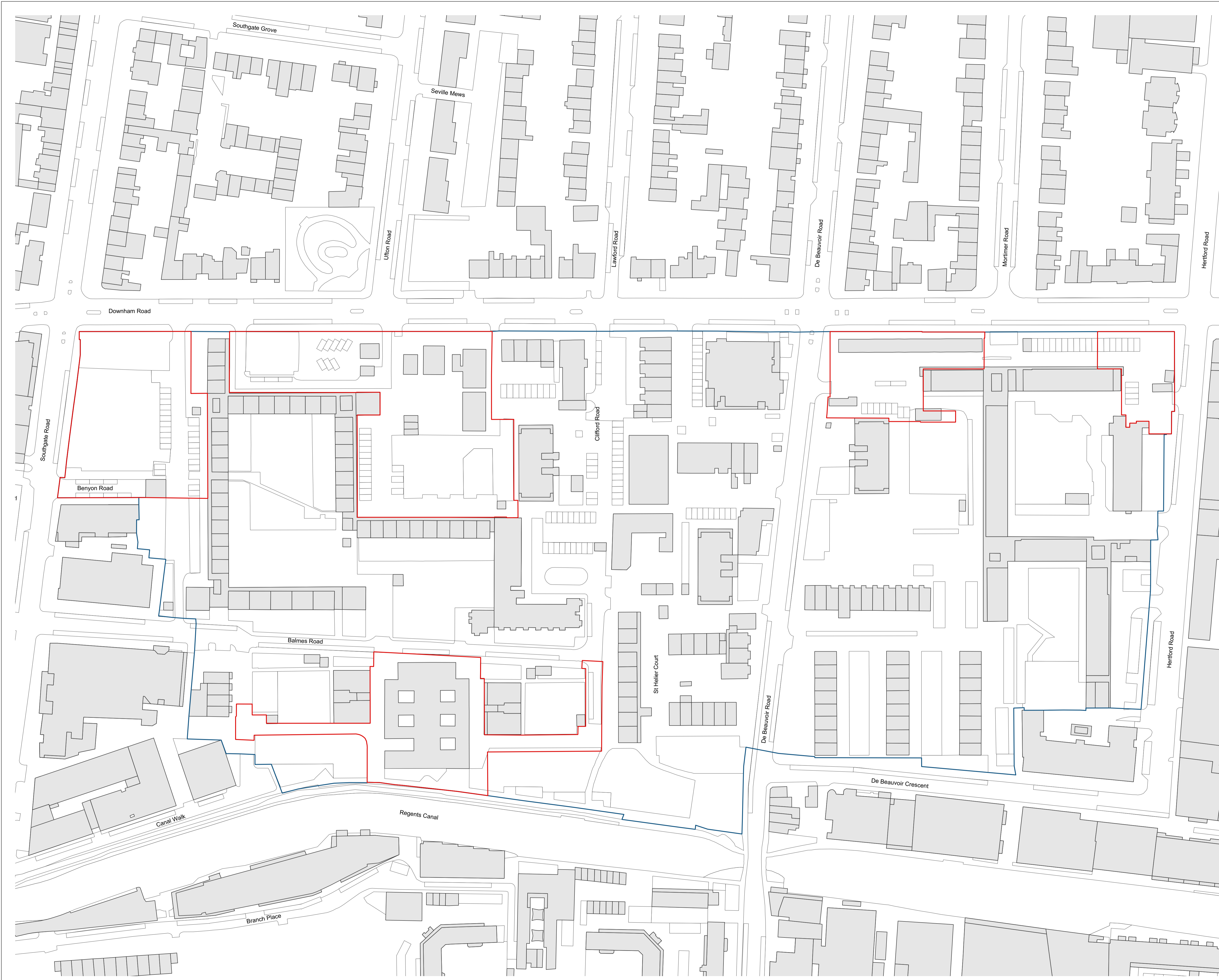
Client
London Borough of Hackney

Project
De Beauvoir Estate Phase 1

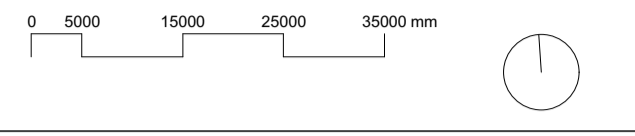
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Drawing no. **9_1804_1_P_001_A** Rev.

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Specific notes

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Title
Existing Site Plan

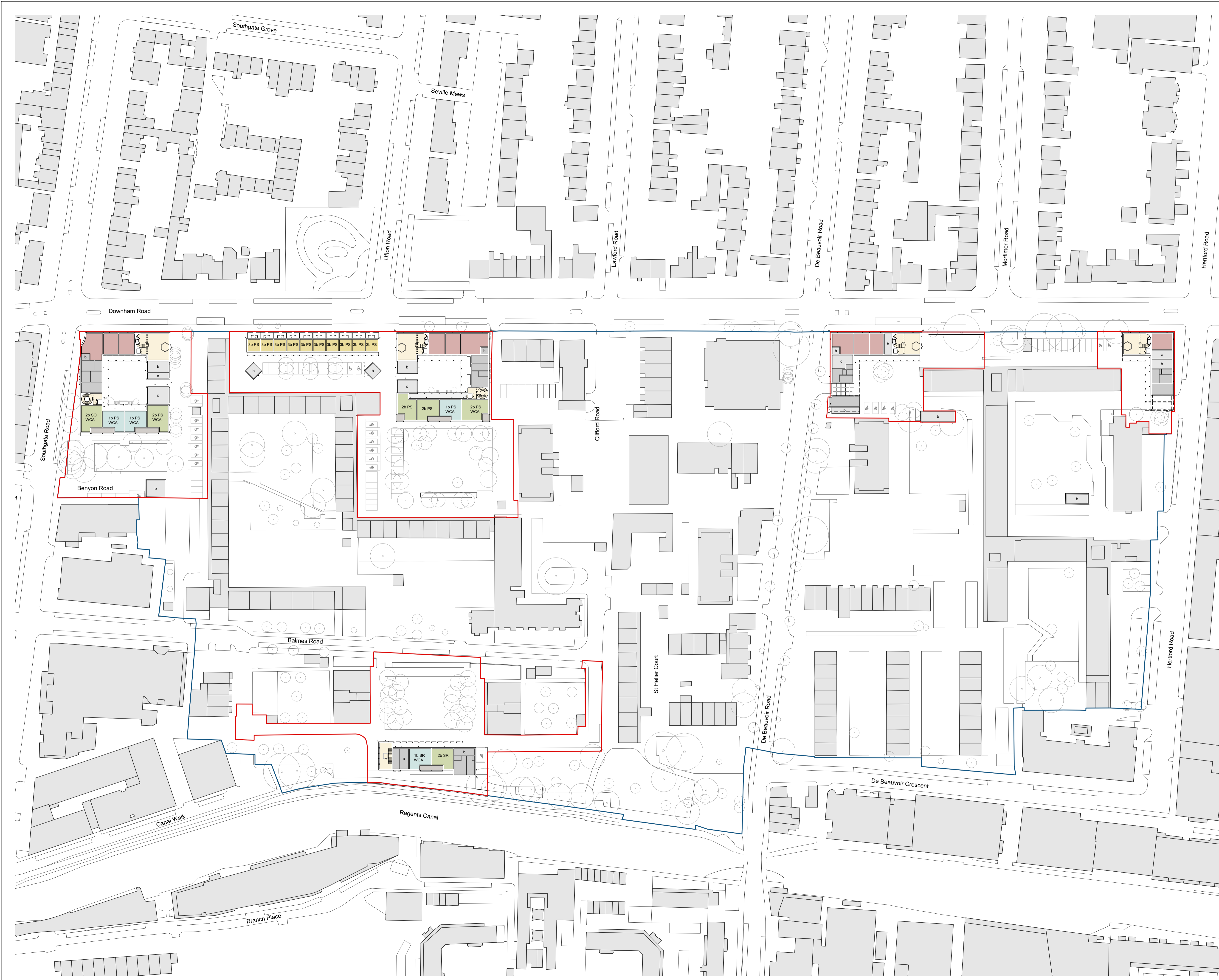
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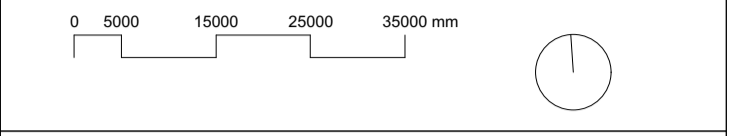
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- Specific notes
- Key:
- :1 bed 2 person home
 - :2 bed 4 person home
 - :3 bed 5 person home
 - :non-residential space
 - :residential lobby
 - :plant room
 - c :cycle storage
 - b :refuse storage

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Rev. Date		Reason for issue	Check



Title
Site Plan Ground Floor

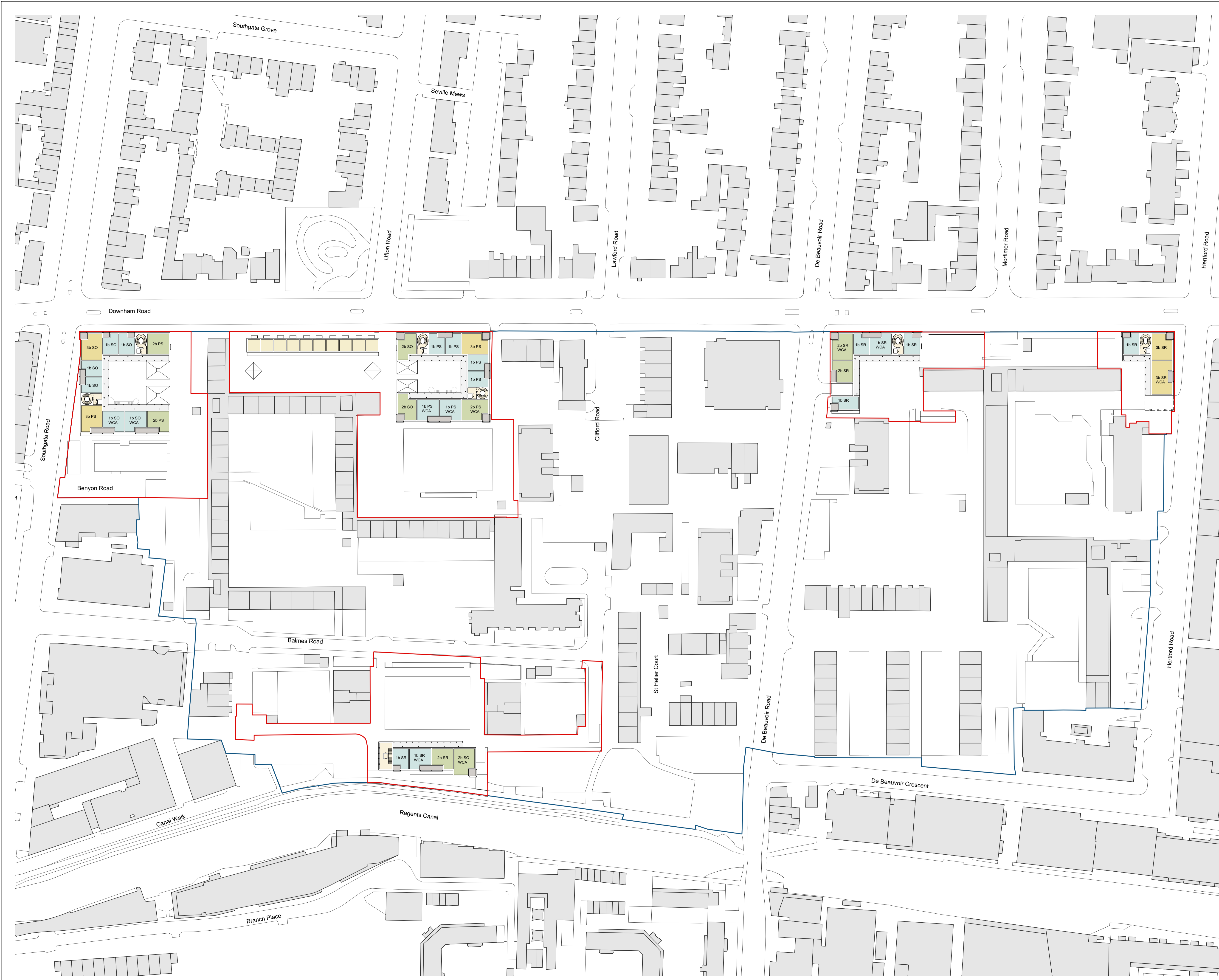
Client
London Borough of Hackney

Project
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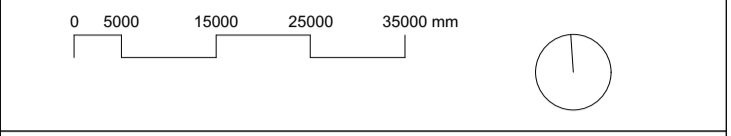
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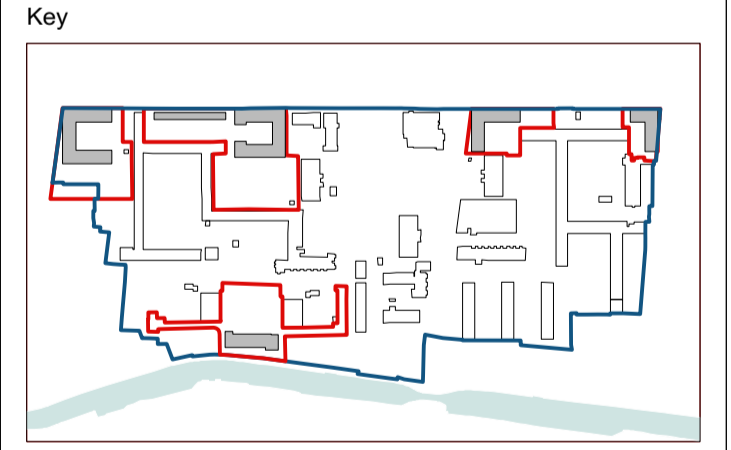


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Title
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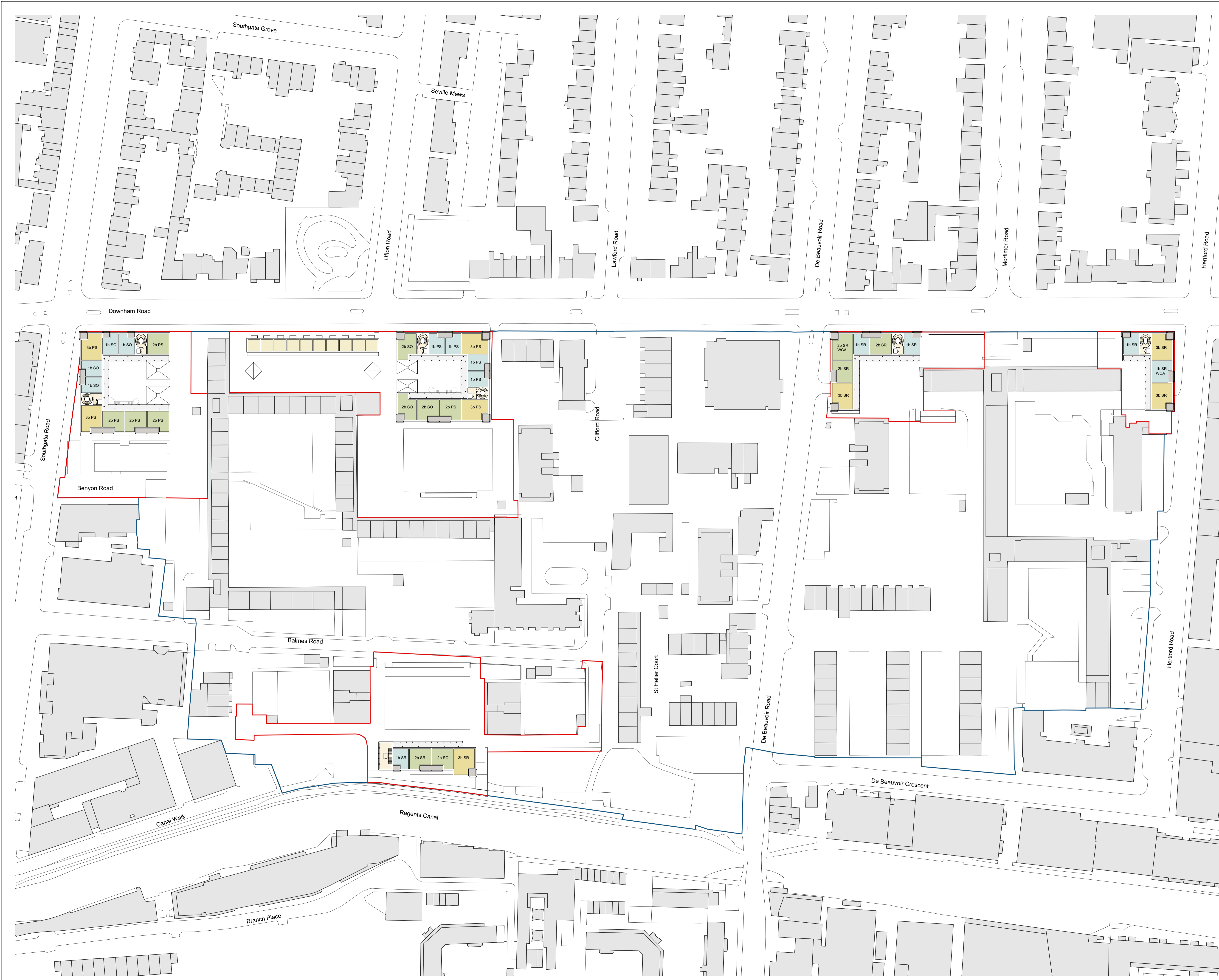
Client
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Project
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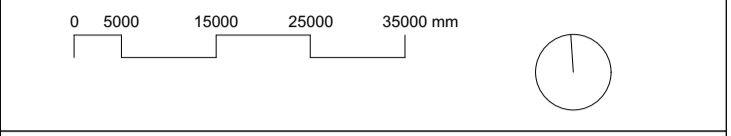
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Title
Site Plan Second Floor

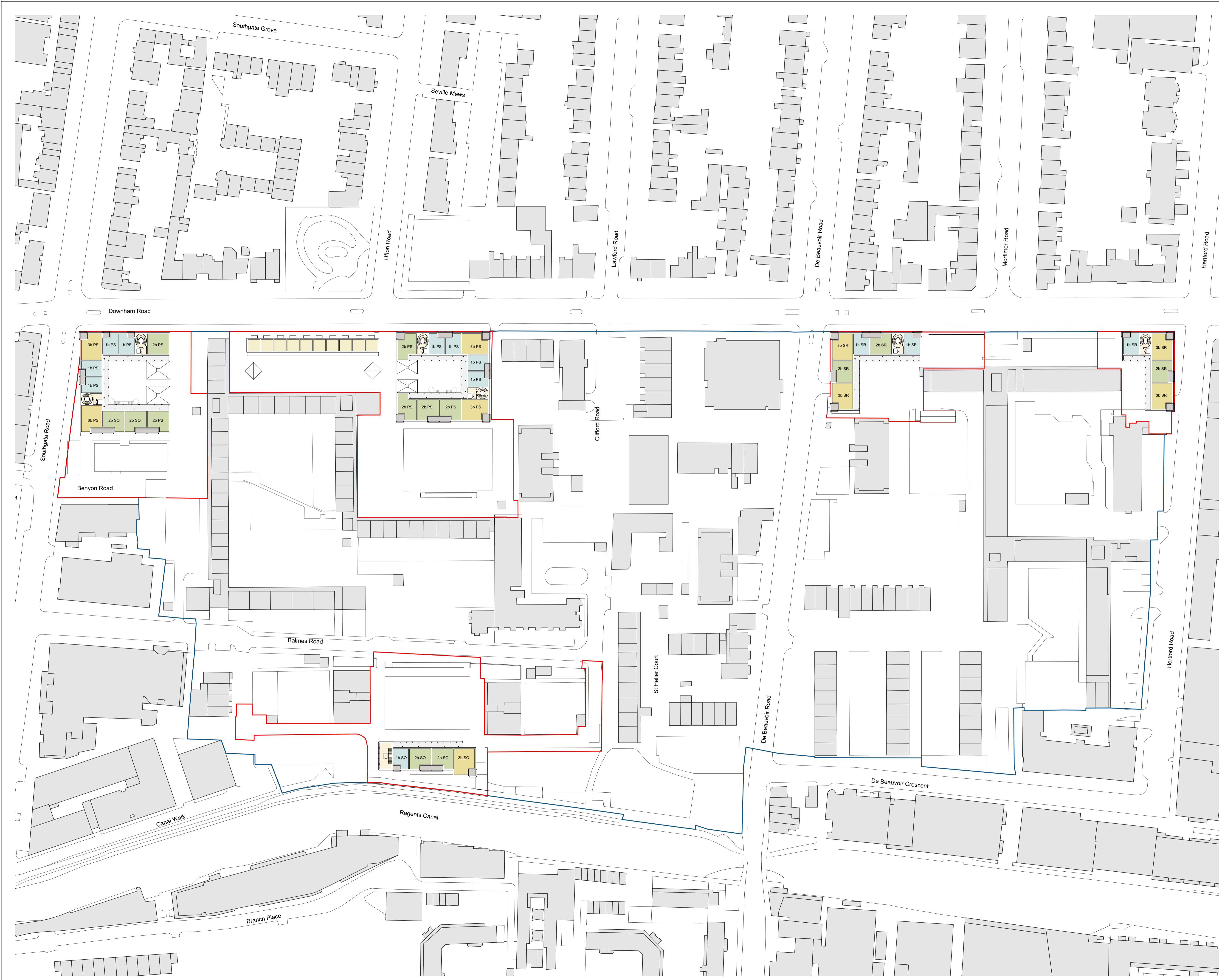
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Project
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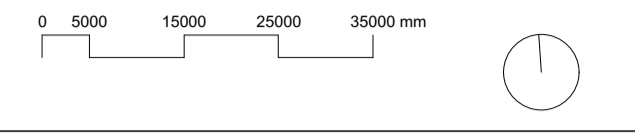
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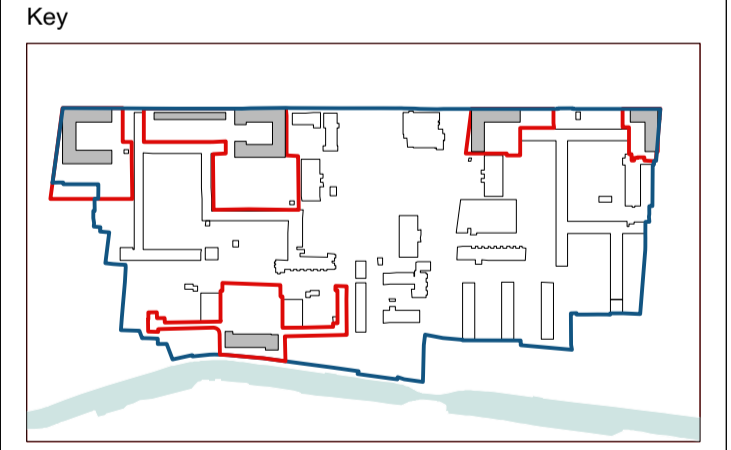


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Title
Site Plan Third Floor

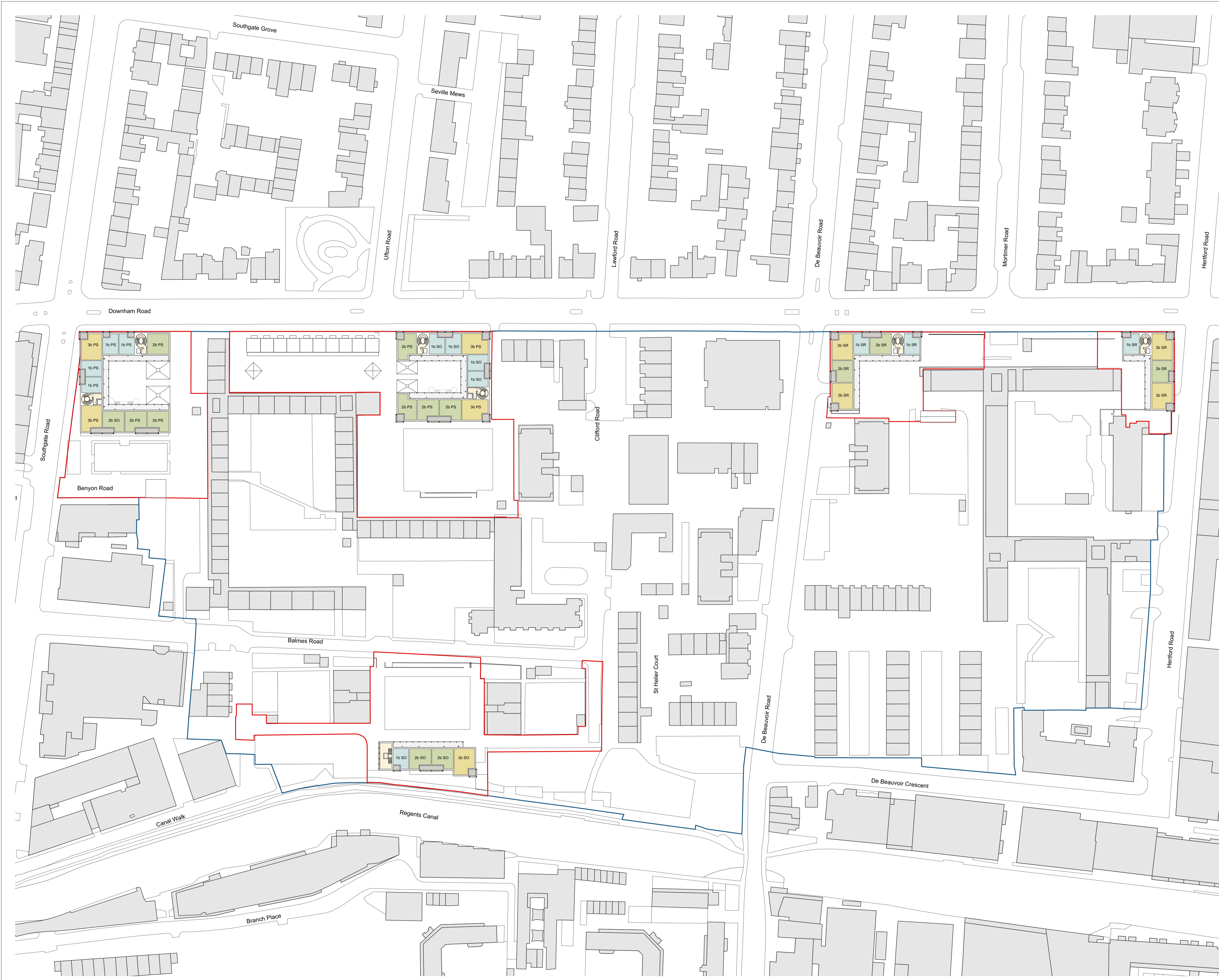
Client
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Project
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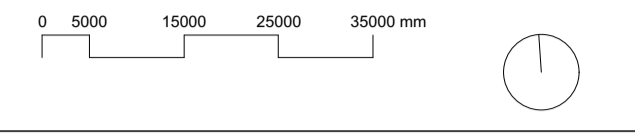
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Rev. Date		Reason for issue	Check



Title
Site Plan Fourth Floor

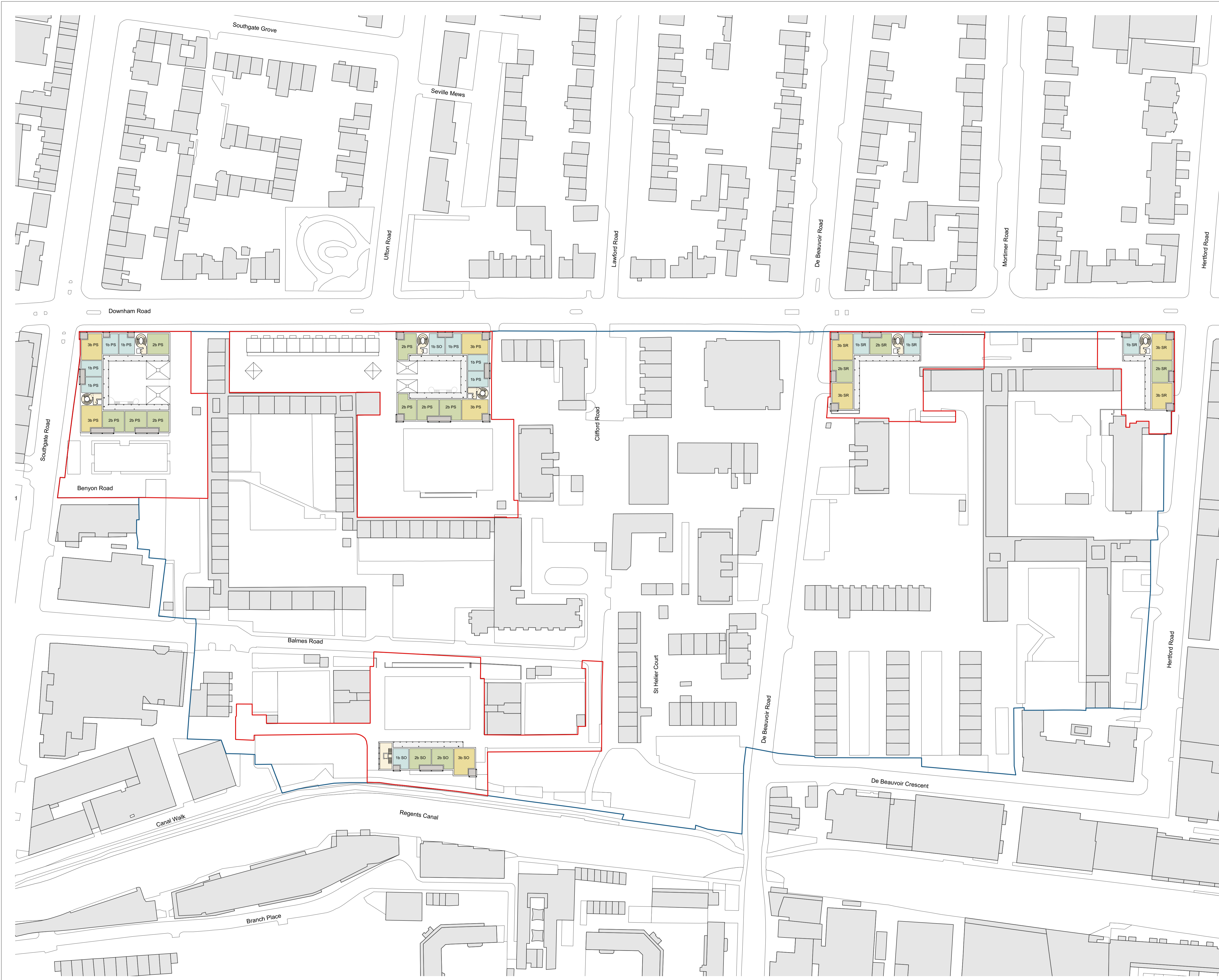
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Project
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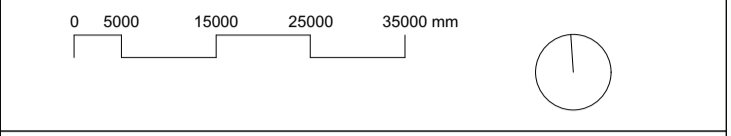
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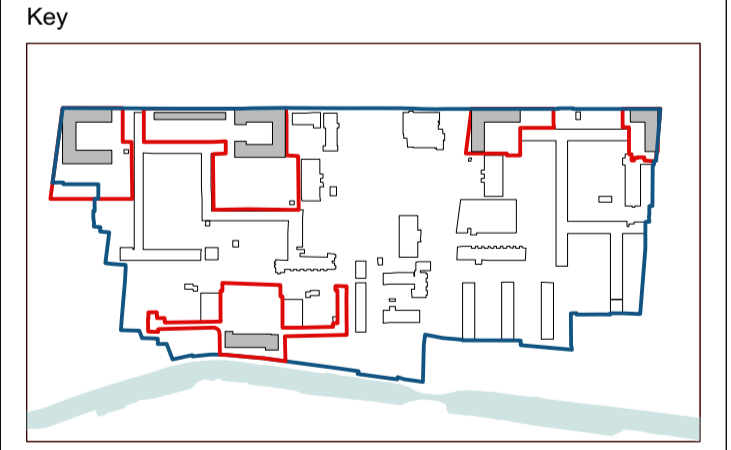


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Rev. Date		Reason for issue	Check



Title
Site Plan Fifth Floor

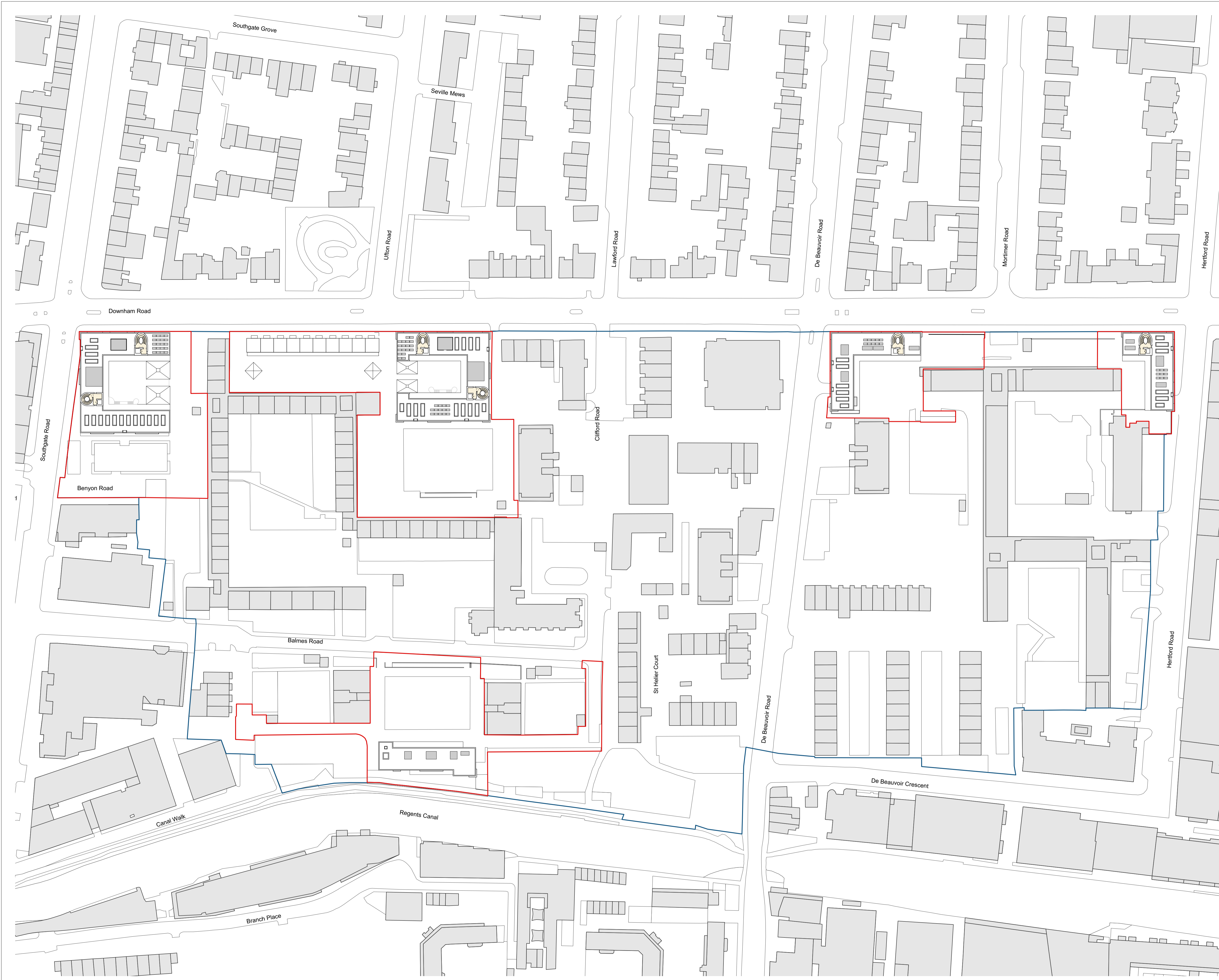
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London Borough of Hackney

Project
De Beauvoir Estate Phase 1

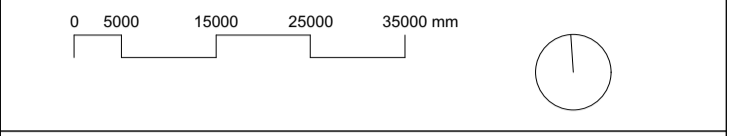
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Title
Site Plan Sixth Floor

Client
London Borough of Hackney

Project
De Beauvoir Estate Phase 1

First Issued	Originator	@A3	@A1	Status
05/10/2020	AE	1:1500	1:750	P

Drawing no. **9_1804_1_P_016_A** Rev.

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ADDRESS: 34 Colvestone Crescent, London, E8 2LH	
WARD: Dalston	REPORT AUTHOR: Alix Hauser
APPLICATION NUMBER: 2021/3456	VALID DATE: 19/01/2022
DRAWING NUMBERS: Pre-EX-L001 B; -P001 B; -P002 B; -P003 B; -P004 B; -P005 B; -E001 B; -E002 B; -E003 B; -S001 B. EX-L001 B; -P001 B; -P002 B; -P003 B; -P004 B; -P005 B; -E001 B; -E002 B; -E003 B; -S001 B. PR-L001 B; -P001 B; -P002 B; -P003 B; -P004 B; -P005 B; -E001 B; -E002 B; -E003 B; -S001 B.	
APPLICANT: Mr M Shahrukh 34 Colvestone Crescent London E8 2LH	AGENT: Mr Joel Stern Sam Planning Unit 9b Fountayne Road London N15 4BE
PROPOSAL: Retrospective permission for the erection of rear extension at lower ground floor level and part ground floor level, the enlargement of the front lightwell and alterations to the rear elevation.	
POST SUBMISSION REVISIONS: Basement was removed from the plans, the lightwell enlarged to show what previously existed on site and minor alterations to the front and rear elevations to accurately reflect the pre-existing, existing and proposed site conditions. Re-consultation was carried out in the form of letters to surrounding occupiers and objectors, erection of a site notice and publication of a press notice post submission of revised drawings.	
RECOMMENDATION SUMMARY: Grant planning permission subject to conditions.	
NOTE TO MEMBERS: None	

REASON FOR REFERRAL TO PLANNING SUB-COMMITTEE:	
Major application	
Substantial level of objections received	YES
Council's own planning application (in accordance with the Planning Sub-Committee Terms of Reference)	
Other (in accordance with the Planning Sub-Committee Terms of Reference)	

ANALYSIS INFORMATION

ZONING DESIGNATION

	Yes	No
CPZ	Zone C	
Conservation Area	St Mark's	
Listed Building (Statutory)		X
Listed Building (Local)		X
Priority Employment Area		X

CASE OFFICER'S REPORT

1.0 SITE CONTEXT

- 1.1 The site is a regular shaped parcel of land located on the south side of Colvestone Crescent.
- 1.2 The site currently comprises a four-storey mid-terrace building, in use as a dwellinghouse.
- 1.3 The building forms part of a symmetrical group of six houses, the end houses being marked by side entrance bays and, at roof level, by a hip.
- 1.4 The surrounding area is primarily residential in character and buildings generally have similar scales and appearances. Dalston Town Centre is located to the west and Ridley Road Market is located to the south.
- 1.5 To the north, east and west the site is surrounded by buildings of similar scale and design in use for residential purposes. To the south, the site adjoins the rear of a three-storey, plus basement car park, commercial building which fronts Ridley Road.
- 1.6 The site is located within the St Mark's Conservation Area but does not comprise a listed building. Kingsland Road to the west is a TfL red route which runs north to south through the borough. Dalston Kingsland Station is located approximately 200m to the west.

2.0 CONSERVATION IMPLICATIONS

- 2.1 The site sits within the St Mark's Conservation Area and is identified as a Building of Townscape Merit (a positive contributor to the Conservation Area). The Conservation Area Appraisal (CAA) notes that: *"The Conservation Area is centred on the parish church of St Mark's, around which the streets of this Victorian speculative development were formally laid out and built up during the mid-1860s. St Mark's Conservation Area is notable for the excellent survival of high quality middle-class Victorian housing."* In relation to this street in particular the CAA notes: *"Many of the houses in Colvestone Crescent were built by Charles Paine and George Jordain during 1866, especially those west of St Mark's Rise and Nos. 64-88, south of St Mark's Church. A number of the houses are Italianate in style with Venetian windows to the top floor, including Nos. 67 & 69, shown below in Figure 16. These houses were built by Paine and Jordain in 1866. Indeed in 1866, these two men, who were the principal builders of many of the houses in the St Mark's Conservation Area, actually ran their business from No. 14, Colvestone Crescent. The houses in this part of the street are generally four-storey in height, built in yellow stock brick with red dressings and tiled string-courses."*
- 2.2 The CAA goes on to indicate the rationale behind the Building of Townscape Merit identification: *"a large 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 19th 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 merit are the many examples of good quality terraced houses...within the Conservation Area.”

- 2.3 Conservation Areas are protected through the Planning (Listed Buildings and Conservation Areas) Act 1990. Section 72 states: *“special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”* The proposal is considered to be well integrated within the surrounding historic context and would preserve the character of this part of the St Mark’s Conservation Area. Further detail is provided in section 6.2.
- 2.4 The Grade II statutory listed Colvestone Primary School is located to the west of the site at the junction of Birkbeck Road and Colvestone Crescent. The setting of a listed building is protected by virtue of the Planning (Listed Buildings and Conservation Areas) 1990 Act Section 66: *“...the local planning authority...shall have special regard to the desirability of preserving the building or its setting...”*.
- 2.5 With regard to proposals affecting heritage assets, the 2021 National Planning Policy Framework (NPPF) states at paragraphs 195 and 200:
- 195. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal.*
- 200. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification...*
- 2.6 The NPPF defines “setting” as: *“The surroundings in which a heritage asset is experienced”* and notes in the definition of “significance” that *“Significance derives not only from a heritage asset’s physical presence, but also from its setting”*.
- 2.7 There are no identified impacts on listed buildings. Further detail is provided in section 6.2.

3.0 RELEVANT HISTORY

- 3.1 2019/3846 – planning permission GRANTED for the erection of a rear extension at lower ground floor level and part ground floor level.
- 3.2 2020/1464 – planning permission REFUSED for the excavation of a rear light well and erection of a part two- part three-storey rear extension over basement, lower and upper ground floor levels [part retrospective]; rear elevational alterations; erection of rear dormer; installation of rooflights into front roof slope and provision of waste and cycle storage within the front garden in order facilitate the conversion of a single dwellinghouse to five self-contained units.

- 3.3 2020/3516 – planning permission GRANTED for the erection of a rear dormer and installation of roof lights to front roof slope.
- 3.4 2020/3546 – planning permission REFUSED for a non-material amendment to planning permission 2019/3846 dated 16/12/2019. The amendment sought to change the first floor mono pitched roof to a flat roof and remove a rear first floor window.

4.0 CONSULTATIONS

- 4.1 Date First Statutory Consultation Period Started: 09/02/2022
- 4.2 Date Third Statutory Consultation Period Ended: 14/07/2022
- 4.3 Site Notices: Yes (3 on Colvestone Crescent in March, April and June)
- 4.4 Press Advert: Yes. (Hackney Citizen 25/02/2021, 08/04/2022 and 17/06/2022)

Neighbours

- 4.5 Letters of consultation were sent to 49 adjoining owners/occupiers. At the time of writing the report, 25 objections were received in the form of individual representations. 15 of these objections were in response to the original submission. These representations are summarised below:
- Replacement of the mono-pitched roof and the ground floor extension roof would provide flat areas that could be used for outdoor space and lead to overlooking and privacy issues.
 - Lower and upper ground floor extensions are larger than approved and result in loss of outlook and daylight/sunlight.
 - Excessive development which features uncharacteristic basement excavation and external alterations is not in keeping with the architectural heritage of the conservation area.
 - Loss of biodiversity and drainage concerns from, flat roofs, basement excavation and concreting of rear garden.
 - Basement has not been backfilled to pre-existing condition but only covered with concrete.
 - Discrepancies and lack of detail in the application (such as room uses) preventing a true appraisal of existing or proposed outcomes.
 - Inaccurate plans which do not show what previously existed on site and what has actually been built.
 - No smoke vents have been included on the plans for the basement.
 - Retrospective nature of the application and non-compliance with the original application, the subsequent enforcement notice and dismissed appeal undermines the planning system.
 - Lack of submission of basement impact assessment and party wall agreement.
 - The proposed plans do not include aspect of schemes that have been previously approved at the site.

Following the first round of reconsultation, a further 5 objections were received. The additional aspects of the representations are summarised below:

- Plans still do not accurately reflect the current situation on site. It appears that windows will be replaced with doors (given the size of openings). These inaccuracies follow a long history of mendacious applications.

Following a second round of reconsultation, a further 5 objections were received. The additional aspects of the representations are summarised below:

- The pre-existing plans are misleading as they do not show removed chimney breasts and a tree within the rear garden that were present when the property was on sale in 2019.
- The enlarged first floor window would provide access to the flat roof which would have significant privacy and overlooking implications for neighbouring occupiers.
- The windows in the rear elevation do not conserve the existing glazing pattern.
- The materiality or drainage of the front lightwell have not been considered.

Officer comment

- 4.6 It is noted that the development was part of a previously refused scheme and an enforcement notice but this does not prohibit the applicant from submitting a subsequent application. Further, the application was amended during the course of the application to differ from that previously refused and the enforcement notice.
- 4.7 Whilst it is noted that the pre-existing plans do not show what is currently on site, in the proper interest of planning, applications should be considered in the context of the lawful nature of the site. It is further noted that during the course of the application the pre-existing, existing and proposed plans were amended to show, respectively, what existed on site at the time of the original application in 2019, what currently exists on site (the incomplete development including unlawful works) and what the development seeks to achieve once completed. Furthermore, whilst it is noted that the rear dormer previously approved on site has not been included in any of the drawings, this does not form part of the development.
- 4.8 Representations were made in regard to the concreting of the rear garden. This is not included within the proposal. It is noted that the site falls within an area of the St Mark's conservation area to which an Article 4 Direction applies. This direction removes permitted development rights to, amongst other things, provide hardstanding within the curtilage of the dwellinghouse. As such, the concreting of the rear garden requires planning permission of which there is no evidence. This objection is noted and the planning enforcement team is aware of the unlawful development however, it is outside the remit of the current application.
- 4.9 Representations were also made in regard to the front lightwell. The application has now been amended to include these works. The pre-existing plans show the lightwell as it existed at the time of the 2019 application and the existing and proposed plans show the lightwell as it exists now. An assessment of this aspect of the proposal is included in the comment section of the report below.
- 4.10 No railings or balustrades are shown at first floor level in the rear elevation as this is proposed to be a full height window as indicated in the plans and elevations and not full height doors as suggested by some.

- 4.11 The issue of the infilling of the basement lightwell and the method in which this is done is subject to the conditions set out in the enforcement notice and is not a consideration in this application.
- 4.12 The potential use of any flat roof as a roof terrace requires planning permission. The use of the flat roofs as a terrace is not included in the application. The future potential for developments to be used unlawfully is not something that is material and would be considered at a later date if the relevant scenario arose.
- 4.13 The basement has been removed as part of the proposal so no basement impact assessment is required and the issue of smoke vents is not relevant.
- 4.14 Party wall agreements fall outside the remit of planning.
- 4.15 An application to remove two Ash trees and one Sycamore tree was submitted in June 2018. No objection was raised by the Council.
- 4.16 A site visit on 31/05/2022 confirmed the chimney breasts as included on all plans and which can be seen within the advertising material from when the property was on the market in 2019 are still in situ on site so the plans are accurate.
- 4.17 Concerns raised in regard to design, conservation, amenity, drainage and biodiversity issues are addressed within the assessment section of this report.

Statutory Consultees

- 4.18 No statutory consultation has been undertaken as part of the planning application.

Council Departments

- 4.19 Drainage: No objection subject to conditions.

Local Groups

- 4.20 Dalston CAAC (in response to submitted scheme): Hackney Planning should check that the application drawings shown 'As Existing' indeed reflect the current layout. The CAAC objects to the application for the following reasons; the Upper ground lean-to roof at the rear should be reinstated and the rear extension at Upper Ground level is too large.
- 4.21 Dalston CAAC (in response to revised scheme): These proposals have already been refused under application reference 2020/3546. The CAAC again objects to the application for the following reasons; the Upper ground lean-to roof at the rear should be reinstated, the rear extension at Upper Ground level is too large, the basement which has already been excavated without consent is not shown on this application drawings. The applicant should refill the basement prior to applying retrospectively for irregular construction.
- 4.22 Dalston CAAC (in response to second revision): The proposed design is unacceptable. The first floor rear window is too large. It does not follow the Victorian hierarchy of window sizes. The original lean-to roof should be reinstated with a small window above. The ground floor window is also too large. The rear extension window is too wide and also disproportionate to the size of the extension. The application should be refused on these grounds.

5.0 POLICIES**5.1 Hackney Local Plan 2033 2020 (LP33)**

- LP1 Design Quality and Local Character
- LP2 Development and Amenity
- LP3 Designated Heritage Assets
- LP17 Housing Design
- LP46 Protection and Enhancement of Green Infrastructure
- LP47 Biodiversity and Sites of Importance of Nature Conservation
- LP53 Water and Flooding
- LP54 Overheating and Adapting to Climate Change
- LP55 Mitigating Climate Change
- LP58 Improving the Environment - Pollution

5.2 London Plan 2021

- D3 Optimising Site Capacity Through the Design-Led Approach
- D4 Delivering Good Design
- D6 Housing Quality and Standards
- HC1 Heritage Conservation and Growth
- G5 Urban Greening
- G6 Biodiversity and Access to Nature
- SI 2 Minimising Greenhouse Gas Emissions
- SI 4 Managing Heat Risk
- SI 12 Flood Risk Management
- SI 13 Sustainable Drainage

5.3 SPD / SPF / Other

Mayor of London

Sustainable Design and Construction SPG (2014)

London Borough of Hackney

Residential Extensions and Alterations SPD (2009)

Sustainable Design and Construction SPD (2016)

St Mark's Conservation Area Appraisal (2008)

5.4 National Planning Policies/Guidance

National Planning Policy Framework 2021

Planning Practice Guidance

5.5 Legislation

Town and Country Planning Act 1990

Planning (Listed Buildings and Conservation Areas) Act 1990

6.0 COMMENT

6.1 Background

6.1.1 The proposal seeks retrospective permission for the erection of a rear extension at lower ground and part ground floor levels and alterations to the rear elevation. These alterations include the bricking in of a window at first floor level and the replacement of the mono-pitched roof with a flat roof.

6.1.2 A large number of unauthorised works have taken place between the granting of permission for a two-storey rear extension in December 2019 and the retrospective permission of the current application. An application was refused in July 2020 for the majority of the works included within this application, with the main differences being:

- No rear dormer window is proposed as part of this application (this was subsequently revised and approved as part of a separate application).
- The basement has been removed and the rear light well has been infilled.
- The proposal does not involve the subdivision of the house to provide new units.
- The proposal includes the enlargement of the front lightwell.

6.1.3 Subsequent to the July 2020 refusal, an enforcement notice was issued. This enforcement notice was appealed and dismissed with the Inspector finding:

‘The appellants reference to the role of the basement and lightwell in making the property structurally sound demonstrate that the alterations and rear extensions, the basement and the light well are interdependent as opposed to discrete elements of development. Therefore, drawing all of the above points together, I conclude that the development as a whole has a harmful effect on the character and appearance of the site and the surrounding area, with particular reference to St Marks Conservation Area. The development is contrary to Policies D4 and HC1 of the new London Plan which seek to deliver good design and to conserve the significance of heritage assets and to Policies LP1, LP3 and LP53 of the Hackney Local Plan 2033 (2020) (the Local Plan) which require that development responds to local character and context and preserves or enhances the character and appearance and significance of the historic environment, including Conservation Areas.

For similar reasons the development does not accord with the Hackney Residential Extensions and Alterations SPD which supports rear extensions which are designed to respect the character of the original house.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in making decisions on planning applications and appeals within a CA, special attention is paid to the desirability of preserving or enhancing the character or appearance of the area. In addition, Paragraph 199 of the revised Framework requires when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation.

In this case, I have found that the development would have a harmful effect on the CA, however I find, given the scale of the impact on the CA, that the harm is less than substantial.

Paragraph 202 of the revised Framework directs that where a development proposal will lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal. In this case I have limited evidence before me regarding the public benefits which would arise save for the appellants' reference to the poor level of maintenance of the building. This public benefit would not outweigh the harm to the designated heritage asset that I have found in this instance.'

- 6.1.4 This application was submitted in response to this appeal, with the rear light well removed, in an attempt to alleviate the Inspector's concerns.
- 6.1.5 During the course of the application the proposal was amended to remove the already excavated basement from the development and include a number of unauthorised works that have already taken place including the enlargement of the front lightwell and the enlargement of a window opening in the rear elevation at first floor level.
- 6.1.6 The main considerations relevant to this application are:
- Design & Conservation
 - Amenity Impacts to Neighbouring Properties
 - Biodiversity and Ecology
 - Energy & Sustainability
 - Drainage

Each of these considerations is discussed in turn below.

6.2 Design & Conservation

- 6.2.1 Policies LP1 (Design Quality and Local Character) of the LP33 and D6 (Housing Quality and Standards) of the London Plan 2021 seek to adopt a rigorous design approach and ensure that all new development be of the highest architectural and urban design quality. They require development to respond in a positive manner to the existing context and local character, be compatible with the existing townscape including urban grain and plot division, and where possible enhance it.
- 6.2.2 The site sits within the St Mark's Conservation Area. Conservation Areas are protected through the Planning (Listed Buildings and Conservation Areas) Act 1990 and particularly section 72, which states: "*special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*"
- 6.2.3 Policy LP3 (Designated Heritage Assets) and London Plan policy HC1 (Heritage Conservation and Growth) requires development proposals affecting Conservation Areas or their settings to preserve or enhance the character and appearance of the area including, the established local character of individual buildings and groups of buildings (in terms of height, massing, scale, form, design, materials, detailing and use) and the rhythms and historical form of the area (in terms of the spaces between buildings, density, settings, building lines, siting, pattern of development,

urban grain and plot coverage) as well as being sympathetic to the assets' significance and appreciation within their surroundings.

6.2.4 The house forms part of a symmetrical group of six houses, the end houses being marked by side entrance bays and, at roof, level by a hip. This contributes to its interest as part of a small group; the group also being part of a series of such groups in the street.

6.2.5 This house is therefore a key element in the significance of the Conservation Area, since it forms part of a group identified as positive contributors to the identified significance, which is of a street of higher status family homes originally developed as part of a church-based suburb between 1866 and 1867.

6.2.6 In the recent appeal decision, the Inspector, at Paragraphs 19-22 found that the rear extension at lower ground floor level and part ground floor level and the other unlawful alterations to the rear that have been included in this planning application including the change of the mono-pitched roof to a flat roof, the enlargement of a window at first floor level and the bricking up of a window at first floor level, should be granted planning permission, stating that

'...the rear elevations as they appear now form the baseline for the consideration of the impact of the loss of the window. In this case although the loss of the window constitutes the loss of historic detailing which is acknowledged to be an important characteristic of the CA, given the site context and the degree of change which has already taken place, this change to the rear elevation of the building is not harmful.

The extension which is under construction further alters the appearance of the rear elevation of the appeal site. It extends the built form into the rear garden and increases the bulk of the building as an integral part of the terrace. However, the Council has granted planning permission for the erection of a rear extension at lower ground floor level and part ground floor level (Council Ref 2019/3846). Thus, the principle of an extension of this type has been established.

...In the context of planning permission having been granted for a part two storey and part single storey extension, I do not find that the extension which has been constructed on the site, and which is the subject of the appeal, to be harmful to the character and appearance of the site or the surrounding area.'

6.2.7 As such, these elements of the proposal, which have been assessed by the Inspector, and found acceptable, are considered as such by the Council.

6.2.8 The main issue therefore, is the acceptability of the proposed detailing which has not been completed and as such has not been assessed by the Inspector.

6.2.9 Given the location of the proposed windows and doors at lower and upper ground floor level and the fairly random layout of fenestration to the rear of properties within the terrace, the use of substantial glazing is considered acceptable, subject to the submission of further detailing.

6.2.10 The minor increase in the size of the front lightwell is considered acceptable with regard to size, scale and materiality.

- 6.2.11 Given the context of the site and the scale of the proposal, the development is considered to be in keeping with the character of the properties and the terrace. It would preserve the special character and appearance of the conservation area in compliance with Section 72 of the Act and would not harm the conservation area, in compliance with the relevant tests in the NPPF.
- 6.2.12 The development is considered acceptable in design and conservation terms, and would preserve the character and appearance of the terrace within which the property is located, the surrounding streetscene and wider conservation area.
- 6.2.13 The proposal is considered to be well integrated within the surrounding area and would not cause harm to the setting of nearby statutory listed buildings.
- 6.2.14 The proposal complies with pertinent policies in the Hackney Local Plan 2033 (2020) and the London Plan (2021) and the granting of full planning permission is recommended subject to conditions regarding materials and detailing.

6.3 Amenity Impacts to Neighbouring Properties

- 6.3.1 London Plan Policy D3 states development should have regard to consideration of design options to determine the most appropriate form of development that responds to a site's context and capacity for growth. LP33 policy LP2 (Development and Amenity) states that all new development must be appropriate to its location and should be designed to ensure that there are no significant adverse impacts on the amenity of neighbours. The individual and cumulative impacts of development proposals on amenity are relevant in considering their acceptability. The consideration of the merits of development proposals will be balanced against the impact on amenity.
- 6.3.2 The potential impacts of residential works on the amenity values of neighbouring properties are generally considered to include daylight/sunlight, outlook (including bulk and dominance issues) and privacy/overlooking matters.
- 6.3.3 The extensions need to be considered in the context of the existing building bulk as well as the previously approved scheme. The approved scheme allowed for a part single and part double storey rear extension. The extension was approved with a depth of 3.5m at both lower and upper ground floor levels, a height of 2.8m on the western boundary and 5.8m on the eastern boundary and a full width at lower ground floor level and 3.5m at upper ground floor level.
- 6.3.4 In comparison, the as built scheme extends 3.9m from the rear wall of the host building at both levels (an increase of 0.4m) and has the same height and width as the approved.
- 6.3.5 As such, it is pertinent to consider the increase in depth of the extensions in the context of the adjoining occupiers.
- 6.3.6 In regard to number 32, the single storey wall built on the boundary is approximately 2.8m in height. Given the relevant ground levels and the depth of the extension, it is considered not to have an adverse impact on no. 32 in terms of outlook and light. The additional 0.4m in depth is considered not to change the impact in regard to the approved scheme.

- 6.3.7 In regard to number 36, it is noted that this site interfaces the subject site with a staircase from the upper ground storey. The two-storey wall built on this boundary would be adequately separated from windows of the property as these are located on the eastern side and away from the extension. Due to this and the depth of the proposal, it is considered not to result in an undue impact on light or outlook to number 36.
- 6.3.8 The proposal's openings will share the same orientation to those existing on the property, ensuring privacy impacts are not worsened. The proposed enlargement of the front lightwell will also not harbour any adverse amenity impacts to adjoining occupiers.
- 6.3.9 Given the above, the proposal is considered acceptable in amenity terms.

6.4 Biodiversity & Ecology

- 6.4.1 Policy G5 of the London Plan and policy LP46 of LP33 requires that all development should enhance the network of green infrastructure and seek to improve access to open space.
- 6.4.2 The development, whilst not providing any additional open space, will ensure that an adequate area of open space is maintained on site. It is noted that a significant portion of this has been concreted over. This has not been included as part of this application. The site is located within the St Mark's Conservation Area Article 4 Direction Area for which the permitted development rights relating to Class F, Part 1, Schedule 2 (hard surfaces incidental to the enjoyment of a dwellinghouse) have been removed (amongst others). No other application has been submitted for this change. As such, the hardstanding within the rear garden is unlawful and the Council considers the lawful state of the garden to be soft landscaping. As such, and in this context, the scale of the proposal is considered to preserve an appropriate level of landscaping within the rear garden.
- 6.4.3 Policy G6 of the London Plan states that development proposals should manage impacts on biodiversity and aim to secure net biodiversity gain. Policy LP47 of LP33 reinforces this policy, stating that all development should protect and, where possible, enhance biodiversity leading to a net gain.
- 6.4.4 As such, the inclusion of swift bricks for nesting birds should be conditioned.
- 6.4.5 Given the nature and scale of the development, acknowledging that the development will not result in a net loss of biodiversity, and subject to conditions, the proposal is considered acceptable in biodiversity terms.

6.5 Energy & Sustainability

- 6.5.1 All new developments need to consider statutory requirements to reduce pollution, energy and carbon emissions, and should incorporate best practice design principles and guidance where appropriate.
- 6.5.2 Policy SI 4 of the London Plan and LP54 of LP33 require all development to regulate internal and external temperatures through orientation, design, materials

and technologies which avoid overheating, in response to the Urban Heat Island Effect and addressing climate change.

- 6.5.3 Policy LP55 applies to all new developments and states they must actively seek to mitigate the impact of climate change through design which minimises exposure to the effects, and technologies which maximise sustainability.
- 6.5.4 A development of this scale would be expected to comply with any building regulations to ensure the statutory requirements to reduce pollution, energy and carbon emissions are met. The development would be required to demonstrate that it incorporates fabric efficiency measures.
- 6.5.5 The proposed extension is constructed of modern materials that will result in acceptable energy efficiency of the building and is expected to include windows with low u-values, which is considered sufficient for the scale of development. This will be conditioned.
- 6.5.6 The proposal is considered to result in a sustainable form of development and is deemed to be in accordance with London Plan policy SI 4 and LP33 policy LP55.

6.6 Drainage

- 6.6.1 London Plan policy SI 12 states that development proposals must comply with the flood risk assessment and management requirements over the lifetime of the development and have regard to measures proposed in flood management plans. Policy SI 13 of the London Plan states that development proposals should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible.
- 6.6.2 Policy LP53 of LP33 requires all development to have regard to reducing flood risk, both to and from the site, over its expected lifetime. The policy further states that all development should decrease vulnerability to flooding through appropriate siting, design and on-, and off-site mitigation.
- 6.6.3 The site is shown to have a low risk of surface water flooding and an increased potential for elevated groundwater. The extensions have resulted in an increase of impermeable surfaces at the site. A condition of permit will require that details of a sustainable drainage system be submitted in order to aid with the mitigation of flood risk. Subject to this condition, the proposal is deemed to be inline with London Plan policy SI 12 and LP33 policy LP53.

7.0 CONCLUSION

- 7.1 The proposed design, scale and position of the development will respect the character and appearance of the subject building, streetscene and wider Conservation Area, would not harm the setting of nearby statutory listed buildings and would not have an unacceptable detrimental impact on the amenity of adjoining occupiers.
- 7.2 The proposal is deemed to comply with the relevant policies in the Hackney Local Plan 2033 (2020) and the London Plan (2021) and the granting of planning permission is recommended subject to conditions.

8.0 RECOMMENDATIONS

Recommendation A

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

8.1.1 **Development in accordance with plans**

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

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

8.1.2 **Details to be approved**

Detailed drawings of the proposed development showing the matters set out below must be submitted to and approved by the Local Planning Authority, in writing, prior to the installation of windows and doors. The development shall not be carried out otherwise than in accordance with the details thus approved which shall be implemented in full prior to the first occupation of the development and retained in perpetuity.

a) All new and replacement windows and doors including a 1:20 elevation of each type showing the glazing pattern, together with 1:5 sections of the top, side, bottom and meeting rails and the sash boxes showing the mechanism, together with 1:1 sections of the glazing bars showing the depth of the glazing units and putty sealant including details of the proposed u-values.

b) Details of all new and replacement rainwater goods to be black painted cast iron.

c) Details of all works to the front boundary with details of all gates, walls, railings and other boundary treatments.

d) Details of all extract and intake vents, ducts and flues showing the location, design and materials.

e) Details of all external architectural metalwork including, but not limited to, railings to steps to the front garden.

REASON: To ensure the external appearance of the building is satisfactory and does not detract from the character and appearance of the St Mark's Conservation Area and would result in a sustainable form of development.

8.1.3 **Biodiversity**

Prior to the occupation of the development hereby approved, details of bird and bat box provision, at or close to eaves level, shall be submitted to and approved in writing by the Local Planning Authority. The bricks/boxes shall be retained thereafter in perpetuity.

REASON: To provide potential habitat for local wildlife.

8.1.4 Drainage

Prior to occupation of the development hereby approved, detailed specification, a drainage layout and a management & maintenance plan (where applicable) of at least one suitable sustainable drainage system shall be submitted to, and approved by the LPA, in consultation with the LLFA. If soakaways i.e. plastic modules and soakaway rings are used, an infiltration test must be carried out to ensure that the capacity of the soil is suitable for infiltration. It must be demonstrated that there will be no increase in surface water flow being discharged offsite and an overall reduction in peak flow rate and volume.

REASON: In the interest of sustainable drainage.

Recommendation B

8.2 That the Sub-Committee grants delegated authority to the Director of Sustainability and Public Realm and Head of Planning (or in their absence either the Growth Team Manager or DM & Enforcement Manager) to make any minor alterations, additions or deletions to the recommended conditions set out in this report provided this authority shall be exercised after consultation with the Chair (or in their absence the Vice-Chair) of the Sub-Committee (who may request that such alterations, additions or deletions be first approved by the Sub-Committee).

9.0 INFORMATIVES

The following informatives should be added:

- SI.1 Building Control
- SI.7 Hours of Building Works
- NPPF Applicant/Agent Engagement

Signed..... Date.....

Aled Richards - Strategic Director, Sustainability and Public Realm

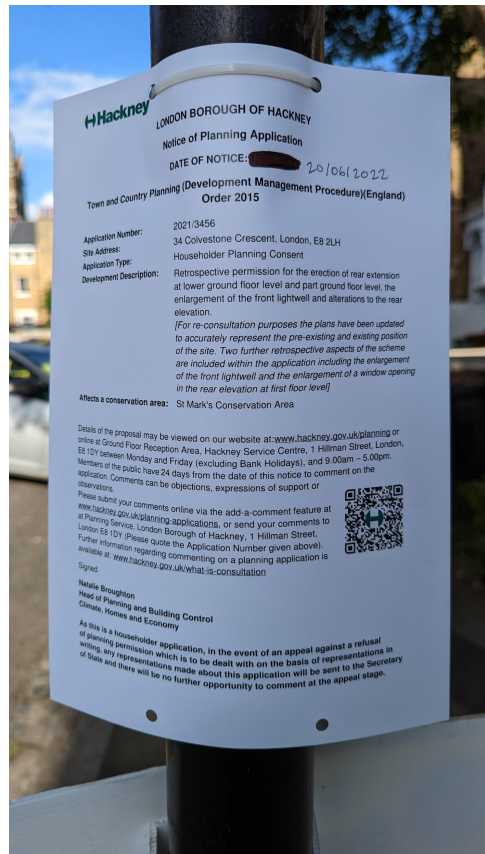
No.	Background Papers	Name, Designation & Telephone Extension of Original Copy	Location Contact Officer
1.	<p>Application documents and LBH policies/guidance referred to in this report are available for inspection on the Council's website</p> <p>Policy/guidance from other authorities/bodies referred to in this report are available for inspection on the website of the relevant authorities/bodies</p> <p>Other background papers referred to in this report are available for inspection upon request to the officer named in this section.</p>	<p>Alix Hauser Planning Officer x6377</p>	<p>2 Hillman Street London E8 1FB</p>

	All documents that are material to the preparation of this report are referenced in the report		
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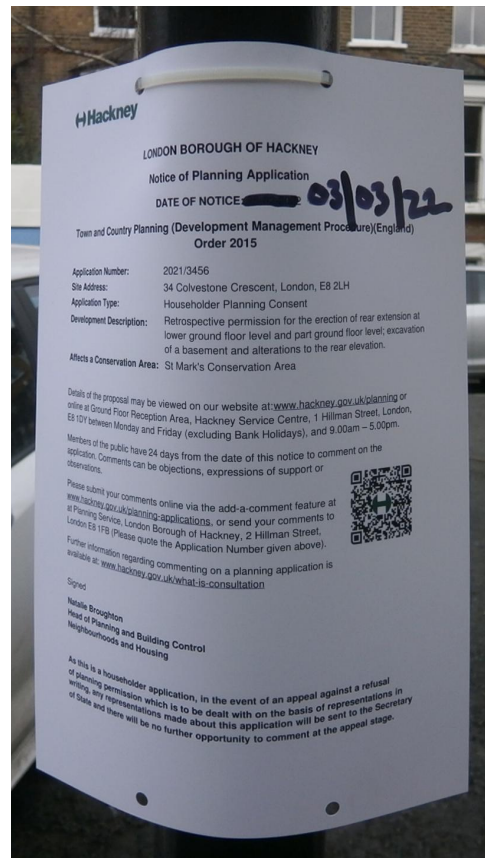
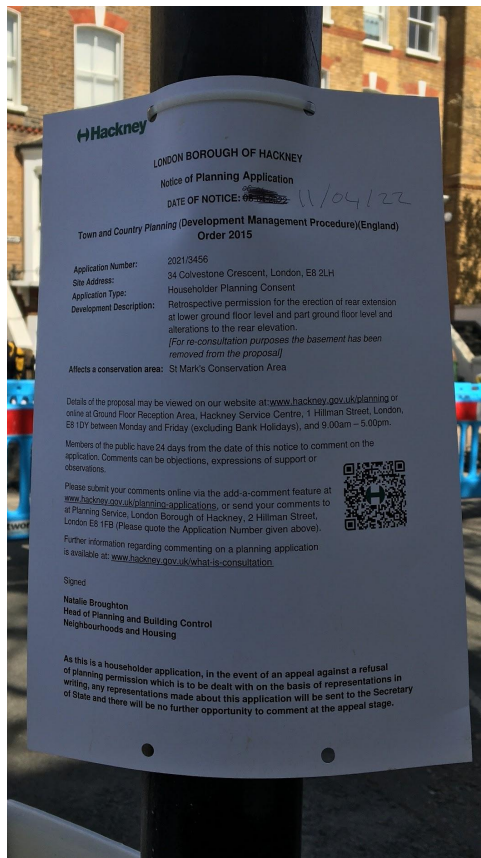
Site Photos



As Existing Front & Rear Elevations



As Existing Front Lightwell & Site Notice dated 20/06/2022

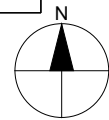


Site Notices dated 11/04/2022 and 03/03/2022

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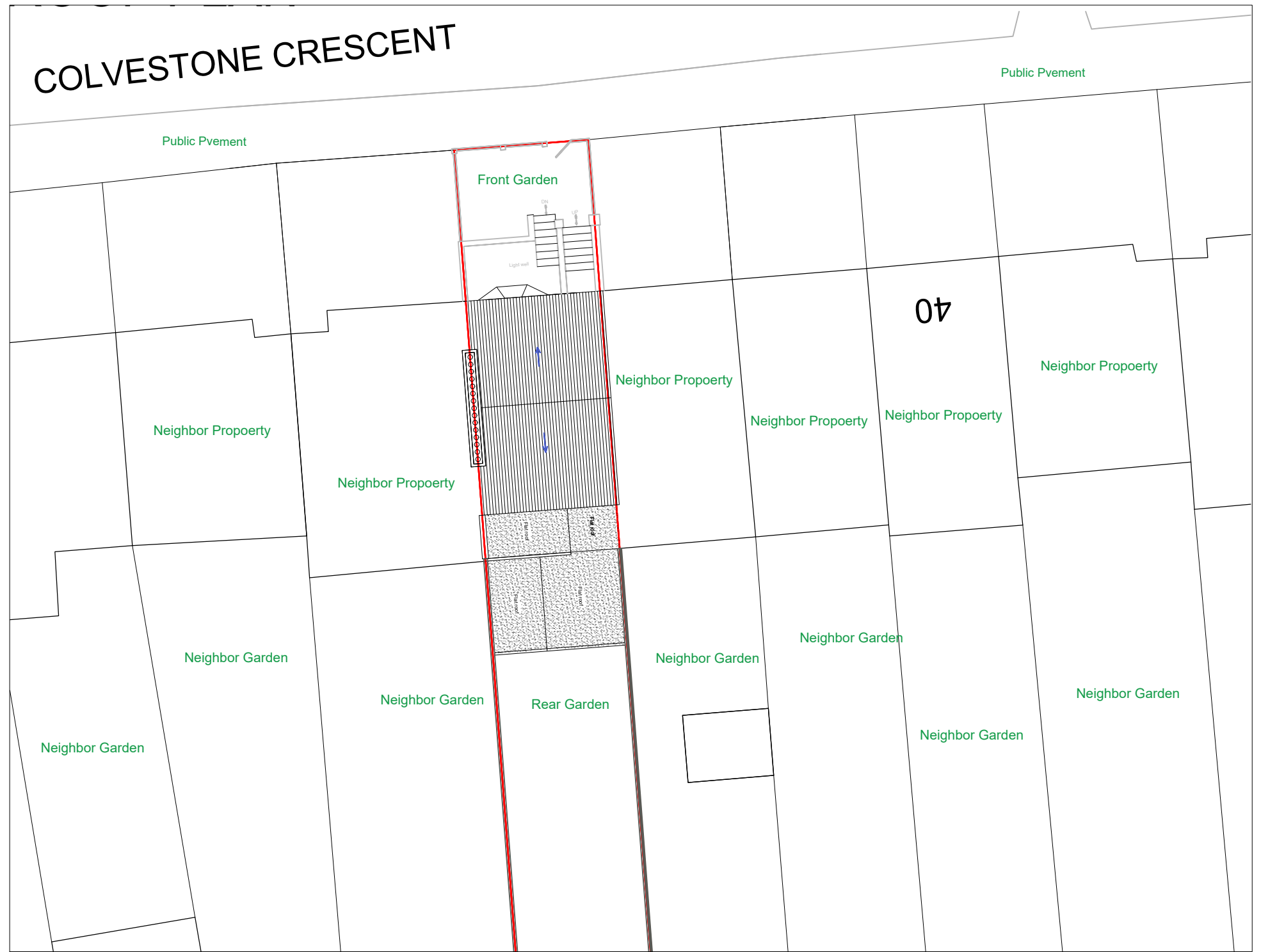
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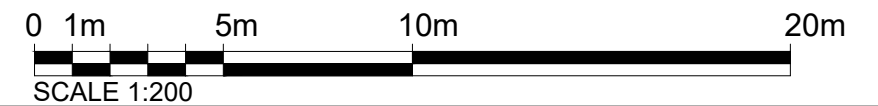
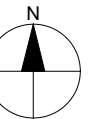
SCALE 1:1250

Page 13
Map

 Property Boundary



Location Plan



SCALE 1:200

Notes.
Contractors must verify all dimensions at the site before comencing any work.
No construction work before Building Control approval and structural engineer confirmation.
Any discrepancies to be reported to Gridline. All drawings are to be read in conjunction with all relevant drawings and specifications.

Project No.S					
REV	DATE	DESCRIPTION	BY	CH	
A	31.05.22				
B	07.06.22				

PROJECT TITLE 34 Colvestone Crescent E8 2LH London	
DATE NOV 2021	Project No. 4751

DRAWING TITLE Existing - OS Map- Location Plan		
CLIENT Sam Planning		
DRAWING No. EX-L001	SCALE @ A3 1:1250 / 1:200	Drawn by: Faye



PLANNING SERVICES
Unit 9b, The High Cross
Centre, Fountayne Rd,
N15 4BE
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ADDRESSES: Land at Bishopsgate Goods Yard, Bethnal Green Road, London E1 6GY	
WARD: Hoxton East and Shoreditch	REPORT AUTHOR: Barry Coughlan
APPLICATION NUMBERS: 2021/3204	VALID DATE: 28/10/2021
DRAWING NUMBERS: 2117-A001-B-Site-Location-Plan, 2117 P101-A-Proposed First Floor Plan, 2117-P103-B-Proposed-Roof-Plan, 2117-P200-B-Proposed-Elevations, 2117-P102-B-Proposed-2nd-floor-Plan, 2117-P100-A-Proposed-Ground-floor-Plan, 2117-A200-A-Existing Elevations and Sections, 2117-A101-A-Existing First Floor Plan, 2117-A103-A-Existing Roof Plan, 2117-A100-A- Existing Ground Floor Plan	
DOCUMENTS: Design and Access Statement dated Oct 2021, Noise Impact Assessment dated Des 2021, Transport Statement June 2022	
APPLICANT: Boxpark Ltd.	AGENT: CMA Planning
PROPOSAL: Temporary planning permission for the erection of an additional storey at 2nd floor level to provide 658 sqm of external seating space together with 175 sqm of internal space for flexible Class E (a) retail, (b) restaurant and (d) indoor recreation use with ancillary storage/WCs/facilities space, until 31st May 2023.	
RECOMMENDATION SUMMARY: Approve conditional planning permission subject to conditions.	
POST-SUBMISSION AMENDMENTS: There have been minor design amendments at roof level post-submission in order to address officer feedback. Some additional information has also been submitted in relation to transport. A reconsultation exercise has been undertaken following the submission of this additional information (further details below).	

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REASON FOR REFERRAL TO PLANNING SUB-COMMITTEE:	
Major application	No
Substantial level of objections received	Yes
Council's own application	No
Other (in accordance with the Planning Sub-Committee Terms of Reference)	No

ANALYSIS INFORMATION
ZONING DESIGNATION: (Yes) (No)

CPZ	X	
Conservation Area		X
Listed Building (Statutory)		X
Listed Building (Local)		X
Local Shopping Centre		X
CAZ	X	
PEA	X	

EXISTING LAND USE DETAILS

LAND USE	USE DESCRIPTION	GIA (SQM)
E	Commercial Business and Service	1,796
TOTAL		1,796

PROPOSED AMENDED LAND USE DETAILS FOR THE MAIN APPLICATION

LAND USE	USE DESCRIPTION	GIA (SQM)
E (internal space)	Commercial Business and Service	1,971
E (external space)	Commercial Business and Service	658
TOTAL		2,629

PARKING DETAILS:

	Parking Spaces (General)	Parking Spaces (Disabled)	Bicycle storage
Existing	0	0	0
Proposed	0	0	16

CASE OFFICER'S REPORT

1. SITE AND CONTEXT

- 1.1 The site, known as Boxpark, lies at the junction of Shoreditch High Street and Bethnal Green Road on the north western corner of the wider site known as Bishopsgate Goodsyrd. The site is roughly rectangular in shape and is currently occupied by two floors of stacked shipping containers with associated deck areas and access. The site is in use as a mixture of retail, bar and restaurant use with a temporary permission for such uses until 31/05/2023.
- 1.2 The wider site has recently obtained planning permission (part full, part outline) for a comprehensive redevelopment (2014/2425 & 2014/2427). The site is allocated in Hackney's Local Plan for a mixed use redevelopment.
- 1.3 The borough boundary with Tower Hamlets bisects the site with part of the Boxpark development being located within LBTH. An associated application has been submitted for the part of the site within LBTH (PA/22/00392), which was approved on 04/05/2022.
- 1.4 The surrounding area is mixed in nature with a number of retail, office and night-time economy uses in the vicinity along with residential uses to the north, east and west. The site is immediately adjacent to Shoreditch High Street Overground Station with the elevated railway viaduct passing to the south of the site's boundary.
- 1.5 The site is not located within a conservation area, but is located within a Priority Office Area, the Central Activities Zone and the City Fringe Opportunity Area.

2. CONSERVATION IMPLICATIONS

- 2.1 The site is not located within a Conservation Area but South Shoreditch Conservation is located immediately to the west of the site and the Boundary Estate Conservation Area (LBTH) is located a short distance to the north. The Oriel Gateway to the south within Bishopsgate Goodsyrd is Grade II listed as are the Braithwaite Arches to the south east. To the west are the Grade II listed buildings 196, 191, 190 and 187-189 Shoreditch High Street.

3. HISTORY

- 3.1 2011/0255 - Installation of 55 recycled shipping containers for part A1, A3 and B1 use together with a further 8 shipping containers for ancillary storage, refuse, recycling and cycle parking along with hard landscaping for a temporary period of up to 5 years. Approved 26/05/2011
- 3.2 2011/2069 - Variation of Condition 5 (Extract Flues) and Condition 9 (Roof Plant) to planning permission 2011/0255 dated 26/05/2011. Approved

26/10/2011

- 3.3 2011/2276 - Submission of details pursuant to condition 6 (Details of Shop Front), Condition 7 (Design details) Condition 13 (Details of perforated grille), Condition 15 (Railings) and Condition 16 (Detailed drawings) of planning approval reference 2011/0255 dated 26/05/2011. Approved 15/12/2011
- 3.4 2011/3251 - Submission of details pursuant to condition 14(Service Management Plan (SMP)) of planning approval reference 2011/0255 dated 26/05/2011. Approved 11/01/2012
- 3.5 2012/0679 - Variation of Condition 4 (hours of opening) of application reference 2011/0255 from: 0700 to 2000 hours Monday to Wednesday and Friday to Saturday and 0800 to 2200 hours Thursday; To: 0700 to 2300 hours Monday to Saturday and 0800 to 2200 hours Sunday. Approved 24/05/2012
- 3.6 2013/0573 - Variation of Condition 3 (number of A3 units) of application reference 2011/0255, dated 26th May 2011, to increase the maximum number of A3 units within the development from 12 to 16. Approved 22/04/2013.
- 3.7 2015/3443 - Variation of condition 1 (temporary period of consent) attached to planning permission 2011/0255 dated 26/05/2011 in order to extend the period of consent until 31/05/2021. Granted 18/12/2015
- 3.8 2017/1990 - Variation of Condition 3 attached to planning permission 2015/3443 to increase the number of A3 (cafe/restaurant) units from 16 to 20 and variation of Condition 2 in order to undertake the following amendments to the design of the development:
- Introduction of glazed screens to the terraces at first floor level;
 - Introduction of polycarbonate roof over the central two terraces and walkway
- 3.9 2019/3490 - Variation of condition 4 (opening hours) of planning permission ref. 2017/1990 dated for Installation of 55 recycled shipping containers for part A1, A3 and B1 use together with a further 8 shipping containers for ancillary storage, refuse, recycling and cycle parking along with hard landscaping for a temporary period of up to 5 years . Variation would allow an additional hour of trading to 00.00 Mondays to Saturdays and to 23.00 on Sundays. Granted 19/11/2019
- 3.10 2020/3549 - Variation of Condition 2 (Temporary Permission) attached to planning permission 2019/3490 in order to extend the length of the permission for a further 2 years until 31/05/2023. Granted 10/03/2021

Tower Hamlets Planning History

- 3.11 PA/20/01491 - Retention of temporary 'Boxpark' shopping facility for up to five years through the siting of 6 shipping containers for A1 use and 1 half-size container for ancillary storage use at ground floor level and part of 4 shipping

containers for A3 use at first floor level, with associated outdoor seating area (in connection with approved temporary shopping facility on adjacent site in Hackney). Approved on 13th November 2020.

- 3.12 PA/22/00392 - Application for temporary planning permission for the extension of the existing stairs and lift to second floor level, together with the installation of a new access deck to provide access from the extended lift to a proposed new terrace at second floor level, and the installation of a retractable awning over the western terrace at first floor level, until 31st May 2023 (in association with LB Hackney Planning Reference: 2021/3204). Granted 04/05/2022

Bishopsgate Goodsyard Development

- 3.13 An application for outline planning permission (2014/2425) at the site (part all matters reserved, part no matters reserved) was granted planning permission on 25/03/2022.

4. CONSULTATIONS

4.1 Date initial statutory consultation period started: 36/11/2021

4.2 Date Statutory Consultation Period ended: 12/07/2021

4.3 Site Notices were placed near the sites and a notice was placed in the local press.

4.4 Neighbours

4.4.1 In addition to site and press notices, 284 notification letters were sent to nearby occupiers notifying them of the application. In response to these consultations a total of 52 objections have been received from nearby occupiers/interested parties.

4.4.2 The grounds of objection can be summarised as follows:

- Intensification of use will increase anti-social and criminal behaviour in the area.
- Intensification of use will increase noise impacts arising from development.
- Limits on the original permission in relation to noise from amplified music have consistently been breached with numerous complaints having been made.
- The original consent stated that there would be licensed premises on site but this has been eroded by various subsequent permissions.
- The plans show development outside of the redline boundary. OFFICER COMMENT: An updated location plan has since been submitted which amends the red line boundary so that all proposed development is within the application boundary.
- A sequential test should have been carried out due to the proposed increase in retail. OFFICER COMMENT: The temporary nature of the

- permission sought is such that a sequential test is not considered appropriate or necessary.
- The proposal should have been accompanied by a Noise Impact Assessment. OFFICER COMMENT: This has since been submitted.
 - The proposal should include details of sound insulation. OFFICER COMMENT: Mitigation measures relating to sound are considered to have been covered in the submitted Noise Impact Assessment.
 - The application should have been made jointly to LBTH and LBH. OFFICER COMMENT: Separate applications have been made to each borough in relation to proposed development on respective sides of the boundary. LBTH have provided observations on the development on the LBH side.
 - The proposal is contrary to London Plan and Local Plan noise and amenity policies.
 - The submission does not adequately consider the visual impact and impact upon heritage assets.
 - The proposal would increase the amount of floorspace by nearly 50%. The amount of seating space would double.

The principles raised in the responses above are considered to have been addressed within the main body of the report unless otherwise noted.

4.5 Local Groups / Other Consultees

Boundary TRA

- 4.5.1 - Increased noise, anti-social behaviour and crime impact of intensified use.
- Layout and operation of Boxpark encourages heavy drinking
 - Permissions have been incrementally gained to change the character of the venue.

4.6 Statutory Consultees

London Borough of Tower Hamlets

4.6.1 1. HIGHWAYS

The main entrance and landing area for the upper levels of Boxpark falls within Tower Hamlets. No assessment has been made of the potential increase in visitors that the proposal may attract to the Borough. Whilst Boxpark is now part of the established night time economy, it is situated on a main road with narrow footways. Any increase in footfall could potentially impact the comfort levels on the footways in the Borough. Although the proposal may provide safe and secure space within the site, it could reduce it on the public highway by providing additional facilities which will increase footfall.

In terms of other matters, the submission states:

“The proposed would utilise the existing Boxpark cycle parking and refuse storage facilities, which are more than sufficient to meet the needs of the 6 proposed restaurant containers and associated seating area.”

Insufficient information has been provided in relation to cycle parking and refuse storage facilities being adequate to serve the additional volume of customers. Details of these matters should be submitted prior to determination so that sustainable transport and servicing is facilitated in the Borough.

2. NOISE

Concerns are raised in relation to congregations of people on the public footway and landing area caused by increased footfall from the proposal. This could result in excessive noise and activity which could adversely impact on residential amenity.

CONCLUSION

The London Borough of Tower Hamlets raise objections to the submission and is of the view that the above concerns are taken into consideration in the assessment of the application. If the proposal were to be approved it is recommended that conditions should be sought in relation to the following as a minimum:

- Events management strategy
- Cycle parking
- Refuse storage
- Hours of use (08:00 to 00:00 Monday to Saturday, 08:00 to 23:00 Sundays and Bank Holidays)
- No amplified sound shall be produced within the exterior parts (to include the upper terraces and the green) of the development hereby approved at any time.

London Overground

4.6.4 No response received.

4.7 Council Departments

Environmental Services

Noise Pollution

4.7.1 No objection subject to conditions.

Traffic and Transportation

4.7.3 No objection subject to conditions.

Waste Management

4.7.4 No objections subject to conditions.

5 Relevant Planning Policy

5.1 Local Plan LP33 (2020)

LP2 Development and Amenity
LP10 Arts, culture and Entertainment Facilities
LP37 Small and Independent Shops
LP38 Evening and Night Time Economy
LP39 Over-Concentration of Uses
LP43 Transport and Development
LP57 Waste
LP58 Improving the Environment - Pollution

5.2 London Plan (2021)

Policy D13 Agent of Change
Policy D14 Noise
Policy E9 Retail, markets and hot food takeaways
Policy HC5 Supporting London's culture and creative industries
Policy HC6 Supporting the night-time economy
Policy SI 1 Improving air quality
Policy SI 6 Digital connectivity infrastructure
Policy SI 7 Reducing waste and supporting the circular economy
Policy T3 Transport capacity, connectivity and safeguarding
Policy T4 Assessing and mitigating transport impacts

5.3 Strategic Policy Guidance

Use of Planning Obligations in the funding of Crossrail and the Mayoral Infrastructure Levy
The Mayor's Transport Strategy
Hackney S106 Planning Contributions SPD
Hackney Public Realm SPD
Hackney Sustainable Design and Construction SPD
Draft Future Shoreditch AAP
Hackney Site Allocations Plan

5.4 National Policy

National Planning Policy Framework (NPPF)
National Planning Policy Guidance (NPPG)

6.0 COMMENT

Description of Proposal

6.0.1 The proposal is to erect a single storey extension at second floor level at the development known as Boxpark. The additional storey would provide 175sqm of additional class E floorspace along with 658sqm of associated outdoor seating. Part fixed and part retractable awnings are proposed to the roof extension. An extension of the existing access stairs is also proposed.

6.0.2 The extension is proposed on a temporary basis until 31/05/2023, which is the same date that the temporary consent for the host building expires (2020/3549). The temporary consent sought reflects the fact that permission has now been granted for the comprehensive redevelopment of the site under application reference 2014/2425. This consent has five years to run but it is expected that works will commence in 2023.

6.0.3 Part of the Boxpark development is within the London Borough of Tower Hamlets. Planning permission for the erection of extended access stairs associated with this application has been approved by LBTH (PA/22/00392).

Considerations

The principal material planning considerations relevant to this application are as follows:

- 6.1 Principle of Land Use;
- 6.2 Design, Appearance and impact upon Heritage Assets;
- 6.3 Traffic and Transportation;
- 6.4 Energy and Carbon Emissions;
- 6.5 Environmental Impact upon Nearby Occupiers;
- 6.6 Other Planning Matters;
- 6.7 Community Infrastructure Levy/Legal Agreement.

Each of these considerations is discussed in turn below.

6.1 The Principle of the Land Use

6.1.1 The proposal site is located within a Priority Office Area, the Central Activities Zone and the City Fringe Opportunity Area. The site is also allocated in Hackney's Site Allocation Plan as site 108 and has a draft allocation in the Future Shoreditch AAP (FSOS 10). Given that the proposed E class use (with associated seating) is for a temporary period, it is not considered that the proposal would compromise the objectives of the adopted or draft site allocation or the policy objective for sites in POAs to provide a mixed use development with a majority of office floorspace.

6.1.2 The proposed E class use would include flexibility for use as retail, restaurant

or indoor recreation. The proposed addition of 175m² of retail space is considered acceptable given the CAZ location and the temporary nature of the development. It is noted that the consent for the comprehensive redevelopment of the site includes a significant provision of retail space as part of a range of uses.

- 6.1.3 The proposed restaurant and indoor recreation uses that could operate under Class E, along with the additional outdoor seating associated with these uses, would be categorised as evening and night time economy floorspace. As such, policy LP38 is considered to apply. It states that: ‘Proposals for evening and night time economy uses will be permitted if both of the following criteria are met:
- i. There is no negative impact on the amenity of adjoining or adjacent residential accommodation and non-residential uses, such as through noise disturbance, cooking smells, anti-social behaviour, and highway safety; and
 - ii. There are no negative cumulative impacts resulting from the proposed use in relation to the number, capacity and location of other night-time economy uses in the area.’
- 6.1.4 It is acknowledged that the proposed extension may give rise to an increase in noise, anti-social behaviour and highways impacts. However, the extent of this additional impact and the temporary nature of the period of consent are such that this is not considered to warrant refusal of the application. This is subject to the implementation of measures to mitigate the potential impacts of the proposal which are discussed in further detail in the relevant sections below.
- 6.1.5 The proposal would have a cumulative impact in that it would add a total of 830sqm of additional floorspace (indoor and outdoor) to an existing use with 1,796sqm of floorspace. This could lead to a potential on-site increase in night time economy floorspace of approximately 46% (assuming all of the floorspace is occupied in this way and not as retail). It is acknowledged that there are also a large number of other night time economy uses in the Shoreditch Area including some open air uses to the north. However, given the temporary nature of the proposal and subject to the mitigation proposed below, it is not considered that this cumulative impact would be such that it would warrant refusal of the application.
- 6.1.6 On the above basis, the proposal is considered acceptable in land use terms.

6.2 Design, Appearance and Impact upon Heritage Assets

Context

Significance of Area and Buildings

6.2.1 The application relates to an existing temporary development known as “The Boxpark”. This was described in the original application as the “Installation of 55 recycled shipping containers for part A1, A3 and B1 use

together with a further 8 shipping containers for ancillary storage, refuse, recycling and cycle parking along with hard landscaping for a temporary period of up to 5 years.”

6.2.2 The existing development is not in a Conservation Area and does not impact directly on listed buildings, although it is located in the setting of the listed Oriel Gate and Braithwaite Viaduct, on the Bishopsgate Goods Yard site.

Analysis of the Proposal

6.2.3 The proposal is to increase the height of the Boxpark by one storey, the additional storey being mainly a covered or partly covered terrace for a temporary period until 2023.

6.2.4 The temporary permission is not considered to impede the implementation of the main redevelopment scheme at Bishopsgate Goods Yard. If the proposal were for a permanent development it would probably be unacceptable in conservation terms, since the development is uncharacteristic in form and material of the adjacent listed buildings and the nearby South Shoreditch Conservation Area.

6.2.5 However, the development is temporary. The continuation of the existing development is therefore considered acceptable in conservation terms, provided it remains temporary. The site is currently likely to remain disused for the time being and The Boxpark, while uncharacteristic, is cheerful in terms of its architecture and provides animation, employment and retail services to the Shoreditch area in the short term.

6.3 Traffic and Transportation

Surrounding Highways and Transport Network

6.4.1 Boxpark is located on the southern side of Bethnal Green Road, bound by Shoreditch High Street (A10) to the west, Shoreditch High Street Station to the south and Braithwaite Street to the east. Shoreditch High Street forms part of Transport for London’s Road Network (TLRN). The opening hours of the site are as follows:

- Monday to Saturday: 07:00 – 00:00; and
- Sundays 08:00 – 23:00.

6.4.2 The parking bays located in the London Borough of Hackney, in the vicinity of the site, form part of the Controlled Parking Zone (CPZ) ‘Zone B’, which operates Monday to Saturday, 08:30 to Midnight.

6.4.3 The site benefits from excellent walking and cycling networks as well as public transport links. The site has a PTAL level of 6b, demonstrating an ‘excellent’ level of accessibility to public transport.

Site Access

6.4.4 Pedestrian access is taken from numerous points on Shoreditch High Street, Bethnal Green Road and Braithwaite Street. The first floor is accessed from two staircases located on the Bethnal Green Road frontage of the site or an accessible lift to the rear of the development.

6.4.5 A number of sections of the footway are constrained in the site vicinity - including a section parallel to Shoreditch High St. The Council are in agreement with the London Borough of Tower Hamlets that the application could negatively impact upon pedestrian comfort levels owing to the predicted increase in trip generation (see below). However, given the temporary nature of the consent and subject to compliance with the submitted Noise Management and Dispersal Policy, the impact of the proposal upon the pedestrian network is considered to be acceptable in the circumstances.

Trip generation

6.4.6 The application did not provide a detailed breakdown of the estimated trip generation. Following discussions with the applicant, the TS has been updated to provide a more detailed evaluation of the estimated trips to the site. The trip generation assessment includes a customer and staff travel survey, footfall data and comparative analysis from the Trip Rate Information Computer System (TRICS).

6.4.7 The travel surveys were conducted on Wednesday 23rd and Thursday 24th March 2022. There were 78 participants for the customer survey. For the trader and employee survey, there were 29 participants (14 traders and 15 Boxpark employees). In both surveys, all of the participants travelled to the site via sustainable transport modes. Walking was the most frequently chosen mode of transport to and from the site, with 41% and 33% of participants walking to and from the site respectively. There were no private vehicle trips recorded in either survey.

6.4.8 The footfall data was generated by examining the cameras situated on the staircases up to the restaurants on the first floor (not including the retail units). This data shows the total number of individuals who have accessed the site. To provide a more comprehensive assessment of the total number of arrivals, departures and two-way trips, the applicant has used TRICS data. This provides comparable transport data from similar land uses to estimate a total number of trips. The applicant has used the pub / restaurant category to generate the comparative data for departures from the site.

6.4.9 The use of the footfall and TRICS data estimates that for Monday to Friday between 11:00 – 23:00 hours, there are 3,872 existing two-way trips (1,937 arrivals and 1,924 departures). For the application proposal, the estimated trip generation would increase by 2,459 trips (1,236 arrivals and 1,223 departures) or approximately 64%. This is a total of 6,331 two-way trips

in total between Monday to Friday.

6.4.10 For trip generation on a Saturday, there are currently an estimated 6,664 two-way trips (3,351 arrivals and 3,313 departures). For the application site, the estimated trip generation would increase by 4,255 two-way trips (2,139 arrivals and 2,116 departures) or approximately 64%. This is an estimated overall total of 10,919 two-way trips.

6.4.11 The estimated trip generation shows a significant increase in two-way trips for the application. A number of assumptions and adjustments have been made to the data that may underestimate the overall trip numbers. This includes a reliance on a relatively small scale travel survey. The data may also underestimate the decrease in public transport patronage that can be attributed to the Covid-19 pandemic.

6.4.12 The trip generation section does demonstrate that the majority of trips will be made via sustainable transport modes. The site has excellent transport links and public transport accessibility. It is situated in close proximity to a number of key pedestrian and cycling routes. As such, the impact of the increase in trip generation is considered to be acceptable in the circumstances.

Cycle Parking

6.4.13 Hackney Policies LP41, LP42 and LP43 in LP33 highlight the importance of new developments making sufficient provisions to facilitate and encourage movements by sustainable transport means. Local Plan 2033 policy LP42 requires that cycle parking shall be secure, accessible, convenient, and weatherproof and will include an adequate level of parking suitable for accessible cycles, tricycles and cargo bikes. Two-tier cycle parking is generally not supported.

6.4.14 The TS states that there are currently 40 cycle parking spaces adjacent to the site, which also serves the station, accessed via Braithwaite Street. It is also noted that the existing provision is not fully utilised. However, given the high demand for cycle parking in this area generally and as a direct result of the Boxpark development, it may be that this is due to the quality of the existing provision.

6.4.15 A condition is therefore recommended which requires details of the cycle storage provision for staff, both traders and employees, including details as to how the provision is secure and weatherproof and details of changing and locker facilities. Subject to such a condition, and given that the proposal is for a temporary period of one year only, the proposal is considered acceptable in terms of cycle storage.

Delivery and Servicing

6.4.16 The TS states that the site currently attracts around 8-15 deliveries a

day with the proposed development expected to increase this by 2 deliveries a day. These deliveries are predominantly kerb-site via Braithwaite Street. Although the anticipated increase is likely not to result in a significant negative impact on the public highway, the site is sensitive due to its busy nature. There is a regular overspill of pedestrians onto the carriageways.

6.4.17 The existing strategy does not appear to encourage use of sustainable delivery vehicles such as electric vehicles and methods such as cargo bikes. Deliveries should also avoid peak times between 8-9:30am, 12-2pm and 4:30-6pm. The TS states that there is a vehicle crossover adjacent to Shoreditch High Street Station, which was used to access a single parking space and historically has been used to service the site. However, it is not clear what level of daily deliveries utilise this space. A final delivery and servicing plan (DSP) statement should be conditioned to be approved by the Local Authority prior to occupation of the proposed development.

Construction Logistics Plan (CLP)

6.4.18 A draft CLP has been submitted as part of the application. Given the nature and location of the proposed development a Construction Logistics Plan (CLP) is required to mitigate the negative impact on the surrounding Hackney highway network. It is noted that all deliveries are proposed to be undertaken from Braithwaite Street which is controlled by Tower Hamlets.

6.5 Energy and Carbon Emissions

6.5.1 LP33 policy LP55 Mitigating Climate Change, and London Plan policies SI2, SI3 and SI4 require all new developments to mitigate the impact of climate change through design which minimises exposure to the effects, and technologies which maximise sustainability. Policy LP55 states that all non-residential developments must achieve the BREEAM 'Excellent' rating (or an equivalent rating under any other system which may replace it) and where possible achieve the maximum number of water credits, and must be built to be zero-carbon.

6.5.2 Given the scale and temporary nature of the proposal, it is not considered necessary or appropriate to require a BREEAM 'excellent' rating or be built to zero carbon. The materiality of the development is such that it can be demounted and re-used when the permission lapses. A condition is recommended ensuring that this occurs.

6.6 Amenity of Nearby Occupiers

Noise Impacts

6.6.1 A Noise Impact Assessment has been submitted which has been assessed by the Council's Environmental Protection team. The report states that a sound limiter will be used to control the volume of all amplified music, with the level to be agreed by Hackney Environmental Protection officers.

Officers are satisfied that the noise from amplified music can be adequately controlled in this way, subject to a condition which will require approval of the decibel limit to be used and the location where it should be measured.

6.6.2 It is noted that objections have been raised in relation to impact of amplified noise from the existing development and allegations made that the current conditions related to amplified noise are being breached. Any breach that may have occurred in relation to the existing development would not form reasonable grounds for refusal of the current application. The approach to limiting amplified noise is considered acceptable and any breach of the levels agreed by condition could be enforced against.

6.6.3 The impact of the proposed additional floorspace, including the proposed outdoor space, in terms of the noise from patrons attending, accessing and dispersing from the venue has also been assessed. A Noise Management and Dispersal Policy have been appended to the NIA and are considered acceptable to mitigate the potential impact of the increased number of patrons. It is noted that the design of the proposal, which includes vertical screening and part fixed, part retractable roofs, would help mitigate any noise impact from the operational use of the development.

6.6.4 The temporary nature of the proposal along with the existing background noise condition at what is a busy junction and the existing character of the surrounding area are also noted. While the proposal would add to the cumulative noise impact of the site (and the concerns of LBTH and residents in this regard are noted), it is not considered that this impact would be of an extent that would warrant refusal of the application in the circumstances.

Anti-social Behaviour Impacts/Safety

6.6.5 The proposed Noise Management and Dispersal Policy are considered acceptable to effectively mitigate the potential anti-social behaviour impacts of the development. The concerns of local residents in this regard are noted and it is acknowledged that there are a high number of existing evening and night time economy visitors to the Shoreditch Area, to which this proposal would add. However, it is not possible to assert with certainty that all or any of the existing anti-social behaviour impacts in the area are a direct result of the Boxpark Development or that an increase in the number of patrons would necessarily result in an increase in anti-social behaviour. Provided that the approved Noise Management and Dispersal Policy are complied with, and given that the proposal is for a temporary period of under one year only, the approach to mitigating anti-social behaviour and safety impacts is considered to be acceptable.

Daylight/sunlight and Overbearing Impact

6.6.6 The scale, form and design of the development, and its relationship to the nearest residential windows, are such that it is not considered there would

be an unacceptable daylight/sunlight of overbearing impact arising from the proposal.

6.7 Other Planning Matters

Waste

6.7.1 The proposed development is considered capable of providing adequate storage of waste, subject to a condition requiring further details.

6.9 Legal Agreement and Community Infrastructure

Legal Agreement

6.9.1 Given the scale of the proposal and its temporary nature, it is not considered necessary to secure any contributions or obligations by legal agreement.

Community Infrastructure Levy

6.9.2 Given the temporary nature of the proposal, the development is not CIL liable.

6.10 Equalities Considerations

6.10.1 The Equality Act 2010 requires public authorities, when discharging their functions, to have due regard to the need to (a) eliminate unlawful discrimination, harassment and victimisation and other conduct; (b) advance equality of opportunity between people who share a protected characteristic and those who do not; and (c) Foster good relations between people who share a protected characteristic and persons who do not share it. The protected characteristics under the Act are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

6.10.2 Having regard to the duty set out in the Equality Act 2010, it is considered that the development proposals do not raise any equality issues.

7 Conclusion

7.1 The proposal complies with pertinent policies in the Hackney Local Plan (2020) and the London Plan (2021), and the granting of full planning permission is recommended subject to conditions.

8. RECOMMENDATIONS

Recommendation A

8.1.1 That Full Planning Permission for application 2021/2341 be approved subject to the following conditions:

8.1.2 SCB0 – Development in accordance with plans

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

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

8.1.3 SCB1 - Commencement within three years

The development hereby permitted shall be operated for a limited period only until 31st May 2023 on or before which date the use shall be discontinued and the development hereby approved will be demounted and removed from site with its materials reused or recycled

REASON: In order to ensure that the proposal does not compromise the comprehensive redevelopment of the site or the objectives and policies of the Local Plan and in the interests of safeguarding neighbouring amenity, highways safety and visual amenity.

8.1.4 Noise Details to be approved

Notwithstanding the details shown on the plans and documents hereby approved, full particulars of the following shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development. The development shall not be carried out otherwise than in accordance with the details thus approved.

- a) Details of the noise limiter to be used to control the sound of amplified music.

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

8.1.5 Noise Management and Dispersal Policy

The development hereby permitted shall only be carried out in strict accordance with the approved Noise Management and Dispersal Policy appended to the Noise Impact Assessment dated December 2021.

REASON: In the interests of safeguarding neighbouring amenity, public safety

and highways safety.

8.1.6 Hours of Operation

The use hereby permitted may only be carried out between 07.00 to 00.00 hours Monday to Saturday and 08.00 to 23.00 hours Sunday.

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

8.1.7 Cycle Parking

Notwithstanding the details shown on the plans and documents hereby approved, prior to the commencement of above ground works, details of secure bicycle storage facilities including layout, stand type and spacing shall be submitted to and approved in writing by the Local Planning Authority. Such details as are approved shall be implemented prior to the occupation of the development and shall thereafter be retained.

REASON: To ensure that adequate provision for the safe and secure storage of bicycles is made for occupants and visitors.

8.1.8 Construction Logistics Plan

Prior to the commencement of the development, a Construction Logistics Plan to include the following; the demolition programme/ timescales; the number/ frequency and size of construction vehicles; construction traffic route; location of deliveries; pedestrian and vehicular access arrangements; and, any temporary road/ footway closures during the construction period; to be prepared in line with TfL CLP guidance and in consultation with adjacent development shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with these details as approved and shall be maintained throughout the entire demolition and construction period.

REASON: To avoid hazard and obstruction being caused to adjacent development, users of the public highway and in the interest of public safety and amenity.

8.1.9 Delivery and Servicing Management Plan

Notwithstanding the details shown on the plans and documents hereby approved, full particulars of the following shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development. The development shall not be carried out otherwise than in accordance with the details thus approved.

- b) Delivery and Servicing Management Plan

REASON: To ensure that the servicing of the development is carried out in a satisfactory manner.

8.1.10 Waste Storage

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

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

8.2. Recommendation B

8.2.1 The Sub-Committee grants delegated authority to the Director of Public Realm and Head of Planning (or in their absence either the Growth Team Manager or DM & Enforcement Manager) to make any minor alterations, additions or deletions to the recommended conditions and/or Heads of Terms of the legal agreement as set out in this report provided this authority shall be exercised after consultation with the Chair (or in their absence the Vice-Chair) of the Sub-Committee (who may request that such alterations, additions or deletions be first approved by the Sub-Committee)

9 INFORMATIVES

In addition the following informatives should be added:

- SI.2 Work Affecting Public Highway
- SI.3 Sanitary, Ventilation and Drainage Arrangements
- SI.6 Control of Pollution (Clean Air, Noise, etc.)
- SI.25 Disabled Person's Provisions
- SI.27 Fire Precautions Act
- SI.28 Refuse Storage and Disposal Arrangements
- SI.45 The Construction (Design & Management) Regulations 1994

NSI Prior consent for construction from the Local Authority.

NSI A Trade Effluent Consent will be required for any Effluent discharge other than a 'Domestic Discharge'. Any discharge without this consent is illegal and may result in prosecution. (Domestic usage for example includes - toilets, showers, washbasins, baths, private swimming pools and canteens). Typical Trade Effluent processes include: - Laundrette/Laundry, PCB manufacture, commercial swimming pools, photographic/printing, food preparation, abattoir, farm wastes, vehicle washing, metal plating/finishing, cattle market wash down, chemical manufacture, treated cooling water and any other process which produces contaminated water. Pre-treatment, separate metering, sampling access etc, may be required before the Company can give its consent. Applications should be made at <http://www.thameswater.co.uk/business/9993.htm> or alternatively to Waste Water Quality, Crossness STW, Belvedere Road, Abbeywood, London. SE2 9AQ. Telephone: 020 3577 9200..

NSI With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to

discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.

NSI We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality."

NSI It is therefore recommended that flood resilience and/or resistance constructions are used for the basement to reduce the risk of groundwater ingress. Refer to the guidance document 'Improving the Flood Performance of New Buildings Flood Resilient Construction, 2007' by Department for Communities and Local Government for further guidance

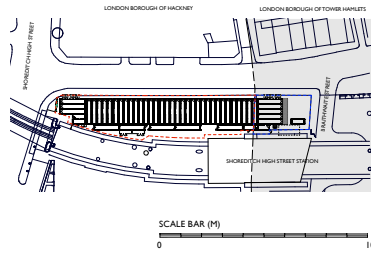
NSI Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

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

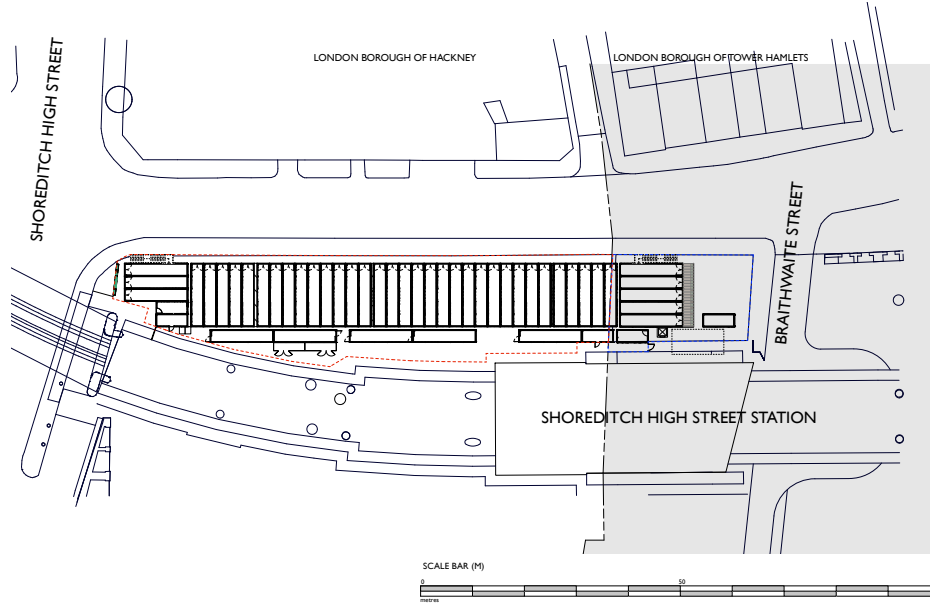
ALED RICHARDS – DIRECTOR – PUBLIC REALM, NEIGHBOURHOODS AND HOUSING

NO.	BACKGROUND PAPERS	NAME/DESIGN ATION AND TELEPHONE EXTENSION OF ORIGINAL COPY	LOCATION CONTACT OFFICER
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1.	<p>Application documents and LBH policies/guidance referred to in this report are available for inspection on the Council's website.</p> <p>Policy/guidance from other authorities/bodies referred to in this report are available for inspection on the website of the relevant authorities/bodies</p> <p>Other background papers referred to in this report are available for inspection upon request to the officer named in this section.</p> <p>All documents that are material to the preparation of this report are referenced in the report.</p>	1 Hillman Street London E8 1FB	Barry Coughlan 1 Hillman Street London E8 1FB Tel: 02083567939
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01 SITE PLAN
Scale: 1:1250 @A1



02 BLOCK PLAN
Scale: 1:500 @A1

1. Dimensions and Levels			
Figured dimensions and levels should be verified by the Contractor on site before construction or manufacture and any discrepancies brought to the attention of the Architect. Dimensions should not be scaled.			
2. Existing Building and Services			
Where shown, existing buildings and services will not indicate condition. The Contractor shall therefore investigate and report to the Architect at the commencement of the works.			
3. Copyright			
Copyright for all designs and drawings in full or part shall remain with the Architect in accordance with the Copyright Act.			
4. Scope of Works			
Drawings are issued in accordance with and on the basis of the RIBA Conditions of Engagement and the ICT Form of Contract unless otherwise agreed in writing.			
5. Statutory Requirements and Standards			
All work is to comply with the current Building Regulations and the requirements of the respective local authority. Workmanship and standards shall also comply with the current Codes of Practice and the relevant British Standards.			
6. Revisions			
rev	date	comment	drawn
B	14.12.21	Red line revised	
A	14.10.21	ISSUED FOR PLANNING	
<p> <small> 12 Oak Architecture Ltd 128 Old Street New England House Broad Street Bristol BS1 4JH UK 0844 61 272 448 700 info@12oakarchitecture.com www.12oakarchitecture.com </small> </p>			
Client BOXPARK			
Project BOX PARK SHOREDITCH 2-10 BETHNAL GREEN ROAD, LONDON E1 6GY			
Drawing EXISTING SITE PLAN			
Drawn	Date	Scale	
PN/SH	AUGUST 2021	1:1250 @ A1 1:2500 @ A3	
Job No.	Dwg. No.	Rev.	
2117	A001	B	
Drawing status PLANNING			



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ADDRESS: Yetev Lev Boys School, 111 - 115 Cazenove Road, Hackney, London, N16 6AX	
WARD: Cazenove	REPORT AUTHOR: Louise Prew
APPLICATION NUMBER: 2021/0275	VALID DATE: 01/06/2021
<p>DRAWING NUMBERS: Existing plans: 16.1120 /003, /004, /005, /007, 008 B, /009 D Proposed plans: 16.1120 /010 F, /012 E, /013 E, /015 E, /106 E, /017 E, /018 E, /111 E</p> <p>Noise Impact Assessment dated 28 January 2022 prepared by DALC Planning, Design and Access Statement rev A dated February 2021 prepared by Sam Planning Letter from Talmud Torah Yetev Lev dated 15 November 2021 Site Construction Management Plan and CLP plan</p>	
APPLICANT: Cik (Hurdale Charity Limited and The Palmtree Foundation Trust limited)	AGENT: Sam Planning Services
<p>PROPOSAL: Erection of a single storey roof extension to provide an additional 7 classrooms at third floor level for existing students; rooftop playground and balustrade above including increase in brick wall at second floor level to allow extension of eastern core to provide access to playground; extension of central lift shaft to provide roof access; raised parapet; 15 air conditioning units on roof with enclosure; and access ramp with balustrade and stairs to provide ground floor access.</p>	
<p>POST SUBMISSION REVISIONS: Noise Impact Assessment, Construction Logistics Plan and revised plans were received Consultation was carried out on these documents.</p>	
<p>RECOMMENDATION SUMMARY: Grant planning permission subject to conditions and a Section 106 legal agreement</p>	
NOTE TO MEMBERS: N/A	

REASON FOR REFERRAL TO PLANNING SUB-COMMITTEE:	
Major application	
Substantial level of objections received	YES
Council's own planning application (in accordance with the Planning Sub-Committee Terms of Reference)	
Other (in accordance with the Planning Sub-Committee Terms of Reference)	

ANALYSIS INFORMATION

ZONING DESIGNATION:

CPZ	Yes (T)	
Conservation Area	Northwold and Cazenove (small section of the northern part of the site)	
Listed Building (Statutory)		No
Listed Building (Local)		No
Employment designation		No

LAND USE:	Use Class	Use Description	Floorspace Sqm
Existing	F1a	School (111-115 Cazenove Road only)	1578
Proposed	F1a	School	2035

CASE OFFICER'S REPORT

1.0 SITE CONTEXT

- 1.1 The application site is located on the corner of Cazenove and Chardmore roads. The site is approximately 2,500 square metres and is in use as a school.
- 1.2 The school is an independent day school for boys aged 3 to 11. The school is spread across a number of buildings including the site and beyond. The buildings on the site include a three-storey building on the corner, which is the focus of this application and two former terraced houses on Chardmore Road.
- 1.3 The adjacent buildings at 6 and 8 Chardmore Road form part of the same school but are separated from this site. There are also school buildings on the southern side of Cazenove Road which form part of the same school.

1.4 The site also contains a tarmacked central play area for children with vehicular access off Chardmore Road.

1.5 The site is largely bounded by residential dwellings and other school buildings.

2.0 CONSERVATION IMPLICATIONS

2.1 There are no statutory listed or locally listed buildings or structures within the site.

2.2 The terrace on Chardmore Road is within Northwold and Cazenove Conservation Area. The conservation area is also located adjacent to the site on the southern side of Cazenove Road.

2.3 The impacts are outlined further in the assessment section of the report.

3.0 HISTORY

111-115 Cazenove Road and 2-4 Cazenove Road

3.1 Application Number: TP/85040/3862/1970/JP/MW
Decision Date: 23/01/1984
Decision Status: Granted
Development Description: Erection of a three storey building for use as a boys' school for 300 children.

3.2 Application Number: NORTH/675/97/CLU
Decision Date: 03/04/1998
Decision Status: Granted
Decision Level: Committee
Development Description: (Lawful Development Certificate): Use of nos.111-115 as a school on sundays & bank holidays, and use of land rear of nos. 2-4 as a playground.

Officer's Note: The use applied for was found to have been in existence for over ten years at that time.

3.3 Application Number: NORTH/305/96/FP
Decision Date: 06/05/1998
Decision Status: Granted
Development Description: Erection of temporary classroom portacabin in north part of the playground.

3.4 Application Number:
Decision Date: 2018/1544
Decision Status: Withdrawn
Development Description: Erection of third floor mansard roof extension to provide 7 classrooms and playground above; extension to existing stairwell to rooftop level and provision of lift.

- 3.5 Application Number: 2018/4497
Decision Date: 08/02/2019
Decision Status: Granted
Development Description: Erection of a single storey climbing frame and associated acoustic fencing.

6 Chardmore Road (within the blue line boundary on the location plan)

- 3.6 Application Number: 2004/2715
Decision Date: 28/03/2005
Decision Status: Allowed on appeal
Development Description: Change of use to a school (D1 Education) to cater for 100 pupils and 10 staff, opening hours Sundays to Fridays, except Saturdays 8am - 5pm.

APP/U5360/A/05/1178425: Appeal for non-determination of 2004/2715 dismissed.

- 3.7 Application Number: 2007/2289
Decision Date: 30/10/2007
Decision Status: Allowed on appeal
Development Description: Approval of details pursuant to condition 4 (sound proofing) of planning permission granted under appeal ref: APP/U5360/A/05/1178425 dated 6th July 2007.

8 Chardmore Road (within the blue line boundary on the location plan)

- 3.8 Application Number: 2018/3972
Decision Date: 21/05/2019
Decision Status: Granted - Extra Conditions
Development Description: Change of use of dwellinghouse (Use Class C3) to school (Use Class D1). [Retrospective application]

Enforcement History

- 3.9 2019/0238/ENF: Acoustic fencing erected not in accordance with approved planning permission. Complete
- 3.10 2018/0285/ENF: (No. 2-4 Chardmore Road) Unauthorised structure (playground) to the rear. Enforcement notice served. Granted planning permission under 2018/4497 on 08/02/2019
- 3.11 2018/0114/ENF: (No. 8 Chardmore Road) Unauthorised change of use to a school and the erection of a fence along the front boundary. Planning permission granted under 2018/3972 on 21/05/2019
- 3.12 2018/0132/ENF: (No. 6 Chardmore Road) Erection of a fence and the removal of a tree. Enforcement notice served.
- 3.13 2016/0046/ENF: (111-115 Cazenove) Installation of a marquee. Complete
- 3.14 2005/0482/ENF: Continued use of the property (No. 6 Chardmore Road) as part of the school. Allowed at appeal.

APP/U5360/C/06/2025585: Continued use of No.6 alone as a school. Public Inquiry allowed the use 06/07/2007.

4.0 CONSULTATIONS

4.1 Dates

- 4.1.1 Date Statutory Consultation Period Started: 09/06/2021
- 4.1.2 Date Statutory Consultation Period Ended: 30/06/2021
- 4.1.3 Site Notices: x 2 erected 11/06/2021, x 3 erected 10/06/2022
- 4.1.4 Press Advert: Yes. Hackney Gazette

- 4.1.5 Revised consultation was carried out between 10 June 2022 and 11 July 2022.

4.2 Neighbours

- 4.2.1 Letters of consultation were sent to 160 adjoining owners/occupiers.

- 4.2.2 At the time of writing the report, 16 objections had been received on the grounds of:
 - Noise from the existing school due to existing playgrounds including on Sundays
 - Children from school are unsupervised and jump into neighbours gardens to retrieve balls
 - Noise level would increase
 - Overshadowing will increase next to existing gardens and loss of privacy
 - Concerns around construction of extension while students are using the school
 - Litter issues with existing school and concerns development will further affect this
 - Traffic is already an issue causing congestion
 - Critical of Noise Survey and Impact Assessment methodology
 - Height is at odds with the rest of the street
 - Height will set precedent for other development
 - Negative impact on conservation area
 - Dangers of rooftop playground due to unsupervised children
 - Increased pollution including dust and noise

Officer's response: The above issues are addressed within the relevant sections of this report

4.3 Statutory / Local Group Consultees

- 4.3.1 Hackney Society: The form of the roof is over-dominating and its presence is alien to the wider streetscape. We suggest the applicant explores a double mansard form to see if it reduces the visual dominance.

- 4.3.2 Clapton CAAC: The additional floor by reason of its height dominates the house to the east. The present pitched roof which has a pleasingly shallow angle is replaced

by a clumsy rectangular block which is out of proportion with the well-managed arrangements of the host building. The addition of the roof playground surrounded by a glass wall raises the roof even higher. The school already has a large playground which causes annoyance to neighbours. A further playground will add to the noise. The noise assessment submitted is purely hypothetical given that there was no roof playground to test. There are statements made on supervision which are unenforceable e.g. supervision by 'at least 4 to 6' staff members. The meanings of English are subverted: the 'maximum capacity' is said to be 120 pupils - but that 'maximum' 'will not be exceeded where avoidable'. How can a 'maximum' be exceeded? Weekend and evening activity 'will be kept to a minimum' despite the school having set hours in its planning permissions. Far too many loopholes are included which will cause neighbours nuisance. This application should be refused.

4.3.3 **Internal Consultees**

4.3.4 Transportation: The site will require a construction management plan and monitoring fee in order to assess construction impacts on highway safety.

4.3.5 Waste: No further comments as no additional pupils are proposed.

4.3.6 Environmental Protection - Noise: No objection subject to a range of mitigation measures which include conditions relating to the use of the playground, number of students on the rooftop playground at one time and staff supervision, details of soundproofing materials and use of mechanical ventilation over natural ventilation.

4.3.7 Drainage: The site is shown to have a 'medium' risk of surface water flooding. It is noted that the majority of the proposed work will be at upper levels apart from the additional stairwell to provide additional access.

There is no change in the existing use of the site. It is not anticipated that the risk of flooding will increase on or offsite as a result of the proposed works. We, therefore, have no objections to the proposal.

We do however still recommend that sustainable drainage systems are considered where feasible and retrofitted within the development site to accommodate for the increase in rainfall as a result of climate change.

5.0 **POLICIES**

5.1 The London Plan (2021)

GG1 Building strong and inclusive communities

GG2 Making the best use of land

GG3 Creating a healthy city

GG6 Increasing efficiency and resilience

D1 London's form, character and capacity for growth

D3 Optimising site capacity through the design-led approach

- D4 Delivering good design
- D5 Inclusive design
- D8 Public realm
- D14 Noise
- E11 Skills and opportunities for all
- S3 Education and childcare facilities
- HC1 Heritage conservation and growth
- G1 Green infrastructure
- G6 Biodiversity and access to nature
- SI1 Improving air quality
- SI2 Minimising greenhouse gas emissions
- SI3 Energy infrastructure
- SI4 Managing heat risk
- SI5 Water infrastructure
- SI7 Reducing waste and supporting the circular economy
- SI12 Flood risk management
- SI13 Sustainable drainage
- T7 Deliveries, servicing and construction
- DF1 Delivery of the Plan and Planning Obligations

5.2 Hackney Local Plan 2033 (2020) (hereafter “LP33”)

- PP1 Public realm
- LP1 Design Quality And Local Character
- LP2 Development And Amenity
- LP3 Designated Heritage Assets
- LP8 Social and Community Infrastructure
- LP41 Liveable Neighbourhoods
- LP43 Transport And Development
- LP46 Protection and Enhancement of Green Infrastructure
- LP47 Biodiversity and Sites of Importance of Nature Conservation
- LP50 Play Space
- LP51 Tree Management And Landscaping
- LP53 Water And Flooding
- LP54 Overheating And Adapting To Climate Change
- LP55 Mitigating Climate Change
- LP57 Waste
- LP58 Improving The Environment - Pollution

5.3 Supplementary Planning Documents / Guidance

Greater London Authority:
Sustainable Design and Construction (2014)

London Borough of Hackney
Sustainable Design and Construction SPD (2016)
S106 Planning Contributions SPD (2020)
Northwold and Cazenove Conservation Area Appraisal 2010

5.4 National Planning Policies/Guidance

National Planning Policy Framework 2021
Planning Practice Guidance

6.0 **PLANNING CONSIDERATIONS**

6.1 **Overview**

6.1.1 The application seeks to provide an additional storey of classrooms and a rooftop playground to the existing three-storey school building. The applicant has noted within the submission that there would not be an increase in the pupil number, which is currently 1049 students across all the school buildings with 514 in the main building, which is the subject of this application.

6.1.2 The roof extension would take the form of a mansard style roof addition, constructed of zinc standing seam, zinc dormer windows with aluminium frames. A 2 metre glass balustrade, which will also act as an acoustic screen, will surround the playground at roof level; it will protrude 0.5m from the roof of the roof extension.

6.1.3 Fifteen air conditioning units will be installed on the roof on the western edge of the playground. These would be separated from the playground by a 2metre high safety grill which would also act as an acoustic screen.

6.1.4 The main considerations relevant to this application are:

- Land use
- Design
- Conservation
- Residential amenity of neighbouring properties
- Green infrastructure and biodiversity
- Transport and servicing
- Sustainability and energy
- Drainage and flood risk
- Equalities Considerations
- Community Infrastructure Levy

6.1.5 Each of these considerations is discussed in turn below.

6.2 **Land use**

6.2.1 The current building is a school and is considered to fall within Use Class F1(a) .

6.2.2 Policy LP8 states that proposals for social and community infrastructure, which includes schools, will be permitted where they meet identified current needs of the community.

- 6.2.3 The development proposes approximately 457 square metres of new education floorspace comprising 7 new classrooms. The extension will provide additional floorspace for the existing students only. The application does not propose any additional students on site.
- 6.2.4 It is noted that the Ofsted report released in August 2021 found the school inadequate and noted that the school had 985 pupils in its role but only registered to admit 567 pupils. The proposal would increase the internal classroom and playspace available to the existing pupils. The classrooms would allow for fewer students per classroom reducing the effects of overcrowding.
- 6.2.5 The applicant has provided information on the number of students within each school building. The school has 1049 students across the seven buildings of the school (the three on this site and 4 on adjoining sites). They have stated that there are 589 students within the main Cazenove building and 2-4 Chardmore Road which form this development site. In order to ensure that no more students will be accommodated on site than there are currently, a condition capping student numbers will be attached to any grant of planning permission. This condition is necessary as the application is predicated on there being no additional students on site. If there were additional students on site then the impact of the development would increase and further information would have been requested, particularly in regard to transport. By capping student numbers at the existing number on site, the Council is able to ensure that there won't be any unforeseen impacts that aren't adequately assessed.
- 6.2.6 It is clear from the figures above that there is an identified need for additional space for the existing school which is in accordance with the objectives of policy LP8.
- 6.2.7 With regard to the quality of the space provided, there would be a lift giving access to the upper levels of the building to ensure access for all, which is also required by policy LP8. Furthermore the layout would provide adequate light and outlook for students with an acceptable headheight. It is therefore considered the space would be of a good quality.
- 6.2.8 A ramp is provided externally at ground level which will also improve accessibility to the site.
- 6.2.9 In light of the above, the principle of additional education floorspace to improve the conditions of an existing school is considered to be in accordance with London and local policies.
- 6.3 Design and conservation**
- 6.3.1 London Plan policy D3 and Local Plan policy LP1 say that development should enhance local context by delivering high quality design.
- 6.3.2 The height of the buildings surrounding the site are varied in height and type with a mixture of largely residential buildings. Due to the varied nature of the site and the

position of the existing school on the corner with a setback from the pavement edge, additional height on the corner is considered acceptable.

- 6.3.3 The development proposes to remove the existing pitched roof and replace it with a mansard-style roof. Two staircases would also be extended, one to the east adjacent to 117 Cazenove Road and one in the centre of the building. The roof retains the existing style of being taller on Cazenove Road and shorter on the element facing Chardmore Road. The extension on Cazenove Road is taller to accommodate the rooftop playground on this element of the proposal. The balustrade is set back from the boundary of the roof by 560mm to reduce the impact of the balustrade on the streetscene.
- 6.3.4 The proposal will be built from dark grey standing seam zinc, aluminium slimline double glazed casement windows with glass balustrades to the rooftop playground. The proposed material palette is acceptable in principle. In order to ensure that the development is constructed of attractive, durable high quality materials which complement local character. To ensure this, all external materials will be submitted by condition.
- 6.3.5 It is recognised that the roof extension is large and appears to be out of proportion with the floors below as per comments from Hackney Society. Officers would agree that the development gives the building a rather top-heavy appearance. However, it is considered that in this instance given the public benefits of providing more school space for a currently overcrowded school the proposed design is considered acceptable.
- 6.3.6 The proposed ramp to the front elevation will provide better accessibility to the building and is not objected to in design terms, subject to a condition regarding materials.
- 6.3.7 The proposal includes removing the existing air conditioning units from their locations on the external facades of the building and consolidates them at roof level. This is considered to be an improvement to the overall design of the building.

Conservation

- 6.3.8 The Council is under statutory duties contained within the Planning (Listed Buildings and Conservation Areas) Act 1990 under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a general duty upon decision makers with respect to any buildings or other land within a Conservation area to pay special attention to the desirability or preserving or enhancing the character and appearance of that area.
- 6.3.9 The National Planning Policy Framework provides a range of policies relating to heritage protection at paragraphs 189 to 208. Paragraph 202 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

- 6.3.10 Policy HC1 of the London Plan (2021) and policy LP3 of LP33 require that development preserves or enhances the character of designated heritage assets.
- 6.3.11 A small section of the site is within Northwold and Cazenove Conservation Area (2 and 4 Chardmore Road). The conservation area is also located on the southern side of Cazenove Road adjacent to the site.
- 6.3.12 As noted above, the roof extension is large in relation to the original building as the proposal involves a new storey of classrooms and a rooftop playground. The proposal is considered to cause less than substantial harm to the setting of the conservation area albeit on the lower end of the scale.
- 6.3.13 The greatest concern is with the bulk and massing of the stairwell when viewed from the east, however although this is of greatest concern, the views from the conservation area are north and south, and the view from the east, including along Cazenove Road will be limited due to the location of the adjacent site at no.117.
- 6.3.14 However, the public benefits of helping to reduce overcrowding at the school and providing additional space for students to play are considered to outweigh the harm identified in line with paragraph 202 of the NPPF, the London Plan (2021) and Local Plan 2033 (2020).

6.4 **Residential amenity of neighbouring properties**

- 6.4.1 London Plan policy D6 states that the design of development should provide sufficient daylight and sunlight to surrounding housing that is appropriate for its context, including minimising overshadowing. Policy LP2 of LP33 states that all new development must be appropriate to its location and should be designed to ensure that there are no significant adverse impacts on the amenity of neighbours.

Daylight and sunlight impacts

- 6.4.2 The proposed roof extension is located adjacent to the building at 117 Cazenove Road which is in residential use. This building has the most potential to be affected in terms of daylight and sunlight as it is in closest proximity to the proposed development.
- 6.4.3 This building does not have any western facing side windows which would be affected by the proposal. Residents of properties with north and south facing windows would retain their view of the sky as the development is located to the west of this building only. The north-facing windows would not experience an unacceptable loss of sunlight as these do not face within 90 degrees of due south. The development is set back on the southern facade so that the development would not project within 45 degrees of the windows of the top floor of 117 Cazenove Road.
- 6.4.4 It is noted that the buildings to the north of the site on Chardmore Road are used as school buildings and those on Filey Avenue are sufficiently separated from the

proposed extension so as to not be adversely affected in terms of daylight and sunlight.

Privacy, overlooking and outlook

- 6.4.5 Residential dwellings on Filey Avenue are sufficiently separated from the development (approximately 40 metres) to ensure that the additional windows would not result in an undue level of overlooking or loss of privacy.
- 6.4.6 The flats in 117 Cazenove Road have windows facing north and south and the orientation of the development to the west means there would not be any overlooking of these flats.
- 6.4.7 The other buildings surrounding the development are school buildings, many of which belong to the same school, so there is not considered to be a loss of privacy.

Noise and disturbance

- 6.4.8 The development has the ability to affect neighbouring residents in relation to noise and disturbance. The objections largely relate to the ongoing operation of the school in relation to noise from the playgrounds and students accessing neighbouring gardens.
- 6.4.9 The development relates to the new floor and playground with no increase in pupil numbers and the council is unable to assess the current use of the school; this would be a matter for Environmental Health if the existing noise levels were considered unacceptable in this residential context.
- 6.4.10 However, it is recognised that the new rooftop playground and new air conditioning units have the ability to create additional noise and disturbance for neighbouring residents.
- 6.4.11 The Council's noise officer requested an additional Noise impact Assessment which was provided during the course of the application. This was assessed and found to be satisfactory. A suite of conditions was recommended by the noise officer which have been included where appropriate.
- 6.4.12 The noise officer requested a condition requiring air conditioning units to only be used during the week. However, given their location on the roof to the westaway from residential properties it is not considered necessary to require this restrictive condition. However, a condition requiring all plant to be 10 dB(A) or more below the measured LA90 level at the nearest noise sensitive premises at any time to protect neighbouring amenity.
- 6.4.13 The units will also be located behind an acoustic enclosure separating the air conditioning units from the playground. Details of this will be sought by condition.
- 6.4.14 The proposed mitigation measures are considered sufficient to ensure that the development is acceptable.

Conclusion

- 6.4.15 Overall the development is not considered to have an adverse impact on the amenity of neighbouring residents.

6.5 Green infrastructure and biodiversity

- 6.5.1 Policy LP47 of LP33 (2020) requires that all development should protect and where possible enhance biodiversity leading to a net gain and should maximise opportunities to create new or make improvements to existing natural environments, nature conservation areas, habitats or biodiversity features.
- 6.5.2 The proposal is limited in the biodiversity improvements it can make given the rooftop location. A condition requiring the provision of at least two swift boxes will be attached to the permission to provide habitat for urban species.

6.6 Transport and servicing

- 6.6.1 The site is located in an area which has a PTAL score of 3 (on a scale of 1 to 6b where 6b is the most accessible) indicating an adequate level of access to public transport.
- 6.6.2 The highways surrounding the site are within Hackney Controlled Parking Zone T with restrictions in place from 10am to 12 pm Monday to Friday.
- 6.6.3 The development proposes a rooftop extension that will provide additional classrooms for the existing students and there will be no increase in student numbers on site, as discussed above in the land use section.
- 6.6.4 The construction of the extension will affect the surrounding highway network. It will need to be carefully managed to ensure that the area around the school remains safe while construction is taking place. Therefore, a final construction logistics plan will be secured by condition to ensure construction does not adversely affect neighbours or highway safety. This will include measures to address noise and pollution. A fee of £8,750 will be sought to monitor the construction logistics plan and will be secured through the section 106 legal agreement.

6.7 Sustainability and energy

- 6.7.1 Policy SI2 of the London Plan (2021) and policy LP54 of LP33 require all development to regulate internal and external temperatures through orientation, design, materials and technologies which avoid overheating, in response to the Urban Heat Island Effect and addressing climate change.
- 6.7.2 Policy LP55 applies to all new developments and states that these must actively seek to mitigate the impact of climate change through design which minimises exposure to the effects, and technologies which maximise sustainability. Part H sets out that development including the re-use or extension of existing buildings

should achieve the maximum feasible reductions in carbon emissions and support in achieving the strategic carbon reductions target in the London Plan, while protecting, heritage and character of the buildings.

- 6.7.3 The Planning, Design and Access Statement states that the roof extension will be built to comply with Part L of the Building regulations. By replacing the roof the thermal efficiency of the building overall will be improved.
- 6.7.4 The walls and roof are to achieve a u-value of 01.6 W/m²k which exceeds the Building Regulations requirement. All new windows are to be high performance double glazed windows with low-E glazing and min u-value 1.4 W/m²K. All windows will have acoustic trickle vents. The new classrooms will be heated with a gas combi boiler to be located in the existing plant room. All new toilets will have low flow dual taps and dual flush systems to reduce water consumption.
- 6.7.5 A condition requiring compliance with the Design and Access Statement in relation to sustainability will be attached to the permission.

6.8 **Drainage and flood risk**

- 6.8.1 Policy LP53 of LP33 requires all developments to have regard to reducing flood risk, both to and from the site, over its expected lifetime. The site is in an area with a medium risk of surface water flooding.
- 6.8.2 The proposed alterations are largely confined to the roof of the existing building and within the existing footprint so the development is not considered to increase the risk of surface water flooding in the vicinity.
- 6.8.3 However, due to the sensitive nature of the site it is recommended that a condition be attached requiring a sustainable drainage system to be included to address the impacts of increased rainfall as a result of climate change. For example, a water butt could be fitted to collect rainwater roof runoff for reuse. A condition will be required in this regard.
- 6.8.4 The development is therefore in accordance with policy LP53.

6.9 **Other**

- 6.9.1 The objections received in relation to the existing operation of the school cannot be addressed as part of this application as it is not the subject of this application. This includes the identified issues with litter, children jumping over fences to retrieve balls and the existing use of a tannoy and playgrounds. These will continue to be addressed through other means such as through environmental health powers where appropriate.
- 6.9.2 The proposed balustrade to the rooftop playground is considered to adequately protect the safety of the children using this space.

6.10 **Equalities Considerations**

6.10.1 The Equality Act 2010 requires public authorities, when discharging their functions, to have due regard to the need to (a) eliminate unlawful discrimination, harassment and victimisation and other conduct; (b) advance equality of opportunity between people who share a protected characteristic and those who do not; and (c) Foster good relations between people who share a protected characteristic and persons who do not share it. The protected characteristics under the Act are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

6.10.2 Having regard to the duty set out in the S149 Equality Act 2010, the development proposals do not raise any equality issues.

6.11 **Community Infrastructure Levy (CIL)**

6.11.2 Developments within London Borough of Hackney are generally subject to Mayoral CIL2 and Hackney CIL.

6.11.3 However, given the development is for an education use, the rate is £0 for both levies and therefore no payment will be sought.

7.0 **CONCLUSION**

7.1 The development delivers a roof extension to the existing building which will provide additional space for the students of the school and a rooftop playground, improving the standard of the existing school.

7.2 There is some harm identified to the surrounding conservation area but this is at the lower end of less than substantial. It is considered that the public benefits of the scheme, which include reducing overcrowding of the school, are sufficient to outweigh the harm identified.

7.3 The proposal is, on balance, deemed to comply with the relevant policies in the Hackney Local Plan 2033 (2020) and the London Plan (2021), and the granting of planning permission is recommended subject to conditions and completion of a legal agreement.

8.0 **RECOMMENDATIONS**

8.1 **Recommendation A**

That planning permission be GRANTED, subject to the following conditions:

8.1.1 **Commencement within three years**

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

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

8.1.2 Development in accordance with plans

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

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

8.1.3 Design details to be approved

Notwithstanding the details shown on the plans and documents hereby approved, the following details to consist of drawings scaled 1:10/1:20, a fully detailed materials sheet and material samples to be reviewed on site, for all the visible parts of the scheme, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of above ground works. This shall include, but not be limited to, the following:

- A. Full details including physical samples of the cladding
- B. Materials of the ramp
- C. 1:10 section of the zinc
- D. 1:10 elevations and cross sections of the windows
- E. Details of the acoustic enclosure on the roof

The development shall not be carried out otherwise than in accordance with the details thus approved and retained thereafter.

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

8.1.4 Pipes details

Details of any new plumbing, pipes, soil stacks, flues, vents, grilles, security alarms or ductwork shall be submitted to and approved in writing by the Local Planning Authority, prior to their installation. The works shall only be implemented in accordance with details approved and retained thereafter.

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

8.1.5 School numbers

No more than 589 children shall be accommodated across all school buildings that are the subject of this application at any one time (111-115 Cazenove Road and 2 and 4 Cazenove Road).

REASON: To ensure the effects of additional pupils can be managed through the planning process

8.1.6 Amplified sound

There shall be no use of an amplified PA system or a school bell (except in times of emergency) from the rooftop playground.

REASON: In the interests of neighbouring amenity

8.1.7 Use of rooftop playground

The rooftop playground hereby approved shall only be used between the hours of 11.00 and 17.00 Mondays to Fridays with no use permitted at weekends. No more than 60 children may use the rooftop playground at any one time.

REASON: In the interests of neighbouring amenity

8.1.8 Sound insulation

Prior to construction of the development, full details of the materials in relation to soundproofing of the playground shall be submitted to the Local Planning Authority for approval in writing prior to commencement of works. Details shall include

- floor treatment
- acoustic screening
- planting

The details shall be installed in accordance with the details thus approved and retained for the lifetime of the development

REASON: To protect the amenity of the neighbouring residents

8.1.9 Plant/Equipment Noise

The total noise level from fixed plants shall be 10 dB(A) or more below the measured LA90 level at the nearest noise sensitive premises at any time. The method of assessment shall be carried in accordance with BS4142: 2014: Methods for rating and assessing industrial and commercial sound. Before commencement of the use hereby permitted a test shall be carried out to show that the above criterion shall be met and the results submitted to the Local Planning Authority for approval.

REASON: To protect the amenity of neighbouring residents

8.1.10 Construction logistics and management plan

Prior to commencement of above ground works, a detailed Construction Logistics and Management Plan covering the matters set out below must be submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the details and measures approved as part of the construction management plan, which shall be maintained throughout the entire construction period.

The construction management plan covering all phases of above ground works shall include but not be limited to the following:

- i) A method statement covering all phases of above ground works of the project to include details of noise, vibration and dust control measures.
- ii) A construction method statement covering all phases of above ground works to include details of noise control measures, and measures to preserve air quality;

iii) Details and locations of all noisy activities including mobile plant machinery, and details of the best practicable means of mitigation employed against noise and vibration in accordance with British Standard Code of Practice BS 5228.

iv) Construction methodology (including risks assessments and method statements) including details of crane /lifting management for any cranes/HIABS proposed to be used

v) Details of the locations where deliveries will be undertaken; the size and number of lorries expected to access the site daily; the access arrangements (including turning provision if applicable); construction traffic routing; details of parking suspensions (if required) and the duration of construction.

vi) Deliveries to site and associated with removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.

vi) Procedures for maintaining good public relations including complaint management, public consultation and liaison - Arrangements for liaison with the Council's Community Safety Team.

REASON: To ensure that occupiers of residential premises do not suffer a loss of amenity by reason of noise nuisance during site activities

8.1.11 **Energy compliance**

The development shall be implemented in accordance with the measures identified in the *Planning, Design and Access Statement* hereby approved.

REASON: In the interest of sustainability

8.1.12 **Permitted development restriction**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended by any order revoking and re-enacting that Order with or without modification) no change of use within Schedule 2, Part 7, Class M shall be carried out.

REASON: To ensure that the impacts of additional floorspace are assessed.

8.1.13 **Nesting bricks**

Prior to the first occupation of the development hereby approved a minimum of two Swift nesting bricks and/or boxes shall be provided at or close to eaves level of the development hereby approved. The bricks/boxes shall be retained thereafter in perpetuity.

REASON: In the interests of biodiversity

8.1.14 **Sustainable drainage**

Prior to superstructure works, detailed specification and a drainage layout of at least one suitable sustainable drainage systems (i.e. water butt with overflow, raingarden, bioretention planter box, living roof (substrate depth of 80-150mm

excluding the vegetative mat), permeable paving, etc.) shall be submitted to, and approved by the LPA, in consultation with the LLFA. If soakaways i.e. plastic modules and soakaway rings are used, an infiltration test must be carried out to ensure that the capacity of the soil is suitable for infiltration. It must be demonstrated that there will be no increase in surface water flow being discharged offsite and an overall reduction in peak flow rate and volume.

The details shall be implemented in full prior to the first use of the development and retained for the lifetime of the development

REASON: In the interests of reducing flood risk to the site in particular the rooftop playground due to its sensitive use

8.2 Recommendation B

That the above recommendation be subject to the applicant, the landowners and their mortgagees enter into a Legal agreement in order to secure the following matters to the satisfaction of the Director of Legal and, Democratic and Electoral Services:

Financial

- 8.2.1 Construction, logistics and monitoring contribution of £8,750.
- 8.2.2 Considerate constructors
- 8.2.3 Monitoring fees
- 8.2.4 Payment of the Council's costs

8.3 Recommendation C

That the Sub-Committee grants delegated authority to the Director of Public Realm and Head of Planning (or in their absence either the Growth Team Manager or Development Management & Enforcement Manager) to make any minor alterations, additions or deletions to the recommended conditions as set out in this report provided this authority shall be exercised after consultation with the Chair (or in their absence the Vice-Chair) of the Sub-Committee (who may request that such alterations, additions or deletions be first approved by the Sub-Committee).

8.4 INFORMATIVES

- 8.4.1 The following information should be added as informatives :

- S1.1 Building Control
- S1.2 Work Affecting Public Highway
- S1.3 Sanitary, Ventilation and Drainage Arrangements
- S1.6 Control of Pollution (Clean Air, Noise, etc).

SI.7 Hours of Building Works
 SI.28 Refuse Storage and Disposal Arrangements
 NPPF - Applicant/Agent Engagement

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

ALED RICHARDS
 Strategic Director, Sustainability & Public Realm

NO.	SUBMISSION DOCUMENTS, POLICY/GUIDANCE, BACKGROUND PAPERS	NAME/DESIGNATION AND TELEPHONE EXTENSION OF ORIGINAL COPY	LOCATION CONTACT OFFICER
1.	<p>Application documents and LBH policies/guidance referred to in this report are available for inspection on the Council's website.</p> <p>Policy/guidance from other authorities/bodies referred to in this report are available for inspection on the website of the relevant authorities/bodies</p> <p>Other background papers referred to in this report are available for inspection upon request to the officer named in this section.</p> <p>All documents that are material to the preparation of this report are referenced in the report</p>	Louise Prew (Major Projects Planner) x8613	1 Hillman Street, London E8 1FB

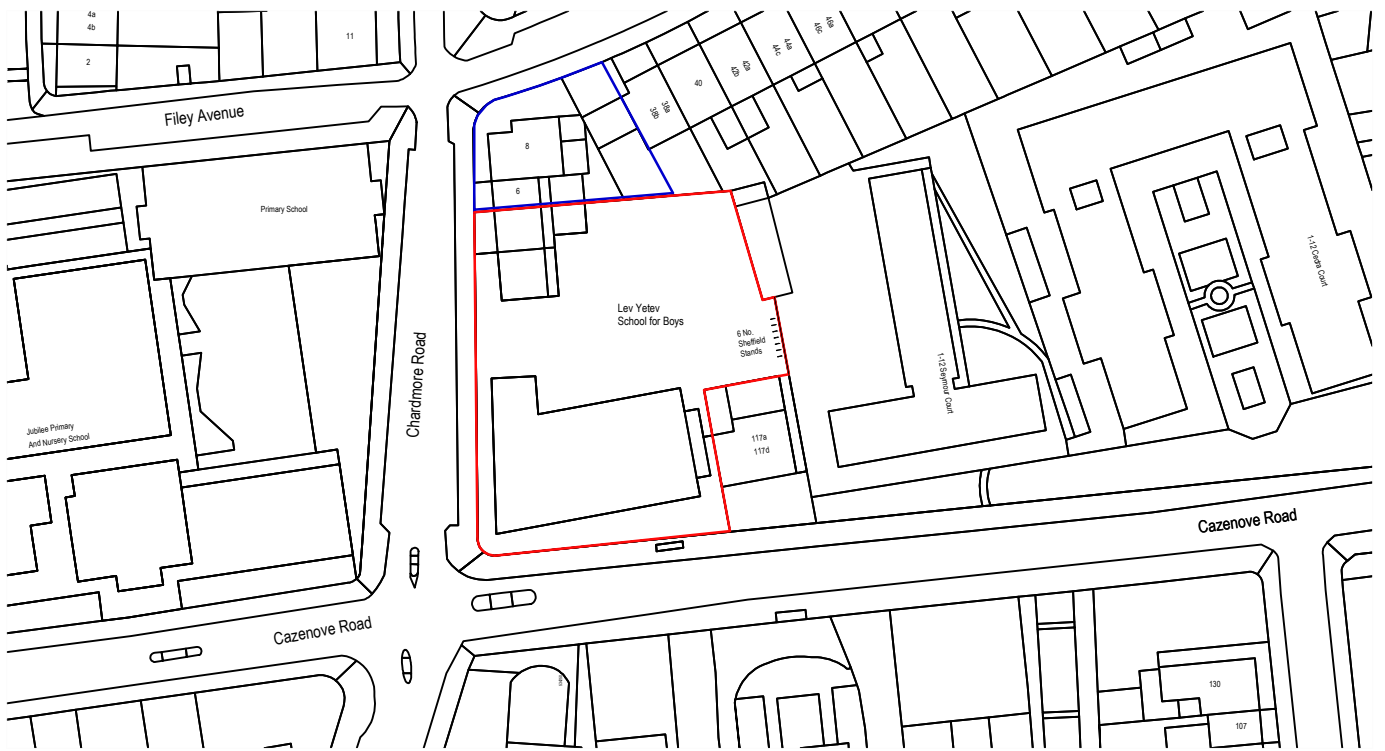
Site photos



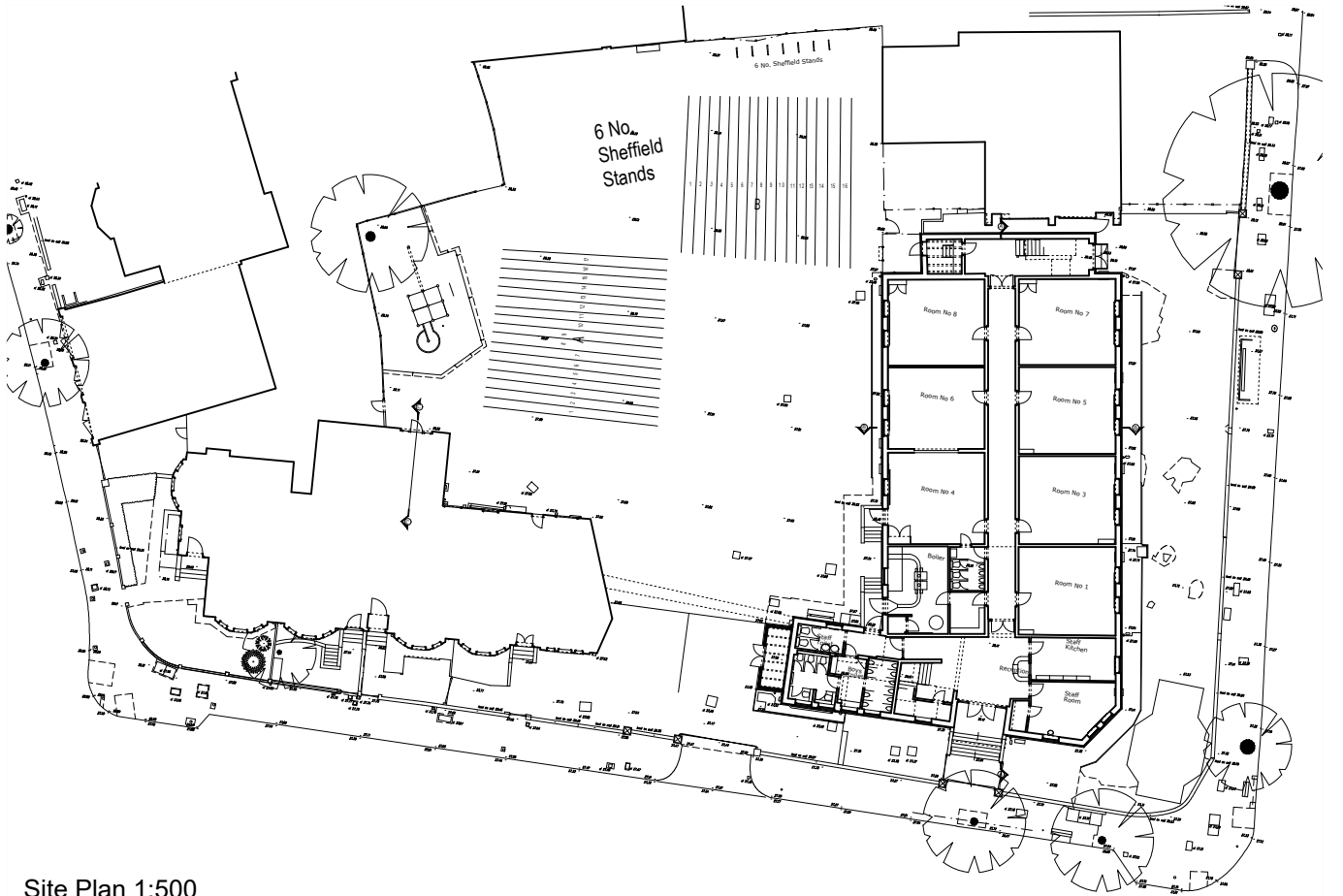




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Location Plan 1:1250

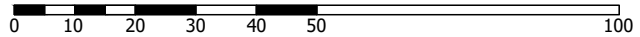


Site Plan 1:500

GENERAL NOTES:
 USE FIGURED DIMENSIONS ONLY.
 DO NOT SCALE OFF DRAWINGS.
 ALL DIMENSIONS ARE TO BE CHECKED ON SITE.
 INCONSISTENCIES ARE TO BE REPORTED TO
 OATEN ARCHITECTS IMMEDIATELY.

REV.: DATE: DESCRIPTION:
 A 08/10/2018 6 No. Sheffield Stands added

1:1250



1:500



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PROJECT:
Yetev Lev School Extension
 111-115 Cazenove Road, London N16 6AX

STAGE:
PLANNING
 CLIENT:
 Yetev Lev School for Boys

Page 187

SCALE:
 1:1250 / 1:500 @ A4
 DRAWN BY / DATE:
 MM / Nov. 2016

DRAWING TITLE:
Location Plan
Site Plan

DRAWING NO:

REV NO:

16.1120 / 001 A

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ADDRESS: 184 Evering Road, London, E5 8AJ	
WARD: Hackney Downs	REPORT AUTHOR: Gerard Livett
APPLICATION NUMBER: 2021/3106	VALID DATE: 22/10/2021
DRAWING NUMBERS: 0190/ZZ/DR/A/PL/0500 Rev A; 0190/ZZ/DR/A/PL/2011 Rev B; 0190/ZZ/DR/A/PL/2012 Rev A	
APPLICANT: TGold New Homes Ltd 3 Montpelier Avenue Bexley DA5 3AP	AGENT: Mr Lakhbir Heer Bostall Architectural Services 23 Old Bexley Lane Bexley DA5 2BL
PROPOSAL: Submission of details pursuant to conditions 4c and 4d (detailed drawings of cycle and refuse stores) and part of condition 8 (landscaping to the front garden) attached to planning permission 2019/2907 dated 11/11/2019	
POST SUBMISSION REVISIONS: None	
RECOMMENDATION SUMMARY: Approve details	
NOTE TO MEMBERS: This application is referred to members per the request of the Planning Sub-Committee in its resolution on 6 November 2019 in relation to condition 4	

REASON FOR REFERRAL TO PLANNING SUB-COMMITTEE:	
Major application	
Substantial level of objections received	
Council's own planning application (in accordance with the Planning Sub-Committee Terms of Reference)	
Other (in accordance with the Planning Sub-Committee Terms of Reference)	YES

ANALYSIS INFORMATION

ZONING DESIGNATION:	(Yes)	(No)
CPZ	Yes – R	
Conservation Area	Yes - Northwold and Cazenove	
Statutory Listed Building		X
Locally Listed Building		X
Priority Employment Area (PEA)		X

LAND USE DETAILS:	Use Class	Use Description	Floorspace
Existing	C3	Residential dwelling	255m2
Proposed	C3	Residential dwellings	345m2

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

PARKING DETAILS:	Parking Spaces (General)	Parking Spaces (Disabled)	Bicycle storage
Existing	0	0	0
Proposed	0	0	10

1. SITE CONTEXT

- 1.1. The site is located on the southeast side of Evering Road and is occupied by a two-storey plus basement dwellinghouse with a single-storey rear extension that covers part of the rear elevation and is linked to a similar extension at No. 186.

- 1.2. The property is within a terrace, although properties in this part of Evering Road have set-back elements, giving the appearance of linked pairs of semi-detached houses.
- 1.3. The immediate area is residential in character and there is a consistent house typology to the northeast. To the southwest, at 166 to 176 Evering Road is a five-storey flat-roofed block of flats, with a four-storey pitched roof block at Nos. 197-203 on the opposite side of the street.
- 1.4. The site is within the Northwold and Cazenove Conservation Area.
- 1.5. The site has a Public Transport Accessibility Level (PTAL) of 3, but is within walking distance of a PTAL 6 area. The area is in the Rectory Road Controlled Parking Zone (CPZ), with restrictions between 0700 and 1100 on Monday to Friday.

2. **CONSERVATION IMPLICATIONS**

- 2.1. The site is within the Northwold and Cazenove Conservation Area. The site is not in an archaeological priority area and does not contain any statutory or locally listed buildings, and is not located in close proximity to any other heritage assets.
- 2.2. In assessing this application, officers are mindful of the statutory duty under s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 of the requirement to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

3. **RELEVANT HISTORY**

- 3.1. 11/11/2019 - Planning permission GRANTED for Excavation of basement; erection of two-storey rear extension, rear dormer and insertion of rooflights in front roofslope; external alterations; conversion of extended property into five self-contained dwellings (2019/2907).
- 3.2. The above planning permission was granted following the resolution of the Planning Sub-Committee to grant conditional permission at its meeting on 6 November 2019. The Committee also resolved that a condition, relating to

details of the bike and bin stores in the front garden, would be referred back to the Planning Sub-Committee for Members' consideration.

- 3.3. 26/05/2020 - Details APPROVED pursuant to condition 4 (Detailed drawings) attached to planning permission 2019/2907 dated 11/11/2019. (2020/1068)
- 3.4. 17/03/2021 - Details APPROVED pursuant to condition 4 (Detailed drawings) attached to planning permission 2019/2907 dated 11/11/2019. (2020/0501)
- 3.5. 13/08/2021 - Non-material amendment REFUSED for 'Non-material amendment to planning permission 2019/2907 dated 11/11/2019. Effect of variation would be to retain render facade and use of middle door rather side door to access garden at ground floor level' (2021/1266)
- 3.6. 13/08/2021 - Details REFUSED pursuant to conditions 4c (cycle store) and 4d (refuse store) and 8 (Landscaping) attached to planning permission 2019/2907 dated 11/11/2019. (2021/1276)

4. **CONSULTATIONS**

- 4.1. Public consultation is not statutorily required for submission of details applications.

Statutory Consultees

- 4.2. There are no statutory consultees for the matters raised in this submission of details application.

Other Council Departments

- 4.3. None

Local Groups

- 4.4. It is not necessary to consult local groups for this type of application.

5. **POLICIES**

5.1. London Plan

- 5.1.1. D4 (Delivering good design)
- 5.1.2. HC1 (Heritage conservation and growth)
- 5.1.3. G5 (Urban greening)
- 5.1.4. T4 (Assessing and mitigating transport impacts)

5.1.5. T5 (Cycling)

5.2. Local Plan 33

- 5.2.1. LP1 (Design Quality and Local Character)
- 5.2.2. LP3 (Designated Heritage Assets)
- 5.2.3. LP42 (Walking and Cycling)
- 5.2.4. LP43 (Transport and Development)
- 5.2.5. LP51 (Landscaping and Tree Management)

5.3. SPD / SPG / Other

- 5.3.1. Hackney Sustainable Transport SPD
- 5.3.2. Northwold and Cazenove Conservation Area Appraisal

5.4. National Planning Policies

- 5.4.1. National Planning Policy Framework
- 5.4.2. Planning Practice Guidance

6. COMMENT

6.1. Background

6.1.1. This proposal is for the approval of details required by condition 4c and 4d (Design Details of cycle and refuse store) and 8 (Landscaping) for the front garden attached to planning permission 2019/2907 dated 11/11/2019.

6.1.2. Condition 4 states:

Details to be approved

Detailed drawings/full particulars of the proposed development showing the matters set out below must be submitted to and approved by the Local Planning Authority at planning sub-committee, in writing, before any work proceeds beyond ground floor. The development shall not be carried out otherwise than in accordance with the details thus approved.

~~*a) Full details, including sections and materials, of new front, side and rear windows*~~

~~*b) Full details, including sections and materials of front lightwell railings*~~

~~*c) Full details, including materials, of the cycle store*~~

~~*d) Full details, including materials, of the refuse store*~~

REASON: To ensure that the external appearance of the building is satisfactory and does not detract from the character and visual amenity of the area. The cycle and refuse store shall be made available before the first occupation of the development hereby permitted and thereafter retained.

6.1.3. Condition 8 states:

Details to be approved

A hard and soft landscaping scheme illustrated on detailed drawings shall be submitted to and approved by the Local Planning Authority, in writing, before the development is occupied, for the planting of trees and shrubs showing species, type of stock, numbers of trees and shrubs to be included and showing areas to be grass seeded or turfed, together with details of all boundary treatment, fences and other hard landscaping features; all landscaping in accordance with the scheme, when approved, shall be carried out within a period of twelve months from the date on which the development of the site commences or shall be carried out in the first planting (and seeding) season following completion of the development, and shall be maintained to the satisfaction of the Local Planning Authority for a period of ten years, such maintenance to include the replacement of any plants that die, or are severely damaged, seriously diseased, or removed.

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

6.1.4. The applicant has submitted drawings which indicate these details, and a summary is set out below.

6.1.5. The windows and front lightwell railings have previously been approved

6.1.6. The cycle store would be a maximum of 1.2m high, 1.5m deep and 4.5m wide, and would be constructed from brick with a sedum roof.

6.1.7. The refuse store would be suitable for two 660 litre bins, together with bins for recycling and for food waste, and would have sides and a rear in reclaimed London stock brick with a timber slatted roof.

6.1.8. The refuse and cycle store would be located in the front garden, with the relevant walls of the cycle store forming the front boundary treatment.

6.1.9. The front garden landscaping would include block paving and planting, including English Laurel, Hebe and Ivy. Details of the landscaping for the rear garden are the subject of a separate application reference 2021/3112.

6.2. Considerations

6.2.1. The submitted details indicate that the height of the cycle store would be relatively modest, and would provide secure parking for 8 bicycles.

6.2.2. The refuse store would be adequate for the needs of the development.

- 6.2.3. The layout of the refuse and cycle store in the garden has been designed to minimise the visual impact of these elements of the development on the streetscene.
- 6.2.4. The proposal includes elements of soft landscaping that would screen the impact of the cycle and refuse stores in the front garden
- 6.2.5. The submitted details are considered sufficient to discharge conditions 4c and 4d (Design Details of cycle and refuse store) and 8 (Landscaping to the front garden) attached to planning permission 2019/2907 dated 11/11/2019.

7. CONCLUSION

7.1. The submitted details are considered sufficient and adequate to discharge conditions 4c and 4d (Design Details of cycle and refuse store) and 8 (Landscaping to the front garden) attached to planning permission 2019/2907 dated 11/11/2019. The application for approval of condition 8 with regards to the rear garden is considered in a separate application under 2021/3112

8. RECOMMENDATIONS

8.1. Recommendation A

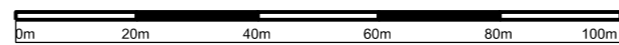
8.2. That details pursuant to conditions 4c and 4d (Design Details of cycle and refuse store) and 8 (Landscaping to the front garden) attached to planning permission 2019/2907 dated 11/11/2019 be APPROVED.

Signed..... Date.....

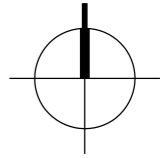
Aled Richards – Strategic Director, Sustainability & Public Realm

	SUBMISSION DOCUMENTS, POLICY/GUIDANCE/ BACKGROUND PAPERS	NAME/DESIGNATION AND TELEPHONE EXTENSION OF ORIGINAL COPY	LOCATION CONTACT OFFICER
1	Application documents and LBH policies/guidance referred to in this report are available for inspection on the Council's website	Gerard Llivett Senior Planner – Development Management Team 020 8356 8398	1 Hillman Street, London E8 1FB

	<p>Policy/guidance from other authorities/bodies referred to in this report are available for inspection on the website of the relevant authorities/bodies</p> <p>Other background papers referred to in this report are available for inspection upon request to the officer named in this section.</p> <p>All documents that are material to the preparation of this report are referenced in the report</p>		
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- General notes:
1. All copyrights retained.
 2. No responsibility is accepted for unauthorised use.
 3. Do not scale from drawings - Use figured dimensions only and verify on site.
 4. All information is subject to statutory consents, rights of light and survey.
 5. All information remains the property of Bostall Architectural Services and may not be used for any purpose whatsoever, or reproduced through any medium without the written consent of Bostall Architectural Services.
 6. All structural alterations to be confirmed by the structural engineer prior to work commencing on site.
 7. All designs subject to survey.
 8. All designs subject to site inspection.
 9. Brick ties to contractor's details
 10. Structure to SE's details
 11. Window/doors to specialist fabricator details. Details shown for this are design intent only.



rev	description	date	dr by	ap by
-A	Planning Application original by	01 08 2019	BA	LH
		30 07 2018		

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Client	
TGGold New Homes Ltd	
Project	
184 Evering Drive, E5 8AJ	
Drawing	
Block Plan	
Drawing Number	Scale
0500	1:1250 @ A3
Project number	Issue status
0190	Planning Application
Drawing number	
0190	ZZ
DR	A
PL	0500
A	
ORIGINATOR	PROJECT NO
LEVELS	TYPE
ROLE	CLASS
NUMBER	REV
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