

MINUTES OF A MEETING OF THE PLANNING SUB-COMMITTEE

WEDNESDAY, 10TH JUNE, 2009

Councillors Present:	Councillor Vincent Stops in the Chair Cllr Barry Buitekant, Cllr Michael Desmond (Vice-Chair), Cllr Katie Hanson and Cllr Jessica Webb
Apologies:	Cllr Simon Tesler, Cllr Linda Smith and Cllr Joseph Stauber
Officers in Attendance	Ian Bailey (Senior Planning Officer), Robert Brew (Team Leader, Majors Team), Rokos Frangos (Senior Planning Officer), Rosemary Lansdowne (Principal Solicitor), Graham Loveland (Assistant Director, Planning), Ron Madell (Appeals Officer), Gillian Nicks (Deputy Team Leader, Major Applications Team), Femi Nwanze (Head of Development Management), Fred Raphael (Senior Technical Engineer), Ray Rogers (Sustainability and Design Manager), Russell Smith (Senior Planning Officer) and John Tsang (Interim Team Leader)

1 APOLOGIES FOR ABSENCE

- 1.1 **RESOLVED** – that Councillor Vincent Stops be appointed as the Chair of the Planning Sub-Committee.

2 APPOINTMENT OF VICE-CHAIR

- 2.1 **RESOLVED** – that Councillor Michael Desmond be appointed as the Vice-Chair of the Planning Sub-Committee.

3 APOLOGIES FOR ABSENCE

- 3.1 Apologies were received from Councillors Sharer, Smith, Stauber and Tesler.
- 3.2 An apology for lateness was received from Councillor Hanson.

4 MEMBERS TO AGREE THE ORDER OF BUSINESS

- 4.1 The order of business was changed as follows:
- Item 11 was withdrawn from the agenda, at the request of the Planning Officer.
 - Item 13 was withdrawn from the agenda, at the request of the Planning Officer.
 - Item 14 was taken after Item 8.

5 DECLARATIONS OF INTEREST

- 5.1 Councillor Desmond declared a prejudicial interest in Item 9 – 30 Benthall Road, as he had previously been involved with the application.

6 MINUTES OF THE PREVIOUS MEETING

- 6.1 **RESOLVED**, subject to the following amendments:-

- Paragraph 10.1 – Councillors Stops, Buitekant and Hanson recognised the architect but did not feel it was necessary to declare a personal interest.
- Item 11 – 10 Shacklewell Road – the application was listed as a car free development in the condition, but this was not reflected in the report. The report would need to come back to committee to approve the revised s106 resolution.

7 OLD SCHOOL SITE, WOODBERRY GROVE, LONDON, N4

Modifications to planning permission reference 2007/1841 to provide a mixed use scheme comprising 490 residential units (Class C3), 730 sqm for a community hall and related facilities Class D1), 1240 sq m retail, restaurant, business and other uses (Class A1, A2, A3, A4, B1, D1, D2), round and basement car parking (169 spaces). The development comprises seven blocks of four to twenty seven storeys in height, a new access road running between Woodberry Grove and Towncourt Path, a re-aligned junction at Woodberry Grove/Woodberry Down, a new linear public open space and new Doorstep Playable Space.

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

- 7.1 The Planning Officer introduced the report, as set out within the agenda. He explained that the application was for some slight alterations and that the height of the tower had now been increased by 1.8m.
- 7.2 Reference was made to the addendum, which listed the revised drawings.
- 7.3 Councillor Middleton spoke in objection to the scheme, on behalf of residents, her comments are summarised as follows:-
- Felt that the report was unclear.
 - The height of the tower had now been increased from 21 to 25 storeys and requested clarification.
 - Clarification sought on the size of the intermediate units and whether leaseholders would be given the same size accommodation.
 - Happy that the community centre would now be located on the ground floor.
 - There was a need for proper air conditioning in the community centre.
 - Wished to clarify whether the libraries and education money would be ring fenced for Woodberry Down.
 - Requested that like for like businesses be replaced, so that the existing businesses do not lose their livelihoods.

- 7.4 Peter Naughton spoke in support of the scheme, his comments are summarised as follows:-
- He expressed appreciation, on behalf of residents, for the work undertaken by Berkeley Homes in improving the layout of the majority of the units.
 - The issue surrounding new parking bays needed to be resolved.
 - The community facility in Block A, had now been moved to Block G.
 - Supported the request that like for like businesses be replaced, so that the existing businesses do not lose their livelihoods.
- 7.5 Sean Tickle (Agent) spoke in support of the scheme, his comments are summarised as follows:-
- The changes being made were as a result of the current economic climate, in order to provide a range of tenures to meet demand.
 - The community facility was now being located in Block G on the ground floor.
 - Berkeley Homes have acquired 12 Towncourt Path and its demolition which will allow for the opportunity to extend Block G further westwards, increasing the number of overall units that the scheme can provide.
- 7.6 The Chair wished to clarify why the increased height of the tower was deemed acceptable and the Sustainability & Design Manager explained that in terms of overall height this was not an issue, in principle. He added that the development retained a slight curve to the balconies, although this was not as pronounced as previously hoped and that the materials to be used could be looked at.
- 7.7 The agent informed Members that the additional storeys in the tower had been accommodated within the same envelope, as the retail units had been changed to residential units and the floor to ceiling height had been slightly reduced. He added that he would be happy to discuss the materials with the Sustainability & Design Manager and that they would not be coming back to committee proposing further increases in height. The Chair requested confirmation that this would be the final alteration to the height of the building and the agent confirmed that there would be no further alterations.
- 7.8 Discussion took place regarding parking and the issue surrounding the controlled parking zones and it was explained that the car parking strategy would be finalised in due course and would form part of a future application.

RESOLVED that:-

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

1. SCB1 – Commencement within three years

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

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

2. SCB0 – Development in accordance with plans

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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.

External Appearance:

3. SCM7 – Details to be approved

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

- a) Details of the maintenance regime for the public open space and other non-curtilage open areas of the site, including the area up to the near bank of New River, detailing location and any boundary treatment proposed
- b) The means of enclosure on all site boundaries, indicating clearly which are existing and which are proposed, and including full details of height, materials and construction
- c) The facilities to be provided for the storage and removal of waste materials for each building or area
- d) The provisions to be made within the development to ensure that people with disabilities are able to gain full access to the accommodation to be provided.

REASON: To ensure the satisfactory design, layout and external appearance of the development and to ensure that the proposed development does not prejudice the open setting and conservation value of the Metropolitan Open Land adjoining and including the New River.

4. SCM6 – Materials to be approved (entire site)

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

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

5. SCT1 - Landscaping scheme to be approved

The landscaping of the site shall be carried out in accordance with the detailed scheme shown on the submitted drawings for the development. All landscaping in accordance with the scheme shall be carried out within a period of twelve months from the date on which the development of the site commences or shall be carried out in the first planting (and seeding) season following completion of the development, and shall be maintained to the satisfaction of the Local Planning Authority for a period of ten years. Such maintenance is to include the replacement of any plants that die, or are severely damaged, seriously diseased, or removed.

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

6. SCM4 – Ground Surface Treatment

Full details of all ground surface treatment to the site shall be submitted to and approved by the Local Planning Authority, in writing, before any work on the site is commenced. The development shall not be carried out otherwise than in accordance with the details thus approved.

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

Highways/TfL

7. (NSC)

Details of the following matters are reserved for further approval, to be submitted to and approved by the Local Planning Authority, in writing, before any work is commenced. The development shall not be carried out otherwise than in accordance with the details thus approved:

- a) The layout of the site to a scale of not less than 1:500 and incorporating:
 1. Detailed layout and proposals for management and security of all car parking and servicing areas (including the basement) and details of car parking provisions and facilities for Use Classes A1-4 and D uses;
 2. Details of any proposed Controlled Parking Zones;
 3. Details of cycle parking provisions including numbers, covered and secure provisions to accord with London Plan standards;
 4. Details of all emergency access arrangements suitable for police, fire and ambulance service use.

(b) Any public rights of way shall be preserved to allow a maximum accessibility and all footways shall be of a minimum of 2m wide footpaths with safe even surfaces and road crossings suitable for wheelchair users;

(c) Full details of highway/ access areas land ownership and adoption for the site

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

8. SCH8 – Parking for people with disabilities

Before the use hereby permitted first commences, at least 10% of the car parking spaces shall be marked and retained permanently for use by the vehicles of people with disabilities, including 19 spaces at basement level at locations close to the entrances to the buildings.

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

9. SCH11 - Adequate visibility

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

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

10. (NSC)

Details of the new road access shall be approved prior to commencement of any development

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

11. SCH5 – Provision of parking, turning and unloading space

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

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

12. SCH4 - Forward vehicle ingress/egress only

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

REASON: In the interests of road safety generally and avoidance of obstruction of the highway.

13. (NSC)

Prior to first occupation of any of the proposed new residential development, a Travel Plan shall have been submitted to and approved by the Local Planning Authority detailing means of conveying information for new occupiers and other techniques for advising residents of sustainable travel options. The Travel Plan shall then be implemented as dwellings are occupied until completion of the development.

REASON: To enable residential occupiers to consider sustainable transport options, as part of the measures to limit any net increase in travel movements (Policy TR6 of the UDP).

14. (NSC)

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Prior to first occupation of the proposed Priority Community Facility, a Travel Plan shall have been submitted to and approved by the Local Planning Authority. The Travel Plan shall then be implemented prior to the use commencing and shall be so maintained for the duration of the use, unless prior written approval of the Local Planning Authority is obtained in writing.

REASON: To ensure that the travel arrangements to the business/training centre are appropriate and to limit the effects of the increase in travel movements (Policy TR6 of the UDP).

15. (NSC)

Prior to first occupation of the proposed retail and other commercial units, a Travel Plan shall have been submitted to and approved by the Local Planning Authority. The Travel Plan shall then be implemented prior to the use commencing and shall be so maintained for the duration of the use, unless prior written approval of the Local Planning Authority is obtained in writing.

REASON: To ensure that the travel arrangements to the health centres are appropriate and to limit the effects of the increase in travel movements (Policy TR6 of the UDP).

16. (NSC)

Details of continuing implementation of the Travel Plans as required by these planning conditions shall be submitted to enable monitoring by the Local Planning Authority for a period of 2 years from first occupation of these uses.

REASON: To ensure that the travel arrangements are appropriate, and to limit the effects of the increase in travel movements (Policy TR6 of the UDP).

17. (NSC)

Within two months of completion of each phase of the proposed development, as identified on the application drawings, all redundant accesses located within the area of development of that phase and not incorporated in the development shall be permanently closed with the kerbs, footway and verge reinstated in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

REASON: To limit the number of access points along the site boundary for the safety and convenience of highway users in accordance with Policy TR9 and TR10 of the UDP.

Environment Agency:

18. (NSC)

Before development commences, a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas (except privately owned domestic gardens), shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the Local Planning Authority. The scheme shall include the following elements:

- a) detail of the extent and type of new planting (native species only)
- b) details of maintenance regimes

- c) details of any new habitat created on site
- d) details of treatment of site boundaries and/ or buffers around water bodies
- e) details of the green roofs proposed

REASON: To ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of nature conservation value of the site in line with the policies set out in PPS9, London Plan and Hackney UDP. Natural networks of linked wildlife corridors can also help wildlife adapt to climate change.

Environmental Health – Pollution:

19. (NSC)

Noise and vibration that may be foreseen prior to, or that which occurs during, construction, demolition, excavation, concrete crushing, foundation work and super-structure work shall be managed in accordance with details to be approved prior to commencement of relevant parts of the development, based on the recommendations in the applicants' Environmental Statement *Appendices on Noise and Vibration*

REASON: to mitigate the potential of noise and vibration nuisance to occupiers of neighbouring premises.

20. (NSC)

Full particulars and details of the scheme for sound insulation between the proposed commercial, community and residential uses of the buildings shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be installed before commencement of the use hereby permitted and permanently retained thereafter.

REASON: to mitigate the potential of noise and vibration nuisance to occupiers of neighbouring premises

21. (NSC)

No construction (including demolition) which may be audible at the site boundary or in any occupied dwelling shall be carried out except between the hours of 08:00 to 18:00 hours (Monday to Friday), 08:00 to 13:00 hours (Saturdays), with no construction activity whatsoever on Sundays or Public Holidays.

REASON: to mitigate the potential of noise and vibration nuisance to occupiers of neighbouring premises

22. (NSC)

Mechanical ventilation equipment and air conditioning units shall be designed, located and acoustically insulated to prevent noise disturbance. The design of equipment and units should provide an operating level of 10dB(A) below background noise level in order to achieve inaudibility and avoid adversely affecting the amenity of occupiers of dwellings in close proximity by reason of noise.

REASON: to mitigate the potential of noise and vibration nuisance to occupiers of neighbouring premises

23. (NSC)

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The Community Facility, Restaurants and Take-Away Establishments shall each provide a kitchen extract system to suppress and disperse odour, smoke and fume produced by cooking and food preparation without causing a nuisance to neighbours. Details of the equipment shall be submitted to, and approved by this Council's Planning Authority and Pollution Control with the equipment installed and in full working order prior to commencement of use. Details of these measures should be submitted to the Pollution Unit, Development Control and Building Control for consideration. The sound insulation measures will have to be in place before the premises are first brought into use and shall be maintained in an effective manner thereafter.

REASON: to mitigate the potential for nuisance from cooking odours and other smells to occupiers of neighbouring premises

24. (NSC)

Details of Street Cleansing arrangements for each Quarter shall be submitted prior to commencement of construction, and

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

**25. Renewable Energy:
(NSC)**

Before any relevant part of the development commences, details of all renewable energy and energy efficiency facilities and measures outlined in the Energy Strategy for the Old School site and compatible with the aims of maximising renewable energy across the whole Woodberry Down development shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include an assessment of how the inclusion of renewable energy technologies will contribute towards the reduction of carbon emissions from the development. The development shall be carried out in accordance with the approved details.

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

**26. Environmental Health –Contamination:
(NSC)**

No development shall take place until a detailed assessment of the likely presence and extent of any contamination of the land on the site has been submitted to the Council's Pollution Control Group. The assessment should be carried out having regard to the technical documents relevant to the assessment of human health risks arising from contaminants in soil from Department for Environment, Food and Rural Affairs and the Environment Agency:- Assessment of Risks to Human Health from Land Contamination: An Overview of the Development of Soil Guideline Values and Related Research and Contaminants in Soil: Collation of Toxicological Data and Intake Values for Humans and Soil Guideline Values;2002, and the British Standards Institution: Investigation of potentially contaminated sites - Code of practice, BS 10175:2001. Should the site be regarded as contaminated, then no development shall take place until proposals for decontamination works have been completed and approved by the Council's Pollution Control Group.

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

Trees/ Landscape:

27. SCT4 – Tree Survey/Retention Plan

A detailed Tree Survey/Retention Plan (plan and schedule) indicating precise location, species, height and condition of each tree accurately plotted and showing which trees are to be retained and which are proposed for felling shall be approved by the Local Planning Authority before any work commences on site.

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

28. SCT3 - Protection of trees on-site during site works

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

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

Lighting:

29. (NSC)

Prior to the commencement of the development, details of a lighting strategy for the development site shall be submitted, setting out the general distribution and design guidelines for all installations in the development and its public realm areas in accordance with the Council's adopted Public Realm Design Guide.

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

30. (NSC)

Prior to the development commencing, details of lighting of all buildings and public areas shall be submitted. The approved lighting shall be installed before any use in the relevant part of the development commences and maintained thereafter.

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

Building Heights:

31. (NSC)

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The 27 storey residential tower within Block A of the development hereby submitted shall not exceed a height to parapet of the uppermost floor of 113.4m from ground level of the building.

REASON: To ensure that this tall building as finally constructed does not exceed the height shown in the application, in the interests of design, townscape and visual amenity.

Technical Reports

32. (NSC)

Prior to the occupation of any of the development, a TV reception survey shall be submitted (carried out pre and post development) to ensure that no loss of reception occurs, with mitigation details of any loss of TV reception.

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

B) Recommendation A be subject to the Landowners and their mortgagees entering into an Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) in order to secure the following matters, both on-site and off-site provision, to the satisfaction of the Interim Assistant Director (Planning) and the Interim Head of Law:

1. Housing

A contribution to the provision of 192 affordable housing units – to include 117 social rented units and 75 intermediate units, broken down as follows: Social rented: 31 one bed, 45 two bed, 36 three bed and 5 four bed flats; Intermediate: 27 one bed, 30 two bed, 16 three bed flats and 2 four bed flats. All social rented units to meet Parker Morris + 10%.

100% of the approved housing shall be constructed to 'Lifetime Homes' standards, in accordance with the London Plan, and 10% of these shall be wheelchair accessible

2. Priority Community Facility

Lease at peppercorn rent of £1 to Hackney Council of ground and first floor of Block A for use as a Community Facility with retail uses at ground floor cross-subsidising first floor community use. Details should be provided of the locally based management organisation that will be responsible for its management and maintenance

Transport

Transport and Highways Contributions

3. Contribution of £29,800 towards improvements in bus capacity on the area, in particular towards improvements to the No. 253 (TfL Request): contribution to be made when requested by TfL or within 24 months of implementation whichever is the sooner.

4. Contribution towards improvements in Bus Stands within the Woodberry Down Area (TfL Request): contribution to be made when requested by TfL or within 24 months of implementation whichever is the sooner.

5. Works to Seven Sisters Road – contribution of £424,970 to include:
- Reduction of Seven Sisters Road from 6 lanes to 4 (10% Contribution)
 - New signalised crossroads at Seven Sisters Road/Amhurst Park Junction
 - Upgrade to existing crossroads at Seven Sisters Road and Woodberry Grove
 - new signalised pedestrian crossing
 - new uncontrolled pedestrian crossing

Contribution to be made when requested by TfL or within 24 months of implementation whichever is the sooner. It is recommended that TfL be a Party to the Agreement.

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

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

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

7. Section 278 agreement to undertake new access road: LB Hackney noted that agreement may combine S106 and S278.
Details should be provided of the locally based management organisation that will be responsible for the management and maintenance of internal roads and car parks.
8. Contribution of £2,200 towards provision of a Controlled Parking Zone: Residents would not be restricted from obtaining residents' parking permits though spaces would limit their actual utility. The CPZ contribution to be made prior to any occupation of residential/commercial units occurring.
9. Travel Plan monitoring, including appointment of Coordinator: £3,860 contribution which comprises 10% of the Masterplan intended figure of £38,600. Details of the Travel Plan to be submitted and approved prior to any occupation of residential/commercial units occurring. Contribution towards

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establishment of a City Car Club with an operation capable of being expanded across the whole Woodberry Down development.

10. Provision of improved cycle and pedestrian facilities within the scheme. These facilities include new public routes along linear park and a new pedestrian route from Woodberry Down to the river. Details of proposed routes to be provided prior to any work being undertaken on the relevant parts of the scheme.

Educational, Skills Training, Construction Training and Library Contributions

11. A contribution totalling £1,269,000 towards primary and secondary education, education and skills training, construction training and library provision is payable in this case.
12. Commitment to use of a local construction based training programme
13. Library contributions totalling £88,026 in accordance with Planning Obligations SPD, for both residential and non-residential elements of the scheme. The educational, training and library contributions to be made prior to any occupation of the residential or commercial units.

Sustainable Design and Development

14. Code for Sustainable Homes: The approved housing shall be constructed to a minimum Code for Sustainable Homes Level 3, as agreed for the original Old School Berkeley scheme, with an aspiration to achieve Level 4. Details of the independent code assessors report to be submitted prior to any work occurring on the relevant part of the development. Details of the Code Assessment to be submitted and approved prior to any occupation on site.
15. The following would be submitted and approved by virtue of the S106 prior to any work occurring on the relevant part of the development.
 - No more than 3 community heating networks serving KSS1-4;
 - No more than 3 energy centres to serve KSS1-4;
 - Heat mains to the edge of each of the separate development areas within KSS1 (so that it easily can be linked to adjacent development sites later);
 - Decommissioning the 3 energy centres if the preferred site wide strategy is adopted.
 - Reasonable endeavours used to sign up with an ESCO;
 - Monitoring of the sourcing of any Biofuels used to ensure that it comes from sustainable sources.
16. Other on-site works, Strategies and Restrictions:
 - Drainage Strategy, to including assuring the attenuation of surface

- water run off, SUDS
- Sustainable waste management
- Sustainable design and construction
- Construction Environmental Management Strategy – including
- construction traffic routing
- Considerate contractors scheme
- Water pollution management
- Control of noise pollution
- Designing out crime – to ensure Secured by Design or equivalent
- standards achieved throughout development

Public Art

17. Based on the provision for the overall Masterplan, a contribution of £11,037 as a pro rata calculation towards a total Masterplan contribution of £100,000. Contribution to be made within 24 months of the implementation.

Open Space and Landscape

- Landscape Strategy, including public parks, play space, public realm, private open space, landscaping of the riverside and reservoirs
- Nature conservation strategy
- Play Strategy

Section 278 – Highways Act

18. The owner will be required to enter into agreement under Section 278 of the Highways Act, including payment to the Council costs to reinstate and improve the public highway including footways adjacent to the boundary of the site and include any measures for the relocation of street furniture and carriageway markings.

C) In the event of the Section 106 agreement referred to in Recommendation B not being completed by 30 October 2009, the Interim Assistant Director (Planning) be given the authority to refuse the application for the following reasons:

1. The proposed development, in the absence of a legal agreement for securing affordable housing, would be to the detriment of housing needs in the borough and would fail to promote a mixed and inclusive community, and as such would be contrary to policy HO3 of the Hackney UDP (1995), policies 3A.7 and 3A.8 of the London Plan (2004 as amended), the adopted Planning Contributions SPD (2006), and advice contained in PPS1 and PPG3.
2. The proposed development, in the absence of a legal agreement for securing community facilities contributions, would be to the detriment of community provision in the borough and would fail to promote a mixed and inclusive community, and as such would be contrary to policy CS2 of the Hackney UDP (1995), policy 3A.15 of the London Plan, the adopted Planning Contributions SPD (2006), and advice on balanced and sustainable development contained in PPS1.

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3. The proposed development, in the absence of a legal agreement for securing transport and highway improvement contributions, would be contrary to policy TR19 of the Hackney UDP (1995), policies 3C.1, 3C.2, 3C.9, 3C.16, 3C.19 and 3C.20 of the London Plan, the adopted Planning Contributions SPD (2006) and advice in PPG13.
4. The proposed development, in the absence of a legal agreement for securing educational and library contributions, would be likely to contribute to pressure and demand on the borough's education provision, contrary to policy CS2 of the Hackney UDP (1995), policies 3A.15 and 3A.21 of the London Plan, the adopted Planning Contributions SPD (2006) and advice on balanced and sustainable development contained in PPS1.
5. The proposed development, in the absence of a legal agreement for securing training and skills development contributions, would fail to make appropriate provision towards such needs amongst residents in the new development, contrary to policy E15 of the Hackney UDP (1995), policy 3B.12 of the London Plan, the adopted Planning Contributions SPD (2006) and, and advice on balanced and sustainable development contained in PPS1.
6. The proposed development, in the absence of a legal agreement for securing suitable Obligations to ensure sustainable design and development, would be contrary to policies of the Council and Mayor of London seeking progressive improvements in energy efficiency, use of renewable energy, water conservation and other sustainability aims, contrary to policies EQ44 and EQ46 of the Hackney UDP (1995), policy 3A.21 of the London Plan, the adopted Planning Contributions SPD (2006) and advice on achieving sustainable development contained in PPS1.
7. The proposed development, in the absence of a legal agreement for securing contributions to public art, would fail to add to a sense of place and identity that such provision can bring to new development, contrary to policy ACE5 of the Hackney UDP (1995), the adopted Planning Contributions SPD (2006) and advice on balanced and sustainable development contained in PPS1.
8. The proposed development, in the absence of a legal agreement for securing open space, landscape and nature conservation Obligations and contributions, would be fail to preserve and enhance these critical aspects of the site's relationship with the surrounding development, New River, Metropolitan Open Land and areas of nature conservation importance, contrary to policies OS1, OS5, OS9,, OS16 of the Hackney UDP (1995), policies 3D.9, 3D10 and 3D.12 of the London Plan, the adopted Planning Contributions SPD (2006) and advice on balanced and sustainable development contained in PPS9 and PPS17.

INFORMATIVES

- i) (Sl.1) Building Control
- ii) (Sl.2) Work Affecting Public Highway
- iii) (Sl.3) Sanitary, Ventilation and Drainage Arrangements
- iv) (Sl.7) Hours of Building Works
- v) (Sl.24) Naming and Numbering
- vi) (Environment Agency) Conservation

- vii) (EA) Soil Remediation
- viii) (EA) Discharge
- ix) (EA) Potential Contamination
- x) (EA) Abstraction Licence
- xi) (EA) Geothermal systems

- xii) The contractor should ensure that the best practicable means as defined by *Section 72 of the Control of Pollution Act 1974* are employed and have regard to the provisions of *BS 5228: 1997 Noise and Vibration Control and Open Sites* to ensure the construction work, including the use of plant, proceeds in a way considerate to the local community and to mitigate noise to neighbours.

- xiii) The use of individual retail/ commercial units as take away hot food outlets will be considered on their individual merits, without prejudice to the final decision of the Council in any case, and with any permission that may be granted likely to include conditions imposed to safeguard local residential amenity.

- xiv) (NSI): The London Plan and also the following policies contained in the Hackney Unitary Development Plan 1995 are relevant to the approved development/use and were considered by this Council in reaching the decision to grant planning permission: EQ1, EQ16, EQ18, EQ46, EQ48, HO3, HO5, E14, E18, R4, R8, TR19, OS1-6, OS9, OS13, OS14, CS2,3,4,6, ACE 6, ACE8. The detailed application of these policies is also summarised at paragraph 9.2 of this report.

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

8 12-32A HERTFORD ROAD, 27-31 DOWNHAM ROAD AND 305 KINGSLAND ROAD, LONDON, N1 AND E8

Mixed use development to provide 207 residential units (70 x 1 bed, 69 x 2 bed, 45 x 3 bed and 23 x 4 bed including 65 affordable units) 5130sqm B1 floor space, 704sqm D1 (health centre)/B1 floor space, 271sqm A1 (retail) floor space, 86sqm A3 (restaurant) floor space, 336sqm B8 floor space plus associated landscaping, refuse and cycle storage together with 53 car parking spaces. This application is accompanied by associated Conservation Area Consent and Listed Building Consent applications.

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

- 8.1 The Planning Officer introduced the report, as set out in the agenda. A model was displayed at the meeting for Members' information.

- 8.2 The Planning Officer referred to the addendum and informed the Sub-Committee that since the report was written, a further ten objection letters had been received. It was explained that the grounds of objection predominately reiterate comments previously made and as set out in the report. One further point referred to the lack of cross section and elevation drawings to the East Basin side of the application, which were submitted by the applicant.

- 8.3 Tiago Correia spoke in objection to the scheme, his comments are summarised as follows:-
- Representing Kingsland Wharf residents.
 - Loss of daylight/sunlight. Units had been incorrectly clarified and were live/work not residential. As a result, five units failed to comply.
 - Phasing and completion – the B1 office space should be completed before the rest of the development.
 - Feel that artists are being pushed out of the borough.
 - Barbican Arts Group Trust charity had been operating in the area for 35 years, providing affordable space for artists. They were not included within the development.
- 8.4 Michael Doyle (Agent) spoke in support of the scheme, his comments are summarised as follows:-
- They are an RSL that operate on a not-for-profit basis. Therefore all profits made on the development would be recycled.
 - The daylight/sunlight report showed that 100% of the units were compliant with guidelines.
 - Read out a letter from the Barbican Arts Group Trust stating that they were happy with the proposed scheme and plans.
 - They were happy to come to some agreement regarding the relocation of the Barbican Arts Group Trust.
- 8.5 Discussion took place surrounding the daylight/sunlight issue and the Planning Officer explained that there were 3 different measures used. The tests concluded that under the average daylight factor, it was found that they all conformed with guidance. Although 2 rooms were found to have insufficient sunlight at Belvedere Court, it was not deemed significant enough as it did not affect the whole unit.
- 8.6 In response to a question regarding kitchens and lounges, the applicant stated that 3 out of 4 of the affordable units would have separate kitchens and lounges, and that the private units would have large, open plan living areas with a kitchen included.
- 8.7 Discussion took place regarding access to the basin and timings, as Members stressed that they did not want to lose access to the pontoon. The intention was for the basin to be opened during daylight hours. It was explained that this would be covered by an accessibility plan, which needed to be submitted for approval, and brought back to Members for their consideration. This was **AGREED**.
- 8.8 Reference was made to the ecology zone and whether the overhanging trees and existing vegetation would be retained and protected. The agent explained that two ecology zones were included within the proposal.
- 8.9 In response to concerns raised by the objector regarding the Barbican Arts Group Trust, it was requested to secure affordable work space for the Barbican Arts Group, equal to the existing floor space the Barbican Arts currently occupies, as part of the s106 agreement. This was **AGREED**.

RESOLVED that:-

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

1. SCB1 - Commencement within three years

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

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

2. SMC6 – Materials to be approved

Details, including samples, of materials to be used on the external surfaces of the building, roof, boundary walls and ground surfaces shall be submitted (accompanied by the design and access report submitted under the approval and a copy of the Officers Committee Report) to and approved by the Local Planning Authority, in writing, before any work commences on site. The development shall not be carried out otherwise than in accordance with the details thus approved.

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

3. SCM7 – Details to be approved

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

- a. Windows, glazing bar profiles, and architraves;
- b. Balconies and balustrade
- c. screening to Roof terrace at Commercial Wharf

REASON: To ensure that the external appearance of the building is satisfactory, the existing natural habitat is not detrimentally impacted and does not detract from the character and visual amenity of the area.

4. SCM9 - No extraneous pipework

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

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

5. SCD2 – Provision of access and facilities

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

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

6. SCH14 – Closure of existing access

The existing accesses to the site shall be closed permanently when the use of the new accesses shown on the plans hereby approve are provided and in use.

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

7. SH5 – Provision of parking, turning, unloading facilities

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

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

8. SCT1 –Landscaping scheme to be approved.

A hard and soft landscape scheme illustrated on detailed drawings together with full samples accompanied by the Design and Access statement hereby approved, shall be submitted to and approved by the Local Planning Authority, in writing, before any work commences on site, to include the planting of tree and shrubs showing species, type of stock, and numbers to be included and showing areas to be grass seeded or turfed, ephemeral reflection pool to the Stable Yard, Regent Canal stream map, benches, interpretation boards, lighting, topographical ground levels and ; 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 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.

9. SCT3 – Protection of Trees during site works

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

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

10. SH10 – Provision for cycles

Internal lockable space shall be made available for the secure parking of cycles as shown on the plans hereby approved prior to the first occupation or use of the development in accordance with the phasing plan.

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

11. SCH11 – Adequate visibility to entrance

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

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

12. NSC - noise

The development hereby approved shall be built out in accordance with the Peter Brett Planning and Noise Assessment November 2008 except where details showing the following modifications to the scheme shall be submitted to and approved by the Local Planning Authority, in writing, before any work is commenced on site:

a. Details of a sound insulation scheme where the front elevation facing Kingsland Road shall be constructed so as to provide sound insulation against external noise, to achieve levels not exceeding 30dB LAeq and 45dB L_{Amax} (night) for bedrooms, 35dB LAeq (day) for other habitable rooms, with windows shut and other means of ventilation provided;

b. Full written details, including relevant drawings and specifications, of the proposed works of sound insulation against airborne noise to meet $D'_{nT,w} + C_{tr}$ dB of not less than 55 between the ground floor and first floor, where residential parties non domestic use, shall be submitted to and approved in writing by the local planning authority.

c. Details of noise emission from fixed plant, the rating level of the noise emitted from the fixed equipment (to include A/C units, air handling units etc) on site shall be 5dB below the existing background level at any time. The noise levels shall be determined at the facade of any noise sensitive property. The measurements and assessments shall be made according to BS4142:1997;

d. Detailed plans and a specification of the appearance of and the equipment comprising a ventilation system for the A3 use hereby approved, which shall include measures to alleviate noise, vibration, fumes and odours (and incorporating active carbon filters, silencer(s), and anti-vibration mountings where necessary). After the system has been approved in writing by the authority, it shall be installed in accordance with the approved plans and specification before the development hereby approved first commences.

e. Details of a noise assessment and mitigation to the use of the basement car park.

The sound insulation and mitigation measures shall be retained permanently in accordance with the approved details.

REASON: To safeguard the amenities of the occupiers of proposed dwellings, amenity of adjoining premises and the area generally.

13. NSC – Non- standard condition

A bio diverse, substrate-based extensive green roof (75mm minimum depth) should be established on the roof of the proposal. Full details thereof shall be submitted and approved in writing by the local planning authority, prior to occupation. The development shall not be carried out otherwise than in accordance with the details thus approved.

REASON: To enhance the character and ecology of the development and the river corridor, to provide undisturbed refuges for wildlife, to promote sustainable urban drainage and to enhance the performance and efficiency of the proposed building.

14. EA Condition

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) carried out by Peter Brett Associates LPP project Ref: 17007/103 dated October 2008 and the following mitigation measures detailed within it:

- a. Appendix C – landscape Master plan
- b. Appendix G – Proposed surface water drainage strategy layout, drawing no: 17007/C/SK601 dated 17/10/2008.
- c. Appendix H – Attenuation volume calculation

REASON: To reduce the risk of flooding to the proposed development and future occupants.

15. EA Condition

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risk associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

- a. A preliminary risk assessment which has identified:
 - i. all previous uses;
 - ii. potential contaminants associated with those uses;
 - iii. a conceptual model of the site indicating sources, pathways and receptors;
- iv. potential unacceptable risks arising from contamination at the site.
- b. A site investigation scheme, based on (a.) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;
- c. The site investigation results and the detailed risk assessment (b.) and, based on these, an options appraisal and remediation strategy giving full details

of the remediation measures required and how they are to be undertaken;

d. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c.) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

REASON: Although (c.) and (d.) have been fulfilled, additional site investigation is required to allow for a full characterisation of the sit with respect to controlled waters. This should include an assessment of the risks to the quality of controlled waters.

16. EA Condition

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

REASON: This is to prevent pollution to controlled waters.

17. EA Condition

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

REASON: This is to prevent pollution to controlled waters.

18. EA Condition

Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

REASON: To avoid further exposing controlled waters to pollution.

19. EA Condition

Prior to commencement of development a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscaped areas including green roofs (except privately owned domestic gardens), shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved.

REASON: This condition is necessary to protect the natural features and character of the area and identify opportunities for enhancement of biodiversity in line with national policy in PPS9.

20. EA Condition

All planting on green roofs and within five metres of the Kingsland Basin shall be of locally native plant species only, of UK genetic origin.

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

21. EA Condition

There shall be no light spill from external artificial lighting into the watercourse or adjacent river corridor habitat. To achieve this specifications, location and direction of external artificial lights should be such that the lighting levels within five metres of the top bank of the watercourse are maintained at background levels (Lux Level of 0-2).

REASON: To minimise light spill from the new development into the watercourse or adjacent river corridor habitat. Artificial lighting disrupts the natural diurnal rhythms of a range of wildlife using and inhabiting the river and its corridor habitat, and in particular is inhibitive to bats utilising the river corridor.

22. EH Condition

No works shall take place until the applicant has secured the implementation of a programme of recording and historic analysis, which considers building structure, architectural detail and archaeological evidence. This shall be undertaken in accordance with a written scheme of investigation submitted by the applicant and approved by the Local Planning Authority (following consultation with English Heritage).

REASON: Important structural remains are present on the site. Accordingly the planning authority wishes to secure the provision of historic building recording prior to development, in accordance with the guidance and model condition set out in PPG15.

23. EH Condition

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

REASON: Significant archaeological remains may survive on the site. The planning authority wishes to secure the provision of historic building recording prior to development, in accordance with the guidance and model condition set out in PPG16.

24. BW Condition

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Prior to the commencement of the development hereby permitted, full details of a proposed lighting scheme including individual courtyard areas, street and Basin lighting shall be submitted to and approved in writing by the Local Planning Authority in consultation with British Waterways. The approved lighting should be implemented prior to first occupation of the development and in accordance with the phasing plan required by agreement.

REASON: In the interest of crime prevention, ecology, visual amenity and the canal setting.

25. BW Condition

Prior to the commencement of development a Risk Assessment and Method Statement outlining all works to be carried out adjacent to the water must be submitted and approved in writing by the Local Planning Authority in consultation with British Waterways. The risk assessment shall also include details of the proposed safety equipment along the canal frontage which shall be installed prior to first occupation of the development hereby permitted.

REASON: In the interest of protecting the adjacent watercourse.

26. NSC– Non-standard condition

A rainwater harvesting system shall be installed and details thereof shall be submitted to the local planning authority and approved in writing before occupation of the development hereby approved first commences.

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

27. NSC – Non-standard Condition

A construction delivery feasibility strategy shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The recommendations of the strategy shall be implemented as from the start of the development.

REASON: In the interest of sustainability and the safeguarding of nuisance to the surrounding area.

28. NSC – Non-standard Condition

All materials from the demolition of the buildings, and hard surfaces, together with installations and equipment from the buildings shall, apart from any which can be reasonably re-used in the construction of the development hereby approved, be removed from the site in accordance with a clearance scheme to be agreed in writing with the local planning authority before the commencement of development.

REASON: In the interests of sustainability and to ensure appropriate use of the Blue Ribbon Network.

29. NSC – Non-standard Condition

During and after works of demolition the site shall be made secure by the erection of a suitable boundary enclosure, such as a hoarding, details of which shall be submitted to and approved in writing by the Local Planning Authority before the commencement of any works.

REASON: To ensure the site is kept in a secure and tidy condition so as to safeguard environmental and visual amenity in the Kingsland Conservation Area.

30. NSC – Non-standard Condition

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

- a. A3 (café)
- b. D1 (Health centre)

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

31. NSC – Non-standard Condition

Notwithstanding the details hereby approved, no roof plant, including all external enclosures, machinery and other installations shall be placed upon or attached to the roof or other external surfaces of the building.

REASON: In the interests of maintaining an acceptable appearance of the building

32. NSC – Non-standard Condition

No development shall take place on the site until details of the proposed bird boxes, the number to be agreed with the Local Planning Authority, are submitted for approval in writing, by the Local Planning Authority.

REASON: To protect the amenity value and structural integrity of the canal and to prevent pollution of this watercourse.

33. NSC – Non-standard Condition

No doors or gates shall be erected in a way that enables them to be opened over or across the adjoining footways, carriageways and rights of way.

REASON: In the interests of public safety and to prevent obstruction of the public highway.

34. NSC – Non-standard Condition

The retail unit(s) hereby approved shall be provided at all times with a window display.

REASON: to ensure that the external appearance of the building is satisfactory and that it contributes to the character and appearance of the Kingsland Conservation Area.

35. NSC – Non-standard Condition

Individual housing blocks shall not be occupied until refuse stores and recycling facilities have been provided for that block in accordance with Dwg no 0668 (PL)100 and these facilities shall be permanently maintained for use by the occupiers of the building.

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

36. GLA Condition

Full details of Energy Efficient Design measures for the proposed development, or any part of the site development, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. These details shall include building regulations – compliant modelling work demonstrating that 2006 Building Regulations requirements in relation to energy efficiency are exceeded by 10% with the use of demand reduction and/or energy efficiency measures. This applies to both domestic and non-domestic elements of the Hertford Road development. These measures exclude the carbon dioxide savings achieved with the use of combined heat and power and/or renewable.

REASON: To ensure energy efficiency for prospective occupiers.

37. NSC – Non-standard Condition

Prior to the commencement of works, a detailed feasibility scheme for the provision of Photovoltaic panels across the site shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure energy efficiency for prospective occupiers.

38. Hours of opening

The A3 use hereby permitted may only be carried out between 0800 to 2230 hours Mondays to Saturdays and 0830 to 2200 hours Sundays and Public Holidays.

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

39. NSC – Non Standard Condition

All existing ornamental features, including tether rings, metal work, warehouse winches and the like, shall be retained in situ in accordance with details to be submitted to and approved in writing by the Local Planning Authority

REASON: To ensure the heritage of the existing buildings is retained in situ in the interests of the character and appearance of this part of the Kingsland Road and Regents Canal Conservation Area.

40. NSC – Non-standard Condition

Sample panels of brickwork, demonstrating the colour, texture, face bond and pointing are to be constructed on site and approved by the Council as Local Planning Authority before the relevant parts of the work are commenced.

REASON: To ensure that the appearance of the buildings are acceptable and in the interests of the Character and appearance of the Kingsland and Regents Canal Conservation Area and the setting of the Listed Buildings.

41. NSC – Non-standard condition

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

REASON: In the interest of ecology and the canal setting.

42. NSC – Non-standard condition

Reasonable endeavours shall be undertaken to locate street lights to the Kingsland Road frontage of the Commercial Wharf block, details of which shall be submitted to and approved in writing by the local planning authority prior to works commencing on that part of the development hereby approved.

REASON: To safeguard visual amenity and assist with the provision of a less cluttered public realm.

43. NSC – Non-standard Condition

Prior to the commencement of works, a detailed accessibility strategy, to include hours, routes, and boundary treatments demarcating the realm between public and private areas shall be submitted to and proved in writing by the Local Planning Authority.

REASON: To ensure that the public access provision across the site is appropriate provided to safeguard the amenity of future occupiers whilst providing access for the benefit of the Borough as a whole.

44. Restriction D1 floor space

The D1 use hereby approved shall only be occupied as a healthcare centre and for no other purpose included in the D1 Class of the schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking or enacting that Order.

REASON: In granting this permission the Local Planning Authority has had special regard to the circumstances of this case and to the policies within the unitary Development Plan and considers that planning permission would have been refused for unrestricted use within Class D1 of the Use Classes Order.

45. The B2 use hereby approved shall only be occupied as a motorbike repair shop and for no other purpose included in the B2 Class of the schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking or enacting that Order.

REASON: In granting this permission the Local Planning Authority has had special regard to the circumstances of this case and to the policies within the unitary Development Plan and considers that planning permission would have been refused for unrestricted use within Class B2 of the Use Classes Order.

B) That Conservation Area Consent be GRANTED, subject to the following conditions:

1. SCB2 – Time period

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

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

2. NSC1 – Works of demolition

The demolition works hereby permitted shall not be carried out otherwise than as part of the completion of development for which planning permission reference 2008/3131 and Listed Building Consent 2008/3167 is granted and such demolition and development shall be carried out without interruption and in complete accordance with the plans referred to in this consent and any subsequent approval of details.

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

C) That Listed Building Consent be GRANTED, subject to the following conditions:

1. Time Limit

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

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

2. NSC1 – Carrying out of works

The works hereby permitted shall not be carried out otherwise than as part of the completion of development for which planning permission reference 2008/3131 and Conservation Area Consent 2008/3166 is granted and such works shall be carried out without interruption and in complete accordance with the plans referred to in this consent and any subsequent approval of details.

REASON: As empowered by Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to safeguard the setting of the Listed Building.

3. Details of structural protection

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

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

4. Cleaning to Brickwork

Full details of any proposed cleaning of the brickwork to retained buildings shall be submitted to and approved by the Local Planning Authority in writing prior to the commencement of any works on site. Works shall not commence until authorised in writing by the Local Planning Authority.

REASON: In order that the special architectural interest of the Kingsland Conservation Area is safeguarded.

5. Pointing treatment

Detailed drawings to show how the pointing treatment between the retained part of the development and the adjoining part of the proposed development shall be submitted to and approved in writing by the Local Planning Authority.

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

6. Internal and external works

All new external and internal works and finishes and works of making good shall match the existing original work adjacent in respect of materials used, detailed execution and finished appearance, except where indicated otherwise on the drawings hereby approved or as required by any conditions attached to this consent.

REASON: To ensure that the special architectural or historic interest of this building is safeguarded and that the development contributes to the character and appearance of this part of the Kingsland Road and Regents Canal Conservation Area.

7. Windows

Detailed drawings and full particulars including samples of all window and door openings must be submitted to and approved by the Local Planning Authority, in writing, before any work is commenced. The development shall not be carried out otherwise than in accordance with the details thus approved.

REASON: To ensure that the special architectural or historic interest of this building is safeguarded and that the development contributes to the character and appearance of this part of the Kingsland Road and Regents Canal Conservation Area.

8. Horse Ramp

Prior to the commencement of works full details of the proposed works, including detailed drawings (1:50) and a schedule of the manner of works to make good the structure shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that the special architectural or historic interest of this ramp is safeguarded and that the development contributes to the character and appearance of this part of the Kingsland Road and Regents Canal Conservation Area.

9. Approved drawings

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The works hereby approved are only those specifically indicated on the drawings hereby approved or as required by any conditions attached to this consent.

REASON: To ensure that the special architectural and historic interest of the building are safeguarded and that development contributes to the character and appearance of the Kingsland Road and Regents Canal Conservation Area.

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

1. To secure the provision of 61 habitable units as affordable housing to be given over to an RSL as agreed by the Local Planning Authority. The dwelling mix comprising 2 x two bed, 16 x three bed and 23 x four bed units as the social rental element and 15x one bed and 9 x two comprising the intermediate units.
2. No more than 50% of the Open Market units to be used and/or occupied until the Affordable housing units have been transferred to an RSL as agreed by the Local Planning Authority.
3. The developer must have an active programme for recruiting and retaining adult improvers and as a minimum take on at least one adult improver per £5 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.
4. The Developer will, through a environmental management system, provide monitoring information in relation to the Development to the Local Planning authority on the first anniversary of the occupation of the site with respect to:
 - (a) energy consumption;
 - (b) air quality;
 - (c) waste generation and recycling;
 - (d) water use;
 - (e) biodiversity; and
 - (f) percentage of energy requirements resourced from Renewable Energy.
5. Residential units to be built to Lifetime Home Standards and achieve Code for Sustainable Homes Level 3 with best endeavours to be demonstrated in detailed towards Level 4 and BREEAM for Offices Level Very Good.
6. A contribution of £ 14,027.54 towards open, child and play space within close proximity to the site, that could include a proposal towards works under the East London Train line to the north side of the Regents Canal, east of the site but in which instance should relate to the provision of providing a lighting and safe and secure space but should not be towards works to local parks.
7. The developer will provide a Public Open Space plan and Public Open Space management plan prior to implementation of the development. The Public

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Open Space to be completed prior to the occupation of the Open Market Units.

8. A considerate construction and neighbourhood co-ordination group to be set up, to meet bi-monthly, the members of which are to be agreed in advance with the Local Planning Authority and minutes to be circulated by the developer to all those involved.
9. The developer will provide a construction management plan including a construction logistics plan with details of vehicle types, movements and timings.
10. The developer will provide a servicing arrangements and hours of use plan of various elements that will be agreed, to be in use at the opening of the development, and modified in line with negotiated targets with Council Traffic Officers from time to time.
11. On occupation, the owner should provide the residents with a handbook detailing local public transport services and walking routes to schools in the area, to help achieve sustainable development.
12. The developer is required to provide one car club bay for use by residents of the development to be located in the basement car park at Hertford Road.
13. Prior to implementation, to submit and thereafter resubmit until approved, a phasing plan to include details of the phasing to the open spaces and public access along the Basin as well as the general construction across the site.
14. Contribution of £549,654.00 towards Education calculated in accordance with the approved formula in the Planning Contributions Supplementary Planning Document (2006) with child yield information based on the GLA 'DMAG Briefing Note' 2005/25 (updated in May 2006) using Wandsworth survey data as the best available proxy for inner London.
15. Contribution of £47,325.51 towards Dalston Library based on calculation within the Supplementary Planning Document.
16. Contribution of £450,529.39 towards environmental improvement works.
17. Contribution of £549,564.00 towards public art to include a program of engagement and commission for the Stable Yard or as otherwise agreed with the Council to bear close relationship with the proposal site.
18. Contribution of £25,000.00 towards contribute to the 'Cycle Route Implementation and Stakeholder Plan' (CRISP) proposals by a contribution towards these improvements, as well as two chicanes required to encourage safer cycling along the towpath, to and from the development
19. An appropriate percentage of residential units permitted by any subsequent planning permission are allocated as Affordable Housing such percentage to be applied to the aggregate total of the residential units permitted by both the Planning Permission and the Subsequent Planning Permission.
20. The applicant is to carry out all works in accordance with the National Considerate Constructors Scheme.

21. The development shall be 'car free'. The developer shall notify the occupants of the residential units that they shall not be able to obtain any residential parking permit, with the exception of blue badge holders.
22. Payment by the landowner/developer of all the Council's legal and other relevant fees, disbursements and Value Added Tax in respect of the proposed negotiations and completion of the proposed Section 106 Agreement.
23. The signing of a Section 278 legal agreement under the Highways Act to pay the Council £103,760.98 to reinstate and improve the footway adjacent to the boundary of the site, and include if required, any access to the Highway, measures for street furniture relocation, carriageway markings, access and visibility safety requirements. Unavoidable works required to be undertaken by Statutory Services will not be included in London Borough of Hackney estimate or payment.
24. The B1 floor space to be provided to shell and core and transferred to a workspace management company (GLE or other as to be agreed in writing by the Local Planning Authority) prior to occupation.

1. **REASONS FOR APPROVAL**

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

EQ1-Development Requirements, EQ12-Protection of Conservation Areas, EQ13-Demolition in Conservation Areas, EQ18-Setting of listed buildings, EQ28-London Squares, EQ31-Trees, EQ48-Designing out Crime, H03-Other sites for housing, H07-Redevelopment of housing, H017-Residential accommodation for care, E12-Office Development, E18-Planning Standards, TR19-Parking standards, OS2-Open spaces and parks, OS5-Development affecting open spaces and parks, OS10-Children's Play areas, OS17-Wildlife Habitats.

2. **INFORMATIVES**

The following Informatives should be added:

- SI.1 Building Control
- SI.2 Work Affecting Public Highway
- SI.3 Sanitary, Ventilation and Drainage Arrangements
- SI.6 Control of Pollution (Clean Air, Noise, etc.)
- SI.7 Hours of Building Works
- SI.24 Naming and Numbering
- SI.25 Disabled Person's Provisions
- SI.27 Fire Precautions Act 2005
- SI.28 Refuse Storage and Disposal Arrangements
- SI.33 Landscaping

NSEHI The development of this site is likely to damage structural remains. The applicant should there submit detailed proposals in the form of a project design for building recording.

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The design should be in accordance with the appropriate English Heritage guidelines.

NSBWI The applicant/developer is advised to contact one of the third party works engineers on 020 7985 7200 in order to ensure that any necessary consents are obtained and that the works comply with British Waterways: 'Code of Practice for Works affecting British Waterways'.

NSBWI Any closures of the towpath during the construction must be agreed in writing with BW before development commences.

NSBWI The applicant is advised that any discharge of surface water in to the Regents Canal via Kingsland Basin requires British Waterway's written permission before development commences.

NSI The pontoons and moorings shown on the drawings submitted are not party to this consent. Only those provisions that relate to the existing pontoon to the west side of the Basin are subject of this permission.

NSI Please note that the Highways department **must** be advised when payment has been made and a minimum of **six months** lead in to be given by the developer before highway works are expected to start on site. The street lighting team/department **must** also have **six months** lead in time prior to any works commencing on the development to enable them to carry out any required electrical works on the lighting columns etc.

9 **30 BENTHAL ROAD, LONDON, N16 7BX**

Retention of 1 x 4 bedrooms flat at basement and ground floor level and 2 x 2 bedroom flats at first and second floor levels.

Removal of unauthorised roof extension and replacement with twin hipped roof with front and rear roof lights.

Removal of studios unit at roof level and use of roof space in conjunction with second floor flat

Removal of unauthorised flat roof above rear addition and replacement with pitched roof

Retention (with alterations) of rear extension at second floor level.

POST SUBMISSION REVISIONS: Correction of existing plans to show existing window at second floor level, omission of proposed rear dormer window and replacement with 2 x roof light windows, reduction in height of chimney stack as original and as proposed (amendments received 27/05/2009).

(Councillor Desmond declared a prejudicial interest as he had previously been involved with the application and left the chamber during discussion).

- 9.1 The Planning Officer introduced the report, as set out in the agenda. Reference was made to the addendum which included a site plan and existing, proposed and 'as built' plans, sections and elevations.
- 9.2 Nick Edwards (Benthal Road Action Group) spoke in objection to the scheme, his comments are summarised as follows:-

- Numerous objections had been submitted.
- Feel that the development was purely for financial gain.
- A petition had also been submitted in May.
- There were inaccuracies in the plan, which needed to be resolved.
- An unnecessary and unsightly box had been erected to the rear of the property, housing the stairwell.
- Issue of overlooking.
- No functional necessity to the stairwell box.
- Ruins the character of the surrounding area.

9.3 Michael Sierens (Architect) and Patrick Donnelly (Agent) spoke in support of the scheme, their comments are summarised as follows:-

- The scheme complies with the UDP policies and London Plan.
- The stairwell is housed by a small box to the rear of the property and feel that this is the only sensible option.
- Happy to discuss the materials to be used.

9.4 The Committee requested that the materials be conditioned and insisted that brick be used. This was **AGREED**.

9.5 Discussion took place regarding the boxed stairwell at the rear of the property, as Members raised concern that it adversely affected the character of the building and the surrounding properties.

9.6 In response to a question regarding the viability of an internal staircase, the Planning Officer stated that an internal staircase was preferred, however Members had to consider the application submitted. The agent added that it would not be a viable option to provide an internal staircase.

9.7 Councillor Hanson proposed that the application be **REFUSED**, on the grounds that insufficient effort had been made to retain the existing character of the house and that it would adversely impact upon the surrounding area. This was seconded by Councillor Webb.

RESOLVED that:-

Planning Permission be REFUSED, for the following reasons:

- Insufficient effort made to keep the character of the existing property.
- The development would adversely affect the character of the existing property and surrounding area.

10 57-63, 67-71 KINGSLAND ROAD, LONDON, E2 8AG

Redevelopment of site to comprise a part-three-, part-five-storey building containing 255 units of student accommodation and 213 square metres of retail space (use class A1) on ground floor, together with associated landscaping, cycle parking and outdoor amenity space.

POST-SUBMISSION REVISIONS: Enlargement of bin store and reconfiguration of cycle storage.

- 10.1 The Planning Officer introduced the report, as set out in the agenda.
- 10.2 The Planning Officer confirmed that there were minor revisions to the internal courtyard elevation.
- 10.3 There being no questions from Members, the Chair moved to the vote.

Unanimously RESOLVED that:-

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

1. SCB0 – Development in accordance with plans

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

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

2. SCB1 – Commencement within three years

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

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

3. SCM6 – Materials to be approved

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

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

4. SCM9 – No extraneous pipework

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

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

5. SCI3 – No roof plant

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No plant (including all external enclosures, machinery and other installations; excluding solar water-heating and/or photovoltaic cells) shall be placed upon or attached to the roof or other external surfaces of the building, other than as shown on the drawings hereby approved, unless planning permission for such is sought and granted separately.

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

6. SCH10 – Secure bicycle parking

Lockable space shall be made available within the site for the secure parking of 147 bicycles, in accordance with the plans hereby approved, before the first occupation of the development.

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

7. NSC1 – Non-standard condition

A rainwater harvesting system to service the external landscaping shall be installed and details thereof shall be submitted to the local planning authority and approved in writing before occupation of the development hereby approved first commences.

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

8. NSC2 – Non-standard condition

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

REASON: To safeguard visual amenity and assist with the provision of a less cluttered public realm.

9. NSC3 – Non-standard condition

Provision is to be made within the site for eleven 1100-litre Eurobins for non-recyclable waste and four 1100-litre Eurobins for recyclable waste, with details of the interior (configuration of receptacles) and exterior (detailed design and facing material) of the bin store to be submitted to the local planning authority and approved in writing prior to first occupation of the site.

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

10. NSC4 – Non-standard condition

Details of the construction traffic route and a construction traffic management plan shall be submitted to the local planning authority prior to the commencement of construction works on site.

REASON: In the interests of road safety.

11. NSC5 – Non-standard condition

No development shall commence on site until a scheme to minimise the threat of dust pollution during site clearance and construction works (including any works of demolition of existing buildings or breaking out or crushing of concrete) have been submitted to and approved in writing by the local planning authority. The approved scheme shall include a watering regime in the event of dry weather, dust screens, etc., as appropriate, and shall be implemented in its entirety once development has commenced.

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

12. NSC6 – Non-standard condition

Full written details, including relevant drawings and specifications, of the proposed works of sound insulation against airborne noise between the commercial use on the ground floor of the development hereby approved and the residential use on the first floor shall be submitted to and approved in writing by the local planning authority. The use hereby permitted shall not commence until the sound insulation works have been implemented in accordance with the approved details. The sound insulation shall be retained permanently with the approved details.

REASON: In the interests of minimising noise disturbance to prospective occupiers.

13. NSC7 – Non-standard condition

(i) The rating level of the noise emitted from fixed plant on the site shall be 5dB below the existing background level at any time. The noise levels shall be determined at the façade of any noise sensitive property. The measurements and assessments shall be made according to BS4142:1997.

(ii) Development shall not commence until details of a scheme complying with paragraph (i) of this condition have been submitted to and approved in writing by the local planning authority.

(iii) The development shall not be occupied until the scheme approved pursuant to paragraph (ii) of this condition has been implemented in its entirety. Thereafter, the scheme shall be maintained in perpetuity.

REASON: In the interests of minimising noise disturbance to adjoining occupiers.

14. NSC8 – Non-standard condition

All landscaping in accordance with the drawings hereby approved shall be carried out within a period of twelve months from the date on which the development of the site commences or shall be carried out in the first planting (and seeding) season following completion of the development, and shall be maintained to the satisfaction of the local planning authority for a period of five years, such maintenance to include the replacement of any plants that die, or are severely damaged, seriously diseased, or removed.

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

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

1. Payment by the landowner/developer of £39,856.91 as a financial contribution towards Council library facilities. (This sum has been calculated in accordance with the approved formula in the Planning Contributions Supplementary Planning Document (SPD) (2006).)
2. Payment by the landowner/developer of £11,814.15 as a financial contribution towards open space in the borough. (This sum has been calculated in accordance with the approved formula in the Planning Contributions Supplementary Planning Document (SPD) (2006).)
3. Provision by the landowner/developer for the use of local labour on site during the construction phase.
4. Payment by the landowner/developer of all the Council's legal and other relevant fees, disbursements and Value Added Tax in respect of the proposed negotiations and completion of the proposed Section 106 Agreement.
5. Achievement of a twenty per-cent reduction minimum in carbon emissions through the use of renewable energy sources and use of low-energy technology, and achievement of BREEAM (Multi-Residential) rating of 'Very Good'.
6. The applicant is to carry out all works in accordance with the National Considerate Constructors Scheme.
7. For all contracts with a value in excess of £5 million, payment by the landowner/developer of £3750.00 towards the cost of NVQ training (to secure more skilled employment for the construction industry sector).
8. The living accommodation shall not be occupied outside term-time other than by students in full-time education.
9. The living accommodation shall be used and occupied solely in association with - and by full-time students of - the University of London (all colleges: Birkbeck, Goldsmiths, King's College London, the London Business School, the London School of Economics, Queen Mary, Royal Holloway, the School of Oriental and African Studies, and University College London (UCL)), Imperial College, University of East London, University of Westminster, London Guildhall University, City University, London Metropolitan University, South Bank University or an alternative establishment to be agreed by the Council.

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10. The owner must provide a Travel Plan, to be agreed by the Council, towards achieving sustainable travel targets, including the services of a Travel Plan Coordinator. The Travel Plan must be in place by the first year of occupancy and the developer must put in place yearly monitoring arrangements for 5 years.
11. No entitlement (unless the holder of a disabled person's badge) to a resident's parking permit.
12. In mitigation of the transport impact of the proposed development, a contribution of £65,000 is sought towards sustainable travel initiatives, walking and cycling, public transport and highway measures in the area.
13. The owner must adopt and adhere to a Student Management Plan, incorporating the elements set out in the 'Code of Practice for the Management of Student Housing', including the requirement for emergency and 24-hour contact details to be made available to members of the public in the event of anti-social behaviour arising from resident students.
14. Payment by the landowner/developer of £50,000 as a financial contribution towards the employment of a Town Centre Manager for Shoreditch for duration of one year.
15. The landowner/developer is to submit a document outlining noise attenuation measures.

REASONS FOR APPROVAL

1. The following policies contained in the Hackney Unitary Development Plan (1995) are relevant to the approved development/use and were considered by this Council in reaching the decision to grant planning permission: EQ1 - Development Requirements; EQ12 - Protection of Conservation Areas; R3 - Development within Shopping Frontages; R4 - Local shops; EQ40 - Noise Control; TR19 - Planning Standards.
2. The following policies in the London Plan (Consolidated with Alterations since 2004) are relevant to the approved development/use and were considered by this Council in reaching the decision to grant planning permission: 2A.1 - Sustainability criteria; 2A.7 - Areas for Regeneration; 3A.18 - Protection and enhancement of social infrastructure and community facilities; 3A.25 - Higher and further education; 3C.1 - Integrating transport and development; 3C.2 - Matching development to transport capacity; 3C.17 - Tackling congestion and reducing traffic; 4A.1 - Tackling climate change; 4A.3 - Sustainable design and construction; 4A.4 - Energy assessment; 4A.6 - Decentralised energy: heating, cooling and power; 4A.7 - Renewable energy; 4A.11 - Living roofs and walls; 4A.14 - Sustainable drainage; 4A.16 - Water supplies and resources; 4B.1 - Design principles for a compact city; 4B.2 - Promoting world-class architecture and design; 4B.3 - Enhancing the quality of the public realm.

INFORMATIVES

The following Informatives should be added:

- SI.1 Building Control
- SI.2 Work Affecting Public Highway
- SI.3 Sanitary, Ventilation and Drainage Arrangements
- SI.6 Control of Pollution (Clean Air, Noise, etc.)
- SI.7 Hours of Building Works
- SI.25 Disabled Person's Provisions
- SI.27 Regulatory Reform (Fire Safety) Order 2005
- SI.28 Refuse Storage and Disposal Arrangements
- SI.33 Landscaping

NSI.1 All materials submitted pursuant to the discharge of condition 3 of this approval should be supplied and delivered at the same time in a container clearly marked with the address of the application site, reference to the application number 2009/0691, and accompanied by coloured copies of relevant elevational drawings, to which each material sample should be clearly referenced and labelled accordingly. Full specifications detailing each material's manufacturer and colour (as per manufacturer's description/name thereof) should also be submitted at the same time.

NSI.2 All construction/demolition work must be undertaken between the hours of 08.00 to 18.00 Monday to Friday and 08.00 to 13.00 on Saturdays, with no work on Sundays or Public Holidays.

NSI.3 This decision notice is accompanied by a Section 106 legal agreement. It shall be implemented in full accordance with the details of that agreement.

NSI.4 The developer understands that the provision of nine fewer Eurobins than the twenty-four suggested by the Council's Waste Management service may result in the requirement for a second weekly collection, for which a fee is payable.

11 **231 EVERING ROAD, LONDON, E5 8AL**

Conversion of a single dwelling house to create 4 self-contained flats (comprising 1 x 4 bed flat and 3 x 2 bed flats) together with demolition of part of the rear single storey extension and excavation to create a rear lightwell and rebuilding of the rear single storey extension.

POST SUBMISSION REVISIONS: Existing & proposed front elevations have been amended.

RESOLVED that:-

The item be WITHDRAWN from the agenda, at the request of the Planning Officer.

12 **2-6 PHIPP STREET, LONDON, EC21 4PA**

Retention of works comprising a four-storey (plus basement) building with 1536 square metres of commercial floorspace (use class B1) at basement, ground- and

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first-floor levels and eleven residential units above (comprising five one-bedroom, two two-bedroom, three three-bedroom and one four-bedroom flats), with five parking spaces.

POST-SUBMISSION REVISIONS: Provision of additional bicycle-store security.

- 12.1 The Planning Officer introduced the report, as detailed within the agenda. Reference was made to the addendum which highlighted that an additional letter of objection had been received, details of which were set out within the addendum.
- 12.2 The Planning Officer referred to the history of the development and the various applications submitted and made reference to paragraph 8.2.5 of the report which stated that residents had no entitlement (unless the holder of a disabled person's badge) to a resident's parking permit. This caused the applicant some concern as the previous planning application granted had included the provision of six car parking spaces.
- 12.3 The Chair explained that Members had to consider the application as a new application, as if it had not already been built.

(Councillor Desmond abstained from the vote).

RESOLVED that:-

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

1. SCH4 – Forward vehicle ingress/egress only

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

REASON: In the interests of road safety generally and avoidance of obstruction of the highway.

2. SCH8 – Parking for persons with disabilities

Before the use hereby permitted first commences, at least one car-parking space shall be marked and retained permanently for use by the vehicles of a person with disabilities at locations close to the entrance to the buildings.

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

3. SCH9 – Marking of parking/service areas

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

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

4. SCH10 – Secure bicycle parking

Lockable space shall be made available within the site for the secure parking of fifteen bicycles in accordance with the plans hereby approved, before the first occupation of the development.

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

5. SCI3 – No roof plant

No plant (including all external enclosures, machinery and other installations; excluding solar water-heating and/or photovoltaic cells) shall be placed upon or attached to the roof or other external surfaces of the building, other than as shown on the drawings hereby approved, unless planning permission for such is sought and granted separately.

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

6. SCM9 – No extraneous pipework

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

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

7. NSC1 – Non-standard condition

The rooftop solar hot-water-collectors shown on drawing P4008-M-105 hereby approved are not to be reduced in number or repositioned without the written approval of the local planning authority, and are to be retained in perpetuity.

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

8. NSC2 – Non-standard condition

The second-floor external space on the corner of Christina Street and Motley Avenue shall not be used as a roof terrace until the privacy screening along the northern edge (facing Christina Street) and part of the eastern edge (facing Motley Avenue from its junction with Christina Street up to and including 1 Motley Avenue), as shown on the drawings hereby approved, is erected, such screening to be retained in perpetuity.

REASON: In the interests of protecting the amenity of adjoining residents from any intrusion on privacy arising from the use of the roof terrace hereby approved, and in the interests of the appearance of the roof terrace.

9. NSC3 – Non-standard condition

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

REASON: To safeguard visual amenity and assist with the provision of a less cluttered public realm.

10. NSC4 – Non-standard condition

Provision is to be made within the site for two 1280-litre Eurobins (for residual waste) and one 1100-litre Eurobin (for co-mingled recycling) for the residential accommodation (or alternatives agreed in writing with the Council), and separate provision for three 1280-litre Eurobins for the commercial accommodation (or alternatives agreed in writing with the Council), with details of the interior (configuration of receptacles) of the bin stores to be submitted to the local planning authority and approved in writing prior to first occupation of the site.

REASON: In the interests of providing an appropriate level of waste provision for the development.

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

1. Payment by the landowner/developer of £509.63 as a financial contribution towards Council library facilities. (This sum has been calculated in accordance with the approved formula in the Planning Contributions Supplementary Planning Document (SPD) (2006).)
2. Payment by the landowner/developer of £33,815.07 as a financial contribution towards education facilities in the borough. (This sum has been calculated in accordance with the approved formula in the Planning Contributions Supplementary Planning Document (SPD) (2006), with child yield information based on the GLA 'DMAG Briefing Note' 2005/25 (updated in May 2006), using Wandsworth survey data as the best available proxy for inner London.)
3. Payment by the landowner/developer of £1,719.32 as a financial contribution towards open space in the borough. (This sum has been calculated in accordance with the approved formula in the Planning Contributions Supplementary Planning Document (SPD) (2006).)
4. Payment by the landowner/developer of all the Council's legal and other relevant fees, disbursements and Value Added Tax in respect of the proposed negotiations and completion of the proposed Section 106 Agreement.
5. No entitlement (unless the holder of a disabled person's badge) to a resident's parking permit.
6. The use of the class C3 residential floorspace hereby approved shall not commence until the use-class B1 accommodation on the basement, ground and first floors is completed to shell and core (i.e. fully finished landlord areas comprising main entrance and reception, lift and stair cores, lobbies and toilets, with the lettable space to remain in shell condition ready for Category A fit-out).

REASONS FOR APPROVAL

1. The following policies contained in the Hackney Unitary Development Plan (1995) are relevant to the approved development/use and were considered by this Council in reaching the decision to grant planning permission: EQ1 - Development Requirements; EQ40 - Noise Control; E2 - Development within Defined Employment Areas; E18 - Planning Standards; HO3 - Other Sites for Housing; TR19 - Planning Standards.
2. The following policies in the South Shoreditch SPD (2006) are relevant to the approved development/use and were considered by this Council in reaching the decision to grant planning permission: SSSPD 1.1 - Townscape quality and character; SSSPD 1.2 - Mixed uses; SSSPD 1.3 - Environmental sustainability; SSSPD 1.4 - Sustainable design and construction; SSSPD 1.7 - Efficient use of urban land and buildings; SSSPD 1.8 - An offer of jobs and a variety of employment sectors; SSSPD 1.9 - A diverse range of housing; SSSPD 1.10 - Availability of London-wide links; SSSPD 1.14 - Infrastructure; SSSPD 2.1 - Employment-led mix of use; SSSPD 2.2 - Housing; SSSPD 3.6 - Development and demolitions; SSSPD 4.1 - Building heights; SSSPD 5.4 - Recycling; SSSPD 7.1 - Impact of new development; SSSPD 7.4 - Cycling; SSSPD 8.1 - Planning gain guidance; SSSPD 11.1 - Land uses in Leonard Circus sub-district; SSSPD 11.2 - Leonard Circus sub-district conservation and design guidance.
3. The following policies in the London Plan (Consolidated with Alterations since 2004) are relevant to the approved development/use and were considered by this Council in reaching the decision to grant planning permission: 2A.1 - Sustainability criteria; 3A.1 - Increasing London's supply of housing; 3A.2 - Borough housing targets; 3A.5 - Housing choice; 3A.6 - Quality of new housing provision; 3A.7 - Large residential developments; 3A.8 - Definition of affordable housing; 3A.9 - Affordable housing targets; 3A.10 - Negotiating affordable housing in individual private residential and mixed-use schemes; 3B.1 - Developing London's economy; 3B.2 - Office demand and supply; 3B.3 - Mixed use development; 3B.4 - Strategic Industrial Locations; 3C.1 - Integrating transport and development; 3C.2 - Matching development to transport capacity; 3C.3 - Sustainable transport in London; 3C.23 - Parking strategy; 4A.1 - Tackling climate change; 4A.3 - Sustainable design and construction; 4A.4 - Energy assessment; 4A.6 - Decentralised energy: heating, cooling and power; 4A.7 - Renewable energy; 4A.11 - Living roofs and walls; 4A.14 - Sustainable drainage; 4A.16 - Water supplies and resources; 4B.1 - Design principles for a compact city; 4B.2 - Promoting world-class architecture and design; 4B.3 - Enhancing the quality of the public realm.

INFORMATIVES

The following Informatives should be added:

- SI.25 Disabled Person's Provisions
- SI.27 Regulatory Reform (Fire Safety) Order 2005
- SI.28 Refuse Storage and Disposal Arrangements

Variation of Condition 3 of planning permission ref: II/23152 dated 14 October 1994 to extend hours of opening of existing drive-thru restaurant between 6:00am to midnight Sunday to Wednesday and 06:00am to 02:00am Thursday and Saturday.

RESOLVED that:-

The item be WITHDRAWN from the agenda, at the request of the Planning Officer.

14 ARCH 189-222 THE RAILWAY ARCHES, MORNING LANE, LONDON, E9 6LG

Change of use of B2/B8 (general industry/storage or distribution) arches at 196-198 Morning Lane to A1 and physical refurbishment of existing arches at 189-222 Morning Lane, including installation of new elevations (brickwork and glazing), extensions (to north of arches 216-219 and to the south of 202-210), internal improvements and resurfaced access and parking arrangements to the Morning Lane frontage between arches 193-198.

- 14.1 The Planning Officer introduced the report, as detailed within the agenda. Reference was made to the addendum and that 20 additional letters of objection had been received from occupiers of the affected arch units. The main points of objection were detailed within the addendum.
- 14.2 Councillor Mulready spoke in objection to the scheme, on behalf of residents, her comments are summarised as follows:-
- Lack of knowledge and consultation, especially as the vast majority of occupiers are Turkish speaking.
 - Network Rail unwilling to engage with the occupiers and the Council.
- 14.3 Tundai Mautsi spoke in objection to the scheme, his comments are summarised as follows:-
- Occupiers were not given 21 days notice of the application. They received no plans until 20 May and therefore were given insufficient time to respond.
 - Concerned about where the existing businesses would be located.
 - 23 trees will be taken down as a result of the development.
 - Lack of information given on the website.
- 14.4 In response to the concern raised about the loss of trees, both the Planning Officer and Network Rail were unaware of any trees being lost.
- 14.5 Discussion took place surrounding the issue of relocation of existing businesses and Steve Taylor (Network Rail) explained that they would try and relocate businesses, where possible, and that this was an ongoing process. He added that they had approximately 30-40% of arches vacant in their portfolio.
- 14.6 Members requested that the existing businesses be relocated before work on the new development commenced. It was therefore requested that Network Rail submit a management plan for decanting existing tenants and re-locating them, for approval before work commenced. This was **AGREED**.

- 14.7 Councillor Webb raised concern about the scheme and that there appeared to be a lack of consideration for the existing hard working businesses, although she recognised the need to regenerate the area.

(Councillor Webb voted against the recommendation).

RESOLVED that:-

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

1. SCB0 – Development in accordance with plans

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

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

2. SCB1 - Commencement within three years

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

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

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

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

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

4. SCM9 - No extraneous pipework

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

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

5. NSC – Roller Shutters

Cross sectional drawings of the electrically operated roller shutter doors to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall not be carried out otherwise than in accordance with the details thus approved.

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

6. Powder Coating

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Details, including samples of the colour of all external surfaces to be powder coated to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall not be carried out otherwise than in accordance with the details thus approved.

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

7. SCH15 – Access only as approved

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

REASON: In the interests of highway safety.

8. SCH4 – Forward Vehicles Ingress/ Egress Only

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

REASON: In the interests of highway safety.

9. NSC – Parking only as approved

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

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

10. Details of the proposed roller shutters to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be carried out in accordance with the approved details.

REASON: To safeguard the visual amenity of the surrounding area.

11. Network Rail Management Plan

INFORMATIVES

The following Informatives should be added:

- SI.1 Building Control
- SI.2 Work Affecting Public Highway
- SI.3 Sanitary, Ventilation and Drainage Arrangements
- SI.6 Control of Pollution (Clean Air, Noise, etc.)
- SI.7 Hours of Building Works
- SI.25 Disabled Person's Provisions
- SI.27 Fire Precautions Act 1971
- SI.28 Refuse Storage and Disposal Arrangements

15 **Digby Road/Berger Road, Homerton, London, E9 5SB**

S73 Application for the variation of condition 2 (development in accordance with approved plans) of planning permission 2008/3142 to permit development in accordance with revised plans, comprising changes to residential mix, internal layouts and minor elevation changes.

NB: Members are requested to note that the matters under consideration are modifications to a previously approved planning application ref: 2008/3142.

Application 2008/3142 permitted the: - "Clearance of the site and the construction of a part 5, part 14 storey building for a mixed use development to provide 83 square metres of A1, B1 and/or D1 use and 97 affordable residential units with associated car parking, refuse and landscaping."

The modifications consist of the following:-

- Although the overall number of units remains the same, the mix of units size as approved is altered by this proposal as follows:
 - *Approved* - Social Rented - 11 x 1-bed, 5 x 2-bed, 23 x 3-bed, and 14 x 4-bed (53 in total). Intermediate – 23 x 1-bed, 11 x 2-bed and 10 x 3-bed (44 in total); and,
 - *Proposed* – Social Rented - 16 x 1-bed, 1 x 2-bed, 23 x 3-bed, and 14 x 4-bed (54 in total). Intermediate – 30 x 1-bed, 2 x 2-bed and 11 x 3-bed (43 in total).
- Additional 8 person lift added to the tower between ground and thirteenth floor.
- Alterations to the arrangement of wheelchair accessible units throughout the development (overall this number of wheelchair accessible units from 11 to 12). In particular:
 - i) 5 no 3B/5P wheelchair accessible units to the lower building converted to 5 no 3B/6P non- wheelchair accessible units
 - ii) 4 no. 4B/7P wheelchair accessible units in lower building converted to 4 no 4B/8P non- wheelchair accessible units;
 - iii) 1 no 3B/5P unit to the ground floor converted to 1 no 3B/5P wheelchair accessible unit; and,
 - iv) 10 no 2B/4P units to the tower converted to 10 no 1B/2P wheelchair accessible units.
- Alterations to the size of balconies across the development. In particular:
 - i) 39 projecting balconies increase in depth from 1200mm to 1500mm;
 - ii) 18 recessed balconies increase in depth from 1200mm to 1500mm.
- 6 x 4B/6P duplex units to the lower floors to the north of the development re-configured to be south facing living rooms (at entry point).
- Design of entrance to the communal cores altered.
- Elevational alterations including re-position of windows/balconies to reflect the other alterations detailed above.

15.1 The Planning Officer introduced the report, as detailed within the agenda.

15.2 Ruth Prudden spoke in objection to the scheme, her comments are summarised as follows:-

- She was not invited to attend the previous meeting where the application was initially presented, due to a clerical error.

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- Her property would be severely affected by the development in terms of loss of daylight/sunlight and views across the city.
- The development would also adversely affect the financial value of her property.

15.3 Tim Gaskell (Agent) explained why the application had come back to Committee, details of which were set out within the report. He also confirmed that the daylight/sunlight report was unchanged from the previous application.

Unanimously RESOLVED that:-

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

1. Development in accordance with plans

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

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

2. Commencement within three years

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

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

Design & Appearance

3. Materials to be approved (entire site)

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

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

4. Further details of be Submitted and Approved

Detailed drawings/full particulars showing the following matters set out below must be submitted to and approved by the Council before any work is commenced on site. This part of the development shall be completed only in accordance with the modifications thus approved:-

- a) Details of adequate screening to the child playspace area
- b) Details of the lighting facilities, canopies, and entrance/waiting spaces to the residential entrance.

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 that the playspace area is a safe environment to use.

5. Landscaping Scheme to be approved

A landscaping scheme illustrated on detailed drawings shall be submitted to and approved by the Local Planning Authority, in writing, before any work commences on site, for the planting of trees and shrubs showing species, type of stock, numbers of trees and shrubs to be included and showing areas to be grass seeded or turfed. All landscaping in accordance with the scheme, when approved, shall be carried out within a period of twelve months from the date on which the development of the site commences or shall be carried out in the first planting (and seeding) season following completion of the development, and shall be maintained to the satisfaction of the Local Planning Authority for a period of ten years. Such maintenance is to include the replacement of any plants that die, or are severely damaged, seriously diseased, or removed.

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

6. Provision of landscaping as approved

The landscaping hereby approved as part of the development shall be carried out within a period of twelve months from the date on which the development of the site commences or shall be carried out in the first planting (and seeding) season following completion of the development, and shall be maintained to the satisfaction of the Local Planning Authority for a period of ten years. Such maintenance is to include the replacement of any plants that die, or are severely damaged, seriously diseased, or removed.

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

7. No extraneous pipework

No soil stacks, soil vent pipes, flues, ductwork or any other pipework shall be fixed to the (street) elevations of the building other than as shown on the drawings hereby approved. Details of any additional pipework required shall be submitted and approved in writing by the Local Planning Authority before any building works commence. The development shall not be carried out otherwise than in accordance with the details thus approved.

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

8. Details of roof plant

Full details of all the roof plant enclosures (plans/sections and elevations) shall be submitted and approved in writing by the Local Planning Authority before any building works commence. The development shall not be carried out otherwise than in accordance with the details thus approved.

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

Transport

9. Parking for persons with disabilities

Before the use hereby permitted first commences the 3 disabled car parking spaces shall be provide for use by the vehicles of persons with disabilities as located on drawing number 0735 (PL) 101C.

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

10. Provision for cycles

Secure, covered parking shall be provided for at least 125 bicycles in the form of Sheffield Stands or a suitable alternative, as shown on the plans hereby approved, before use of the development hereby permitted commences.

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

11. Marking parking areas

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

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

12. Parking

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

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

13. Parking

Parking of vehicles shall only be carried out on the areas identified for parking on the plans hereby approved, and not on any other area of the site.

REASON: In the interests of orderly and satisfactory parking provisions being made on the site to ensure that the proposed development does not prejudice the visual amenity of the scheme.

General Conditions

14. Noise

(i) The building shall be constructed so as to provide sound insulation against external noise, to achieve levels not exceeding 30dB LAeq (23:00 to 07:00)

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and 45dB LAmax (measured with F time-weighting) for bedrooms between 23:00 to 07:00, 35dB LAeq (07:00 to 23:00) for other habitable rooms, with windows shut and other means of ventilation provided.

(ii) The development shall not commence until details of a sound insulation scheme complying with paragraph (i) of this condition have been submitted to and approved in writing by the local planning authority.

(iii) The development shall not be occupied until the sound insulation scheme approved pursuant to paragraph (ii) of this condition has been implemented in its entirety. Thereafter, the sound insulation scheme shall be maintained in perpetuity.

REASON: To ensure a pleasant residential environment is provided for potential occupiers.

15. Construction Method Statement

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

REASON: To safeguard the amenities of neighbouring properties and the area generally during construction.

16. Details of refuse storage enclosure

Details of dustbin enclosures (including mandatory recycling facilities), showing the design, external appearance and location thereof, shall be submitted to and approved by the Local Planning Authority, in writing, before construction commences. The development shall not be carried out otherwise than in accordance with the details thus approved.

REASON: To ensure there is adequate provision for dustbin and recycling facilities for the development in the interests of the appearance and amenity of the area.

17. Ecological roofs

Full details of the proposed bio-diverse, substrate based (75mm minimum depth) extensive green roofs and walls, to include a detailed maintenance plan, shall be submitted to and approved by the Local Planning Authority, in writing, before construction commences. The development shall not be carried out otherwise than in accordance with the details thus approved.

REASON: To enhance the character and ecology of the development, to provide undisturbed refuges for wildlife, to promote sustainable urban drainage, and to enhance the performance and efficiency of the proposed building.

18. Secured by Design

The development shall achieve a Certificate for Compliance to Secure by Design or alternatively achieve Secure by Design standards to the satisfaction

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of the Metropolitan Police, details of which, to include consultation with the police during the construction period, shall be provided in writing to the Local Planning Authority within one month of the completion date.

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

19. Level Access

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

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

20. Provision of access and facilities

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

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

21. Shopfront details to be approved

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

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

22. Sustainable Urban Drainage

No development shall take place until details of the implementation, maintenance and management of the sustainable urban drainage scheme have been submitted to and approved by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- i. a timetable for its implementation, and
- ii. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable urban drainage scheme throughout its lifetime

23. Restriction of Use

The ground floor commercial premises hereby approved shall be only used for:
Use Class A1 (Retail);
Use Class A2 ((a) financial services, or (b) professional services);
Use Class D1 ((a) for the provision of any medical or health services, (b) as a crèche, day nursery or day centre, (c) for the provision of education, (d) for the

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display of works of art (otherwise than for sale or hire), (e) as a museum, (f) as a public library or public reading room);
Use Class B1 (Business).

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

REASON: In the interest of general residential amenity.

B) The above recommendation be subject to the applicant, the landowners and their mortgagees entering into a section 106 agreement in order to secure the following matters to the satisfaction of the Interim Assistant Director (Planning) and the Interim Head of Law:

1. To secure the provision of 100% of units as affordable housing, with a split of 55%:45% socially rented/intermediate.
2. That the provision of 100% (97 units) affordable housing be secured by Network Housing Association or another RSL approved by the Council, providing 53 social rented units and 44 intermediate units.
3. Payment by the landowner/developer of an education and libraries contribution of £292,409.46 with respect to anticipated child yield from the additional residential housing units being provided in accordance with the DFES cost of providing a school place.
4. Payment by the landowner/developer of an open space/child playspace contribution of £4,454.24 towards the supply and quality of open space in the immediate locale.
5. A contribution of £129,544 towards public realm and highways works in the vicinity of the site. This will comprise of:
 - The signing of a Section 278 legal agreement under the Highways Act to pay the Council for required works to the highway. Unavoidable works required to be undertaken by Statutory Services will not be included in London Borough of Hackney estimate or payment (£79,544).
 - A contribution directed towards the improvements in the public realm within the vicinity of the site to improve the public realm in the local area to encourage walking and cycling (£50,000).
6. All residential units to be built to Lifetime Home standards.
7. Commitment to the Council's local labour and construction initiatives (25% on site employment).
8. Achievement of a level 3 rating, with all reasonable endeavours to achieve level 4, under the proposed Code for Sustainable Homes.
9. 20% reduction in carbon emissions over the whole site through the use of renewable energy sources and use of low energy technology.

10. Considerate Constructors Scheme – the applicant to carry out all works in keeping with the National Considerate Constructors Scheme.
11. At least 10% of units provided shall be wheelchair accessible.
12. A Green Travel Plan to include servicing of the site, to be submitted to and agreed with the Council, to include the provision of a car share scheme and a provision for annual review.
13. Provision to allow the placement of street lighting on the proposed buildings where appropriate.
14. Best endeavours to provide a car club parking space.
15. Parking shall only take place on the parking spaces shown on the approved drawings, and not on any other area of the site.
16. Payment by the landowner/developer of all the Council's legal and other relevant fees, disbursements and Value Added Tax in respect of the proposed negotiations and completion of the proposed Section 106 Agreement.

C) That in the event of the Section 106 agreement referred to in Recommendation B not being completed by 29 June 2009, the Interim Assistant Director (Planning) be given the authority to refuse the application for the following reasons:

1. The proposed development, in the absence of a legal agreement for securing affordable housing, would be to the detriment of housing needs in the Borough and would fail to promote a mixed and inclusive community and as such would be contrary to Policy H03 of the Hackney Unitary Development Plan, Affordable Housing SPD (2005), Policies 3A.1, 3A.2, 3A.3, 3A.5, 3A.6, 3A.8 and 3A.9 of the London Plan, and advice contained in PPS1 and PPS3.
2. The proposed development, in the absence of a legal agreement for securing educational contributions, would be likely to contribute to pressure and demand on the Borough's education provision contrary to Policy EQ1 of the Hackney Unitary Development Plan, Planning Contributions SPD (2006), and Policy 3A.24 of the London Plan.

REASONS FOR APPROVAL

The following policies contained in the Hackney Unitary Development Plan 1995 are relevant to the approved development/use and were considered by this Council in reaching the decision to grant planning permission: EQ1 – Development Requirements; EQ48 – Designing out Crime; HO3 – Other sites for Housing; TR19 – Planning Standards; SPG1 New Residential Development; SPD Affordable Housing; SPD Planning Contributions.

The following policies contained in the London Plan 2004 are relevant to the approved development/use and were considered by this Council in reaching the decision to grant planning permission: 2A.1 – Sustainability Criteria; 3A.1 – Increasing London's Supply of Housing; 3A.2 – Borough Housing Targets; 3A.3

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– Maximising the Potential of Sites; 3A.5 – Housing Choice; 3A.6 – Quality of New Housing Provision; 3A.8 – Definition of Affordable Housing; 3A.9 – Affordable Housing Targets; 3A.10 – Negotiating Affordable Housing; 3A.11 – Affordable Housing Thresholds; 3A.17 – Addressing the Needs of London’s Diverse Population; 3C.1 – Integrating Transport and Development; 3C.2 – Matching Development to Transport Capacity; 3C.3 – Sustainable Transport in London; 3C.23 – Parking Strategy; 4A.1 – Tackling Climate Change; 4A.3 – Sustainable Design and Construction; 4A.7 – Renewable Energy; 4A.22 – Spatial Policies for Waste Management; 4B.1 – Design Principles for a Compact City; 4B.3 – Enhancing the Quality of the Public Realm; 4B.5 – Creating an Inclusive Environment; 4B.6 – Safety, Security and Fire Prevention and Protection; 4B.8 – Respect Local Context and Communities; Housing SPD 2005.

INFORMATIVES

The following Informatives should be added:

- SI.1 Building Control
- SI.2 Work Affecting Public Highway
- SI.3 Sanitary, Ventilation and Drainage Arrangements
- SI.6 Control of Pollution (Clean Air, Noise, etc.)
- SI.7 Hours of Building Works
- SI.24 Naming and Numbering
- SI.25 Disabled Person’s Provisions
- SI.27 Fire Precautions Act 1971
- SI.28 Refuse Storage and Disposal Arrangements
- SI.34 Landscaping

NSI With regard to surface water drainage, it is the responsibility of the developer to make proper provision for drainage. Contact Thames Water, Ph. 0845 850 2777, for further information.

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

NSI Surface water management should utilise sustainable drainage techniques (SUDS), in accordance with the SUDS management train (Ciria C909). Please contact the Environment Agency for further details.

NSI Care should be taken to ensure that no debris or other materials can fall onto Network Rails land. Approval must be obtained from Network Rails Outside Parties Engineer.

NSI Any scaffold which is to be constructed adjacent to the railway must be erected in such a manner that at no time will any poles or cranes over-sail or fall onto the railway. All plant and scaffolding must be positioned, that in the event of failure will not fall on Network Rail land.

NSI Consultation required on any alterations to ground levels. Should be noted that Network Rail concerned about excavations within 10 metres of the boundary with the operational railway and will need to be assured that the construction of the foundations and footings will not impact on the stability of the railway. A full method statement must be supplied and agreed with Network Rail’s Outside Party Engineer.

NSI NR not aware whether any PPG24 noise and vibration assessment has been carried out for this location. Amenity will need to be addressed.

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NSI Additional flows of surface water must not be discharged onto NR land nor into NR culverts or drains. Soak ways should not be constructed within 10metres of the boundary with the operational railway.

NSI 1.8 metre high fence should be constructed to avoid trespass and vandalism and provide acoustic insulation for the residential units.

NSI To ensure residential units built without encroachment onto operational railway line all buildings and structures should be set back at least 2 metres from boundary with operational railway or at least 5 metres for overhead power lines. Landscape details along railway corridor to be submitted.

16 102-108 CLIFTON STREET, LONDON, N1 6AD

Demolition of existing buildings and redevelopment of the site to provide a part two/ part five storey building comprising of 1078 sqm of B1 floor space and seven residential units with associated landscaping.

POST SUBMISSION REVISION: Changes to the detailed design of the front elevation.

- 16.1 The Planning Officer introduced the report, as set out in the agenda and referred to the changes to the detailed design of the front elevation.
- 16.2 Members requested that the street lamps be located on the building and the applicant stated that he had no objection to the proposal in principle. This was **AGREED**.
- 16.3 The Planning Officer confirmed that bicycle storage would be provided for 14 bicycles.
- 16.4 Members felt that there had been a significant improvement in the design of the development and reference was made to the section 106 agreement which was previously unsigned. Members wished to have assurances that this would not happen again and the Planning Officer stated that it would be signed off the following week.

Unanimously RESOLVED that:-

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

1. SCB0 – Development in accordance with plans

The development hereby permitted shall only be carried out and completed strictly in accordance with the submitted plans hereby approved and any subsequent approval of details, unless otherwise agreed in writing by the local planning authority.

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

2. SCB1 - Commencement within three years

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

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

3. SCM6 – Materials to be approved

No development shall take place until full details, with samples, of the materials to be used in the construction of external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

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

4. SCM7 – Full details

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

- a) Doors and windows
- b) Controlled entry system
- c) Balconies and screening
- d) Security lighting

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

5. SCM9 - No extraneous pipework

No soil stacks, soil vent pipes, flues, ductwork or any other pipework shall be fixed to the elevations of the building other than as shown on the drawings hereby approved, unless otherwise agreed in writing by the Local Planning Authority.

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

6. SCH10 – Secure bicycle parking

Provision of secure cycle space shall be made available within the building for the secure parking of 14 cycles for the residential and office elements of the scheme, as shown on the plans hereby approved, before the first occupation of the development. The secure parking as approved shall be permanently retained on the site.

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

7. NSC1 – Hard / soft landscaping and biodiversity measures

A hard and soft landscape scheme illustrated on detailed drawings shall be submitted to and approved by the Local Planning Authority, in writing, before any work commences on site. Plans shall show species, type of stock, numbers of trees and shrubs to be included and showing areas to be grass seeded or turfed, benches, lighting and topographical ground levels. 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 diseased, or removed.

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

8. NSC2 – Drainage Strategy

Development shall not commence until a drainage strategy incorporating sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, have been submitted to and approved by the local planning authority, in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.

REASON: The development may lead to sewerage flooding; to ensure that sufficient capacity is made available to cope with the new development and in order to avoid adverse environmental impact upon the community.

9. NSC3 – Details of plant area

Full details of all the roof plant enclosures (plans, sections, front and rear elevations, etc.) shall be submitted to and approved in writing by the Local Planning Authority before any building works commence. The development shall be carried out in accordance with the approved details.

REASON: In order to safeguard the appearance of the property.

10. NSC4 – Noise emission from plant area

- (i) The rating level of the noise emitted from fixed plant and from the premises on the site shall be 5dB below the existing background level at any time. The noise levels shall be determined at the façade of any noise sensitive property. The measurements and assessments shall be made by a suitably qualified acoustic consultant according to BS4142:1997.
- (ii) Development shall not commence until details of the scheme complying with paragraph (i) of this condition have been submitted to and approved in writing by the local planning authority.
- (iii) The development shall not be occupied until the scheme approved pursuant to paragraph (ii) of this condition has been implemented in its entirety. Thereafter, the scheme shall be maintained in perpetuity.

REASON: In order to minimise the transmission of noise and vibration between and within units in the interests of providing satisfactory accommodation.

11. NSC5 – Sound insulation where commercial adjoins residential

Full written details, including relevant drawings and specifications, of the proposed works of sound insulation against airborne noise to meet dB of not less than 55 between the first and second floor, where residential parties non domestic use, shall be submitted to and approved in writing by the local planning authority. The office development hereby permitted shall not commence until the sound insulation works have been implemented in accordance with the approved details.

REASON: In order to minimise the transmission of noise and vibration between and within units in the interests of providing satisfactory accommodation.

12. NSC6 – Dust minimisation scheme

No development shall commence on site until a scheme to minimise the threat of dust pollution during site clearance and construction works (including any works of demolition to existing buildings or breaking out and crushing of concrete) have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall include a watering regime in the event of dry weather and dust screens as appropriate, and shall be implemented in its entirety once development has commenced.

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

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

REASON: To safeguard visual amenity and assist with the provision of a less cluttered public realm.

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

- a) The owner shall be required to enter into agreement under Section 278 of the Highways Act to pay the Council to reinstate and improve the footway adjacent to the boundary of the site, and include if required, any access to the Highway, measures for street furniture relocation, carriageway markings, access and visibility safety requirements. Unavoidable works required to be undertaken by Statutory Services will not be included in the LBH Estimate or payment. The s278 Highway works are estimated at £18,281.16.
- b) To ensure that prior to occupying any of the residential units (which for the avoidance of doubt includes the Car Capped Units) within the Development each new resident of such unit is informed by the Owner of the Council's policy that they shall not be entitled (unless they are the holder of a Disabled Persons Badge issued pursuant to Section 21 of the Chronically Sick and Disabled Persons Act 1970) to be granted a Residents Parking Permit and will not be able to buy a contract to park within any car park owned or controlled by the Council.
- c) The proposed development would require a contribution of £1,094 for Library Facilities.
- d) The employment floorspace, to be built to BREEAM standards and achieve a very good rating. The Residential units shall achieve Code for Sustainable Homes level 4.
- e) A contribution of £324.31 towards open space within close proximity to the site and for its maintenance and upkeep. This will be calculated under the formula

- in Appendix 1 (pages 68-70) of the SPD.
- f) Payment by the landowner/developer of all the Council's legal and other relevant fees, disbursements and Value Added Tax in respect of the proposed negotiations and completion of the proposed Section 106 Agreement.
 - g) Education contributions of £32,467.86 are required to meet the additional pressure on Hackney schools as a result of the children generated by the development.
 - h) A requirement that the B1 office floor space at basement, ground and first floors is completed to shell and core prior to the occupation of the residential units. This is to ensure that the business floor space is re-provided on site within the defined employment area, thus supporting the local economy, before the more profitable residential units are sold.

REASONS FOR APPROVAL

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

H03 Other Sites for Housing, E12 Office Development, E14 Access and Facilities for People with Disabilities, E15 Training, E18 Planning Standards, TR19 Parking standards, ACE7 Hotel Development, ACE8 Planning Standards, SPG1 New Residential Development, SPG6 Hotels, SPG11 Access for People with Disabilities, SPD Planning Contributions.

The following policies contained in the London Plan (Consolidated with alterations since 2004) are relevant to the approved development/use and were considered by this Council in reaching the decision to grant planning permission: 2A.1 Sustainability Criteria, 2A.2 The spatial strategy for development, 2A.3 London's Sub-Regions, 2A.4 The Central Activities Zone, 2A.5 Opportunity Areas, 2A.6 Areas for Intensification, 3A.3 Maximising the Potential of Sites, 3A.5 Housing Choice, 3A.6 Quality of New Housing Provision, 3B.1 Developing London's Economy, 3B.2 Office demand and supply, 3B.3 Mixed use development, 3C.1 Integrating transport and development, 3C.2 Matching development to transport capacity, 3C.3 Sustainable Transport in London, 3C.4 Land for Transport, 3C.9 Increasing the capacity, quality and integration of public transport to meet London's needs, 3C.11 Phasing of Transport Infrastructure Provision and Improvements, 3C.17 Tackling congestion and reducing traffic, 3C.18 Allocation of street space, 3C.19, 3C.20 Improving Conditions for Buses, 3C.21 Improving Conditions for Walking, 3C.22 Improving Conditions for Cycling, 3C.23 Parking strategy, 4A.1 Tackling climate change, 4A.2 Mitigating climate change, 4A.3 Sustainable design and construction, 4A.4 Energy assessment, 4A.5 Provision of Heating and Cooling Networks, 4A.6 Decentralised Energy: Heating, Cooling and Power, 4A.7 Renewable Energy, 4A.8 Hydrogen Economy, 4A.9 Adaptation to Climate Change, 4A.10 Overheating, 4A.19 Improving air quality, 4B.1 Design principles for a compact city, 4B.2 Promoting World Class Architecture and Design, 4B.3 Enhancing the quality of the public realm, 4B.5 Creating an inclusive environment, 4B.8 Respect Local Context and Communities, 5A.1 Sub-Regional Implementation Frameworks, 5C.1 The Strategic Priorities for North East London, 5C.3 Opportunity Areas in North East London, 5G.1 The Indicative CAZ Boundary, 5G.2 Strategic Priorities for the Central Activities Zone, 5G.3 Central Activities: Offices, 5G.5 Predominantly Local Activities in the Central Activities Zone, SPG Industrial Capacity, SPG Accessible London:

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achieving an inclusive environment, SPG Land for Transport Functions, SPG Sustainable Design and Construction, SPG Planning for Equality and Diversity in London, BPG Wheelchair Accessible Housing, Mayor's Economic Development Strategy, Mayor's Transport Strategy, Sub-Regional Development Framework – East London.

INFORMATIVES

The following Informatives should be added:

- SI.1 Building Control
- SI.2 Work Affecting Public Highway
- SI.3 Sanitary, Ventilation and Drainage Arrangements
- SI.6 Control of Pollution (Clean Air, Noise, etc.)
- SI.7 Hours of Building Works
- SI.24 Naming and Numbering
- SI.25 Disabled Person's Provisions
- SI.27 Fire Precautions Act
- SI.28 Refuse Storage and Disposal Arrangements
- SI.32 Consultation with Thames Water
- SI.34 Landscaping
- SI.45 The Construction (Design & Management) Regulations 1994
- SI.48 Soundproofing
- SI.50 S106 Agreement

17 3-8 JACK DUNNING COMMUNITY HALL, FURROW LANE, LONDON

Demolition of existing buildings and construction of a three to six storey building comprising 41 affordable flats (8 x 1-bed, 19 x 2-bed, 7 x 3-bed, 7 x 4-bed) and the provision of a new 265m² community hall (Class D1) on ground floor, with car parking, refuse provision and landscaping.

- 17.1 The Planning Officer introduced the report, as set out in the agenda. It was explained that this had come back to Committee as Members had requested that the corridors be a minimum of 1.45m in width.
- 17.2 In response, the architect stated that it would make the development unviable if the corridors were a minimum of 1.45m in width. A condition had been added to the recommendation regarding minimum corridor widths.

Unanimously RESOLVED that:-

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

1. Development in accordance with plans

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

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

2. Commencement within three years

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

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

3. Materials to be approved (entire site)

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

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

4. Details to be Approved

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

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

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

5. No extraneous pipework

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

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

6. Parking

No part of the development hereby approved shall be occupied until detailed plans showing the car parking and turning areas for the development have been submitted to and approved in writing by the Local Planning Authority and such parking shall be retained permanently for use by the occupiers and/or users of, and/or persons calling at, the premises only, and shall not be used for any other purposes.

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

7. Parking for persons with disabilities

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

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

8. Provision for cycles

Secure, covered parking shall be provided for 44 bicycles, as shown on the plans hereby approved, before use of the development hereby permitted commences.

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

9. Landscaping to be Approved

A landscaping scheme illustrated on detailed drawings shall be submitted to and approved by the Local Planning Authority, in writing, before any work commences on site, for the planting of trees and shrubs showing species, type of stock, numbers of trees and shrubs to be included and showing areas to be grass seeded or turfed; all landscaping in accordance with the scheme, when approved, shall be carried out within a period of twelve months from the date on which the development of the site commences or shall be carried out in the first planting (and seeding) season following completion of the development, and shall be maintained to the satisfaction of the Local Planning Authority for a period of ten years, such maintenance to include the replacement of any plants that die, or are severely damaged, seriously diseased, or removed.

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

10. No roof plant

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

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

11. Archaeological Investigation

No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted by the applicant and approved by the Local Planning Authority. The development shall only take

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place in accordance with the detailed scheme approved pursuant to this condition. The archaeological works shall be carried out by a suitably qualified investigating body acceptable to the Local Planning Authority.

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

12. Refuse Disposal

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

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

13. Waste Storage

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

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

14. Level Access

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

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

15. Provision of access and facilities

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

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

16. Ecological (Green) Roof

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

REASON: To enhance the character and ecology of the development, to provide undisturbed refuges for wildlife, to promote sustainable urban drainage, and to enhance the performance and efficiency of the proposed building.

17. Noise

The rating level of the noise emitted from fixed plant on the site shall be 10dB below the existing background level at any time. The noise levels shall be determined at the façade of any noise sensitive property. The measurements and assessments shall be made according to BS4142:1997. Full details of a scheme to comply with this noise level shall be submitted to and

approved by the Local Planning Authority, in writing, before construction commences.

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

18. Noise

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

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

19. Secured by Design

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

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

20. Construction Method Statement

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

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

21. Non Standard Condition – Minimum corridor widths

The shared communal corridors to access residential units shall be a minimum of 1.25m wide and shall be retained and maintained in this condition thereafter, unless agreed otherwise in writing by the local planning authority.

REASON: In order to safeguard the amenity of future occupiers of the development.

B) The above recommendation be subject to the applicant, the landowners and their mortgagees entering into a section 106 agreement in order to secure the following matters to the satisfaction of the Interim Assistant Director (Planning) and the Interim Head of Law:

1. To secure the provision of 100% of units as affordable housing, with a split of 54%:46% socially rented/intermediate.

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2. That the provision of 100% (41 units) affordable housing be secured by Metropolitan Housing Partnership providing 22 social rented units and 19 intermediate units.
3. Payment by the landowner/developer of an education and libraries contribution of £116,322.32 with respect to anticipated child yield from the additional residential housing units being provided in accordance with the DFES cost of providing a school place.
4. Payment by the landowner/developer of an open space contribution of £1,882.72 towards the supply and quality of open space in the immediate locale.
5. Payment by the landowner/developer of a sustainable transport contribution of £13,500.00 towards works to the public highway.
6. The signing of a Section 278 legal agreement under the Highways Act to pay the Council £56,561.94 for required works to the highway. Unavoidable works required to be undertaken by Statutory Services will not be included in London Borough of Hackney estimate or payment.
7. The community hall shall be built to shell and core level prior to occupation of the residential units.
8. The landowner/developer covenants to use all reasonable endeavours to ensure that the residential development is retained as car free with the exception of those who are medically certified disabled.
9. All residential units to be built to Lifetime Home standards.
10. Commitment to the Council's local labour and construction initiatives (25% on site employment).
11. Achievement of a level 3 rating, with all reasonable endeavours to achieve level 4, under the proposed Code for Sustainable Homes and achievement of a BREEAM 'Very Good' rating for the community hall element.
12. 20% reduction in carbon emissions over the whole site through the use of renewable energy sources and use of low energy technology.
13. Considerate Constructors Scheme – the applicant to carry out all works in keeping with the National Considerate Constructors Scheme.
14. At least 10% of units provided shall be wheelchair accessible.
15. Best endeavours to provide a car club parking space.
16. Provision to allow the placement of street lighting on the proposed buildings where appropriate.
17. The community hall shall be maintained as such in perpetuity.

18. Payment by the landowner/developer of all the Council's legal and other relevant fees, disbursements and Value Added Tax in respect of the proposed negotiations and completion of the proposed Section 106 Agreement.

C) That in the event of the Section 106 agreement referred to in Recommendation B not being completed by 24 December 2008, the Interim Assistant Director (Planning) be given the authority to refuse the application for the following reasons:

1. The proposed development, in the absence of a legal agreement for securing affordable housing, would be to the detriment of housing needs in the Borough and would fail to promote a mixed and inclusive community and as such would be contrary to Policy H03 of the Hackney Unitary Development Plan, Affordable Housing SPD (2005), Policies 3A.1, 3A.2, 3A.3, 3A.5, 3A.6, 3A.8 and 3A.9 of the London Plan, and advice contained in PPS1 and PPS3.
2. The proposed development, in the absence of a legal agreement for securing educational contributions, would be likely to contribute to pressure and demand on the Borough's education provision contrary to Policies EQ1 and CS2 of the Hackney Unitary Development Plan, Planning Contributions SPD (2006), and Policy 3A.24 of the London Plan.

REASONS FOR APPROVAL

The following policies contained in the Hackney Unitary Development Plan 1995 are relevant to the approved development/use and were considered by this Council in reaching the decision to grant planning permission: EQ1 – Development Requirements; EQ48 – Designing out Crime; CS2 – Provision of Community Facilities as Part of Development Schemes; CS3 – Retention of Community Facilities; HO3 – Other sites for Housing; TR19 – Planning Standards; SPG1 New Residential Development; SPD Affordable Housing; SPD Planning Contributions.

The following policies contained in the London Plan 2004 are relevant to the approved development/use and were considered by this Council in reaching the decision to grant planning permission: 2A.1 – Sustainability Criteria; 3A.1 – Increasing London's Supply of Housing; 3A.2 – Borough Housing Targets; 3A.3 – Maximising the Potential of Sites; 3A.5 – Housing Choice; 3A.6 – Quality of New Housing Provision; 3A.8 – Definition of Affordable Housing; 3A.9 – Affordable Housing Targets; 3A.10 – Negotiating Affordable Housing; 3A.11 – Affordable Housing Thresholds; 3A.17 – Addressing the Needs of London's Diverse Population; 3A.18 – Protection and Enhancement of Social Infrastructure and Community Facilities; 3C.1 – Integrating Transport and Development; 3C.2 – Matching Development to Transport Capacity; 3C.3 – Sustainable Transport in London; 3C.23 – Parking Strategy; 4A.1 – Tackling Climate Change; 4A.3 – Sustainable Design and Construction; 4A.7 – Renewable Energy; 4A.22 – Spatial Policies for Waste Management; 4B.1 – Design Principles for a Compact City; 4B.3 – Enhancing the Quality of the Public Realm; 4B.5 – Creating an Inclusive Environment; 4B.6 – Safety, Security and Fire Prevention and Protection; 4B.8 – Respect Local Context and Communities; Housing SPD 2005.

INFORMATIVES

The following Informatives should be added:

- SI.1 Building Control
- SI.2 Work Affecting Public Highway
- SI.3 Sanitary, Ventilation and Drainage Arrangements
- SI.6 Control of Pollution (Clean Air, Noise, etc.)
- SI.7 Hours of Building Works
- SI.24 Naming and Numbering
- SI.25 Disabled Person's Provisions
- SI.27 Regulatory Reform (Fire Safety) Order 2005
- SI.28 Refuse Storage and Disposal Arrangements
- SI.33 Landscaping

NSI With regard to surface water drainage, it is the responsibility of the developer to make proper provision for drainage. Contact Thames Water, Ph. 0845 850 2777, for further information.

18 **APPEALS SUMMARY – SEPTEMBER 2008**

The report was **NOTED**.

19 **APPEALS SUMMARY – OCTOBER 2008**

The report was **NOTED**.

20 **APPEALS SUMMARY – NOVEMBER 2008**

The report was **NOTED**.

21 **DELEGATED DECISIONS – FEBRUARY – MAY 2009**

The report was **NOTED**.

Duration of the meeting: 18.30 – 21:45

Signed

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Chair of the Planning Sub-Committee

Contact:

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