

ADDRESS: Woodberry Down Estate N4 (including land at Burtley Close, Green Lanes, Newnton Close, Rowley Gardens, Seven Sisters Road, Springpark Drive, Towncourt Path, Woodberry Down and Woodberry Grove)	
WARD: Brownswood & New River	REPORT AUTHOR: Ron Madell
APPLICATION NUMBER: 2008/1050	VALID DATE: 21.5.2008
Plan No	Content
Unnumbered	Location Plan at 1:2500
Unnumbered	Quantum Development by Phases
314L/OPA2/12	Parameters Plan
D110370/SK-HO21/B	Site Access
314L/OPA2/12	Master Plan
05111/022/C	Construction Phases
05111/021/C	Demolition Phases
APPLICANT: London Borough of Hackney	AGENT: Scott Wilson Ltd 8 Greencoat Place London, SW1P 1PL
<p>PROPOSAL: Planning Application Number 2008/1050: To demolish all existing buildings on the Woodberry Down Estate, with the exception of St. Olave's Church, the Beis Chinuch Lebonos Girls School, Reservoir Centre, Primary school and Health Centre. Redevelop the site with 4,684 homes (including 41% affordable), comprising 1-bed, 2-bed, 3-bed, 4-bed flats, and 5-bed flats, 5-bed and 6-bed houses with associated car parking at an overall site provision rate of 50%; approximately 38,500m² of non-residential buildings and associated car parking, including 5,194m² of retail buildings within classes A1-A5, 3144m² of class B1 Business use, 30,000m² of class C1, D1 and D2 use including education, health centre, children's centre, community centres, youth centre; provision of new civic space, public parks, open space, landscaping of the edges of the New River and the East and West Reservoirs, construction of bridges across the New river; reduce width of Seven Sisters Road from 6 to 4 lanes and related improvements to the public realm; formation of new access points to the new Woodberry Down Neighbourhood, the creation of new and improvement of existing cycle and pedestrian routes to and within the estate (Outline Application matters for determination siting, design and means of access). Revisions include increase in education floor space; repositioning of cycle/pedestrian bridge between west reservoir and Haringey; re configuration of 'Woodberry Circus'; relocation of two bridges over New River; increase in footprints and heights of various buildings; provision of a new Health Centre and increase in residential units from 4644 to 4664.</p>	

RECOMMENDATION SUMMARY:

Grant outline planning permission subject to any direction by the Mayor of London and Government Office for London.

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OFFICERS' REPORT

1 BACKGROUND AND CONTENT OF APPLICATION

- 1.1 This report considers an outline planning application for the comprehensive redevelopment of the Woodberry Down area in the north of the Borough – the second such application as the Masterplan has been subject to several revisions, sufficient to require a fresh submission although still maintaining most of the elements and spatial relationships of that considered by the Sub-Committee on 10th September 2007 (application 2007/0014). In addition, Members resolved at the 22nd November 2007 meeting to approve (subject to a Section 106 Agreement) a full (detailed) application by Berkeley Homes Ltd for a mixed residential (456 dwellings), community and retail/ commercial development of the Old School site, known as Kick Start Site 1 (KSS1). No conclusion has been reached on negotiations for either Agreement to date.
- 1.2 The area has been the focus of regeneration proposals since 1999 and in June 2000 more than £13 million of Government Single Regeneration Budget (SRB) funding was secured by the Woodberry Down and Stamford Hill Partnership to be spent on housing in Woodberry Down and surrounding estates. In order to decide how best to allocate funding, consultants were appointed to prepare a draft masterplan, which was developed in partnership with the Estate Development Committee and other local stakeholders. This process culminated in the preparation of supplementary planning guidance in the form of the Area Action Plan (adopted 2004) and the subsequent urban design framework (adopted by Cabinet January 2005).
- 1.3 The transformation of the estate and immediate vicinity into a sustainable community remains a key objective of the Borough's regeneration strategy, and the emerging LDF Core Strategy, Preferred Options document (recently the subject of widespread consultation) has a site-specific policy for Woodberry Down with similar aims. The estate is considered a priority for housing renewal and community development, and the area has high levels of deprivation and poor housing conditions, with a majority of the existing dwellings falling short of the Government's Decent Homes standards. Following around 9 years of participation and consultation, the Masterplan has evolved, the latest version reflecting the listing of the Woodberry Down Primary School and John Scott Health Centre. Related land use changes now accommodate the new Skinners Academy, shown as a diagrammatic development footprint but with a full application to follow.
- 1.4 The applicant is again Hackney Homes, set up to take forward housing regeneration throughout the Borough. The masterplan is submitted in support of the current outline planning application. The purpose of this outline application stage remains to fix certain issues of site-wide

significance while allowing for a degree of flexibility on more detailed matters over what will be a 20-year implementation period. Approval is therefore sought now on the amount and type of development; detailed (full) or reserved matters applications will establish precise design, appearance and landscaping for individual phases or parcels of land.

- 1.5 In accordance with the requirements of DCLG Circular 1/2006 for minimum levels of information to accompany outline planning applications, those elements submitted for formal determination at this outline stage (see *Planning Statement Figure 1*) are:
1. The total amount of development to be carried out;
 2. The principal areas of Public Open Space, and Strategic Landscaping;
 3. Development Thresholds that prescribe the maximum amount of development and other uses that will be undertaken in total and within each phase of the development;
 4. Parameters to define the minimum and maximum height of buildings and areas for development;
 5. The types of uses, including housing, commercial activities and community buildings;
 6. Means of access to the site and internal road layout within the site;
 7. Provision of car parking space; and
 8. Provision of affordable housing.
- 1.6 The masterplan layout and other formally submitted matters listed above establish upper and lower thresholds (or “envelope”) for uses and buildings and have been assessed in an accompanying Environmental Statement (ES). The parameters plan identifies the quantum of development (or maximum envelope) that has been assessed by the ES thereby ensuring that the outline scheme has been fully assessed in environmental terms. The ES conclusions on the various environmental, social and economic issues are referred to in relevant sections below, the ES following the structure and approach of that submitted in 2007. At that time an external Review was commissioned, which concluded that, in terms of methodology and overall ‘fitness for purpose’ the assessments were broadly acceptable (technical content being considered by internal and external consultees as necessary). The relatively small revisions to the land use, layout, height and other development parameters do not call for a different approach to the methodology or topics assessed.
- 1.7 The Masterplan also provides a framework for individual development phases, calling for control over a 20 year implementation period through extensive planning conditions and in due course a comprehensive Section 106 Agreement (see Recommendation B).
- 1.8 Within these parameters, the intention is also to provide sufficient detail to ensure that design quality is achieved throughout the construction

period. To this end a site-wide Design Code, originally negotiated last year is carried forward to this new application, and it is proposed that adherence to this be secured through a suitable planning condition. Agreements under Sections 38 and 278 of the Highways Act will also be required.

- 1.9 A Statement of Community Involvement (SCI) has been prepared and accompanies this application. It summarises the extensive community consultation and engagement that has taken place and which has influenced the design process of the outline application.
- 1.10 The application is also accompanied by a viability assessment to demonstrate the proposal can be successfully implemented, together with a range of technical reports and illustrative material.
- 1.11 A large number of other background documents are also submitted, including:
 - Design and Access Statement
 - Energy Strategy Report;
 - Sustainable Design and Construction Report;
 - Transport Assessment plus addendum (and Safety Audit);
 - Flood Risk Assessment;
 - Utilities Report;
 - Arboricultural Impact Appraisal;
 - Phasing Plan;
 - Demolition Phasing Plan;
 - Community Infrastructure Improvement Plan;
 - Existing Community Infrastructure Report;
 - Equalities Impact Assessment;
 - Health Impact Assessment (preliminary scoping report)
- 1.12 This agenda report assesses the proposals against the applicable planning policy framework – including the Woodberry Down Area Action Plan (AAP) mentioned above – and considers representations received from the local community and other stakeholders.

2 CONSERVATION IMPLICATIONS

- 2.1 The application site contains three listed buildings: St Olave's Church (grade 2), the John Scott Health Centre (grade 2) and Woodberry Down Primary School (grade 2). In addition, the Metropolitan Water Works Engine House on Green Lanes (grade 2*) is located outside the application site boundary.
- 2.2 The health centre and primary school buildings were listed late in 2006; the decision of the DCMS necessitated revision of the masterplan and Environmental Statement shortly after submission of the 2007 outline application. All three listed buildings are again retained. The setting of

St Olave's Church is to be improved and its future secured through enabling redevelopment of the church hall. The setting of the Engine House is unaffected. English Heritage again supports the proposals (see *Consultations*).

- 2.3 The Stoke Newington Reservoirs (designated Nature Conservation areas) and New River Conservation Area adjoin the south-western edge of the application site: Woodberry Down Estate defines the northern boundary of the Conservation Area. The Masterplan indicates a green, landscaped edge to the Conservation Area and the proposals preserve and generally enhance the area's character and appearance.
- 2.4 The conservation aspects of the application are considered in more detail in section 8.5 of this report.

3 SITE DESCRIPTION

- 3.1 The application site is located in the northern part of the Borough abutting the boundary with LB Haringey. It is bounded by two former reservoirs to the south and by Green Lanes and Finsbury Park to the west. The New River forms the boundary to the north, south and east of the site.
- 3.2 Woodberry Down is a former London County Council housing estate, constructed in stages from the 1940s through to the last phase, Rowley Gardens in the 1970s. The earliest blocks on the estate (Nicholl, Needwood, Ashdale and Burtonwood Houses) were constructed as eight storey buildings with reinforced concrete construction. Later blocks followed the predominantly five-storey balcony access model.
- 3.3 The site currently contains 2,013 dwellings, of which 1,980 are either existing or former Council properties, with the remaining 33 being privately-owned. The estate also contains a small retail area of 13 shops, located on Woodberry Grove schools and a library, and incorporates the earlier St. Olave's Church and Church Hall, the John Scott Health Centre and Stoke Newington Reservoir Centre.
- 3.4 Manor House underground station is located at the western edge of the site. A number of bus routes run along Seven Sisters Road through the middle of the estate.
- 3.5 The area is currently defined largely by the east-west Seven Sisters Road and by the north-south Woodberry Grove. Two areas of largely non-residential uses close to Manor House station are excluded from the application site boundary. A number of private housing areas are included within the site (Woodberry Grove (North), Springpark Drive and Burtley Close) and are the subject of compulsory purchase. While the proposals see major changes and improvements in site

configuration, the four proposed quarters (see section 8.3 below) are based broadly on the existing layout of the area.

- 3.6 The site is bounded on three sides by the New River (a designated Green Link) and to the south by the East and West Stoke Newington Reservoirs (designated Metropolitan Open Land (MOL) and of metropolitan significance for nature conservation; the East Reservoir is also a Local Nature Reserve). Green Lanes forms the western boundary of the site with Finsbury Park beyond (in LB Haringey; also MOL and of Borough significance for nature conservation).
- 3.7 Woodberry Down has high levels of deprivation and poor housing conditions. A majority of the existing dwellings are in a poor state of repair, falling short of the Government's Decent Homes standards. Woodberry Down also suffers from relatively scarce and under-used community facilities.
- 3.8 The surrounding area comprises largely Victorian housing with some 20th century infill developments.
- 3.9 The two reservoirs are designated Metropolitan Open Land and Areas of Nature Conservation Importance in the adopted UDP, and the New River is identified as a Green Link. Other than road designations, there are no other specific designations or allocations for the estate. The estate is mentioned specifically; there are references to estate renewal but Woodberry Down was not identified at this stage.
- 3.10 There are four listed buildings within or adjoining the application site: St Olave's Church (grade 2), Metropolitan Water Works Engine House on Green Lanes (grade 2*, outside the application site), the John Scott Health Centre (grade 2) and Woodberry Down Primary School (grade 2). The latter two were listed late in 2006 and the decision of the DCMS necessitated revision of the masterplan and Environmental Statement.

4 HISTORY

- 4.1 An Area Action Plan (AAP) for Woodberry Down was prepared by the Council and adopted in August 2004 following extensive consultation with the local community (May-June 2004). The AAP established the parameters for regeneration and redevelopment principles and set out a vision and objectives to transform the estate to a sustainable neighbourhood.
- 4.2 The key provisions of the AAP are:
 - Public Open Space should cover not less than 10% of the Woodberry Down area

- Parking provision of 50% - one space for every two homes with good facilities for cycling, walking, encouraging the use of public transport (*see section 8.8 for detailed discussion on current transport policy on car parking*)
- There should be a mix of uses and tenures at Woodberry Down to make an exciting vibrant community
- There should be top quality buildings and urban design
- The redevelopment should be sustainable
- There should be adequate facilities to meet the needs of the community
- The community must continue to be involved in the redevelopment.

These provisions are then addressed in a range of core and general policies.

4.3 A necessary initial output of the AAP was the need to draw up an urban design framework for the estate, building on the plan's key provisions. This was prepared during 2004 and adopted by Cabinet in January 2005. It sets out a vision and develops a design approach taking account of the following elements, and incorporating an urban design framework:

- *Open space*: reorganised, a hierarchy of private and public spaces serving each quarter, and utilising the potential of the reservoirs and New River
- *Roads*: reducing the width of Seven Sisters Road with additional crossings and junctions, with traffic calmed streets within the site that discourage rat-running and encourage cycling and walking
- *Parking*: provision partly under ground within a CPZ and with lower provision nearer Manor Park underground station
- *Housing*: responding to current need and mix (34% social-rented, 15.5% intermediate, 50.5% private)
- *Sites*: identification of four sites (Old School Site, Woodberry Grove North, Woodberry Grove/Oakend/Parkfield House, Newnton Close) suitable for early development, particularly for those living in unsound buildings
- *Community facilities*: identification of education, health, retail and other commercial uses

4.4 In January 2005, Hackney Homes commissioned an Urban Design Framework, which was consulted on in March of that year. The Framework outlines the need for redevelopment, with options, and the intended new structure of urban quarters, along with the desirability of narrowing Seven Sisters Road. Much of the document sets out the consequences and available courses of action for owners, leaseholders and existing tenants.

4.5 The outline application of 2007 (Ref. 2007/0014) was for the original fully worked up masterplan. The masterplan drew on views and comments received throughout the various consultation processes at

Woodberry Down, and Hackney Homes undertook further pre-planning application consultation in 2005. The preferred developer and housing association were selected. The application was reported to this Sub-Committee on 10th September 2007, when it was resolved to grant permission.

- 4.6 The first full (detailed) planning application for the Old School site fronting Woodberry Grove, part of what is known as “Kick-start site 1”, was then submitted to the Council on 23 July 2007 (ref. no. 2007/1841) but awaits consideration of this Masterplan. The application proposed:

Redevelopment to provide a mixed use scheme comprising 456 residential units (Class C3), 1128sqm Priority Community Facility with associated retail (Class D1/A1), 906sqm of flexible accommodation to include retail, restaurant, business and other uses (Class A1, A2, A3, A4, B1, D1, D2), ground and basement car parking (212 spaces). Development to comprise seven blocks of four to twenty five storeys in height, new access road and junction to Woodberry Grove, new public open space and new Local Area for Play.

- 4.7 The Sub-Committee resolved to grant detailed permission at the meeting of 22nd November 2007.
- 4.8 A further report on revised Education contributions for the Old School s was agreed by Members at the meeting of

5 CHANGES TO MASTERPLAN CONTAINED IN THIS APPLICATION

(Adapted from submitted Planning Statement)

- 5.1 As noted in section 1 above, the overall purpose of this further outline planning application is again to establish a framework for the regeneration of Woodberry Down, with subsequent detailed applications bringing forward the full scheme.
- 5.2 The recent listing of the John Scott Health Centre and Woodberry Down Primary School required amendment to the masterplan and the Environmental Statement after submission of the 2007 Masterplan application, given the need to retain these buildings when they had previously been earmarked for redevelopment. Retention of the existing primary school and issues that may arise if new buildings are located on the listed curtilage has resulted in a small increase in the size of the proposed education campus (see *Built Heritage* in Comment below). This is sought to be compensated by a small reduction in land for housing in the vicinity of the campus (Revision 1).
- 5.3 To the north of Woodberry Grove, the City Academy is now to be constructed on land previously designated for housing. This requires a change of use to allow expansion of the education campus on land

originally allocated for residential purposes. In order to ensure viability of the scheme the 'lost' housing, needs to be recovered elsewhere within the site and therefore has resulted in additional knock-on changes as described below (see *Housing* in Comment below). (combined as Revision 2)

- 5.4 The Business and Training Development Centre (BTDC), previously a 2-storey building located immediately west of the City Academy, is now located within the ground floor level of a new residential block and the adjoining residential block has also been enlarged. These blocks front the north side Seven Sisters Road, at the corner of Woodberry Grove (see *Non-Residential Uses* in Comment below). (Revision 3)
- 5.5 The increased size of the footprint of the BTDC and adjoining residential block (compensating for the resited education use in the form of the Academy) means that there will be a more complete continuous frontage onto Seven Sisters Road, which was already embodied in the other blocks in the 2007 Masterplan. The building heights south of the listed school will increase from previously 4 storeys (of the City Academy) to seven and nine but reducing down to mainly 5 and 6-storeys high at the rear where the buildings will adjoin the listed school. (See *Built Heritage & Amenity of New Residents* in Comment below) (Revision 4)
- 5.6 The location of the City Academy has also had implications for the previously proposed Diagonal pedestrian/cycle route between the West Reservoir, leading to the new bridge to link with streets in Haringey. The bridge was initially repositioned to a more central/ westerly location (but see below) and the diagonal route realigned whilst connecting each of the key elements of the plan. This has led in turn to the area around what was previously described as 'Woodberry Circus' being revisited. This previously comprised three blocks centred round an area of open space fronting Seven Sisters Road. This has enabled changes to be made that were previously recommended in the CABE Design Review (see Consultations). The blocks layout is now more consistent with the surrounding Master-Plan, still centred on a sizeable new public open space and occupying a similar overall plot. The resulting layout has led to a higher degree of permeability within this part of the site. (See *Design & Transport – Walking/ Cycling* in Comment below) (Revision 4)

The alterations described above resulted in the need to reconsider the north-south pedestrian and cycle routes through the site. These routes are now spread apart more evenly across the area north of Seven Sisters Road, leading again to the two new bridges over New River connecting with Eade Road and adjoining parts of Haringey. These are more clearly shown in this resubmission as being diagrammatic, by extending the drawn route no further than the far (north) bank of New River, as a separate application jointly to Haringey and Hackney would

be required to actually construction them, involving land in other ownerships (see *Design Code, Access, Community Safety* in Comment below). The easterly footbridge is now to be located so that it connects more directly than proposed in 2007 with the employment area at the eastern end of Eade Road. This route will provide a clear axial route through the site from the East Reservoir. (Revision 5)

- 5.7 What was shown in 2007 as a potential new Health Centre mid-way along the south side of Woodberry Down is now a formal part of the proposal, with residential on its upper floors (Revision 6). The existing John Scott Health Centre is shown as remaining. It is understood that a proposal may be brought forward to convert it to residential use, but this would have land use and historic building implications, and would amongst other things depend on ensuring the satisfactory provision of the new Health Centre. (See Non-Residential Uses in Comment below)
- 5.8 It is also proposed to increase the potential height of the proposed replacement building on the site of St. Olave's Church Hall, so that the parameters range is now between 2 and 6 storeys. (See *Built Heritage* in Comment below) (Revision 7)
- 5.9 The increase in the height (to 25 storeys) of the previously 21-storey tower within Kick Start site 1 is proposed to ensure viability of the first of the Kick Start sites within phase 1, and is consistent with the full planning application for Kick Start site 1 that was considered by Members in November 2007 (2007/1841). (See *Design – Scale & Height* in Comment below) (Revision 8)
- 5.10 Overall, the changes to the scheme have resulted in a relatively small increase in the number of residential units proposed from 4,644 to 4,664 – an increase of 20 dwellings. (See *Housing – Density* in Comment below) (Revision 9)
- 5.11 The present context of a declining housing market means that viability has been especially to the fore in the discussions on both the Masterplan and individual Phases and sites. The quantum, tenure and accommodation mix of the housing element is considered by Hackney Homes to be appropriate for the overall development of Woodberry Down, but in making recommendations the officers have sought to ensure that viability appraisals are submitted as discrete Phases or sites are brought forward (See Conclusions below).

6 CONSULTATIONS

- Date Statutory Consultation Period Started: 18.5.07
- Site Notice: Yes: Dated 21.5.07
- Press Advertisement: Yes: Dated 21.5.07

6.1 Local residents – consultations

6.1.1 Since the project's inception in 1999, the Housing Department, and subsequently Hackney Homes, have utilised a range of means of engaging and involving residents within and around Woodberry Down, (see submission document *Statement of Community Involvement*) including:

- Workshops
- Focus Groups
- Newsletters
- Road Shows
- Resident Site Visits to Berkeley Homes' schemes
- Regeneration Site Visits
- Organised Events (including annual Fun Days)
- Youth Projects
- Community participation (including Tenant Associations and Estate Committee – now WDCO)
- Press releases
- Elected estate development committee
- Independent Tenants Leaseholder Advisors (ITLA)

6.1.2 Table 1 summarises the responses to the revised Masterplan application. A total of 5,455 notification letters were delivered to all households in and around Woodberry Down, and to adjoining streets west of Green Lanes and in Stoke Newington south of the reservoirs, as well as occupiers in Eade Road and nearby streets in Haringey.

6.1.3 46 responses containing objections or reservations have been received, along with 31 forms or letters of support (including 10 outside the site).

Table 1: Summary of Notification Responses

Objection	Within application site	Outside Area
Housing:		
No justification for total redevelopment rather than refurbishment; disruption for existing residents; loss of good condition houses in Woodberry grove North (including shared ownership homes)	5	3
Unaffordable new homes would disperse community – provide replacement shared ownership housing (Woodberry Grove)	4	
Concerns on effects on Lordship North estate regeneration		1
Too many new homes/ excessive density/ too many flats in scheme	1	3
Not enough social housing		2
Social housing dependent on sales of private homes may not be economic at present	1	
Not enough family or larger housing units		1
No housing allocated for Jewish or other communities		1
Employment:		
New shops not justified while existing shops struggle to find business		1
Design, amenity & community safety:		
New buildings are too high/ overlooking, sunlight & daylight effects on nearby homes & buildings	2	4
Height of new buildings in relation to Eade Road (Haringey) – loss of light and outlook		2 + 24 (Petition)
Noise from construction work		2
Oppose bridge connections to Eade Road & beyond – loss of privacy; increase in noise & rubbish; vulnerability to theft & damage		2+27 (Petition)
Increase in crime due to numbers of new residents	1	1
Transport & Car Parking:		
Seven Sisters Road should not be narrowed – reducing road capacity/ more pollution; scheme will add to congestion in wider area/ rat running along Woodberry Grove	2	11
Inadequate overall level of parking	1	1
50% parking excessive given current policies		3
Construction will disrupt traffic flows over long period		1
Inconvenience of one-way flow in Woodberry Grove		1
Overcrowding of trains & buses		2

Secure cycle parking should be provided		2
Community:		
Retain the John Scott Health Centre		2
Loss of established Robin Redmond community centre		1
Not enough consideration of new cultural provision		1
Ensure no disruption of leisure centre at West reservoir		1
Open Space & Nature Conservation:		
Loss/ disturbance of wildlife along New River & reservoirs due to buildings, bridges or other built development		5
Loss of mature trees		2
Sustainability:		
Consider much greater use of renewable energy equipment, especially for all public buildings		2
Other Issues:		
Loss of TV reception (Haringey side of site)		1
Total No. of objections/ concerns letters (Nos for 2007 application)	11(41)	35(70)
Support	Within Woodberry Down site	Outside Area
General support (Nos for 2007 Application)	21 (21)	10 (4)
Neither support nor oppose	1	(1)

6.1.4 Please refer to the respective sections within Comment below for detailed responses.

6.2 Representations by local groups

WDCO (formerly Woodberry Down Estate Development Committee)

6.2.1 The Board of the Woodberry Down Community Organisation reviewed the Revised Woodberry Down Masterplan and held a public meeting on the estate on 16 September 2008 to get residents' views on the plans. This submission incorporates all these views gathered and makes the following comments

1) Parking

We would like the figure "0.5 parking spaces per property" to be amended (*ie clarified as 1 space per 2 units*)

We are concerned that the provision of car parking spaces allocation is limited to 1 space per 2 properties. We also feel strongly that there should be a priority allocation system agreed with residents prior to the introduction of the first Controlled Parking Zone (CPZ). This priority system was supported by 64% of the residents' feedback forms.

2) Business servicing strategy

83% of the resident feedback forms supported the view that the retail proposals should support existing shop keepers. The current proposal suggests that the short term parking provided to allow for the retail units to be serviced. However, it suggests that there should be no early morning or late evening servicing. We feel that there should be sufficient flexibility for delivery times to be negotiated with the relevant businesses. Hence we feel this element of the master plan should be considered a reserved matter.

3) Seven Sisters Road

We oppose to the reduction of Seven Sisters Road from 6 to 4 lanes. In order to demonstrate the unrealistic nature of this proposal, we would like to suggest that the central lane is coned off between Amhurst Park and Manor House and closed to traffic for a 2-4 week trial period. We believe that this will adequately demonstrate the congestion that the proposed reduction will inevitably create.

Moreover, the impact on the transport system of the proposed learning campus which, it is suggested, will attract 2000 people each day has not been factored in. A further public meeting is being planned to discuss the proposal with Transport for London and the Greater London Authority and we will feedback the outcomes of that meeting to you.

We believe that this development should be fully assessed before any changes to the existing road layout are approved by the Planning Sub-Committee.

4) Density

We support the current density in the Revised Masterplan, ie 619 habitable rooms per hectare. However, we have doubts that a higher density could be accommodated without detriment to the quality of life of all residents regardless of tenure. This view was supported by 69% of resident feedback forms from the public meeting.

5) Housing Mix

We have a firm expectation that the mixture of social rented, private and intermediate homes in the master plan be adhered to but still have an aspiration that overall there should be 50% affordable homes. This view was supported by 77% of responses from the public meeting. We would like to know what the trade-offs would be for this to be achieved.

6) Provisions for Resident Leaseholders

We want all existing resident leaseholders to be provided with properties which match the space standards specified for social rented accommodation - namely Parker Morris +10%. This was a view supported by 93% of residents' responses.

7) Green and Brown Roofs

Our preference is for roof spaces to be dedicated to the generation of renewable energy, e.g. wind turbine, solar hot water or photovoltaic. Where roofs are not able to be used in such a manner we would want green roofs to be provided. We are not opposed to the provision of brown roofs but require more information about their functioning, maintenance, etc. This was a view supported by 65% of residents' responses.

8) Wet Weather Provision

We believe that the Masterplan should mandate the provision of dry routes across the neighbourhood so that pedestrians can access the main transport hubs without getting wet. This would be a major incentive for car owners to routinely choose public transport for the journey to work.

9) Rate of Sale of Private Units

We note that the current phasing plan is based upon an assumption of the sale of 240 private homes per annum. We are concerned that this might not be viable in the current economic climate and ask the Planning Sub-Committee to invite further analysis of this assumption before granting permission.

10) Phasing

The phasing of the regeneration (phases 2-5) should be reviewed so as to ensure that the blocks in the worst condition are redeveloped first. This was a view supported by 74% of resident respondents.

11) Gas for cooking

93% of resident respondents want a gas supply to be provided to all affordable homes as an option for cooking.

12) Massing affecting Layout

Due to the massing of the blocks in the master plan the layouts of individual properties may be adversely affected. This was of significant concern to residents in the public meeting, for instance 93% of respondent wanted

- an option of separate lavatories and bathrooms and
- that all bathrooms to have openable windows.

Residents that currently have dual aspect flats and wish to continue doing so, should have the option whilst accepting that social rented or leaseholders' properties could be above the fifth floor.

We also want all the social rented and resident leaseholder homes to have windows in kitchens and bathrooms. Accordingly blocks should be designed to allow this.

Residents would like to understand what trade-offs might be possible within the Masterplan to achieve these aims (including further increases in density).

13) Planning Meeting: Considering the importance of the planning application to the neighbourhood, we would request that the Planning Meeting be held in the neighbourhood in the Robin Redmond Community Centre.

6.3 The Reservoirs Nature Society (TeRNS)

6.3.1 The Society commissioned an independent consultant ecologist in 2007 to comment in detail on the nature conservation aspects of the proposals. His report set out the planning and legislative context and the methodology used in the EIA. There were considered to be limitations of the field data in scope and areas covered, and lack of consultation with local organisations. (See *Metropolitan Open Land, Nature Conservation and Water Spaces* for response in Comment below)

6.4 **External Consultations**

6.4.1 LB of Haringey – no response to this application.

Haringey made observations on the outline application in June 2007. There were concerns (re-iterated recently in response to the Hackney Core Strategy Preferred Options policy on Woodberry Down) about:

- The proposed increase in density from 255 habitable rooms per hectare up to 540 HRH which, while according with the density ranges set out in the East London Sub-Regional Development Framework 2006, is likely to impact upon existing community facilities, particularly in terms of secondary education provision.
- The number of units is increasing on the estate from approx 1900 to approx 4600. This will lead to a significant increase in the number of school age children aged between 11- 16 for whom no new provision appears to be made. As 40% of secondary school age children within the application area are currently provided for outside Hackney, it must be assumed that a similar proportion of the increased numbers of secondary school children will be provided for in Haringey. The Council therefore requests that a contribution is made to education provision within this borough through a S106 agreement, the details of which the Council wishes to be involved in at all stages of the negotiation/discussion where the interests of this borough will be affected.
- The Council requests that a financial contribution is made to us towards implementing traffic management measures deemed necessary to mitigate the impact of any regeneration development at Woodberry Down in that part of Green Lanes within this borough.

- A reassurance that those buildings closest to the borough boundary would not adversely affect the existing amenity of the properties in this borough closest to the application site.

Please see *Community* and *Transport* sections in Comment below.

6.4.2 LB of Islington – no objections.

6.4.3 English Heritage – (1) Historic Buildings & Conservation Areas advice: That this application be determined in accordance with national and local policy guidance. (2) Archaeological advice: support calls for programme of recording in ES survey of standing buildings; condition proposed to this effect. Recording should conform with EH guidance, including community involvement. Re: subsurface archaeology – in area of low potential but large site area suggests moderate potential for remains: these to be carried out prior to development (field evaluation) in accordance with PPG16.

6.4.4 Commission for Architecture and the Built Environment (CABE) Quite detailed and mainly positive observations given in 2007 on scale and massing; streets and spaces; Kick Start site (whether bringing forward this site will have limited potential to test the masterplan and design code); Design Code; and Sustainability. All incorporated into final Design Code to guide implementation of Masterplan. Response to current revised Masterplan: CABE now welcomes the redesign of the area north of Seven Sisters Road (known in original Masterplan as 'Woodberry Circus' to accord with remainder of the more rectangular general layout of that Quarter – as recommended in the 2007 CABE Design Review. Cannot carry out detailed assessment of the Design Code, but its approach is sound, with 'clear guiding principles' especially for Tall Buildings in the complex block layouts. The Code provides 'comprehensible guidelines for architects to go on and design the buildings in detail'.

6.4.5 Environment Agency – the cumulative flood risk concerns were addressed in 2007, and recently there has been further work agreeing in detail the SuDS provision which will help achieve the aim of no net increase in runoff. The Environment Agency now has no objections, subject to number of safeguarding conditions. These relate to nature conservation (including buffer zones along reservoirs); a range of landscaping management measures; pollution prevention conditions; and drainage details to achieve sustainable surface water drainage. Please see Recommendation A for conditions.

6.4.6 LFEP – raises concerns on how to determine at Masterplan stage the acceptability of fire access and compliance with Part B5 of the Building Regulations. This is to be dealt with by a condition requiring approval of the emergency access arrangements for each phase or Quarter.

6.4.7 Metropolitan Police Authority (MPA) - Notes the development's implications for police resources and points to the crucial role of policing in creating safe places to live as part of a sustainable community. Refers to planning policy support for the provision of police infrastructure in major schemes such as this. Welcomes the proposed provision of a police shop and community safety unit to house two safer neighbourhood team and request that these be secured by planning condition or obligation. Also endorses the approach to design that seeks to reduce crime and fear of crime.

6.4.8 City and Hackney PCT – no response.

6.4.9 Mayor of London – the Mayor of London formally considered the application on 15 July 2008. GLA planning officers have been closely-involved in all aspects of the estate renewal process, and the Mayor again supports the application in principle. The conclusions of the Mayor at this 'Stage 1' referral are as follows, including a number of concerns and Strategic issues needing clarification or revision:-

In broad terms, the application complies with these policies but in some circumstances further information is required to ensure compliance.

- **Housing:** The proposal re-provides for the existing tenants in the estate, ensuring no net loss in affordable housing, therefore complying with London Plan policy. The mix and tenure split reflect need to provide replacement accommodation, which is accepted. The density of the proposals accords with the density matrix within the London Plan and reflects the site's location and is supported with high quality design and substantial play and recreation provision. The housing element of the proposal is therefore in accordance with London Plan policy. The Council should secure the housing accommodation schedule within the legal agreement, particularly the quantity and mix of social rented provision.

- **Design:** The proposals respond positively to London Plan design principles. The Council should adequately secure the masterplan and design code through the legal agreement.

- **Access:** In accordance with London Plan policy the applicant has submitted an access strategy. However, this does not adequately demonstrate how the principles of inclusive design will be integrated into the development or how the proposal will meet the London Plan requirement to deliver all new housing to Lifetime Homes standards and 10% wheelchair accessible, or easily adaptable. This could usefully be included within the masterplan and design code documents.

- **Playspace:** The proposals respond positively to London Plan policy with regard to play and recreation provision. The applicant has provided detailed principles and design guidance for the development of play areas, which is supported.

- **Mix of uses:** The masterplan includes a range of community, educational, retail, business and social and healthcare facilities, which is in line with London Plan Policy. The Council should consider including within the overarching legal agreement a requirement to

provide a proportion of affordable and subsidised childcare places within the relevant development stage. In addition to the relocation strategy, the Council is encouraged to secure the provision of incubator units for returning businesses.

- Climate change and mitigation: The proposals accord with the London Plan sustainable design and construction policies. The submitted energy strategy does not reflect the previous strategy agreed as part of the discussions regarding the original masterplan application. The applicant has indicated that the Masterplan will commit to the delivery of the previously agreed strategy. Subject to this agreement, the proposals positively respond to London Plan energy policies. It should be noted however that any change in approach would not be acceptable.

- Metropolitan Open Land: The boundary of MOL as currently designated will not be altered by the proposal, and the only built form on MOL will be pedestrian bridges or piers. The proposals will bring environmental and recreational benefits to the site and bring the MOL land back into use for leisure and recreational purposes. In this respect the proposals are in accordance with London Plan MOL policies.

- Blue Ribbon Network: The proposal will enhance the Blue Ribbon Network through provision of a riverside walkway and riverside park and the creation of access to the water through the introduction of piers.

- Biodiversity: The application raises no strategic issues with regard to biodiversity. The Council is encouraged to include conditions which secure further investigation of the developments impact on existing species at the appropriate stage.

- Noise: The application raises no strategic issues with regard to noise.

- Transport: The alterations to Seven Sisters Road, improvements to the pedestrian environment (including the riverside walkway), contribution to bus services and production of a travel plan are all welcome contributions to a sustainable transport approach. However, clarification is required on trip generation, parking strategy and servicing arrangements. Consideration should be given to cycle provision on Seven Sisters Road and an alternative cycle route to replace the one that had been proposed adjacent to the New River.

6.5 Council departments and officers

6.5.1 The following Hackney Council departments have been consulted. Their response is taken into account in the planning officers' comments which are set out in detail in Section 8 of this report.

Streetscene Division (Transportation and Highways) comments

6.5.2 The Masterplan alterations are not considered to have significant transport implications. The revised Transport Assessment (TA) demonstrates that the proposed changes in land-use will not result in any significant changes to the patterns of traffic activity and trip

generation. However, the main TA addresses the transport issues at a broad scale and will be augmented by the TAs submitted with future planning applications for each site.

6.5.3 Observations on the summary of proposed changes to the previously submitted Masterplan:

- The alterations to the street layout are generally acceptable, providing that the DfT Manual for Streets standards are satisfied. However, it is understood that the street layouts, carriageway widths, footpath widths, street furniture, lamp columns, trees, etc. will be decided as part of the planning applications for the various development sites; subject to the submission of a satisfactory transport assessment for each site. A *Road Safety Audit Stage 1* is required to assess the proposed layout.
- The location of the north-western pedestrian/cycle bridge is satisfactory. It is considered that the proposed relocation of the second pedestrian/cycle bridge will result in improved pedestrian/cycling accessibility through the Woodberry Down site and linkages to the surrounding pedestrian/ cycling network.
- LBH Transportation will ensure that the pedestrian/cycle routes are linked to the existing pedestrian/cycle network surrounding the site. The pedestrian/ cycle improvements will be covered in the Travel Plan Framework which will be produced for the entire Woodberry Down site; and also addressed in greater detail in the Travel Plans produced for each development sites. Where appropriate, the pedestrian/ cycling improvements/measures identified in the Travel Plan/s will be funded through S106 sustainable transport contributions.
- There is no suggestion in the Transport Assessment that the proposed street layouts and the predicted increase in vehicular trips associated with the Woodberry Down proposal will cause or exacerbate rat-running through the site. It is unlikely that rat-running will be produced by the proposed Woodberry Down development. However, the proposal includes the introduction of traffic calming measures such as speed tables (20MPH zone) throughout the site, which although intended to address road safety, will also discourage rat-running through the site. More detailed consideration of the transport impact of the each development site will also be undertaken through the TAs produced for each site

6.5.4 Key transport issues from Masterplan 2007 observations:

- Car Parking: Car parking provision to be limited to a maximum of 45.5% and must relate to the PTAL level of each development site. The PTAL varies from 4 to 6a across the site. Car parking provision and layout will be assessed in more detail as part of the planning application for each site.
- CPZ: LBH supports the extension of the existing CPZ (subject to public consultation). This is necessary in order to manage the

availability of on-street parking places in favour of promoting sustainable modes of transport.

- Section 38/ S72 Adoption: The Masterplan does not address adoption issues; and therefore adoption of the Masterplan does not indicate a commitment to adoption. Any roads, paths and bridges which are intended for adoption by LBH must be constructed to adoptable standards and form part of Section 38 or Section 72 HA 1980 agreements.
- S247: any stopping up of the public highway will form part of agreement under Section 247 TCPA 1990, which will be determined under future planning applications for each development site.
- S278: a clear distinction between LBH and TfL highways works is required.
- Travel Plan: a Travel Plan with monitoring arrangements to form part of Section 106 agreement for each development site. Car clubs are supported as one of the sustainable transport measures in the Travel Plan.

The previously agreed conditions and Section 106 obligations should be re-imposed, as summarised below.

Table 2 Transport Observations – 2007 Masterplan

ref	Transportation Topic	Mitigation Measure
	The proposal is acceptable with conditions and mitigation measures.	
1	It is considered that the Proposal will not impact unduly on the borough's transportation infrastructure and assist in sustainable development providing that conditions and measures are agreed to achieve this outcome. The site is partially located in a CPZ, and it is necessary to introduce a CPZ for the entire site before occupation. The area has a Public Transport Accessibility Level of 5/6a, which is very good. No further related capacity enhancements of the Public Transport bus or underground services are envisaged. A Transport Assessment was provided. It is proposed to alter the nature of Seven Sisters Road, a TfL road. The road will be reduced to 2 lanes East and West, with a proposed bus lane in each direction. The perception of the road will be changed from that of a section	Detailed S106 to incorporate the introduction of CPZ. Condition for alterations to improve the pedestrian and cycle paths.

	<p>of motorway, and the benefit will be directly realised for safe pedestrian, cycle and car modes. TfL have indicated their approval.</p> <p>The new roads and paths proposed do not fully address the desire lines identified, and will need to be adjusted to take into account the safety and amenity of the pedestrians and cyclists.</p>	
2	There are 4,850 cycle parking stands/secure and under cover. The provision of one cycle space per unit accords with the London Plan.	4,850 no. cycle stands to be secured by Condition
3	The developer must be aware that proposed car parking is on the public highway, or what is to be adopted as public highway, and therefore cannot be allocated to any particular address.	Condition: Parking on the Highway
4	A Section 278 Highways Act Agreement is required to reinstate and improve the highway adjacent to the boundary of the site, and includes 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 Council's Estimate or Payment.	S278 Highways Agreement S106 and financial contribution
6	Consultation response must be provided from TfL (since received).	Standard Condition G8
7	Forward ingress- egress of vehicles.	Standard Condition H4
8	In order to achieve sustainable development Residents' Parking Permits should be capped at 50% max, with 10% parking to disabled standards by unit of the completed development, over each phase, and no additional Permits be made available except for electrically powered vehicles and those for Blue Badge holders.	S106 for parking at maximum 50%, 10% Disabled Parking
9	No part of the development shall be occupied until arrangements for car parking, turning and loading have been provided in accordance with the approved plans, and Parking Standards, and such measures shall be retained permanently for the occupiers and users.	Standard Condition H5
10	Adequate visibility for vehicular egress	Standard Condition H11

	shall be provided to the highway in accordance with approved details and these to be maintained.	
11	Construction traffic management will need approval. Management of the Construction phases to include a public information 24 hour contact and response team.	Standard Condition L9 S106 – Construction Management Plan
12	Area required for thresholds, gates and ramps must be provided on site.	Conditions
13	The proposed new roads and paths should be built to adoptable standards and must conform to the Draft Public Realm Design Guide. If required to be adopted under Section 38 of the Highway Act, a Bond will be secured against the cost of the work to secure completion.	S106 S38 Highways Act and Bond
14	A Road Safety Audit Stage 1- 2-and 3 is required to secure the safe operation of the proposals	S106- Road Safety Audits Stages 1, 2, & 3..
15	Installation of car parking bays for Car Pool Cars on the highway should be funded by the Developer.	S106 and financial contribution
16	The occupiers should be assisted in achieving sustainable travel targets with the services of a Travel Plan Co-Coordinator and implementation of a Travel Plan, with monitoring arrangements.	S106 - Travel Plan and financial contribution towards a Travel Plan Co-Coordinator
17	A Car Club and Cycle Club should form part of the Travel Plan including on – site <u>cycle bays</u> .	S106 - Car Club and Cycle Club bays
18	In mitigation of the transport impact of the development, a contribution is sought towards highway measures, sustainable travel initiatives, walking and cycling, public transport in the area. With the new Public Realm being delivered in the development, the priority will be measures highlighted in the Travel Plans and the walking and cycling links beyond the site.	S106 and financial contribution with a proportion of the S106 to be allocated for transportation
19	The School Travel Plan or agreed framework must be submitted prior to occupation.	S106 – Travel Plan
20	Secure Cycle parking at Manor House Station will facilitate the sustainable agenda, and needs to be provided.	S106 and financial contribution

6.5.5 Conservation & Design team comments

- **Master plan:** The Urban Design team has been closely involved in the development of the previously approved master plan principles and in the development of the ensuing design code. The development of the master plan for Woodberry Down followed a rigorous site analysis identifying the key urban qualities of the site and its surroundings. Key issues include linkages to and from surrounding areas, and within the estate, and views in and out of the site.
- Based on the principles established by the Area Action Plan, the objective of the master plan is to redevelop the existing estate and replace it with a new urban area based on the use of perimeter blocks forming continuous and active street frontages which in turn are part of a hierarchy of public spaces forming streets and squares of varying scale.
- **Urban Identity:** We support the principles of the master plan in establishing four new urban quarters, each based around a new public open space and each with its own character. We also welcome the principles of the street layout as it establishes a clear hierarchy of streets, reducing in scale from Seven Sisters Road (an urban boulevard) to principal distributor roads (such as Woodberry Down), to local streets and mews courts. The objective is to create a humane high density living environment.
- **Linkages:** The master plan layout improves the connectivity within the estate and, in particular, reduces the barrier effect created by Seven Sisters Road by reducing its width and installing more crossing points. Diagonal views are established across the site, and the new and existing neighbourhood centres are to be made more accessible.
- **Building Height:** At the right scale and height, perimeter blocks are designed to create well proportioned streets and public spaces. The blocks also have to be of the right size to provide good living spaces with the right amount of daylight and sunlight. The building form and layout enables the provision of a high density of development with blocks of varying heights.
- The perimeter blocks have taller elements which emphasise and turn the corners or close a view. Tall buildings are not designed as free standing structures but form part of the street frontage formed by the perimeter blocks. Tall buildings help to bring legibility and structure to the layout and are related to strategic locations e.g. street corners, intersections, closing important views and on the principal roads. Tall buildings have also been clustered to create areas of higher density at strategic points within the sequence of streets and squares i.e. on Seven Sisters Road.

- Without a sound urban design basis, tall buildings often do not achieve a high quality urban residential environment. The balance between height, density and layout always needs to be carefully considered. Very tall buildings would have an adverse impact (by overshadowing and loss of sunlight and daylight) on surrounding housing and disrupt the fine grain – the scale of streets and squares - of the urban quarters being created.
- **Tall buildings:** The development is designed to step down in height next to the water, and views of the reservoirs are possible from deep within the site (as indeed they are at present). Tall buildings along the reservoir edge on the south side of the site would overshadow the development to the north, and block views and access to the water from the rest of Woodberry Down.
- The reduced height of buildings on the water's edge also has less impact on views south over the reservoirs which are Metropolitan Open Land (MOL), as well as a conservation area and a local nature reserve.
- Taller buildings along the reservoir's edge would impact on the unique green character, effectively urbanising it, prejudicing the creation of a true linear park to provide breathing space from the high density of the residential development.
- **Landscape:** It is important that Woodberry Down becomes a complete community, built on the principle of streets and squares, and is not focused solely on the water's edge which is an asset for the whole site but should not be the driving force for Woodberry Down. The character of the East Reservoir is mainly of nature conservation and this is reflected in the proposed edge treatment. However, the existing edge of the West reservoir also has a unique quality which could be threatened by an overly urbanised' approach. This edge should retain its green character and not become a hard paved 'esplanade'.
- **Historic fabric:** There are only three principal (public) buildings that will be retained within the redeveloped estate. The Woodberry Down estate was one of the most progressive achievements of the post-war LCC in terms of the provision of new health, welfare and education facilities combined with new housing. The housing has reached the end of its useful life but the John Scott Health Centre and the Woodberry Down primary school have been listed grade 2, in recognition both of their own architectural and historic significance as well as their importance as examples of pioneering social buildings.
- St Olave's Church is also a grade 2 listed building. The future redevelopment of the Church Hall will have to be assessed in the context of its impact on the setting of the listed church.
- **Variations in the Master plan**
- The principal variations in the elements of the previously approved master plan are:

- An enlarged education campus
 - Increased building heights on Seven Sisters Road perimeter blocks
 - Replacement of the 'circus' of tall buildings on Seven Sisters Road
 - Increased height of the proposed tower on phase one (as already considered in Old School scheme)
- The 'circus' previously comprised three blocks centred round an area of open space fronting Seven Sisters Road. This has been replaced by perimeter blocks, still centred on a sizeable new public open space, that are more consistent with the surrounding Master-Plan. This change is considered an improvement to the layout although we have some concerns regarding the general increase in height of the blocks along Seven Sisters Road and the effect of increased height on sunlight and daylight within the perimeter blocks, and on the scale of Seven Sisters Road.
- The increase in height of the proposed phase one tower is considered acceptable given its location and role within the new townscape. This is the tallest tower proposed in the redevelopment as a whole.
 - **High density development and residential quality:** Design at this high density is a challenge, particularly in ensuring acceptable living spaces and providing accommodation for a range of family sizes that will help to create a long term community.
 - The quality of the residential accommodation will be determined by detailed applications that come forward as part of the phased development of the master plan. Key issues to be addressed in assessing detailed proposals include the internal layout of blocks, particularly avoiding long internal corridors, and orientation. It will be especially important to avoid the provision of single aspect flats. Space standards are also an issue, coupled with the quality of internal planning and layout, e.g. the achievement of separate kitchens in family units.
 - **Design Code:** The main principles are well documented and we support the design intent described.
 - **Block Types:** Five different block types with underlying key principles and special considerations for design not only address the design and sustainability concerns of individual blocks in Woodberry Down but also touch upon wider generic active frontage and sunlight and daylight challenges. It will be essential to maintain the design code requirements in the early phases of development and not allow departures from the master plan principles regarding block size, scale and height etc.

- **Tall Buildings:** The addition of a stepped option for a tall building typology in relation to the perimeter block is very positive. The stepped option among the four options – Linked Tower, Street Podium, L-Shaped and Stepped Options - is particularly important since the tallest building in Kick Start Site 1 adopts this approach.
 - **Outdoor Spaces:**
 - Public outdoor spaces: Apart from the well documented hierarchy of public spaces, it is essential that the whole public realm is designed and maintained to a high standard.
 - Private outdoor spaces: the emphasis placed on front gardens, back gardens/patios and balconies is adequate in terms of detail. There could be a need for more guidance on the applicability of projecting versus recessed balconies. For example, in a mixed tenure scheme we would expect a design code to establish a preferred standard for the size and position of balconies with respect to unit size. A larger unit (or family sized unit) might require a larger balcony than a one bedroom unit – this may call for a planning condition.
 - Personalisation: Most of the illustrative elevations, sections and views in the proposed document demonstrate the use of flower pots, shrubs, hanging baskets and planters but there is little mention of personalisation as a theme in outdoor private spaces. We expect to see more emphasis on the possibility of personalising these private outdoor spaces in detailed schemes.
 - **Urban Form:** The proposition of creating active frontages is welcome not only in terms of building envelope but also in block types. The building frontage types are especially valuable and provide an essential design guide to achieving a variety of properly proportioned building forms and frontages.
 - On balance, we think this document not only addresses the design and sustainability concerns of Woodberry Down as a scheme but brings out some of the most current challenges faced in developing liveable environments that are equally likeable and sustainable. It is in this regard that we think this Design Code should work at both specific and generic levels.
- 6.5.6 **Waste:** no comments received – previous observations seeking full range of recycling and other facilities remain relevant.
- 6.5.7 **Private Sector Housing:** unable to examine plans in detail, but seek adequate provision for hygienic storage of refuse pending collection.
- 6.5.8 **Environmental Health:** comprehensive series of conditions again proposed relating to internal sound insulation measures between dwellings and also where adjoined by non-residential uses; noise from construction plant & equipment; details of ventilation of non-residential

uses; acoustic details of CHP plants; and submission of a Construction Environmental Management Plan (including management of dust, wheel washing, traffic, security & relevant environmental management training for operatives)

- 6.5.9 Landscape: detailed comments received in 2007 on the landscaping strategy including comments on the spacing of trees along boulevards, tree pit design and recommended changes to proposed species – to be incorporated into revised Masterplan.

7 POLICIES

7.5 Hackney Unitary Development Plan

EQ1:	Development Requirements
EQ12:	Protection of Conservation Areas
EQ16:	Protection of Listed Buildings
EQ18:	Setting of Listed Buildings
EQ21:	Metropolitan Open Land
EQ29:	Archaeological Heritage
EQ32:	Shop Fronts
EQ46:	Recycling Facilities
EQ48:	Designing Out Crime
HO3:	Other Sites for Housing
HO5:	Estate Improvement
HO16:	Housing for People with Disabilities
E15:	Training
E18:	Planning Standards
TR19:	Planning Standards
R4:	Local Shops
OS1:	Enhancing Metropolitan Open Land
OS2:	Open Spaces and Parks
OS4:	Protection of Character of Open Spaces and Parks
OS5:	Development Affecting Open Spaces and Parks
OS6:	Green Chains and Links
OS9:	Recreational Footpaths, Towing Paths, Cycleways and Bridleways
OS13:	Access and Use of Water Areas
OS14:	Development and Areas of Nature Conservation Importance
OS19:	Planning Standards
CS2:	Provision of Community Facilities
CS3:	Retention and Provision of Community Facilities
CS4:	Provision of Health Care Facilities
CS6:	Provision of Education Facilities
ACE6:	Arts and Open Space
ACE8:	Planning Standards

7.6 Other Relevant Hackney Policies

SPG1: New Residential Development (1998)
SPG: Woodberry Down Area Action Plan (August 2004)
SPD: Affordable Housing (2005)
SPD: Planning Contributions (2006)
Urban Design Framework (January 2005 – non-statutory)
Public Realm Design Guide (draft, July 2007)
Tall Buildings Study 2005

7.7 Regional Planning Guidance

7.8 RPG 9: Regional Planning Guidance for the South-East

7.9 London Plan Policies

3A.1: Increasing London's Supply of Housing
3A.2: Borough Housing Targets
3A.5: Housing Choice (inc. Lifetime Homes)
3A.10: Negotiating affordable housing in private/mixed-use schemes
3A.13: Special Needs and Specialist Housing
3A.18: Protection/enhancement of social infrastructure & community facilities
3A.20: Health Objectives
3A.21: Location of Health Facilities
3B.1: Develop London's Economy
3B.11: Improve Skills and Employment Opportunities
3C.1: Integrate Transport and Development
3C.2: Matching Transport and Development Capacity
3C.3: Sustainable Transport
3C.20: Improving Conditions for Buses
3C.21: Improving Conditions for Walking and Cycling
3C.23: Parking Strategy
3D.10 Metropolitan Open Land
3D.14: Biodiversity and Nature Conservation
4A.3 Sustainable Design & Construction
4A.4: Energy Assessment
4A.7: Providing for Renewable Energy
4A.19 Improving Air quality
4A.20 Reducing Noise
4B.1: Design Principles for a compact City
4B.2: Promoting World Class Architecture and Design
4B.3: Maximising the potential of sites
4B.4: Enhancing the Quality of the Public Realm
4B.5: Creating an Inclusive Environment
4B.8: Tall Buildings – Location
4B.9: Large-scale buildings – design and impact
4B.11: Heritage Conservation
5C.1: Strategic Priorities for East London

Mayor's SPG:

Housing (November 2005)
Sustainable Design and Construction (2006)
East London Sub-Regional Development Framework (2006)
Providing for Children and Young People's Play and Informal Recreation (draft October 2006)

7.10 National Planning Guidance

PPS1: Delivering Sustainable Development
PPS3: Housing
PPG 4: Industrial, Commercial Development and Small Firms
PPS9: Biodiversity and Geological Conservation
PPS10: Planning for Sustainable Waste Management
PPS12: Local Development Frameworks
PPG13: Transport
PPG15: Planning and the Historic Environment
PPG16: Archaeology and Planning
PPG17: Planning for Open Space, Sport and Recreation
PPS22: Renewable Energy
PPS23: Planning and Pollution Control
PPG24: Planning and Noise
PPS25: Development and Flood Risk

The Sustainable Communities Plan (DCLG)
Circular 05/05 Planning Obligations

7.11 Other Guidance

CABE/English Heritage: Guidance on Tall Buildings (updated 2007)
BRE: Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (Littlefair: 2003)

8 COMMENT

8.5 Introduction – main elements and uses

8.5.6 This report relates to the outline planning application for the redevelopment of the site with: 4,664 homes (including 41% affordable), comprising 1-bed, 2-bed, 3-bed, 4-bed and 5-bed flats, and 5-bed and 6-bed houses with associated car parking; approximately 38,500m² of non-residential building and associated car parking, including 5,194m² of retail buildings within classes A1-A5; 3,144m² of class B1 Business use, 30,000m² of class C1, D1 and D2 uses including education, health centre, children's centre, community centres, youth centres; provision of new civic space, public parks, open space, landscaping of the edges of the New River; reduction of Seven

Sisters Road from six to four lanes and related improvements to the public realm; formation of new access points to the Woodberry Down neighbourhood; the creation of new and improvement of existing cycle and pedestrian routes to and within the estate including from north to south across Seven Sisters Road. This planning application is accompanied by an Environmental Statement (ES).

- 8.5.7 There is no associated application for Listed Building Consent at this stage in relation to the recently-listed primary school and health centre. St Olave's Church Hall is to be redeveloped and the setting of the listed church itself improved, however there are no alterations proposed to the listed church at this stage in the Masterplan.
- 8.5.8 The key issues to be addressed in determining the application are as follows:
- a. proposed land uses
 - b. design
 - c. listed buildings
 - d. landscape/public open space/public realm
 - e. metropolitan open land/nature conservation and open water space protection
 - f. residential amenity
 - g. transport issues
 - h. environmental statement issues
 - i. planning obligations
- 8.5.9 Each of these key issues is addressed in turn below and assessed against national, regional and local policies and in particular the adopted Woodberry Down AAP policies and the non-statutory Urban Design Framework.

8.6 Residential Uses

- 8.6.6 The proposed development is a mixed-use scheme that is residential-led but also comprises other uses. The residential and non-residential uses are addressed in turn.
- 8.6.7 The issues in relation to housing relate to quantum and density, mix and tenure for the site. The Housing Objective of the AAP seeks substantially to improve the standard and supply of housing. More specifically, the AAP seeks to increase the number of dwellings from 2,067 to 3,293 by 2016 (an additional 1,226 homes).
- 8.6.8 Quantum: all existing residential buildings on site will be demolished. The revised masterplan scheme proposes a total of 4,664 dwellings, over 1,000 above that required by the AAP, and a major contribution to London Plan and Hackney housing requirements. The exchanges of land set out at Section (5) above result in a small increase of 20 flats.
- 8.6.9 The average proposed density is approximately 200 dwellings per hectare (dpha) or 540 habitable rooms per hectare (hrha) (Mayor's

Stage 1 report states the density to be 617hrha). Overall, the site has a Public Transport Accessibility Level (PTAL) of range of 4 or higher, for which the London Plan suggests a density range of 450–700hrha for predominantly flatted development in urban locations. While the proposed density significantly exceeds former UDP policy HO9 and SPG1 which consider 250hrha to be an appropriate maximum, the AAP expects density to be generally high and the Urban Design Framework demonstrates that this is achievable without compromising design quality. The proposal accords with Policies 4B.1 and 4B.3 of the London Plan, which seek to maximise the potential of sites. The Mayor’s Housing SPG notes that higher densities may be required to generate sufficient cross-subsidy to maintain affordable housing provision. Similarly, PPS3 and the East London SRDF seek increases in densities to meet housing targets.

8.6.10 Table 2 below sets out the proposed dwelling mix. PPS3: Housing encourages local authorities to meet the housing requirements of local areas as well as providing a mix of dwelling types in order to create sustainable communities. Policy 3A.5 of the London Plan encourages new development to offer a range of housing choices, taking into account the housing requirements of different groups. The Council has identified a specific need for family-sized residential accommodation of three or more bedrooms in the Borough, and locally adopted Supplementary Planning Guidance 1 on New Residential Development (1988) (“SPG 1”) seeks the provision of at least one third of residential housing to come forward as family sized, a third of which should be large family housing ie units of four or more bedrooms.

8.6.11 The adopted AAP specifies a housing mix of 25% one-bedroom, 40% two bedroom, 20% three-bedroom, 10% four-bedroom and 5% five bedroom units to meet the specific and projected needs of the Woodberry Down residents.

Table 3: Proposed dwelling mix

<i>Type of Unit</i>	<i>No of bedrooms</i>	<i>No of Units</i>	<i>%</i>	<i>2007 Master Plan</i>	<i>AAP requirement %</i>
Flats:	Studios	130	3%	None	0%
	1	1,332	29%	1,440	25%
	2	1,607	34%	1,594	40%
	3	1,203	26%	1,559	35%
	4	296	6%		
	5	97	2%	51	

	Total	4,664	100%	4,644	100%
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[source: Masterplan Table 9.1]

8.6.12 The proportion of family accommodation (three bed+) proposed remains approximately 34% of the total number of residential units, generally in accordance with policy requirements, and it is recognised that this would address a specific local housing need. The introduction of studio flats has been at the expense of small reductions across 1 and 3 bed units, but actually with an increase in 5 bed flats. The proposed dwelling mix across the site is not significantly affected by the land use exchanges (Section 5) and remains in accordance with policy and AAP requirements.

8.6.13 It is considered that the amount, density and mix of housing proposed accords with London Plan policies 3A.3, 3A.5, 4B.1 and 4B.3 of the London Plan, Hackney SPG1 and is in accordance generally with the AAP.

8.6.14 Furthermore, all residential units have been designed to comply with 'Lifetime Homes' standards and 10% of all units are designed to meet the needs of wheelchair users. This is consistent with core policies of the AAP and policy 3A.5 of the London Plan.

Affordable Housing

8.6.15 The core policy of the AAP relating to affordability is to retain all 2,067 socially-rented homes with the subsequent provision dispersed throughout the neighbourhood, and for each neighbourhood to include a mix of tenures. The AAP also seeks to increase the diversity and mix of housing types and the redevelopment should therefore include a proportion of shared ownership and market housing.

8.6.16 A Registered Social Landlord (Circle Anglia) has been appointed for Phase 1 (the 'kick-start sites') only; the combined Phases 2-5 are being procured separately. Over 500 dwellings are either in leasehold or separate freehold ownership. The AAP requirement is for all existing 1,458 social-rented units to be re-provided; the revised masterplan still proposes some 1,470 social-rented units.

8.6.17 It is proposed that 41% of the total provision be affordable (31% social-rented, 10% intermediate). The tenure mix is unchanged from 2007, and is set out below:

Table 4a: Tenure mix

Unit Size	Dwellings		% by affordable tenure
	No	%	
Private	2,728	59	
Social-rented	1,458	31	76.0
Intermediate	478	10	24.0
Total	4,644	100	

[Source: Masterplan Table 9.1]

8.6.18 The affordable housing mix is envisaged as follows:

Table 4b: Social housing mix

No of bedrooms	Current social-rented provision		Proposed social-rented provision		Mayor of London SPG social-rented mix
	No	%	No	%	%
1	312	21	394	27	19
2	648	45.5	597	41	39
3	358	25	146	10	
4 Bed+	74	5	321	22	42
Not specified	49	3	-	-	-
Total	1,438		1,470		

[Source: GLA Stage 1 report para 22]

8.6.19 The Mayor of London’s Stage 1 report notes that “the mix of the social rented units does not accord with the SPG, however the proposals are acceptable as they represent a significant improvement over the mix of the existing estate” [para 23]. He also accepts the necessity to include a significant proportion of private market housing to fund the re-provision of social-rented housing. The affordable tenure split is 76:24 social-rent to intermediate – “an appropriate balance for this regeneration project”.

8.6.20 The level of affordable housing (41% by unit) is maintained as approved in 2007. It accords with the AAP and Policy 3A.9 of the London Plan in that existing social-rented housing is fully replaced. Similarly, the proportion of affordable housing is consistent with the requirements of the Council's SPD on Affordable Housing of 2005 and Mayor of London's Housing SPG, which encourages a mix of dwellings to create a more balanced community.

Non-Residential Uses

8.6.21 The revised Masterplan maintains all of the 2007 proposal's comprehensive range of commercial, community and leisure uses which are essential to a renewed community, including:

- Woodberry Down primary school (expanded)
- Lifelong learning campus – including North East London Business and Training Facility; City Academy (Secondary School & 6th Form)
- Children's Centre and two day nurseries
- Business centre and offices
- Youth centre (with classrooms, hall, IT/music, media suites, outreach & office facilities and Multi-Use Games Area)
- Community centre (Phase 1) and three satellite community centres (including projected rebuilding of St Olave's Church Hall, with sports & leisure activities)
- Health centre (replacing John Scott HC)
- Retail (including supermarket), restaurants and bars
- New Police shop & community safety unit
- Additional Sailing club
- Public open spaces and wildlife centre

8.6.22 Of these, the City Academy is the only additional element now to be formally approved as a land use in this application. The exchange of land (Section 5) with residential is acceptable, maintaining the housing quantum and locating the Academy alongside the existing, enlarged Primary School with consequent educational benefits. The new Health Centre was added into the 2007 Masterplan during consideration of that application, but the intention now is for it to serve as a replacement. Potential future uses for the John Scott Health Centre will have to be assessed in relation to its statutorily listed status, but the siting and general envelope of the new facility is fully acceptable to the City and Hackney PCT.

8.6.23 The majority (62%) of the non-residential floor space is proposed for community, education and health purposes (33,974m²), including (for the first time in the Masterplan) the City Academy. The proposal significantly increases the health, educational and community uses within the area and therefore accords with the UDP policy CS2 and the AAP.

8.6.24 The LB Haringey has continuing concerns about the impact of an expanded Woodberry Down population on secondary school provision in that Borough. The new Skinners Academy, now formally incorporated into the regeneration, is designed to meet this and other local demand for additional places. The Masterplan envisages a contribution towards the new School – see *Planning Obligations* in Comment below.

8.6.25 The scheme again proposes a range of retail and local services office accommodation, totalling 5,027m² mainly along Woodberry Grove between Woodberry Down and Seven Sisters Road. The largest unit (2,000 sq m) is still intended for a convenience supermarket. The new floorspace will provide for the relocation of existing business (eg small scale shops, offices, cafés and bars). A number of flexible ground floor units suitable for a range of commercial uses are also proposed in Phase 1 (Old School site), in blocks fronting and parallel with Woodberry Grove. The Retail Impact Assessment (RIA) accompanying the 2007 application continues to show quantitative and qualitative need for the proposed floorspace.

<p>8.6.26 It is considered that the proposed non-residential uses are acceptable and would enhance the vitality of the estate and contribute to the social and economic well-being of the wider area. The proposed uses are therefore in accordance with policies R4 and R8 of the adopted UDP, the core policies of the AAP and Policy 4B.1 of the London Plan.</p>
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8.7 Design

8.7.1 The Woodberry Down Masterplan follows the AAP aims of promoting a high standard of design, and six distinctive neighbourhoods within the area and an urban design approach that capitalises on the unique features of the area, such as Finsbury Park, the New River and the reservoirs. The revised Masterplan again sets out the intended design approach in relation to: scale and massing; layout and access arrangements; materials, form and detailing; heights; street alignments; quality of public spaces; ground floor visual interest; designing out crime; boundary treatments; retention and refurbishment of existing buildings; and respectful urban grain.

8.7.2 For the purposes of assessing the outline planning application, two aspects are addressed here – layout, and scale and height – together with the issue of the agreed design codes which would dictate certain provisions in the phased implementation of the scheme.

Site Layout:

8.7.3 The overall layout of these distinct quarters has been only slightly affected by the 2008 revisions to the Masterplan, as follows.

8.7.4 The *North-West Quarter* will be primarily residential with two principal open spaces: Rowley Gardens and the area north of Seven Sisters

Road, formerly described as a new 'Woodberry Circus'. Although the new diagonal link from the Circus to the more metropolitan scale of development to the north is still proposed, the open space will be contained by rectangular blocks more in keeping with other adjoining Quarters, as preferred by CABE in its 2007 response to the earlier Masterplan.

- 8.7.5 The *South-West Quarter*, running from Seven Sisters Road to the open space alongside the New River and West Reservoir, is largely unchanged, except for the formal inclusion of the new Health Centre (already anticipated in 2007). Similarly, the *South-East Quarter*, between Seven Sisters Road and East Reservoir will still centre on two formal public open spaces and feature buildings that open out to the water on the southern edge.
- 8.7.6 The *North-East Quarter* will now have an unbroken education 'campus' running through into the north-west area, resulting in new routing for the links from north to south across the whole Woodberry Down area. The more continuous frontage to Seven Sisters Road is acceptable, provided that noise issues are resolved at detailed stage (see Amenity below). The western link will still include a cycle route, and they maintain the essential permeability sought throughout the gestation of the scheme to date. The resited business and training centre is slightly further from the listed Primary School.
- 8.7.7 Urban Design and Conservation officers have remained closely involved with the preparation of the policy and design framework for this site and in negotiations with the masterplanning team. CABE's view on the layout is that it is a further improvement, especially abandonment of the 'Woodberry Circus' element. Similarly, the Mayor of London supports the principles of the masterplan to maximise local views, improve the environment, introduce a strong urban block structure and establish new public open spaces.
- 8.7.8 There are no changes to the general relationship set out in the Masterplan Statement between the development and the New River and reservoir frontages; development is generally required to be set back by 15 to 20m from the water's edge, or no closer than the existing development (where this is closer).
- 8.7.9 The Mayor of London's concerns on lack of explicit emphasis on equal access in the Masterplan are being fully addressed by the applicants.
- 8.7.10 Comments on the issue of open space are set out in section 8.6 below.
- 8.7.11 The layout and street pattern of the proposal greatly enhance permeability across the site and the new layout accords with urban design principles of the AAP and with the UDF. The layout also accords with policy EQ1 of the UDP. It is considered that the provision of the setbacks, linear park and block layouts accord with the AAP and Policy OS13 of the UDP and the London Plan.

Scale and Height:

8.7.12 The masterplan adopts the same approach as that of 2007, with a mixture of low-rise (two to five storeys) to medium-rise (six to nine storeys) blocks, together with two high-rise (eleven to twelve storeys) buildings, and a taller, 'landmark' building now of 25 storeys, as already approved through the Berkeley Homes application (2007/1841) for the Old School site.

8.7.13, the applicants have taken into consideration *Guidance on Tall Buildings* (CABE 2003) and *The London Plan* (2004), as well as the Tall Buildings Study (2005) commissioned by the Council. This latter identified Woodberry Down as an Opportunity Area for tall buildings: it considers *'the area to the south and east of Finsbury Park along Seven Sisters Road and extending towards the East and West Reservoirs provides an ideal location for tall buildings due to its high public transport accessibility, its lower elevation than the park and strong open space focus available to residents or workers in tall buildings'*.

8.7.14 In this context, the applicant has identified six locations considered suitable for tall buildings in Woodberry Down:

- Woodberry Down Circus
- the north-west area adjacent to Rowley Gardens
- Woodberry Down Neighbourhood Centre
- Seven Sisters Road eastern gateway
- the southern gateway on Woodberry Grove
- Newnton Close, near the existing towers on the Lincoln Court Estate (adjacent western boundary of the site)

8.7.15 The joint development of the Design Code last year, and 'parameters' basis of the application is considered by Hackney officers to allow for the kind of flexibility that the Mayor of London had been seeking. To this end, the masterplan now includes the landmark building of 25 storeys at the northern end of the old School site, located adjoining Woodberry Grove and some distance away from the nature conservation area, new linear park and reservoirs in order not to have a negative impact. Building heights adjacent the reservoirs are generally low to medium heights of five to seven storeys in height.

8.7.16 It is considered that the proposed height and scale of the application, when assessed together within the context of the masterplan is appropriate in this instance. The location of the proposed tall buildings accords with the requirements of the Urban Design Framework, core policies of the AAP, the Council's Tall Buildings Strategy and Policies 4B.1, 4B.3, 4B.8 and 4B.9 of the London Plan.

Design Code, Access, Community Safety

8.7.17 The applicant team worked with Council design officers in 2007 to draw

up an agreed design code to guide the detailed aspects of future phases of development.

8.7.18 The Mayor of London supports the final agreed Design Code, subject to additions to explicitly place inclusive access around and into the development at the core of the Code (to follow the Masterplan, which now more explicitly acknowledges this basic tenet). He seeks incorporation of the Design Code in the development through Agreement or other suitable means into any permission. The officers consider that a planning condition is appropriate, as Design Codes are now an acknowledged element of major developments.

8.7.19 The proposed police shop within the new neighbourhood centre will provide a more visible policing presence in the area and will also make the police more accessible to residents. The policing will be based on the Safer Neighbourhoods Initiative. These proposals are thus expected to have a significant beneficial impact on perceptions of crime as well as on actual crime levels. These permanent beneficial impacts are likely to be maximised as a result of the early establishment of the police shop.

8.7.20 The improved standard of housing as a result of the development can be expected to have a beneficial impact on achieving reduced crime levels, partly as a result of the increased security measures (including proposed site-wide CCTV) that will be introduced through the design of the housing, but also due to established associations between better quality housing and lower crime levels.

8.7.21 Issues relating to community safety, specifically of greater access to the rear gardens of houses are paramount in the continuing objections of a number of households in Eade Road. For this reason, although the western bridge is again shown across New River to link onwards to Green Lanes, it is now proposed to treat the proposals for this and the easterly link with the employment area centring on Tiverton Road (Haringey) as illustrative, with a planning condition requiring submission of separate applications to this Council and Haringey before they can be built.

8.7.22 The proposals to increase public access to the New River and the reservoirs via Metropolitan Open Land have been subject to a Water Safety Review by the Royal Society for the Prevention of Accidents (RoSPA).

8.7.23 Generally, it considered that the proposal complies with the Policies EQ1 of the adopted UDP, 4B.1 of the London Plan and is in accordance with the guidelines set out in the Urban Design Framework and core policies of the AAP.

8.8 Sustainable Design and Construction

8.8.1 A general policy of the UDP and Woodberry Down AAP is that

proposals should adopt an integrated and sustainable approach to new development. Considerable work by the applicants and officers has gone into ensuring that the scheme accords, at outline stage, with the approach of the Mayor's comprehensive SPG on Sustainable Design and Construction. The Design Code will enable this to go forward to detailed stages.

8.8.2 As before, the masterplan proposes to achieve sustainability across the site by measures including:

- instigating transport initiatives that reduce the need to travel by private motor vehicles, with a focus on walking and cycling
- applying high energy efficiency building specifications
- incorporating a network of energy centres, partially run from renewable energy sources
- incorporating sustainable surface water drainage & green roofs across the site
- minimising light loss to the sky, particularly from street lights

8.8.3 Both a BREEAM and EcoHomes pre-assessment was undertaken in 2007 in support of the Energy Strategy, where it was established that the site would achieve a 'Very Good' rating, noting that it was less than 2% under the threshold to achieve an 'Excellent' rating. This equates to Level 3 under the Code for Sustainable Homes (CSH), which has since replaced BREEAM. The officers now consider, however, that bearing in mind the Government's aim to ensure that all new housing being built by 2016 achieves Level 6 (virtually Zero Carbon), that no dwellings in Phase 1 should achieve a final rating of less than Level 4, which requires the very renewable energy measures that are an integral part of the scheme. Further Phases should then be required to be accompanied by preliminary assessments, with the maximum Level to be agreed in the light of technological and conservation measures available by that time.

8.8.4 The masterplan re-iterates the 2007 targets of reducing carbon emissions by up to 25% below those required by the Building Regulations, achieved through a combination of energy efficiency, use of renewables and increased efficiency of supply. It envisages the proposal will incorporate the use of Combined Heat and Power units (CHP). After further discussions with GLA officers, the applicants confirm that they do not intend to propose variations from the agreed Energy Strategy.

8.8.5 Subject to further detailed approval at the reserved matters stage, it is again considered the Woodberry Down Energy Strategy as part of the masterplan for the scheme accords with policy EQ1(j) of the UDP and Policy 4A.7 of the London Plan.
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8.9 Built heritage

- 8.9.1 The existing Woodberry Down Community School and the John Scott Health Centre have been statutorily listed at Grade 2. The other listed buildings within or adjoining the application site are: the Grade II listed Church of St Olave's and the Grade 2* listed Metropolitan Water Works Engine House on Green Lanes.
- 8.9.2 The outline application and masterplan retain the listed church while allowing for redevelopment in due course of the existing church hall (not listed). The latter is considered essential to enable the viable retention and refurbishment of the main Church building.
- 8.9.3 The effect of the completed redevelopment on the listed buildings remains acceptable. Building heights near the School have been reduced in scale to respect its setting. The primary school and health centre buildings formed part of the original estate development by the LCC architects. These buildings provide historical detail so far as they formed part of the evolution of the estate and are surviving examples of the ideals of a newly-formed NHS and post-war school provision. The school will be retained in a more open setting to enhance its low-rise architecture, while the health centre located at the south-western corner of the site will be preserved and integrated with the new buildings in that Quarter.
- 8.9.4 The New River/Brownswood Conservation Area adjoins the south-western edge of the application site; Woodberry Down defines the northern boundary of the Conservation Area. The masterplan proposes to open up the built form on the water's edge, including the provision of a linear park, to form a green, landscaped edge to the boundary of the Conservation Area. In addition, new public open spaces will also provide green buffers to the new buildings.

- 8.9.5 The proposed approach to the listed buildings on the site, insofar as they are addressed in the outline application, appears to be in accordance with UDP policies EQ16 and EQ18, core policies of the AAP, the urban design framework and relevant statutory tests in PPG15.
- 8.9.6 It is considered that the application will enhance the setting of the existing Conservation Area, in accordance with the statutory tests in PPG15, the AAP and Policy EQ12 of the UDP.

8.10 Landscape/Open Spaces/Public Realm

- 8.10.1 The Masterplan again aims to maximise linkages to the Metropolitan Open Land (MOL) by the New River and Reservoirs and Finsbury Park, creation of a new linear park and to provide new attractive open spaces in the form of pocket parks. The scheme sets out principles of inclusive and high quality design and access the open spaces within Woodberry Down, including improved linkages between such spaces, footpaths and cycleways.

8.10.2 A number of high quality open spaces, civic squares, communal gardens and new public spaces is proposed, equalling 10%, or 2.4ha of the total application site area. The design rationale of the play space hierarchy is set out in the Design Code, and the detailed principles and design guidance for the development of play areas is supported by the Mayor of London.

8.10.3 A total of seven public open spaces is again proposed, providing a variety of uses and options, which including the following:

- Rowley Gardens: multi-use games area (MUGA)/children's play facilities and linkages to New River to the north;
- Woodberry Square: designed as a traditional London Square including grassed areas for informal relaxation and Local Equipped Area for Play (LEAP);
- Woodberry Gardens: located at the eastern part of the site, designed as a community garden, also including a neighbourhood Local Area for Play (LAP);
- Spring Park: part of the proposed principal open space, linking it with the new linear park. Largest of the parks with greatest range of facilities including green terraces, multi-use games area, LEAP, spaces for public performances and many other potential uses. Spaces to be permanently supervised and maintained by a park warden;
- Woodberry Circus: combination of both hard and soft landscaping with mixed uses on the adjacent ground floors;
- Woodberry Grove: improvements to an existing open space area including play areas and outdoor seating; and
- The Amphitheatre: a series of landscape terraces to be arranged as an amphitheatre located at the old school site, adjacent to the New River and Reservoir.

8.10.4 The provision of landscape, open space and public realm is generally in accordance with the London Plan, the Woodberry Down Urban Design Framework, the AAP, and the 2008 Public Realm Design Guidance. Subject to approval of details at reserved matters stage, officers remain satisfied with the overall quantum and location of play space.

8.11 Metropolitan Open Land, Nature Conservation and Water Spaces

8.11.1 The East and West Reservoirs and New River are designated as Metropolitan Open Land (MOL) and Green Chains in UDP. In addition, the Reservoirs and New River are also identified as being Sites of Metropolitan Importance for Nature Conservation; the East Reservoir is also a Local Nature Reserve.

8.11.2 The proposal seeks to support and encourage greater use of the MOL, an aim supported by the Mayor of London. The Masterplan shows enhancement of the New River through the comprehensive re-landscaping of the riverside. The two pedestrian bridges (one moved eastwards) at the north of the application site area will improve access to the New River and other areas of the MOL from the north. It is proposed to give waterside access along New River, albeit not along its whole length adjoining West Reservoir, so as to leave some areas of 'buffer zone' planting where wildlife habitat re-creation can be facilitated. The piers which were again proposed have been deleted from the Masterplan.

8.11.3 The concerns of Natural England, TeRNS and individual respondents on the need for a fuller understanding of the baseline ecology and impacts/ mitigation/enhancement are shared by the Mayor of London, who considers that further issues still require further consideration or clarification, relating to:

- Impacts of disturbance on gadwall and other water birds which commute between the site and the Lea Valley Special Protection Area, and the possible need for appropriate assessment;
- Assessment of impacts (positive and negative) on ecology and access to nature along the New River in respect to detailed access and landscaping;
- More detailed consideration and, if necessary, mitigation of impacts on the common toad; now a UK Biodiversity Action Plan priority species;
- Conditions to minimise impacts of lighting on bats and waterfowl; and
- Opportunities for further mitigation and enhancement of the river and reservoirs to be discussed with interested groups such as London Wildlife Trust, The Reservoirs Nature Society (TeRNS) and Thames Water's conservation staff.

8.11.4 The officers recommend that these matters are progressed through the proposed Nature Conservation Management Strategy to be secured via a S106 agreement.

8.11.5 It is considered that significant improvements to the MOL, Green Chains, nature conservation and ecology of Woodberry Down are still features of the revised Masterplan, though further details of the various surveys, detailed impacts and mitigation measures should be incorporated in the proposed Nature Conservation Strategy. Therefore the application is in accordance with Policies EQ21, EQ30, and EQ31 of the adopted UDP, the core policy requirements of the AAP, Urban Design Framework and policy 3D.14 of the London Plan.

8.12 Transport Issues

Traffic and Road Network

- 8.12.1 The masterplan carries forward a number of major infrastructure improvements to the existing layout and linkages across the site and to public transport services. Most notably in this respect will be the improvements to Seven Sisters Road: its reduction in width from six lanes to four will assist in creating a more pedestrian-friendly environment. Discussions are continuing with TfL, the responsible agency. Together with improved street and pedestrian layouts in surrounding blocks, public transport services will be made much more accessible. The alterations to most of the junctions in and around the site (including addition of traffic lights at Amhurst Park) will facilitate improved pedestrian and cycle linkages around the site, adjacent to New River and access to the north, will further increase access to services.
- 8.12.2 The 2008 Masterplan alterations to layout and land use locations are not considered to have significant transport implications. The consultants for the scheme re-assessed the revised Masterplan in the light of the changes only, as both they, the Council and TfL were satisfied (after considerable discussion and further analysis) that the increased population and other activities could be catered for. This amounts to a continuation of the approach in the original Masterplan, agreed by Members in September 2007
- 8.12.3 In essence, two groups of factors were (and still are) considered to contribute to this conclusion. Firstly, in 'demand' terms, the sustainable transport measures, such as Travel Plans, Car Club, extended CPZ and restriction of car parking in areas of greatest public transport accessibility (ie PTALs of 5 & 6A nearer to Manor House station) would in combination reduce dependence on ownership and use of the private car.
- 8.12.4 Secondly, the 'supply' side relating to the narrowing of Seven Sisters Road has been assessed as acceptable in its effects on the efficiency of the main road network to carry additional traffic. In the case of the Manor House junction, the consultants' Assessment, agreed by TfL is that '...refinement of the Masterplan proposals is shown in the models to have very little impact on the previously reported operation of the Manor House junction. In both cases, the Practical Reserve Capacity of the junction is consistent with the previous analysis and the modelled queues are stable between the scenarios that have been tested.' For the junction between Woodberry Grove and Seven Sisters Road, the conclusion of the Assessment is that '...The analysis undertaken suggests that the changes proposed in the revised Masterplan do not (therefore) significantly affect the approach to junction modelling.'
- 8.12.5 In addition to the assessment of issues at a broad scale, detailed Transport Assessments are to be required with applications for

reserved matters for each development area, which will reflect the varying levels of car parking to be permitted according to PTAL accessibility.

Public Transport

8.12.6 The PTAL level for the site ranges from 6a (very high) at the western edge of the site (at Manor House underground station), to a 4 (medium) towards the eastern edge of the site, along Seven Sisters Road. The submitted Transport Assessment (TA) has used PTALs to assess access to and around the site. Manor House lies on the Piccadilly Line, which is scheduled to be upgraded, increasing overall capacity by 20% by 2014. A number of bus routes run along Seven Sisters Road, and the 279 route terminates at Manor House, with the bus stand to be relocated to Woodberry Down adjoining St Olave's Church.

8.12.7 The TA and ES again conclude that given the overall high accessibility to public transport, there is a great deal of potential for the increase in sustainable travel options. Current capacity levels have additional capacity which will be sufficient to absorb the additional demand as the result of the proposal.

8.12.8 The submitted transport assessment concludes that the existing bus network can absorb the additional patronage as a result of the scheme. TfL is now satisfied with the contributions towards increased bus services, to be achieved through a planning obligation requiring appropriate assessment of capacity and a mechanism for any further contributions.

Car Parking

8.12.9 Hackney and TfL officers recommend that permission should be based on a maximum parking ratio of 0.473 space per residential unit, calculated on the basis of overall PTAL accessibility. As this parking level is relatively high for an area with PTAL of up to 6a, it is again proposed that a parking strategy be submitted that relates parking provision to more localised accessibility, with different levels of parking in different areas, secured by condition and S106 provisions relating to permit restrictions.

8.12.10 Again the intention is to extend the present controlled parking zone (CPZ) across the whole of the Woodberry Down area. Where parking rates exceed the 50% provision for a site, residents would not be entitled to a parking permit unless for Disabled Badge holders, although returning residents should be accorded priority, as with the recently approved redevelopment application for Haggerston West and Kingsland (24th July meeting). A Car Parking Management plan for outside the site boundary is also required.

8.12.11 107 disabled spaces are proposed, which reflects both TfL guidelines and London take-up rates for blue badge and similar schemes.

Walking and Cycling; Cycle parking

8.12.12 The increased accessibility by foot through the site (permeability) remains a key feature of the Masterplan, including more attractive routes north-south across Seven Sisters Road, and the upgrading of the New River walkway with step-free access to be required where it links with adjoining streets.

8.12.13 An indicative total of 4,901 residential cycle parking spaces was initially proposed in this submission, but this has now been increased to 5,182 spaces, to accord with TfL and Council guidance. Similarly the provision for, community, commercial and other non-residential uses will meet standards (263 spaces at outline stage). The provision of cycle spaces for each phase would be subject to the further approval at the reserved matters stage. Conditions should also require details of cycle parking that is secure.

8.12.14 TfL regrets the loss of the through cycle route adjacent to the New River, owing to concerns about inadequate land width available, pedestrian severance from the waterfront and impacts on the ecological setting of East Reservoir. An alternative quiet route is available through Newton Close and south of Beis Chinuch Lebonos Girls School to Green Lanes.

8.12.15 The proposed relocation of the second pedestrian/cycle bridge will result in improved pedestrian/cycling accessibility through the Woodberry Down site and linkages to the surrounding pedestrian/cycling network.

Summary of Transport Infrastructure Improvements

8.12.16 There would need to be a number of mitigation measures to address some of the transport related impacts as follows:

- local bus services and priority lanes;
- improvements to Manor House Underground Station;
- improvements to Manor House road junction;
- improvements to Amhurst Park junction;
- additional contributions from TfL :
 - mitigation against bus delays on Seven Sisters Road
 - contribution of £270,000 towards additional bus journeys required in the peak periods
 - S278 agreement with TfL as Highways Authority for works to TfL Road Network
 - provision of CPZ
 - provision of Car Club

- additional links and contributions to pedestrian and cycle routes beyond the development site;
- road safety audit to be completed after 12-18 months of occupation of the site;
- Travel Plans to be required from the residential, health, business and school proposals; and
- provision of a travel plan co-ordinator.

8.12.17 It is considered the application complies with policy TR19 and the Planning Standards of the adopted UDP, the car parking and cycle provisions within the AAP, and generally with the London Plan. Planning conditions and obligations will be required to secure the proposed mitigation measures and Travel Plan.

8.13 Residential Amenity and Response to Objectors

Future Occupiers (from September 2007 Report)

- 8.13.1 The proposed development is a high-density, residential-led scheme. In order to ensure that developments of this nature provide acceptable living standards for future residents, the living accommodation needs to be of the highest quality design. The detail of much of this will be addressed as each phase comes forward with the discharge of planning conditions, but it is important to consider the overall issue at this outline stage.
- 8.13.2 The applicant has made a commitment within the masterplan, that all homes will have private amenity space; whether a balcony, terrace or private garden, in accordance with the AAP. There will be a variety of courtyard spaces within individual building blocks: U-shaped block, opening out for maximum daylight penetration and waterfront views; courtyard blocks combining shared private gardens for flats and individual gardens/courtyards for houses; and an enclosed shared private courtyard proposing both soft and hard landscaping. In terms of external noise, the additional number of blocks fronting Seven Sisters Road means that at detailed design stage, should non-habitable rooms should be located away from the noisiest facades.
- 8.13.3 It is proposed that perimeter blocks are designed with taller buildings on the north-south axis and lower buildings on the east-west axis in order to maximise sunlight and daylight to courtyards and buildings, as well as emphasising routes to the riverside. There will be some loss of daylight and sunlight with the increased density of the site, but, overall, desirable conditions will be achieved. Chapter 17 of the ES (Sunlight and Daylight) shows that minimum internal lighting conditions are capable of being met. Where rooms (such as kitchens), however, fall below the BRE guidance, mitigation measures are recommended, such as an increase in glazing areas for the ground floor units. This would be secured by way of planning condition. Furthermore, the views to the reservoirs are exploited with the proposed U-shape layouts and staggering of building heights.

8.13.4 In parallel with the outline planning application, a Design Codes has been agreed to guide the form of development for Woodberry Down (see section 8.3 above).

Existing Occupiers

8.13.5 Many of the matters raised by representations received from those within the estate have been addressed elsewhere in this report; those which have not are addressed here:

- *Phasing unacceptable* – the proposed phasing represents a logical and cost-effective approach to the scheme’s implementation over a 20-year period. The approach of Hackney Homes is still based on a combination of condition of dwellings and the most practical order for decanting of estate residents.
- *Daylighting for existing occupiers* – the Environmental Statement again deals in detail with impacts on both surrounding dwellings and new building adjoining those residents remaining until later Phases. The ES concludes that none of the effects are so serious in relation to the BRE guidelines as to warrant refusal are supported.
- *Underground parking and crime* – the scheme has seen full application of designing out crime principles as set out in Circular 5/94 and PPS1 and a number of UDP policies (HO10, EQ48). The Metropolitan Police Authority (MPA) was consulted and its comments have informed the emerging design; they have supported the proposals (see para 5.4.8 above). The scheme incorporates a range of measures to increase permeability, natural surveillance and the creation of defensible space. Detailed design of parking areas, windows, entrances etc will be addressed through the Design Code and will require input from the MPA Crime Prevention Advisor. The AAP noted the scope for placing parking underground to minimise its impact on the public realm.
- *Increased traffic within the estate* – increased permeability is a key attribute of good urban design which enhances legibility, provides a variety of walking and cycling routes through the area, and helps deter crime.
- *Potential to house specific ethnic groups* – this has been passed on to Hackney Homes (and on to prospective developers), as the proposal (and requirement) to include a substantial proportion (34%) of dwellings as family units would eminently suit a number of communities, making a ready market.

Surrounding Occupiers (from September 2007 Report)

8.13.6 Overall, the ES establishes that the redevelopment of Woodberry Down has a positive impact on adjoining properties with regard to light, privacy and sense of enclosure. However, there are two groups of buildings where the proposals would have more of an impact, Nathaniel Court (254 Green Lanes) and houses in Newnton Close, to the east of the site.

8.13.7 *Nathaniel Court* is currently occupied by a six storey block of 20 residential flats, the majority of which face Petherton House to the east (five storeys) and a cul-de-sac of houses to the south in Burtley Close (within the application site). The scheme proposes a six storey perimeter block to the east of the existing properties, separated by a new road running north-south. Although the window to window distances are reduced, the proposed separation is generally considered acceptable in an urban context. With regard to privacy to the existing windows, these matters can be addressed at the reserved matters stage, with a number of design solutions to mitigate against an increase in overlooking.

8.13.8 *Newnton Close* is situated to the east of the site; it is considered that there is no significant impact in terms of overshadowing and light conditions of these properties. The application proposes two new tall buildings of 12–18-storeys immediately to the south of the existing properties. An overshadowing analysis for these properties has been carried out as part of Chapter 17 of the ES; this concludes that there is considerable existing overshadowing, and that the impact of the proposals would be minimal. In some instances, there would be some improvements to the existing conditions, where in terms of overshadowing, will be mitigated by a low-rise 4-storey building to allow light into the properties within Newnton Close.

8.13.9 Many of the matters raised by representations received from those living outside the estate have been addressed elsewhere in this report; those which have not are addressed here:

- *Height of buildings in relation to Eade Road etc* – a section provided by the applicant shows that there will be an increase in height of buildings closest to Eade Road and they will be sited closer than at present. However, they will be some 68m away at their closest point and would be 5 storeys in height (c 17m) – compared with 16m blocks at 89m at present. Taller blocks 7- and 8-storey blocks would not be visible from the back gardens of Eade Road houses. There is no right to a view and the increases in height are appropriate in an urban setting such as this and would not in themselves have such an impact that would justify a reason for refusal.
- *Avoid bridge connection to Eade Road* – this would limit the positive regenerative benefits of the scheme for the area to the north in terms of improved access to jobs, schools, services, public transport and open spaces. (Continuing objections)
- *Effect on regeneration of Lordship North Estate* – this is a completely separate scheme, in terms of design and funding.
- *Avoid speculation* – this is not usually considered a planning matter. While it is difficult to avoid investors from purchasing new properties, there are examples of other London LPAs seeking to impose planning obligations to limit purchases for the rental market in pursuit of more sustainable communities.

8.13.10 Subject to further consideration by the Council at the reserved matters stage, it is considered the scheme as proposed would produce the least amount of impact with regards to sunlight and daylight and is appropriate in this instance. It is therefore considered that the proposal as submitted generally accords with Policy EQ1 of the UDP, core policies of the AAP and Urban Design Framework.

8.14 Environmental Statement

8.14.1 An Environmental Impact Assessment has again been carried out in accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. The application is supported by a full Environmental Statement (ES) and a non-technical summary. Following the listing of the Woodberry Down Community School and John Scott Health Centre, the ES was amended to reflect the retention of these buildings.

8.14.2 The ES addresses the following key environmental topics:

- Planning and Land Use;
- Socio Economics and Community Effects;
- Traffic and Transportation;
- Air Quality;
- Noise and Vibration;
- Waste Management;
- Water Resources;
- Contamination and Hazardous Materials;
- Townscape and Visual;
- Ecology;
- Cultural Heritage;
- Daylight, Sunlight and Overshadowing;
- Wind;
- Sustainability.

8.14.3 The original ES was independently reviewed on the behalf of Council and found to be acceptable in its methodology, techniques and assessment of issues. The issues addressed in the ES are generally considered elsewhere in this report.

8.14.4 The submitted ES is considered to be acceptable and in accordance with the Woodberry Down AAP requirements and policy guidance on EIA.

8.15 Planning Obligations

- 8.15.1 As set out in the body of the report, the complexity and scale of the application proposal results in various impacts of the development that need to be mitigated through a range of planning obligations, as provided for by the adopted SPD on Planning Obligations of 2005. DCLG Circular 5/2005 states the intention of planning obligations is to make acceptable development which would otherwise be unacceptable in planning terms. It goes on to set out the appropriate tests for seeking planning obligations, as follows:
- relevant to planning
 - necessary to make the proposed development acceptable in planning terms
 - directly related to the proposed development
 - fairly and reasonably related in scale and kind to the proposed development, and
 - reasonable in all other respects.
- 8.15.2 Officers and applicants have been updating the 2007 package of planning obligations to secure a range of mitigation and delivery goals, as set out below and at Recommendation B.
- 8.15.3 There is again a range of on- and off-site works proposed to mitigate the impact of the proposals. These obligations should rightly and properly reflect the impact of the development (in terms of the circular tests) while simultaneously recognising that the agent for the Council is an ALMO set up specifically to deliver the Woodberry Down Estate regeneration.
- 8.15.4 The permission, Section 106 Agreement and Design Code will also provide the framework for determining future details of the development proposals, though it some matters are likely to be the subject of new full planning applications; indeed, this is the case with Kick Start Site 1 which will effectively implement the first phase of the scheme.
- 8.15.5 Other related agreements that are recommended include:
- Sec 278 Agreements for alterations to highways
 - Sec 38 Agreements for adoption of new highways
 - Consideration in finalising the Sec 106 agreement of its relationship with any compulsorily-purchased properties.
- 8.15.6 The Planning Obligations that have been negotiated are in relation to the following contributions to essential infrastructure:

Table 5 – Planning Obligations – Infrastructure

Purpose of contribution	Amount of £ Contribution
1. Transport	
a. TfL cost of highway works to upgrade Seven Sisters Road (SSR)	4,760,602
b. TfL improvements to bus capacity	270,000
c. Cost to monitor Green Travel Plan	25,000
d. Study to extend or create a new Controlled Parking Zone (CPZ)	20,000
e. Car club	100,000
2. Community Facilities	
a. Library facilities	263,153
b. Public Art	100,000
c. Youth Centre	400,000
d. Three Satellite Community facilities	Total 1,000,000
3. Community Safety	
e. CCTV	150,000
4. Education	
f. City Academy	700,000
g. Woodberry Down Primary School	6,500,000
h. Children's Centre	700,000
i. Adult Learning Centre	2,000,000
TOTAL CONTRIBUTIONS	16,988,755

8.15.7 The level of obligations accords with the AAP for the site, the Council's SPD: Planning Contributions and Circular 05/2005 and other guidance of Government and the Mayor of London.

9 CONCLUSIONS

- 9.1 The outline planning application for the comprehensive redevelopment of the Woodberry Estate renews the principle of the development and set down a framework within which subsequent detailed applications can be considered.
- 9.2 This report has considered the application in relation to the planning policy framework – which includes an adopted Area Action Plan for the area – and in light of representations received from local residents and statutory consultees. The following key issues have been considered and are relevant to the determination of the application:

- the residential aspect of the proposal generally accords with policies in the London Plan and adopted UDP
- all residential units will comply with 'Lifetime Homes' standards and 10% of all units will meet the needs of wheelchair users, consistent with London Plan policy 3A.5 and 3A.13, core policies of the AAP
- the level of affordable housing (41% by unit) is appropriate in this instance and accords with the AAP, Policy 3A.10 of the London Plan and Hackney SPD; the proposed mix of dwellings will create a more balanced and sustainable community
- the proposed non-residential uses are acceptable and would enhance the vitality of the estate and contribute to the social and economic well-being of the wider area, consistent with policies R4 and R8 of the adopted UDP, the core policies of the AAP and Policy 4B.1 of the London Plan
- the layout and street pattern of the proposal greatly enhance permeability across the site and the new layout accords with urban design principles of the AAP and with the UDF, in accordance accords with policy EQ1 of the UDP
- the provision of the setbacks, linear park and block layouts accord with the AAP and Policy OS13 of the UDP and policies in the London Plan
- the proposed height and scale of the application is appropriate and the location of the proposed tall buildings accords with the requirements of the Urban Design Framework, core policies of the AAP, the Council's Tall Buildings Study findings and Policies 4B.1, 4B.3, 4B.8 and 4B.9 of the London Plan
- generally, the proposal complies with the Policies EQ1, EQ3, EQ4 of the adopted UDP, 4B.1 of the London Plan and is in accordance with the guidelines set out in the Urban Design Framework and core policies of the AAP
- subject to further detailed approval at the reserved matters stage, it is considered the Woodberry Down Energy Strategy as part of the masterplan for the scheme accords with policy EQ1(j) of the UDP and Policy 4.A7 of the London Plan – though the Mayor has raised fundamental concerns and there needs to be further dialogue with the applicant to make the case for the proposed approach
- the proposed approach to the listed buildings on the site is in accordance with UDP policies EQ16 and EQ18, core policies of the AAP, the urban design framework and relevant statutory tests in PPG15
- the application will enhance the setting of the neighbouring Conservation Area, in accordance with the statutory tests in PPG15, the AAP and Policies ST8 and EQ12 of the UDP
- the provision of the landscape/open space/public realm is generally in accordance with policy H20(d) of the UDP, the Urban Design Framework, the AAP, and the emerging guidance on the public realm
- significant improvements to the MOL, Green Chains, nature conservation and ecology of Woodberry Down are proposed, with the detailed implementation of the various mitigation measures

proposed to be secured through planning conditions; this is in accordance with Policies ST9, ST13, ST14, EQ21, EQ30, and EQ31 of the adopted UDP, the core policy requirements of the AAP, Urban Design Framework and policy 3D.9 of the London Plan

- the application complies with policies TR6, TR8 and TR19 Planning Standards of the adopted UDP, the car parking and cycle provisions within the AAP, and generally with the London Plan
- the scheme would produce the least amount of impact with regard to sunlight and daylight, in general accordance with Policy EQ1 of the UDP, core policies of the AAP and Urban Design Framework

9.3 In addition to conditions needed at outline stage to require submission of reserved matters and other details, the following will require specific conditions and Planning Obligations:

- Details of the design code, agreement of its content (including the public realm) and its implementation through subsequent phases
- Details of the Energy Strategy, including reference to CHP
- Nature Conservation Strategy – and particularly the need to address the concerns raised by objectors to the limitations of the baseline assessment for the site as a whole prior to consideration of individual phases, and including also details of the proposed green and brown roofs
- Landscape and Open Space Management Strategy
- Play Strategy
- Sustainable Urban Drainage Strategy (SuDS)
- Minimum overall open space provision
- Phasing of affordable housing provision, including family units
- Phasing of non-residential provision
- Site Demolition Waste Minimisation Strategy
- Code for Sustainable Homes: with the short-term intention to meet Code 4 and a longer-term requirement to achieve 6 in line with national requirements
- Construction Management Strategy (including vibration and noise)
- Considerate Contractor scheme

9.4 In conclusion, therefore, the scheme is in accordance with national, regional and local planning policies. It is recommended that outline planning permission be granted, subject to any direction by the Mayor of London. There will need to be a comprehensive package of planning conditions and obligations (the latter secured by way of a section 106 agreement). In order to provide certainty about the deliverability of the proposed scheme as each phase comes forward over a 20-year implementation period, the Section 106 Agreement will require the contributions required to make this development acceptable to be paid at the collective rate of £10,000 per private dwelling.

10. **RECOMMENDATIONS:**

RECOMMENDATION 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 the Government Office for London, and the following conditions:

CONDITIONS

(i) SCB3 Time limit:

The development to which the permission relates must be begun not later than whichever is the later of the following dates:-

- a) The expiry of three years from the date of permission, or
- b) The expiry of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

REASON: As required by Section 92(2) of the Town and Country Planning Act 1990.

(ii) Phasing:

The development shall be implemented in accordance with the phasing plan provided in drawing 051111/022/C, titled, "Construction Phases", unless otherwise agreed in writing by the Local Planning Authority.

REASON: In order that the Local Planning Authority can be satisfied that the phasing of the development will be satisfactory.

(iii) Construction: the applicant shall submit and resubmit until such time as approved in writing by the Local Planning Authority and so implemented, the following:

- a) Completion of a Construction Environmental Management Programme prior to the commencement of the development
- b) Construction Method Statement prior to commencement of each Quarter and or Phase of development
- c) Considerate Contractors Agreement to be agreed by each developer for the relevant Quarter and/or Phase prior to commencement of each relevant Quarter and/or Phase
- d) Provision of parking/loading/visitors for construction of each phases
- e) Provisions shall be made within the site to ensure that all vehicles associated with the demolition and construction of the development hereby approved are properly cleaned. Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed in accordance with details approved by the Local Planning Authority prior to the commencement of works on site.

REASON: To ensure that the development causes the minimum disruption, environmental effect and harm to local amenity, including the passage of mud and dirt onto the adjoining highway in the interest of highway safety.

(iv) ES Conditions:

- a) The development hereby permitted shall strictly comply with the approved Masterplan drawings unless otherwise approved in writing by the Local Planning Authority.

REASON: To ensure that the development is completed in accordance with the Environmental Assessment in compliance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999

- b) The development hereby permitted shall be carried out in substantial accordance with the illustrative drawings listed in the Schedule at the head of this decision notice unless otherwise approved in writing by the Local Planning Authority.

REASON: To ensure that the development is completed in accordance with the Environmental Assessment in compliance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999

- c) The land uses shall only be located substantially in accordance with the masterplan, titled, "Woodberry Down Outline Planning Application Masterplan" unless otherwise approved in writing from the Local Planning Authority.

REASON: To ensure that the development is completed in accordance with the Environmental Assessment in compliance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999

- d) The siting of buildings shall be substantially in accordance with the masterplan, titled, "Woodberry Down Outline Planning Application Masterplan" unless otherwise approved in writing from the Local Planning Authority.

REASON: To ensure that the development is completed in accordance with the Environmental Assessment in compliance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999

- e) The height and massing of buildings shall be no greater than indicated in the masterplan, titled, "Woodberry Down Outline Planning Application Masterplan" unless otherwise approved in writing from the Local Planning Authority.

REASON: To ensure that the development is completed in accordance with the Environmental Assessment in compliance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999

(v) Reserved Matters:

This is an outline planning permission and the following matters are reserved for further approval: Design; External Appearance; and Landscaping. Detailed drawings of the proposed development showing the reserved and other matters, as set out below, must be submitted and resubmitted until such time as approved in writing by the Local Planning Authority and so implemented, before any work is commenced. The application for approval of the reserved matters must be made not later than the expiry of three years, beginning with the date of this permission. The development shall not be carried out otherwise than in accordance with the reserved matters thus approved:

- a) The layout of the site to a scale of not less than 1:500 and incorporating:
 - i) The siting of all buildings and ancillary structures of each Quarter
 - ii) The means of access to and from the site for each Quarter
- b) Full plans and elevations of all buildings and other structures showing the design and external appearance of the buildings and structures, and including details of all materials to be used for external surfaces for relevant Quarter.
- c) The internal layout of the accommodation on each floor, including the size and purpose of the rooms and the position of the fittings and facilities within each unit for the relevant Quarter
- d) Details of residential uses of each Quarter, including size, number, tenure and habitable rooms
- e) Residential amenity space details for each Quarter prior to commencement of works to that Quarter
- f) The extent and position within the building(s) of the floorspace to be devoted to each use hereby permitted for the relevant Quarter
- g) Details of public open space for each Quarter, detailing: location; boundaries; rights of ownership and maintenance details
- h) 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 for the relevant Quarter
- i) The facilities to be provided for the storage and removal of waste materials for the relevant Quarter
- j) The provisions to be made within the development to ensure that people with disabilities are able to gain full access to – and make adequate use of – 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 free flow of traffic and conditions of general safety along the neighbouring highway.

(vi) Uses:

a) The development shall provide at least 1936 affordable housing units (41% of the accommodation), with the social housing in each Phase to be capable of accommodating all existing residents of social housing accommodation wishing to relocate in that Phase in accordance with the overall tenure and accommodation mix.

REASON: To ensure that the development accords throughout all its implementation Phases with the Council's and London Plan affordable housing and housing mix planning policy objectives.

b) All social rented units shall be designed to meet 'Parker Morris + 10%' accommodation standards as a minimum total floorspace in the relevant dwellings of the development.

REASON: To ensure that the development accommodates all residents seeking to return after completion, and to further the Council's and London Plan affordable housing and housing mix policy objectives.

c) The affordable housing in the development shall consist of below market cost housing available to tenants wishing to return after vacating their property as a direct consequence of this development, and other people nominated by the Council and other Local Authorities through its Housing Allocation Scheme and the East London Sub-Region Nominations Protocol whose incomes are insufficient to enable them to afford to meet their housing needs locally within the Borough of Hackney on the open market, and where the rent or price for such housing is reduced directly or indirectly by means of subsidy from the public private or voluntary sector and being either Social Rented Units or Intermediate Housing Units.

REASON: To ensure that implementation of the development accords with the Council's and London Plan affordable housing and housing mix policy objectives.

d) Each transfer to a new landlord of an Affordable Dwelling shall:

i) be with full title guarantee of a leasehold estate for a maximum of 125 years;

ii) provide, without additional cost to the Approved Registered Social Landlord, vehicular access and foul and surface water sewers and water, gas, electricity and telecommunications service systems for the dwelling linking in each case to the

estate roads and service systems to be constructed and laid as part of the remainder of the Development and connected ultimately to highways and sewers maintainable at the public expense;

- iii) contain a covenant by the Approved Registered Social Landlord not to amalgamate or sub-divide the Affordable Dwelling so that the Affordable Housing Mix will be maintained by the Approved Registered Social Landlord;
- iv) be constructed to the prevailing design and performance requirements and standards set by the Housing Corporation;
- v) in respect of a Social Rented Unit contain a covenant that the Unit is only used and to be used, occupied and retained in perpetuity and for no purpose other than for the provision of Social Rented Housing for occupation by tenants at rental levels being in accordance with the prevailing Housing Corporation rental structure;
- vi) in respect of an Intermediate Housing Unit contain a covenant that the Unit is only used and to be used, occupied and retained in perpetuity and for no purpose other than for the provision of Intermediate Housing for occupation by purchasers in accordance with the Intermediate Housing Scheme.

REASON: To ensure that implementation of the development accords with the Council's and London Plan affordable housing and housing mix policy objectives.

d) Intermediate Housing, being affordable housing available on a shared ownership basis (in accordance with the (London??) Intermediate Housing Scheme) shall be occupied by persons who at the commencement of their occupancy are in need of intermediate housing in terms set out in Paragraph 3.37 of the London Plan 2008 and the Mayor of London's Strategic Housing Strategy published September 2007 as revised from time to time.

REASON: To ensure that implementation of the development accords with the Council's and London Plan affordable housing and housing mix policy objectives.

e) Not to Occupy, suffer or permit Occupation and/or use suffer or permit the use of any of the Open Market Dwellings unless or until:

- (i). the Affordable Dwellings have been transferred or agreed to be transferred to an Approved Social Registered Landlord in accordance with the Affordable Housing Terms;
- (ii). the works of construction, conversion and fitting out of the Affordable Dwellings have been fully completed; and
- (iii) the Planning Obligations Monitoring Officer has confirmed in writing to the Owner that the Affordable Dwellings have been constructed and are ready for Occupation in accordance with the covenants contained in this Agreement PROVIDED THAT this sub-clause shall be deemed to have been complied with if no written communication has been received from the Planning Obligations Monitoring Officer within 28 working days of the date on which the Affordable Dwellings were inspected;

REASON: To ensure that implementation of the development accords with the Council's and London Plan affordable housing and housing mix policy objectives.

a) The development shall ensure that there are suitable arrangements to ensure implementation and management thereafter of all the new health and community facilities, primary and secondary education so as to serve the identified needs of additional residents in the completed development, in accordance with details to be approved and put into effect prior to occupation of any of the development.

REASON: To ensure that provision is made for health and educational needs arising from the development, in accordance with Policy CS2 of the Hackney UDP.

b) Details of a suitable (site-specific or area-based) construction training and local labour recruitment programmes aimed at enhancing access to employment and acquisition of construction and allied skills shall be approved in writing and implemented or utilised as an integral part of the demolition and construction programme for the development.

REASON: To ensure that provision is made for educational needs arising from the development, in accordance with Policy CS2 of the Hackney UDP.

c) All new health, educational and other community facilities located in buildings which also contain new dwellings shall be constructed and fitted out and details of a suitable management body approved prior to occupation of any of the dwellings within that part of the development.

REASON: To ensure that provision is made for community groups and activities to serve residents within the development, in accordance with Policy CS2 of the Hackney UDP.

(xix) Open Space and Play Spaces

a) Details of management arrangements to secure the maintenance of internal roads, play and public open spaces and landscape shall be approved prior to commencement of any new development.

REASON: To ensure that open areas of the site do not deteriorate visually, in the interests of visual amenity across this substantial area.

a) The playspaces shown in the Play Strategy shall be laid out ready for use prior to occupation of any dwellings in the adjoining blocks served by the play space.

REASON: To ensure that these play spaces are available to serve the development, in accordance with the play provision policies in the Hackney UDP and London Plan.

e) Before development commences, details of all publicly accessible open space shall be submitted and resubmitted until such time as approved in writing by the Local Planning Authority. Development shall be in accordance with the approved details.

REASON: In order that the Local Planning Authority may be satisfied as to the details of the proposals in relation to policy OS2 of the Adopted UDP.

f) 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.

g) Prior to the commencement of each Phase, a statement of viability shall be submitted in support of the housing mix proposed, and bringing forward running totals and estimates of achievement of the quantum and tenure of housing in the Woodberry Down.

h) In the event of no transfer to a registered social landlord proposals for setting up a local management board or acceptable organisation shall be submitted and resubmitted until approved in writing by the Local Planning Authority for approval prior to first occupation of any of the proposed affordable housing.

REASON: To ensure that the delivery and retention of affordable housing is facilitated, in accordance with UDP and London Plan policies.

(vii) External Appearance:

- a) Full details, including samples, of the materials to be used on the external surfaces of the building, including glazing, for each relevant Quarter shall be submitted and resubmitted until such time as approved in writing by the Local Planning Authority before any work commences on site and so implemented. 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.

- b) A landscaping scheme illustrated on detailed drawings for each Quarter shall be submitted to and approved by the Local Planning Authority, in writing and so implemented, 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.

- c) Full details of all ground surface treatment to the site shall be submitted and resubmitted until such time as approved in writing by the Local Planning Authority and so implemented, 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.

(viii) Highways/TfL:

This is an outline planning permission and the following matters are reserved for further approval: Design; External Appearance; and Landscaping. Detailed drawings of the proposed development showing the reserved and other matters, as set out below, must be submitted and resubmitted until such time as approved in writing by the Local Planning Authority and so implemented, before any work is commenced within the relevant Quarter. The application for approval of the reserved matters must be made not later than the expiry of three years, beginning with the date of this permission. The development for each relevant Quarter shall not be carried out otherwise than in accordance with the reserved matters thus approved:

- a) The layout of the site to a scale of not less than 1:500 and incorporating:
1. Car parking details at a maximum provision of 50% per unit and further limited parking at locations where development is well serviced by public transport;
Details of car parking provisions and facilities for Use Classes A1-3 and D uses for each relevant Quarters;
 2. Details of proposed Controlled Parking Zones to the relevant Quarters;
 3. Details of cycle parking provisions including numbers, covered and secure provisions for each Quarter or Phase;
 4. Details of a quiet route through the site for cyclists;
 5. Details of all bus stands/stops to be approved by TfL and LPA;
 6. Details of alterations to Seven Sisters Road, including the proposed Circus
 7. Details of any proposed works to Finsbury Park entrance
 8. Details of all emergency access arrangements suitable for police, fire and ambulance service use.
- b) Details of car and cycle clubs for each relevant Quarters;
- b. All public rights of way to be preserved to allow a maximum accessibility and include a provision of a minimum of 2m wide footpaths with safe even surfaces and road crossings suitable for wheelchair users;
 - c. Full details of land ownership and adoption for each Quarter
 - d. Details of highway improvements around Manor House station prior to commencement of works to the station

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.

- c) Before the use hereby permitted first commences, at least 10% of the units (provision for 2 or more bed units) car parking spaces shall be marked and retained permanently for use by the vehicles of people with disabilities at locations close to the entrances to the building(s).

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

- d) Safety Audit Stages 1 and 2 – Safety in Design
- e) Secure by Design – The layout shall be tested for safety along with building security
- f) 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.

- g) Details of other new roads prior to commencement of each Quarter/Phase of development
- h) The layout of the site to a scale of not less than 1:500; incorporating full details of Junctions 1 to 18.

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.

- j) The layout of the site to a scale of not less than 1:500; incorporating full details of modified roads for each Quarter or Phase.

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.

- k) 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.

- l) Vehicular access to the site shall be only via the permitted access.

REASON: In order to confine access to the permitted point(s) to ensure that the development does not prejudice the free flow of traffic and conditions of general safety along the neighbouring highway.

- m) Prior to first occupation of respective Phases or Quarters of the proposed new residential development, a Travel Plan (including information on sustainable transport) shall be submitted and resubmitted until such time as approved in writing by the Local Planning Authority. The Travel Plan shall then be implemented prior to occupation of the relevant housing areas, 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 school are appropriate and to limit the effects of the increase in travel movements.

- n) Prior to first occupation of the proposed retail/ commercial, schools, business/training centre health and community centres and all other non-residential uses, Travel Plans for the respective uses and/or Phases 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 all of the non-residential uses and facilities are appropriate and to limit the effects of the increase in travel movements.

- o) Details of continuing implementation and monitoring of the Travel Plans as required in Conditions (m) and (n) shall be submitted and resubmitted until such time as approved in writing by the Local Planning Authority to enable monitoring 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.

- p) No commencement of construction on Junctions 1 – 18 shall take place until the Local Highway authority has signified full approval of the works proposed through a suitable formal Agreement.
- q) 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 TR19 of the UDP.

- r) No construction shall commence until such time as the Applicant has entered into a legal Agreement with the Council pursuant to S278 Highways Act 1980 substantially in the format appended at Second Schedule to cover all works to the public highway, including such matters as highway layout and junction alterations, new parking bays and pavement works.

REASON: To ensure that details of construction and implementation are acceptable in highway terms

- s) No construction shall commence until such time as the Applicant has entered into a legal Agreement with the Council pursuant to S38 Highways Act 1980 substantially in the format appended at the Fourth Schedule to cover the adoption of all new sections of the public highway, including such matters as highway layout and junctions, new parking bays and pavements/ cycle routes.

REASON: To ensure that details of construction and implementation are acceptable in highway terms

- t) Prior to occupying any residential dwelling forming part of the Development each new resident of the Development shall be informed by the relevant Owner of the Council's policy that they shall not be entitled (unless they are the holder of a disabled persons badge issued pursuant to Section 21 of the Chronically Sick and Disabled Persons Act 1970) to be granted a Residents Parking Permit to park a vehicle in a Residents Parking Bay and will

not be able to buy a contract to park within any car park owned, controlled or licensed by the Council.

(ix) Environment Agency:

- a) A buffer zone a minimum of 5 metres wide, measured from the bank top, alongside the New River for the full extent of the site shall be established in accordance with details which shall be submitted to and resubmitted as necessary until approved in writing by the Local Planning Authority before the development commences, and so implemented. Bank top is defined as the point at which the bank meets the level of the surrounding land. The width of this buffer zone may have to be increased beyond 5 metres if any buildings bordering the buffer zone are greater than two storeys in height. The buffer zone should be planted and free from all hardstanding, fences or formal/ornamental gardens.

REASON: To maintain the character of the watercourses and provide undisturbed refuges for wildlife using the river corridor.

- b) All planting within the 5m buffer zone to the New River shall be only of locally native plant species, of UK genetic origin.

REASON: Use of locally native plants in landscaping is essential to benefit local wildlife and to help maintain the regions natural balance of flora. Native insects, birds and other animals cannot survive without the food and shelter that native 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.

- c) A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas including the buffer zone, other than small, privately owned, domestic gardens shall be submitted and resubmitted until approved in writing by the Local Planning Authority before the development commences, and so implemented. The landscape management plan shall be carried out as approved.

REASON: To protect/conserves/enhance the natural features and character of the area.

- d) All water crossings shall be by clear spanning structures (from banktop to banktop) that will not impede the river corridor and allow the migration of both channel and bank species. Bridges should be designed to have a minimum impact upon the watercourse, with the

abutments set back from the watercourse on both banks to provide a strip of natural bank top beneath the bridge. They should, preferably, be as high and as small as practical. Footbridges should be constructed with open board treads to allow light through to the bank and channel below.

REASON: Clear-spanning bridges will maintain a continuous buffer zone and provide a corridor for the passage of wildlife and reduce the risk of pollution from run-off.

- e) There shall be no hard engineered bank protection works or re-profiling of the bank beneath or around any bridge over the New River. Reason: This condition is necessary to maintain the continuity of the wildlife corridor along the New River.

REASON: To ensure this continuity is retained, it is important that the area beneath the bridge is not lost to concrete or other such hard material used for bank protection.

- f) Any artificial lighting within the development shall be of a focused and directional nature to ensure that there is no light spill into the buffer zone.

REASON: Artificial light can harm the ecology of an area through disruption of the natural diurnal rhythms of wildlife. The river channel with its wider corridor should be considered Intrinsically Dark Areas and treated as recommended under the Institute of Lighting Engineers "Guidance Notes for the Reduction of Light Pollution".

- g) There shall be no storage of materials within the 5 metre buffer zone to the New River. This must be suitably marked and protected during development and there shall be no access within this area during development. There shall be no fires, dumping or tracking of machinery within this area.

REASON: To prevent solid materials from entering the watercourses and causing pollution. To reduce the impact of the proposed development on the existing buffer zone and the movement of wildlife along the river corridor.

- h) No development approved by this permission shall be commenced until details of the use, handling or storage of any hazardous substance included in the Schedule to the Planning (Hazardous Substances) Regulations 1992 has been submitted and resubmitted until approved by the Local Planning Authority, and so implemented.

REASON: To prevent pollution of the water environment, by the use, handling or storage of hazardous substances in lesser quantities than prescribed in the regulations.

- i) The construction of the planned drainage system shall be carried out in accordance with details submitted and resubmitted until approved in writing by the Planning Authority before the development commences, and so implemented.

REASON: To prevent pollution of the water environment.

- j) No development approved by this permission shall be commenced until the Local Planning Authority is satisfied that adequate sewerage infrastructure will be in place to receive foul water discharges from the site. No buildings (or uses) hereby permitted shall be occupied (or commenced) until such infrastructure is in place.

REASON: To prevent pollution of the water environment.

- k) 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: to prevent pollution of controlled waters.

- l) Surface water source control measures shall be carried out in accordance with details which shall be submitted and resubmitted until approved in writing by the Local Planning Authority before development commences, and so implemented. In order to discharge this condition, we require that the following information be provided:
 1. A clearly labelled drainage layout plan showing pipe networks and any attenuation ponds, soakaways and drainage storage tanks. This plan should show any pipe 'node numbers' that have been referred to in network calculations and it should also show invert and cover levels of manholes.
 2. Confirmation of the critical storm duration.
 3. Where infiltration forms part of the proposed stormwater system such as infiltration trenches and soakaways, soakage test results and test locations are to be submitted in accordance with BRE digest 365.
 4. Where on site attenuation is achieved through attenuation ponds or tanks, calculations showing the volume of these are also required.
 5. Where an outfall discharge control device is to be used such as a hydrobrake or twin orifice, this should be shown on the plan with the rate of discharge stated.

6. Calculations should demonstrate how the system operates during a 1 in 100 year critical duration storm event. If overland flooding occurs in this event, a plan should also be submitted detailing the location of overland flow paths.

REASON: To prevent the increased risk of flooding and to improve water quality. The above information should reflect the drainage strategy submitted as part of the outline planning application.

(x) Environmental Health:

- b) Details of Street Cleansing arrangements for each Quarter to be submitted and resubmitted until such time as approved in writing by the Local Planning Authority prior to commencement of construction, and

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

- c) Details of a Waste Management and Recycling Plan to be submitted and resubmitted until such time as approved in writing by the Local Planning Authority prior to the occupation of each Quarter or Phase.

REASON: To ensure the implementation of the Council's waste management and recycling policies.

(xi) Renewable Energy & Other Sustainability Issues:

- a) Before development commences for each Quarter, details for compliance with the Woodberry Down Energy Strategy with an Energy Demand Assessment and detailing renewable energy technologies and energy efficiency measures in the development shall be submitted and resubmitted until such time as approved in writing by the Local Planning Authority, and so implemented. 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.

- b) Prior to commencement of development full details of the locations of the proposed biomass facilities, including all associated storage, and a strategy for managing deliveries to these facilities are to be submitted and resubmitted until such time as approved in writing by the Local Planning Authority and the development shall be constructed and operate thereafter fully in accordance with the approved details.

REASON: In the interests of maintaining free-flow of traffic and preventing adverse impact on highway safety in accordance with the principles set out in the Hackney UDP.

- c) Prior to commencement of development full details of the locations of the proposed wind turbine facilities are to be submitted and resubmitted until such time as approved in writing by the Local Planning Authority and the development shall be constructed and operate thereafter fully in accordance with the approved details.

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.

- d) Before development commences for each Quarter, full details and locations of the proposed Energy Centre locations for each Quarter or Phase detailing renewable energy technologies and energy efficiency measures in the development shall be submitted and resubmitted until such time as 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 the London Plan.

- e) The approved housing shall be constructed to a minimum Code for Sustainable Homes Level 4 standard in the case of Phase 1, to reach Level 6 by later Phases of the development at a rate to be agreed through submission of Reserved Matters for each subsequent Phase. Details of the independent code assessor's report shall be submitted prior to any work occurring on the relevant part of the development. Details of the final Code Assessment for dwellings or groups of dwellings shall be submitted and approved in writing as soon as they have been carried out, prior to first occupation of those dwellings.

REASON: To ensure that the development makes a contribution to the energy and resource efficiency priorities and other sustainability objectives which are embodied in the government's Code for Sustainable Homes accreditation scheme.

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

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

- h) Before development commences in each Phase, details of how the following measures are being utilised shall be submitted to and approved in writing by the Local Planning Authority:

- Water recycling measures
- Sustainable Urban Drainage Systems
- Recharging points for electric vehicles

REASON: To minimise cumulative flood risk promote, sustainable urban drainage and to maximise opportunities for new forms of more sustainable transport.

(xii) Contamination:

Prior to the commencement of works, a detailed site investigation for each Quarter shall be carried out to establish if the site is contaminated, to assess the degree and nature of the contamination present, and to determine its potential for the pollution of the water environment. A soil contamination report shall be submitted to – and appropriate remedial measures agreed with – the Local Planning Authority, in writing, and implemented prior to the commencement of any work on site.

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

(xiii) Archaeology:

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

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

(xiv) Trees & Landscape, Play Areas:

- a) Before development commences in each Phase, 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 submitted and resubmitted until such time as approved in writing 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.

- b) 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.

- d) A detailed landscape and open space Strategy for the whole Woodberry Down site shall be submitted and resubmitted until approved in writing by the Local Planning Authority, and so implemented throughout each Phase.

REASON: To accord with UDP and London Plan policies for maintenance and enhancement of the open environment and landscape.

- d) A detailed Play Strategy shall be submitted and resubmitted until approved in writing by the Local Planning Authority for each Phase or Quarter of the development, to be consistent with the aims and content of the Masterplan.

REASON: To accord with UDP and London Plan policies for creation and maintenance of safe and convenient play facilities both near to housing and on a larger scale to serve the development and area.

- e) The site-wide sustainable drainage system shall be provided in accordance with the submitted flood risk assessment document under the master plan application dated March 2008.

REASON: To accord with London Plan and UDP flooding and water conservation policies.

(xv) Lighting:

(a) Prior to the commencement of the development, details of a lighting strategy for the development site shall be submitted and resubmitted until such time as approved in writing by the Local Planning Authority, 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, and so implemented.

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.

(b) Prior to the development commencing in the relevant Quarter or Phase, details of lighting of all public areas shall be submitted and resubmitted until such time as approved in writing by the Local Planning Authority. The approved lighting shall be installed before any use in the relevant Quarter/Phase commences and maintained thereafter.

Prior to the commencement in the relevant Quarter or Phase, full details of the lighting of all buildings shall be submitted. The approved lighting shall be installed before the relevant use 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.

(xvi) Noise/Extraction

1. Before development commences in each Quarter or Phase, a scheme for sound insulation and noise control measures should be submitted and resubmitted until such time as approved in writing by the Local Planning Authority, and permanently retained thereafter to achieve the following internal noise targets:

Bedrooms (23.00-07.00 hrs) 35 dB L_{Aeq} , and 45 dB L_{max} (fast)

Living Rooms (07.00-23.00 hrs) 40 dB L_{Aeq}

2. 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.

3. No development shall commence on site until detailed plans and a specification of the appearance of and the equipment comprising a ventilation system which shall include measures to alleviate noise, vibration, fumes and odours (and incorporating active carbon filters, silencer(s), and anti-vibration mountings where

necessary) have been submitted and resubmitted until such time as approved in writing by the Local Planning Authority. 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, and shall thereafter be permanently maintained in accordance with the approved specification.

4. With reference to 2 above, details of CHP plants and in particular the acoustic data to be forwarded to this department for approval prior to planning approval.

5. No development shall commence on site (including site clearance) until such time as an Environmental Management Plan has been submitted and resubmitted until such time as approved in writing by the Local Planning Authority, which shall be required to cover the following items:

- a) Dust mitigation measures
- b) The location of plant and wheel washing facilities and operation of such facilities
- c) Details of measures to be employed to mitigate against noise and vibration arising out of the construction process demonstrating best practical means
- d) Construction traffic details (volume of vehicle movement likely to be generated during the construction phase including routes and times)
- e) Security Management (to minimise risks to unauthorised personnel)
- f) Training of Site Operatives to follow the Environmental Management Plan requirements

6. 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 and resubmitted until such time as 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.

(xvii) Nature Conservation

a) A nature conservation strategy shall be submitted both for the overall Woodberry Down development and for each Phase or Quarter, consistent with the Masterplan proposals to show how baseline conditions for species and habitats are maintained and where possible enhanced. Further details and consideration of the following shall be incorporated:

- Impacts of disturbance on gadwall and other water birds which commute between the site and the Lea Valley Special Protection Area.
- Assessment of impacts (positive and negative) on ecology and access to nature along the New River in respect to detailed access and landscaping.
- More detailed consideration and, if necessary, mitigation of impacts on the common toad, now a UK Biodiversity Action Plan priority species.
- Conditions to minimise impacts of lighting on bats and waterfowl.
- Opportunities for further mitigation and enhancement of the river and reservoirs

(xviii) Technical Reports

- (a) Prior to the occupation of each quarter or phase of development, a TV reception survey shall be submitted and resubmitted until such time as approved in writing by the Local Planning Authority (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.

(xix) Permitted Development Rights – Dwelling-Houses and other Buildings

- (a) No buildings, extensions or alterations permitted under Classes A,B,C,D and E shall be carried out without prior written approval from the Local Planning Authority.

REASON: To enable the Local Planning Authority to consider the acceptability of extensions or alterations in relation to their impact on garden size, neighbours and external appearance of the building(s).

- (b) No plumbing or pipes, other than rainwater pipes shall be fixed to the external faces of the buildings

REASON: To ensure that the elevations as approved at detailed stage are not cluttered with pipework which may detract from their external appearance.

RECOMMENDATION B

That Recommendation A be subject to the Landowners and their mortgagees entering into a deed of planning obligation by means of a Section 106 of the Town and Country Planning Act 1990 (as amended) in order to secure the following matters to the satisfaction of the Director of Neighbourhoods and Regeneration and the Head of Law to the Council:

Contributions payable at the collective rate of £10,000 per private sector dwelling, to achieve the following specific Obligations necessary to the development:-

Purpose of contribution
1. Transport
b. TfL cost of highway works to upgrade Seven Sisters Road (SSR)
f. TfL improvements to bus capacity
g. Cost to monitor Green Travel Plan
h. Study to extend or create a new Controlled Parking Zone (CPZ)
i. Car club
2. Community facilities
j. Library facilities
k. Public Art
l. Youth Centre
m. Three Satellite Community facilities
3. Community safety
n. CCTV
4. Education
o. City Academy – including boundaries & layout implications
p. Woodberry Down Primary School
q. Children’s Centre
r. Adult Learning Centre
5. Landscape, open space, play areas
s. Laying out & maintenance of communal landscape areas
t. Laying out & maintenance of Metropolitan Open Land/ nature conservation areas, all parks and play areas as agreed in Play Strategy
6. Sustainability
u. Provision of renewable energy measures (including wind turbines) & energy centres (CHP & other agreed technologies)
v. Energy & water efficiency measures for groups of dwellings
w. Sustainable drainage systems

Section 278 – Highways Act

- a) **The owner will be required to enter into agreement under Section 278 of the Highways Act, including payment to the Council of 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.**

INFORMATIVES

- 11.1 (SI.1) Building Control
- 11.2 (SI.2) Work Affecting Public Highway
- 11.3 (SI.3) Sanitary, Ventilation and Drainage Arrangements
- 11.4 (SI.7) Hours of Building Works
- 11.5 (SI.24) Naming and Numbering

- 11.6** (as Environment Agency letter of 2.10.08) Conservation
- 11.7** (as Environment Agency letter of 2.10.08) Soil Remediation
- 11.8** (as Environment Agency letter of 2.10.08) Discharge
- 11.9** (as Environment Agency letter of 2.10.08) Potential Contamination
- 11.10** (as Environment Agency letter of 2.10.08) Abstraction Licence
- 11.11** (EA) Geothermal systems
- 11.12** It is recommended that the principal contractor applies for Section 61 consent under Control of Pollution Act 1974 for prior consent for demolition/construction phases.
- 11.13 (NSI):** The London Plan (policies 3A.1: 3A.2: 3A.5: 3A.10: 3A.13: 3A.18: 3A.20: 3A.21: 3B.1: 3B.11: 3C.1: 3C.2: 3C.3: 3C.20: 3C.21: 3C.23: 3D.10: 3D.14: 4A.3: 4A.4: 4A.7: 4A.19: 4A.20: 4B.1: 4B.2: 4B.3: 4B.4: 4B.5: 4B.8: 4B.9: 4B.11 & 5C.1) 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, E14, E18, R4, R8, TR19, ACE6 and ACE8. The detailed application of these policies is also summarised at paragraph 9.2 of this report.
- 11.14** 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.

Sue Foster

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

**SUE FOSTER
ASSISTANT DIRECTOR, REGENERATION AND PLANNING**

NO.	BACKGROUND PAPERS	NAME/DESIGNATION AND TELEPHONE EXTENSION OF ORIGINAL COPY	LOCATION CONTACT OFFICER
1.	Hackney UDP 1995	Ron Madell (all)	Ron Madell (all)
2.	London Plan 2004		
3.	London Plan Alterations 2006		

4.	Woodberry Down Area Action Plan 2004		
5.	Woodberry Down Regeneration Urban Design Framework 2005		

List of Appendices:

Appendix 1:	First Schedule – Travel Plan Criteria
Appendix 2:	
Appendix 3	

First Schedule – Travel Plan Criteria

THE TRAVEL PLAN

PART I: Components of the Travel Plan

The Travel Plan will be a basis for promoting sustainable travel to and from the Property.

Planning Policy Guidance note 13 (PPG13 (transport)) states that... “The Government wants to help raise awareness of the impacts of travel decisions and promote the widespread use of travel plans amongst businesses, schools, hospitals and other organisations.”

(For further advice on developing a Travel Plan see “A travel plan resource pack” which is available from ETSU on 0800 585794 or see the DTLR’s travel plan website: www.transportenergy.org.uk)

The Owner will implement the Travel Plan where appropriate in partnership with the Council and/or with public transport operators.

In drawing up to the Travel Plan (“the Plan) the Owner shall ensure that provisions relating to the following matters are contained within the Plan with particular emphasis on those contained within Section A:-

SECTION A:-

- 1. Public Transport and walking**
 - a. Review the public transport needs of residents of the Property and their visitors
 - b. Provide in-house public interest information (both Transport for London and National Rail travel information is available from their respective websites: www.tfl.gov.uk/www.nationalrail.co.uk)
 - c. Encourage walking through the provision of information on the best pedestrian routes from the Property to the local schools, local town centres and places of local interest

2. Taxis and Minicabs

Consideration must be given to the provision and management of Taxi access to the Property

3. Cycling

Consideration must be given to the following cycling measures –

- a. secure and well-lit cycle parking
- b. a Bicycle Users Group (BUG) to progress cyclists issues on site
- c. work with the Council to improve cycle routes to/from the Property

4. Facilities for Goods Movement and Servicing

It is expected that deliveries for the additional floorspace will occur as existing, however, the Plan must seek to:

- a. identify any specific additional servicing required of the existing traffic and transport constraints of the Property.

5. Disabled Parking

A disabled parking management plan must be included to ensure the designation of specific disabled parking spaces and the display of clear signage to them

6. Car Club

A car club facility must be included to provide residents of the Development with a bulk negotiated discount to access a local car club operator

SECTION B:-

Review, management, promotion.

- 1. Annual review and monitoring of the Property's accessibility in Green Transport terms in accordance with the principles set out in Part II of this Schedule.
- 2. Regular promotion of measures to facilitate the Property's accessibility in Green Transport terms including through text being incorporated into all

brochures/menus/programmes relating to the Property and into publicity material as appropriate and by making copies of the Plan available to residents and their visitors at the Property.

3. An on going commitment and consultation with the occupants of the Property
4. A designated co-ordinator within the Property to be responsible for implementing the Plan
5. A communications strategy within the Development about the benefits of the Plan

PART II: Review and Monitoring of the Travel Plan

The Owner shall ensure that the Plan contains arrangements for the review and monitoring of the Travel Plan are carried out on an ongoing basis and at least every 2 years. These arrangements will deal with the matters set out below establishing firm timescales for the taking of each step, specific targets to be adopted for the measuring of the effectiveness of each measure and a reporting mechanism to the Council. It is acknowledged that it will be appropriate to amend the Travel Plan by agreement in the light of developing circumstances.

1. **Review the Property's Transport Accessibility**

The first stage will be to review the Property's accessibility by all modes. An accessibility report will be produced and this will form the basis for the next stages.

2. **Consultation with residents**

This will involve meeting residents of the Property to promote the concept of a Travel Plan. The meetings will seek to identify a common set of objectives for encouraging public transport usage and reducing the reliance on the private car.

3. **User/Consultation and Travel Surveys**

This stage will be based around consultation. It will be extremely important to secure the support of residents and users if the Plan is to succeed. This stage will include user travel surveys to examine the use of existing modes of travel, attitudes towards sustainable modes of transport and the most effective measures to promote sustainable transport for commuting journeys. The Owner will consult with the Council and providers of public transport at this stage.

4. **Implementation**

Stages 1 to 3 will provide the base information for the review of the Travel Plan.

5. **Monitor and Review**

The Travel Plan will secure an ongoing process of continuous improvement. Each version of the Travel Plan shall set out a mechanism for reporting back to the Council on an annual basis on how effectively the Travel Plan is being in maximising the use of sustainable transport.

Second Schedule – Draft S278 Agreement

A N A G R E E M E N T made the day of Two Thousand and Seven

B E T W E E N

(1) whose registered office is situate at, company registration no.....("the Developer"); and

(2) **THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF HACKNEY** of Town Hall Mare Street Hackney E8 1EA("the Council")

W H E R E A S :-

1. The Council are the highway authority for the roads (other than special and trunk roads) in its administrative area and in particular (‘‘the Road’’)
2. The Developer is registered at HM Land Registry as proprietor with an Absolute Title under title number of the land known as in the said London Borough and for the purpose of identification shown edged in red on plan numbered attached hereto (‘‘the Land’’)
3. The Council is authorised by virtue of the Highways Act 1980 Part V to carry out improvements in relation to the Road as illustrated on the plan attached to this agreement numbered..... (‘‘the Plan’’) and subject to the terms of this agreement would be prepared to carry out those improvements
4. The Council is satisfied that this agreement will be of benefit to the public

NOW in pursuance of Sections 278 of the Highways Act 1980 and Section 111 of the Local Government Act 1972 and Section 33 of the Local Government (Miscellaneous Provisions) Act 1982 and Section 16 Greater London Council (General Powers) Act 1974 and of all other powers enabling the parties hereto in that behalf

IT IS HEREBY AGREED as follows:

1. Interpretation

In this agreement:

- 1.1 a reference to a clause or recital followed by a number is a reference to the clause or (as the case may be) the recital of this agreement bearing that number
- 1.2 a reference to ‘the Works’ is a reference to the works necessary to carry out the improvements referred to in recital 3 in accordance with the specifications

set out in the schedule below and on the Plan subject to any alterations which may be made pursuant to clause 2

- 1.3 a reference to the “Estimate Costs” shall mean the sum of £.....
- 1.4 The phrase “the Developer” shall include successors in title and assigns and the phrase “the Council” shall include any successor bodies for their respective relevant statutory functions and duties and reference to any statute or to any section of a statute includes any statutory re-enactment or modification thereof.

2. Alterations to specifications

The Council may from time to time make such alterations to the specifications mentioned in clause 1.2 and shown on the Plan as the Council may consider desirable or necessary. In so far as may be reasonably practicable the Council shall give the Developer a chance to comment on any such alterations which the Council propose to make.

3. Payments to be made by Developer

- 3.1 The Developer shall make the following payments in respect of the Works:
 - 3.1.1 a sum equal to the whole of the costs which the Council incurs by or in preparation for the execution of the Works and in connection with the execution of the Works
 - 3.1.2 a sum equal to the whole of any expense to which the Council is put by reason of carrying out the Works including (without prejudice to the generality of the foregoing) satisfying claims made under the Land Compensation Act 1973 Parts I and II arising from the execution of the Works
- 3.2 The sums referred to in clause 3.1 above do not include any sums payable under clause 6 and clause 11

4. Method of Payment

The Developer will make the payments referred to in clause 3 as follows:

4.1 The Developer shall pay:

4.1.1 a sum equal to one-half of the Estimated Costs within 14 days of the date of this agreement, and

4.1.2 a further sum equal to one-half of the Estimated Costs within 14 days of the date on which the Council gives notice to the Developer that the Council is about to execute the Works

4.2 If at any time or times after the payment referred to in clause 4.1.1 has become payable the Council estimates that the costs referred to in clause 3.1.1 will exceed the Estimated Costs the Council may give notice to the Developer of the amount by which the Council then estimates those costs will exceed the Estimated Costs (“the Excess”) and the Developer shall pay to the Council within 14 days of the date of that notice the Excess

4.3 If the Estimated Costs exceed the costs incurred by the Council the Council shall refund that excess to the Developer

5. Termination

5.1 At any time before the Council gives notice as mentioned in clause 4.1.2:

5.1.1 the Council may terminate this agreement by giving the Developer written notice signed by the Corporate Director of Legal and Democratic services , and

5.2 On any termination under this clause the Council shall:

Within 28 days from the date of that account:

5.2.1 if that account shows a further sum as due to the Council the Developer shall pay that sum to the Council, and

5.2.2 if that account shows that the payments made by the Developer under the foregoing provisions of the agreement have exceeded those costs the Council shall refund that excess

6. Maintenance Costs

6.1 In the event of the Works being completed the Developer shall pay to the Council a commuted sum of £..... in respect of the future maintenance cost of the Works plus VAT on that sum. The payment shall be made at the same time as the payment specified in clause 4.1.2 and shall satisfy any liability of the Developer in this respect.

8. Preconditions to execution of Works

If and only if:

8.1 the Developer has secured all necessary statutory permissions consents notices orders and permits

8.2 the Developer is not in default of any obligation under this agreement, and

8.3 this agreement has not previously been terminated under clause 5,

the Council will execute the Works and having started the Works will use reasonable endeavours to complete them as soon as is reasonably practicable and will adopt the Works as highway maintainable at public expense

9. Notices

Any notice or demand required by this agreement to be given or made shall be in writing by the Developer to the Council directed to the Head of Highways and Transportation Hackney Town Hall Mare Street Hackney by first class post and by the Council to the Developer directed to..... by first class post

10. Due Debt

Any sum payable to the Council under the terms of this agreement shall be deemed to be a debt due to the Council and without prejudice to any other remedy available to the Council shall be recoverable as such

11. Preparation of agreement

The Developer shall pay to the Council the sum of *[to be determined on calculation of legal time costs and disbursements]* in connection with the preparation and completion of this agreement prior to its completion

12. Waiver

No waiver (whether expressed or implied) by the Council or any breach or default by the Developer in performing or observing any of the terms or conditions of this agreement shall constitute a continuing waiver and no such waiver shall prevent the Council from enforcing at any time any of the said terms or conditions or from acting upon any subsequent breach or default in respect thereof by the Developer

IN WITNESS whereof the Developer and the Council have caused their respective Common Seals to be affixed hereto the day and year first before written

THE COMMON SEAL of THE MAYOR AND)
)
BURGESSES OF THE LONDON BOROUGH)
)
OF HACKNEY was hereunto affixed in)
)
the presence of:-)

Authorised Person

THE COMMON SEAL of)
)
was hereunto)
)
affixed in the presence of:-)

Director

Secretary

Third Schedule – Draft S106 agreement

