

<b>ADDRESS:</b> 357-359 Kingsland Road, London, E8 4DR	
<b>WARD:</b> De Beauvoir	<b>REPORT AUTHOR:</b> Rokos Frangos
<b>APPLICATION NUMBER:</b> 2008/0622 (Full Planning Permission) 2008/0740 (Conservation Area Consent)	<b>VALID DATE:</b> 15/05/2008
<b>DRAWING NUMBERS:</b> P01, P03, A01, A02b, A03a, A04 to A07, S01a, S02a, S04 P101 to P109, E01A to E03A, A10, A11, C001 to C007, E01a, E02, E03, E04 (May 2008), E04 (July 2008)*, E05, SK01, SK02  Planning Statement, Design and Access Statement, Sustainability Report, Geo-Environmental Desk Study Report, Transport Statement  *The dates on these application drawings are provided in order to distinguish two different drawings that share the same drawing number.	
<b>APPLICANT:</b> Blue Chip Trading Ltd and Orland Ltd c/o agent	<b>AGENT:</b> Nicholas Taylor and Associates 19-23 White Lion Street London N1 9PD
<b>PROPOSAL:</b> Redevelopment of site to comprise the erection of a part six-, part seven-storey building containing a 290-room hotel (including restaurant, bar and conference space), with a car park for thirteen vehicles and theatre workshop space (use class D1) on the lower-ground floor.	
<b>POST-SUBMISSION REVISIONS:</b> Increase in size of theatre workshop space from 188 square metres to 211 square metres; increase in height of theatre workshop space to five metres; reduction in number of car parking spaces from twenty-six to thirteen; increase in number of cycle parking spaces from twenty to fifty-six.	
<b>RECOMMENDATION SUMMARY:</b> <b>Grant conditional planning permission, subject to Section 106 legal agreement; grant conservation area consent.</b>	

**ANALYSIS INFORMATION**

ZONING DESIGNATION: (Yes) (No)

CPZ	X	
Conservation Area	X	
Listed Building (Statutory)		X
Listed Building (Local)		X
DEA		X

LAND USE DETAILS:	Use Class	Use Description	Floorspace
<b>Existing</b>	B1	Light industrial	140 sqm
	D1	Theatre workshop space	211 sqm
<b>Proposed</b>	C1	Hotel	10,588 sqm
	D1	Theatre workshop space or alternative cultural use within the same use class	211 sqm

PARKING DETAILS:	Parking Spaces (General)	Parking Spaces (Disabled)	Bicycle storage
<b>Existing</b>	17	0	0
<b>Proposed</b>	10	3	56

**CASE OFFICER'S REPORT**
**1. SITE DESCRIPTION**

- 1.1 The application site is a triangular piece of land bounded by Kingsland Road to the east, Enfield Road to the west and the Metropolitan Business Centre (a former hospital converted to small business units and hostel accommodation) to the north. This prominent corner site, on the eastern edge of De Beauvoir Town, consists of cleared land that is currently used as a car park, with the exception of three structures: a single-storey building at the southern corner of the triangle, formerly occupied by a joinery and currently used for storage; a two-storey building on the western side of the site used by the Quicksilver Theatre company as a workshop (i.e. a space for administration, rehearsals and storage), and adjacent to this, a chimney stack. All three of these structures date from the 1950s, when the hospital was extended. It is not definitively known what the cleared land currently used as a car park formerly consisted of, although it is reasonable to assume that it too formed part of – or complemented – the hospital, which closed in 1975.
- 1.2 The surrounding area is largely residential in nature, although Kingsland Road itself is characterised by more of a mix of uses, particularly to the south, where recent mixed-use development predominates. Nearby De Beauvoir Square comprises distinctive Victorian single-family dwellinghouses on three of its four sides. On the eastern side of the square, and north of the Metropolitan Business Centre, lies a strip of postwar council housing, opposite which are ground-floor

units within the A1 to A3 use classes. To the west of the application site, the opposite side of Enfield Road comprises Allied Court, a recently completed development of flats that was approved in 2004 (application ref. 2002/0470). To the east, on the opposite side of Kingsland Road, lies a terrace of three-storey Grade II-listed townhouses dating from the early nineteenth century.

- 1.3 The site's location on Kingsland Road means easy access to frequent, twenty-four-hour bus services to central London, other parts of the borough and beyond. The application site is 200 metres (approximately two minutes' walk) from Haggerston station on the London Overground, due to open in 2010. The site currently has a Public Transport Accessibility Level (PTAL) rating of 3 ('moderate'), which will rise once Haggerston station has opened.

## **2. CONSERVATION IMPLICATIONS**

- 2.1 The site is located in the Kingsland Conservation Area. No statutory listed buildings are affected by the proposal, although the locally-listed Metropolitan Business Centre is situated adjacent to the application site.

## **3. HISTORY**

- 3.1 28/10/2003: Planning application refused for the erection of parts eight-, seven-, six- and five-storey buildings to create ninety flats, a 300-sqm doctor's surgery, a 1200-sqm gym and thirty-seven car spaces (ref. SOUTH/860/00/FP). (Note: this planning application did not show up in the planning history sought by the developer's agent; this is because the application site is given as the Metropolitan Business Centre. However, given the description of the development, it is assumed that the proposal was for the application site currently under consideration).

## **4. CONSULTATIONS**

- 4.1 Date statutory consultation period started: 15/05/2008
- 4.2 Date statutory consultation period ended: 16/06/2008
- 4.3 Site notice: Yes
- 4.4 Press advert: Yes

## **4.5 Neighbours**

154 surrounding occupiers have been consulted by personal letter. Sixteen letters of objection, one letter of support and one letter of 'concern' have been received. The objections are based on the following grounds:

- The proposed development is excessively tall, higher than the existing buildings, 'possibly intrusive' and 'out of keeping with the early Victorian architecture of the area'
- Building the hotel right up to its boundary will create a 'terraced' and dark 'tunnel' effect in the area
- Parking and traffic concerns
- Chimney 'is very old and adds great character to the street', is an 'icon' within Dalston/Haggerston. 'There is a lovely characteristic chimney there, will you take it down for that cardboard and plastic hotel?'
- Noise pollution arising from construction activity
- Overshadowing, loss of natural light
- 'A motel come travel Lodge type building (*sic*)... will bring down the tone of the area... Are we going to tarnish the area with a Travel Lodge?'
- Width of pavement does not allow for tree-planting around the site
- Concerns over impact on overall streetscape
- Proposed use not suitable for residential area
- Hotel is likely to have an adverse effect on crime
- Overlooking to flat; loss of privacy.

#### **4.6 Statutory consultees**

- 4.6.1 Transport for London (TfL): Further to subsequent discussion with Hackney Council's Traffic and Transport team and the developer's agent, TfL confirms that the proposal, as revised in light of TfL's comments (in connection with car parking provision and coach pick-up/drop-off) would not result in an unacceptable impact to the Transport for London Road Network (A10 Kingsland Road), subject to relevant planning conditions and obligations, as recommended by TfL. TfL would require the developer to enter into a Section 278 agreement for any highway works required on Kingsland Road.
- 4.6.2 Thames Water: No response received.
- 4.6.3 London Fire and Emergency Planning Authority (LFEPA): No response received.
- 4.6.4 English Heritage: No comment; the application should be determined in accordance with national and local policy guidance, and on the basis of the Council's specialist conservation advice.

#### **4.7 Local consultees**

- 4.7.1 Renaisi (Invest in Hackney): Invest in Hackney support this planning application. Hotels have been identified by Invest in Hackney as a target sector to encourage into the area, as they provide good entry-level job opportunities for local residents. The provision of hotel facilities in this area will help to accommodate the anticipated increase in tourism in east London and help make Hackney the centre of this growth. The development will help to provide for business tourists and establish Hackney as the City-fringe destination of choice

for business people. Furthermore, development in this location, just north of the Regent's Canal, will help to improve the immediate area. By complementing the regeneration of the Kingsland Basin and making use of the East London Line extension, it will also help to encourage commercial usage along Kingsland Road and improve Dalston's reputation as a viable business destination. The in-house restaurant and bar are also to be encouraged, as the existing provision in the area is limited and will be largely unappealing to the hotel's anticipated clientele. Invest in Hackney believe that this is a good location for a hotel and agree with the assertion in the planning statement that the development complies with category C within policy ACE7 (Hotel Development), i.e. sites that have good public transport links and which are not located in predominantly residential areas.

- 4.7.2 Quicksilver Theatre: Having looked at the plans we are disappointed to see that the space designated for Quicksilver's use does not actually fulfil the requirements we asked for. We asked for 3500 square feet and a minimum ceiling height of five metres; the [proposed] space is 2023 square feet and the ceiling height is less than five metres. We asked for disabled access and disabled toilet and shower facilities but there are none. Neither do the plans reflect what we discussed with the architect with regard to the entrance area. This is a ramp area in the public domain. I am a local resident and know the area well. In an area such as Dalston this ramp will generate security issues – there are a number of unsavoury characters on the streets who look for odd corners that are out of view to do their drug deals and other anti-social activities. The ramp area will also fill with rubbish blown from the street, especially on a Saturday when the Waste street market (*sic*) takes place. We asked for the space to be glassed over and included in the theatre workshop. This has been ignored. Ultimately we need the space to be in a turnkey condition so that we can go in on day one and start using the premises for our charitable objects (*sic*).
- 4.7.3 Kingsland Conservation Area Advisory Committee (CAAC): Due to the lack of information from the Council regarding this most significant application the Committee can only strongly object on the basis of the information received, which is totally inadequate. We would like this omission to be brought to the attention of the leader of the Conservation Team as it renders our participation in the planning process to be completely impossible. (Note: substantial further details were provided subsequent to these comments, both to the Council and Kingsland CAAC. However, no further comments have been received from Kingsland CAAC.)

#### **4.8 Other Council departments**

- 4.8.1 Urban Design and Conservation: Since a pre-application meeting was held with the architects, the design has evolved to take into consideration comments made about the elevational treatment and the corner feature of the building. These changes are considered positive and, given the general good level of design throughout the scheme, we recommend that this application be approved.

The existing buildings on site don't make a positive contribution to the character or the setting of the conservation area. The height of the proposed building is considered sensitive to adjacent buildings and well articulated: it steps from seven storeys on Kingsland Road to five with a sixth setback along Enfield Road to respond to adjoining properties to the west of the site. This is considered a reasonable approach, as Kingsland Road is a wide carriageway, and surrounding buildings display a similar height. It is also considered that the proposed massing will complete the urban block and provide a sense of enclosure that is currently missing. The accentuation of the corner element creates a visual focus along Kingsland Road and emphasises the location of the intersection with Enfield Road. The entrances to the building are direct, legible, and the internal ground-floor layout is clear and rational. The upper storeys do not raise any concern. The principle of extremely simple vertical lines in the composition of the elevation is accepted. The solid-to-void ratio throughout is satisfactory.

However, as with any other scheme, this proposal needs to demonstrate its commitment to high-quality detailing in order to guarantee the integrity of the design. Given the simplicity of the lines, this becomes particularly relevant here, and we are not convinced by the details provided that this will be achieved. We therefore recommend that all materials, cladding, roof, parapets, glazing are conditioned. In summary, the design is felt to be appropriate and to respond well to the Conservation Area Appraisal urban guidelines.

4.8.2 Highways: No response received.

4.8.3 Traffic & Transport: Traffic and Transportation considers the proposal to be acceptable subject to planning conditions. The proposal will not impact unduly on the borough's transport infrastructure and will assist in sustainable development. The site is located in an area of good transport accessibility, which will be further enhanced by the completion of the East London Line Extension, with Haggerston Station located within 200 metres of the site.

4.8.4 Waste: At least double the waste capacity is needed than indicated on the plans, as well as provision for recycling. It is suggested that they provide a waste strategy plan.

4.8.5 Policy: No response received.

## **5. POLICIES**

### **5.1 Hackney Unitary Development Plan (UDP) (1995) (saved)**

EQ1	-	Development Requirements
EQ12	-	Protection of Conservation Areas
EQ13	-	Demolition in Conservation Areas
ACE3	-	Retention of Arts, Culture and Entertainment Buildings
ACE7	-	Hotel Development

- ACE8 - Planning Standards
- TR19 - Planning Standards

## **5.2 Supplementary Planning Guidance (SPG)**

- SPG 6 - Hotels
- SPG11 - Access For People With Disabilities
- SPG12 - Conservation

## **5.3 Local Development Framework (LDF)**

- SPD - Planning Contributions Supplementary Planning Document (2006)

## **5.4 London Plan (Consolidated with Alterations since 2004)**

- 2A.1 - Sustainability criteria
- 3B.1 - Developing London's economy
- 3C.2 - Matching development to transport capacity
- 3D.7 - Visitor accommodation and facilities
- 4A.1 - Tackling climate change
- 4A.6 - Decentralised energy: Heating, cooling and power
- 4A.7 - Renewable Energy
- 4B.1 - Design principles for a compact city
- 4B.2 - Promoting world-class architecture and design

## **5.5 National Planning Policies**

- PPS1 - Creating Sustainable Communities
- PPG13 - Transport
- PPG15 - Planning and the Historic Environment

## **6. COMMENT**

Conservation area consent is sought to demolish all remaining structures on-site and full planning permission is sought to erect, in their place, a part six-, part seven-storey building containing a 290-room hotel (including restaurant, bar and conference space) with a car park for thirteen vehicles, together with a 211-square-metre theatre workshop space on the lower ground floor, beneath a soft- and hard-landscaped courtyard.

Vehicular access will be from Enfield Road, with a traffic-light-controlled ramp descending to the basement car park. Hotel servicing will take place from a ground-floor-level off-street loading area, accessed from Enfield Road, and incorporated within the curtilage of the hotel. The main entrance will be on Kingsland Road, as will the (separate) entrance to the theatre workshop space. The restaurant and bar (including a 'banquet area') will occupy the part of the ground floor that is situated at the corner of Enfield Road and Kingsland Road. The hotel's conference space will comprise six meeting rooms, of which two are on the ground floor, with the remaining four at lower-ground-floor level.

With regard to an identified end-user, the applicant has been speaking to a number of different three-star operators, and it is intended that the hotel will form a part of one of these chains' portfolios.

## **Considerations**

The main considerations relevant to this application are:

- 6.1 The principle of the development
- 6.2 Design and conservation considerations
- 6.3 Potential impact on the amenity of adjoining residents
- 6.4 Traffic and transport considerations
- 6.5 Consideration of objections

Each of these considerations is discussed in turn below.

### **6.1 The principle of the development**

- 6.1.1 The proposed development comprises a new use (use class C1) for the application site, which is largely vacant. The site's former use (prior to clearance) is not definitively known, although it is thought to have formed part of the now-defunct hospital whose surviving buildings have been converted to form the Metropolitan Business Centre. As such, the main consideration pertains to the loss of the surviving structures on site.
- 6.1.2 The proposal would involve the loss of 140 square metres of space within use class B1 (currently used for storage space). Although the Council usually resists the loss of space within use class B1, in this instance its loss is mitigated by the size and nature of the particular use being proposed; it is considered that the proposed hotel will generate more employment than the B1 space being lost.
- 6.1.3 The proposal would also involve the demolition of the building that currently accommodates theatre workshop space for the Quicksilver Theatre company, an educational charity producing plays, workshops, exhibitions, installations, recordings, and other theatre-related activities. The retention of 'arts, culture and entertainment buildings' is covered by policy ACE3 in the Hackney UDP (1995), which states that the Council 'will normally resist the loss of an arts, culture and entertainment facility unless it is satisfied that an adequate replacement will be made'. The proposed development includes replacement theatre workshop space equivalent to the amount being lost (211 square metres).
- 6.1.4 Whilst it would be both logical and desirable for the Quicksilver Theatre company to become the occupier of the proposed theatre workshop space,

planning policy does not make any provision for the local planning authority to secure the use of the space for a particular and defined end-user. However, the Section 106 legal agreement will reserve the D1 classification of the space for cultural uses with that class, so that other arts organisations can use the space should the Quicksilver Theatre company be unwilling or unable to do so (see paragraph 8.2.7 of this report).

- 6.1.5 Furthermore, the developer has responded to Council concerns that the new theatre workshop space may be let at too high a rate for arts organisations to afford, by agreeing to apply a fifteen per cent discount on the rent for the first five years – a rate that will already be lower than if the space were in a use class other than D1, as the rent will be set by benchmarking against other arts, culture and community uses. The proposal is therefore considered compliant with saved policy ACE3 (Retention of Arts, Culture and Entertainment Buildings) in the Hackney UDP (1995).
- 6.1.6 The main saved policy in the Hackney UDP (1995) applicable to the proposal is saved policy ACE7 (Hotel Development), which provides a basis for the Council to support the application, by stating that the Council ‘will favourably consider hotel development... on sites having good public transport links which are not located in predominantly residential areas.’ It is considered that the proposed development complies with this policy, as the application site has good public transport links that comprise proximity to four bus routes using Kingsland Road and one future Overground station. Although residential use exists in the vicinity of the application site, it is considered that this does not constitute the predominant use along Kingsland Road itself, which in every other regard is considered to be a suitable location for a hotel.
- 6.1.7 The existing structures on site have no architectural or historic merit, and accordingly enjoy no statutory protection. This includes the chimney, which was constructed as recently as the 1950s. Accordingly, their demolition is considered acceptable.
- 6.1.8 Overall, there is no policy basis that precludes the construction of a hotel, ancillary facilities and theatre workshop space on this site, and it is considered that the proposal is acceptable in principle.

## **6.2 Design and conservation considerations**

- 6.2.1 Before commencing consideration of the design and appearance of the proposed development, the application site’s designation as part of a conservation area requires the local planning authority to assess proposals to demolish any building in the conservation area against the criteria set out in Planning Policy Guidance (PPG) 15: Planning and the Historic Environment, which indicates that the general presumption should be in favour of retaining buildings that make a positive contribution to the character and appearance of a conservation area. The criteria are, in essence, the condition of the building and the cost of its repair and maintenance in relation to its importance and the value

derived from its continued use; the adequacy of efforts to retain the building in use, and the merits of alternative proposals for the site.

- 6.2.2 It is considered that the existing structures on the application site meet two of these tests for demolition, in that the condition of the buildings is poor and the cost of repair and maintenance would be disproportionate to the importance and value that would be derived from their continued use; and that the aesthetic merits of the proposed development – to be discussed in the paragraphs that follow – outweigh those of the existing buildings. Furthermore, it is considered that the existing buildings do not make a positive contribution to the character and appearance of the conservation area, on account of their lack of architectural merit and period detail, their inappropriately diminutive scale, and their general state of deteriorating repair. The demolition of these buildings is therefore considered acceptable.
- 6.2.3 The proposed development is expressed in a contemporary vernacular style, with vertical bands of brickwork alternating with bands of aluminium powder-coated glazing interspersed with timber panels in a now-familiar ‘random’ pattern. The corner of the building and the junction with the Metropolitan Business Centre comprise larger expanses of the glazing and timber panels. The building is at its highest at the corner of Kingsland and Enfield Roads; the building steps down along Enfield Road, with the top storey set back part-way along the elevation and then the sixth storey set back also. The top storey is set back for most of the Kingsland Road elevation.
- 6.2.4 The size, scale and massing of the proposed building correspond with those of the Metropolitan Business Centre and of recent residential and mixed-use schemes on Enfield Road and further south along Kingsland Road, and are considered appropriate to the proposed development’s context. The heights of surrounding buildings range from five to six storeys, many with more generous floor-to-ceiling heights than most contemporary buildings feature. The height of the proposed building is marginally less than the Metropolitan Business Centre next door; the Metropolitan Business Centre and Allied Court to the west provide a height range within which the proposed new building sits comfortably.
- 6.2.5 In terms of detailed design, the solid-to-void ratio (i.e. the proportion of wall to windows) is considered to be sufficiently balanced and contributes to the acceptability of the overall design. The materials palette is familiar and can be seen on new developments elsewhere in the borough. It will be imperative to ensure that high-quality materials are used and properly fixed, to avoid a premature deterioration in the development’s appearance. In addition to the standard condition requiring the submission of materials to the local planning authority for approval, an additional condition is recommended, requiring the applicant to ensure that the proposed timber cladding is properly pre-treated, in order to prevent the weather-related discolouration that can be seen on the timber cladding on other new developments further down Kingsland Road.
- 6.2.6 In terms of sustainability criteria, the developer’s consulting engineers have indicated that the proposed building is capable of attaining a BREEAM (Building Research Establishment Environmental Assessment Method) rating of ‘very

good'. By use of energy efficiency options such as increasing thermal insulation, installation of heat recovery vents, use of drainpipe heat recovery, low-energy lighting and lighting control, the development will (according to the submitted Sustainability Report) 'aim to achieve [a] 45 per cent reduction in carbon emission[s]'. The applicant proposes to meet the target of generating ten per cent of the hotel's energy needs from on-site renewable energy by way of installing solar thermal collectors for hot water on the roof. It is recommended that this be secured with the attachment of a suitably worded condition to any planning approval granted. Rainwater harvesting isn't proposed, although this too can be secured by condition.

- 6.2.7 With regard to external space, the main body of the hotel wraps around a courtyard, where greenery and trees – of a yet-to-be-defined number – are proposed. Given that this courtyard is situated immediately above the theatre workshop space and the ramp to the basement car park, doubts have been raised as to whether there is sufficient ground depth to be able to accommodate the roots of the trees shown. It is therefore recommended that any courtyard trees shown on the plans be regarded as strictly indicative, and that a condition be attached to any approval, requiring the submission of a realistic and fully detailed landscaping plan for this space.
- 6.2.8 Overall, it is considered that the design of the proposal is acceptable and would enhance the character and appearance of the conservation area, thereby complying with planning policies saved in the Hackney UDP (1995) as well as those in the London Plan (Consolidated with Alterations since 2004), and PPG15.

### **6.3 Potential impact on the amenity of adjoining residents**

- 6.3.1 The closest residential property with windows from habitable rooms facing onto the application site is Allied Court, on the opposite side of Enfield Road, from which the distance is approximately eighteen metres – a standard distance between residential buildings on opposite sides of the street in an urban setting. This distance is sufficient for there not to be any significant impact on the amenity of neighbouring occupiers by way of overlooking. Furthermore, a 'front to front' distance of eighteen metres is typical for recently approved development in the area, and already exists at the De Beauvoir Square end of Enfield Road: Oscar Faber Place, a residential building on the corner of Enfield Road and St Peter's Way, with which the proposed hotel building will be aligned.
- 6.3.2 The distance between the hotel's east elevation and properties on the opposite side of Kingsland Road is even greater: thirty-two metres at the narrowest, increasing to thirty-seven metres due to the crescent shape of the listed terrace opposite.
- 6.3.3 A daylight and sunlight report has been submitted that demonstrates a negligible difference in the amount of natural light available to properties in Allied Court.

6.3.4 It is therefore considered that the proposal will not result in any significant risk to the amenity of adjoining occupiers by way of overlooking, loss of daylight, sunlight, overshadowing, increased sense of enclosure or loss of privacy. Overall, the proposed development is considered to be acceptable with regard to amenity and complies with relevant policies in the Hackney UDP (1995) and the London Plan (Consolidated with Alterations since 2004).

#### **6.4 Traffic and transport considerations**

6.4.1 Thirteen car parking spaces are proposed in the basement, to be accessed by way of a ramp from street level. This number has been reduced from the twenty-six spaces originally proposed, at the behest of the Council's Traffic and Transport team. Three of these spaces are reserved for disabled users and another three for 'operational services'. With the revisions requested by the Council having been implemented, the parking provision is now considered to be acceptable by the Council's Traffic and Transport team.

6.4.2 TfL (Transport for London) have confirmed their approval of the use of the existing loading bay adjacent to the site in Kingsland Road as a pick-up/set-down space for coaches and taxis, and TfL is satisfied that the use of the loading bay as a coach pick-up/set-down will not unduly impact the operation of the bus lane and Kingsland Road.

6.4.3 The development complies with the Council's requirements for the provision of disabled parking spaces, by providing three off-street disabled parking spaces.

6.4.4 A total of fifty-six cycle parking spaces is proposed. This number was increased from the twenty-six spaces originally proposed at the behest of the Council's Traffic and Transport team, which is now satisfied with the level of cycle parking provision.

6.4.5 Overall it is not anticipated that the proposed development will have a detrimental impact upon circulation and parking in the vicinity, and overall there are no traffic and transport issues with the proposed development that constitute grounds for concern or refusal.

#### **6.5 Consideration of objections**

6.5.1 Excessive height, possibly intrusive' height, 'out of keeping with the early Victorian architecture of the area'

As discussed in paragraph 6.2.4 of this report, the height of the proposed development is considered accordant with prevailing building heights in the vicinity and appropriate in its own right to a major artery in an urban context. As discussed in paragraph 6.2.5 of this report, the design of the proposed building, whilst contemporary, is considered to be of a good standard and complements the overall mix of styles that surround the proposed development. Whilst it could be said that any contemporary building could be considered 'out of keeping' in

an area containing a number of period buildings, it should be noted that it is Council policy to encourage contemporary architecture and to resist 'faux'-traditional or pastiche, emulative architecture that some might consider more in keeping with a historic environment. Furthermore, the proposed development is very much in keeping with other recent development in the area.

6.5.2 Building the hotel right up to its boundary will create a 'terraced' and dark 'tunnel' effect in the area

The proposed building is in fact set back from its boundary by narrow strips of landscaping, resulting in its continuing the building lines established by Oscar Faber Place (on Enfield Road) and the Metropolitan Business Centre (on Kingsland Road). The distance between the proposed development and the building on the opposite side of Enfield Road, Allied Court, will be eighteen metres, which is a distance that already exists between Allied Court and Oscar Faber Place and which is a standard distance between facing elevations in an urban context. A dark 'tunnel' effect is therefore considered to be unlikely, whilst a 'terraced' effect is, from a streetscape point of view, not necessarily deemed an undesirable aspiration.

6.5.3 Parking and traffic concerns

As discussed in section 6.4 of this report, both TfL and the Council's Traffic and Transport team have assessed the potential impact of the proposed development on traffic and parking in the area and have concluded that the proposal will not unduly affect either.

6.5.4 Proposal involves removal of 'historic' chimney

The chimney dates from the 1950s and is of no architectural or historic interest. It is considered that the overall benefit that would be derived from the proposed development far outweighs that derived from the retention of the chimney.

6.5.5 Overshadowing, loss of light to adjacent properties

As discussed in section 6.3 of this report, no material impact on the level of natural light available to residents of adjoining properties is considered to arise from the proposed development, the height, scale and alignment of which correspond with the buildings to either side of it on both Kingsland and Enfield Roads.

6.5.6 Noise pollution arising from construction activity

This is not a material planning consideration and as such the objection is not considered to constitute sufficient grounds for refusal of the application. However, an informative is routinely added to planning approvals reminding applicants that contractors are obliged to adhere to regulations governing hours of building work.

6.5.7 'Travelodge'-type hotel will 'bring down the tone of the area'

Local planning authorities' powers to consider which use class is suitable for a particular site, in planning terms, do not extend to being able to sub-divide use classes further according to the exact nature of the end-user or its intended market. The Council has no statutory means by which it may select, suggest, recommend or condition which type of hotel, or which particular chain, the proposed development is reserved for, nor to consider the 'bringing down the tone of an area' by any given chain (or others similar to it) as a material planning consideration.

6.5.8 Width of pavement does not allow for tree-planting around the site

Tree-planting on the pavements surrounding the application site does not form part of the planning application under consideration, and falls under the remit of TfL (for Kingsland Road) and the Council's Streetscene service (for Enfield Road).

6.5.9 Concerns over impact on overall streetscape

It is considered that, far from having a detrimental impact on the overall streetscape, the proposed development will in fact greatly improve the streetscape by extending the adjacent lines of buildings to complete the urban block, which is considered preferable to the current state of the application site as a gap in the streetscape. The proposed development will help to enclose Enfield Road in particular, at a scale that corresponds with existing buildings along the street.

6.5.10 Proposed use not suitable for residential area

As discussed in paragraph 6.1.6, it is considered that the overall mix of uses along Kingsland Road, and its good transport connections, make the application site a suitable location for a hotel.

6.5.11 Hotel is likely to have an adverse effect on crime

The objector concerned has not given any reason why they consider it likely that a hotel will have an adverse effect on crime. Unless specific security issues are identified with a building or parts of a building, local planning authorities cannot accept any suggestion that a particular use is intrinsically crime-generating as a material consideration sufficient to warrant refusal on that basis.

6.5.12 Overlooking to flat; loss of privacy

As discussed in section 6.3 of this report, it is considered that the proposed development will not have any material impact on the privacy of neighbouring occupiers. The distance between the proposed development and this particular objector's address is over thirty metres, which is considered to be a generous 'front to front' distance in an urban setting.

6.5.13 Theatre workshop space doesn't conform to Quicksilver Theatre company's requirements

With regard to the requirements set out by the Quicksilver Theatre company to both the developer and planning officers, it is considered that a request for larger premises (325 square metres) than the company currently occupies (211 square metres), is unreasonable. However, the developer's agent has confirmed that the proposed theatre workshop space would have full disabled access, including a lift and a wheelchair-accessible toilet. Furthermore, the developer has agreed to amend the plans so that the floor-to-ceiling height of the theatre workshop space will be five metres high, and to increase the theatre workshop space so that it matches the space in the company's existing facility (211 square metres), for which the applicant agreed to give up one of the lower-ground-floor hotel meeting rooms.

Notwithstanding the above, however, it should be borne in mind that the developer is not obliged to see that the space is tailored to a specific end-user's exacting requirements. In planning policy terms, the developer is only obliged to satisfy the Council that adequate replacement space for the current facility has been proposed, and the Council may be satisfied that this is the case without every one of a particular end-user's individual requirements having been met.

Furthermore, as discussed in paragraph 6.1.4 of this report, policy ACE3 in the Hackney UDP makes no provision for the Council as local planning authority to secure the space for use by Quicksilver Theatre company. However, the developer has agreed to apply a fifteen per cent discount on the rent of the space for the first five years, in order to make the space more affordable to Quicksilver and similar organisations.

**7. CONCLUSION**

7.1 The proposed development is considered compliant with pertinent policies saved in the Hackney UDP (1995) and the London Plan (Consolidated with Alterations since 2004). Accordingly, the granting of planning permission is recommended.

**8. RECOMMENDATION**

**RECOMMENDATION A:**

**8.1 That conservation area consent and planning permission be GRANTED, the latter subject to the following conditions:**

**8.1.1 SCB0 – Development in accordance with plans**

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

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

**8.1.2 SCB1 – Commencement within three years**

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

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

**8.1.3 SCM6 – Materials to be approved**

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

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

**8.1.4 SCM7 – Details to be approved**

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

- Windows, glazing bar profiles and architraves
- Doors, profiles and architraves
- All clear and obscure glazing
- Design and appearance of railings and parapets
- Details at a scale of 1:20 of all cladding elements and any structure beneath
- Detailed section through first floor cantilever (structure, undercroft treatment and junction with brick)
- Ground-floor elevations, external lighting and signage of the building
- Ground-floor entrances (porches, canopies, etc.).

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

**8.1.5 SCM9 – No extraneous pipework**

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

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

**8.1.6 SCT1 – Submission of landscaping scheme**

Further details of hard and soft landscaping shall be submitted to and approved by the Local Planning Authority, in writing, before any landscaping work commences on site, to show (as applicable) species of tree, type of stock and level of maturity, numbers of shrubs to be included, and areas to be grass-seeded or turfed. All landscaping in accordance with the scheme, when approved, shall be carried out within a period of twelve months from the date on which the development of the site commences or shall be carried out in the first planting (and seeding) season following completion of the development, and shall be maintained to the satisfaction of the local planning authority for a period of ten years, such maintenance to include the replacement of any plants that die, or are severely damaged, seriously diseased, or removed (including any existing trees or plants that die or are damaged during, or as a result of, construction work).

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

**8.1.7 SCI3 – No roof plant**

No plant (including all external enclosures, machinery and other installations) other than any shown on the drawings hereby approved shall be placed upon or attached to the roof.

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

**8.1.8 SCH2 – Loading and unloading**

No loading or unloading of goods shall take place other than on-site in the proposed loading bay.

REASON: In the interests of ensuring that the proposed development does not prejudice the free flow of traffic or public safety along the adjoining highway.

**8.1.9 SCH8 – Parking for people with disabilities**

Before the use hereby permitted first commences, at least three car parking spaces shall be marked and retained permanently for use by the vehicles of people with disabilities.

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

**8.1.10 SCH9 – Marking parking areas**

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

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

**8.1.11 SCH10 – Secure bicycle parking**

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

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

**8.1.12 SCH15 – Access only as approved**

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

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

**8.1.13 SCR2 – Details of refuse storage enclosure**

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

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

**8.1.14 NSC1 – Non-standard condition**

No development shall take place until details of the pre-treatment of timber on the external surfaces of the development and its subsequent fitting, treatment and maintenance schedule has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and schedule.

REASON: In order to make best endeavours to retain the original colour of the material, thereby preserving the appearance of the development hereby approved.

**8.1.15 NSC2 – Non-standard condition**

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 to 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.

REASON: To safeguard the amenities of the adjoining premises and the area generally.

**8.1.16 NSC3 – Non-standard condition**

The developer/landowner shall install and utilise solar thermal collectors on the roof to produce at least ten per cent of the proposed development's energy requirements, and the proposed development shall achieve a BREEAM rating of no less than 'very good', with certification to that effect to be submitted to the local planning authority and acknowledged in writing prior to occupation of the building. A rainwater harvesting system shall be installed and details thereof shall be submitted to the local planning authority and approved in writing before occupation of the development hereby approved first commences.

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

**8.1.17 NSC4 – Non-standard condition**

A minimum of nine 1100-litre Euro bins, plus provision for recycling, shall be provided, and a waste strategy plan submitted to the local planning authority and approved in writing before use of the hotel hereby approved first commences.

REASON: In the interests of providing satisfactory refuse storage.

**RECOMMENDATION B:**

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

8.2.1 Payment by the landowner/developer of £10,028.20 as a financial contribution towards Council library facilities. (This sum has been calculated in accordance with the approved formula in the Planning Contributions Supplementary Planning Document (SPD) (2006).)

8.2.2 Payment by the landowner/developer of £2140.20 as a financial contribution towards green spaces, children's play areas, and recreation facilities in the borough. (This sum calculated in accordance with the approved formula in the Planning Contributions Supplementary Planning Document (SPD) (2006).)

8.2.3 Payment by the landowner/developer of £30,000.00 as a financial contribution towards sustainable travel initiatives. (This sum calculated and provided by the Council's Traffic & Transport team.)

- 8.2.4 Provision for the employment within the hotel, once it has commenced operations, of persons within a defined and ongoing training scheme to be carried out in perpetuity and reserved for residents of the borough, to number no fewer than five new starters annually.
- 8.2.5 Provision for not-for-profit groups, charities, Hackney Council and local authorities that share a boundary with the London Borough of Hackney to be permitted use of the hotel's conference facilities free of charge a maximum of three days a year (in total, not per organisation), with in-house catering to be provided at a twenty per cent discount on the price charged for the equivalent service to all other users of the hotel conference facilities.
- 8.2.6 Provision by the landowner/developer for the use of local labour for construction in the form of twenty-five per cent on-site employment, including the facilitation of an apprentice for a defined period.
- 8.2.7 That the proposed space within use class D1 (marked on the plans as theatre workshop space) be a) reserved for arts, cultural and entertainment uses within class D1 and should not be used for medical or health services, a creche or other day care, non-arts related education, or in connection with public worship or religious instruction, and b) should be let at market rates for those uses so reserved within use class D1, as established by a RICS-accredited chartered surveyor, with a fifteen per cent discount applied for the first five years after completion.

### **RECOMMENDATION C**

- 8.3 **That in the event of the Section 106 agreement referred to in Recommendation B not being completed by 19 December 2008, the Head of Regulatory Services be given the authority to refuse the application for the following reasons:**
  - 8.3.1 The proposed development, in the absence of a legal agreement for securing the theatre workshop space, would fail to satisfy the Council that adequate replacement was being made for an existing on-site arts, culture or entertainment use and would therefore be contrary to policy ACE3 of the Hackney UDP (1995).

### **9. REASONS FOR APPROVAL**

- 9.1 The following policies contained in the Hackney Unitary Development Plan (1995) are relevant to the approved development/use and were considered by this Council in reaching the decision to grant planning permission: EQ1 - Development Requirements; EQ12 - Protection of Conservation Areas; EQ13 - Demolition in Conservation Areas; ACE3 - Retention of Arts, Culture and Entertainment Buildings; ACE7 - Hotel Development; ACE8 - Planning Standards; TR19 - Planning Standards.

- 9.2 The following policies in the London Plan (Consolidated with Alterations since 2004) are relevant to the approved development/use and were considered by this Council in reaching the decision to grant planning permission: 2A.1 - Sustainability criteria; 3B.1 - Developing London's economy; 3C.2 - Matching development to transport capacity; 3D.7 - Visitor accommodation and facilities; 4A.1 - Tackling climate change; 4A.6 - Decentralised energy: Heating, cooling and power; 4A.7 - Renewable Energy; 4B.1 - Design principles for a compact city; 4B.2 - Promoting world-class architecture and design.

## 10. **INFORMATIVES**

The following Informatives should be added:

- SI.1 Building Control
  - SI.2 Work Affecting Public Highway
  - SI.3 Sanitary, Ventilation and Drainage Arrangements
  - SI.6 Control of Pollution (Clean Air, Noise, etc.)
  - SI.7 Hours of Building Works
  - SI.25 Disabled Person's Provisions
  - SI.27 Regulatory Reform (Fire Safety) Order 2005
  - SI.28 Refuse Storage and Disposal Arrangements
  - SI.33 Landscaping
- NSI.1 The responsibility to properly address contaminated land issues, including safe development and secure occupancy, and irrespective of any involvement by this Authority, lies with the owner/developer of the site. The applicant/developer is requested to contact the Council's Pollution Section (tel. 020 8356 4827) as soon as is practicable should contamination be encountered during the development of the site. Contamination will often be evident either visually or due to odours. Visual evidence of contamination may include staining by oil/fuel, coloured liquids/soils uncharacteristic of soil or groundwater, or debris (e.g. asbestos) being present. Odours will usually be obvious and smell of fuels/solvents, be pleasant or unpleasant, or otherwise be uncharacteristic of soil or groundwater.
- NSI.2 The developer is required to enter into an agreement under Section 278 of the Highways Act (1980) with Transport for London (TfL) (for Kingsland Road) and the Council's Highways department (Streetscene) (for Enfield Road) to reinstate and improve the highway adjacent to the boundary of the site, to include 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 estimates provided by TfL or the Council's Highways department.
- NSI.3 All materials submitted pursuant to the discharge of condition 3 of this approval ('materials to be approved', as per paragraph 8.1.3 of this

report) should be supplied and delivered at the same time in a container clearly marked with the address of the application site, reference to the application number 2008/0622, and accompanied by coloured copies of relevant elevational drawings, to which each material sample should be clearly referenced and labelled accordingly. Full specifications detailing each material's manufacturer and colour (as per manufacturer's description/name thereof) should also be submitted at the same time.

NSI.4 This decision notice is accompanied by a Section 106 legal agreement. It shall be implemented in full accordance with the details of that agreement.

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

**Fiona Fletcher-Smith**  
**CORPORATE DIRECTOR, NEIGHBOURHOODS & REGENERATION**  
**DIRECTORATE**

NO.	BACKGROUND PAPERS	NAME/DESIGNATION AND TELEPHONE EXTENSION OF ORIGINAL COPY	LOCATION CONTACT OFFICER
1.	Hackney UDP	Rokos Frangos 8095	263 Mare Street, E8 3HT
2.	The London Plan	Rokos Frangos 8095	263 Mare Street, E8 3HT