

<b>ADDRESS:</b> 11-23 Westgate Street, London E8 3RL	
<b>WARD:</b> Queensbridge	<b>REPORT AUTHOR:</b> Rokos Frangos
<b>APPLICATION NUMBER:</b> 2008/0595	<b>VALID DATE:</b> 11/06/2008
<b>DRAWING NUMBERS:</b> 3188-01, 02, 03 A, 04 B, 05 A, 06 A, 07 A, 08 A, 09 B, 10 B, 11, 12 A, 13 A, 14 A, 15 A, 16 A, 17 A, 18 A, 19 A, 20	<b>ACCOMPANYING DOCUMENTS:</b> <ul style="list-style-type: none"> <li>• Access Statement</li> <li>• Design Statement</li> <li>• Energy Strategy &amp; 10% Renewables Assessment</li> <li>• Noise Assessment</li> <li>• Planning Statement</li> <li>• Schedule of Areas &amp; Accommodation</li> <li>• Sustainability Statement</li> <li>• Transport Statement</li> <li>• Three Dragons Test in Strettons letter, ref. PGT/11-23WESTGATE/PT/09</li> </ul>
<b>APPLICANT:</b> The Trustees of Rachel Securities Ltd c/o agent	<b>AGENT:</b> GML Architects Ltd. 40 Featherstone Street London EC1Y 8RE
<b>PROPOSAL:</b> Erection of a five-storey building to provide twenty-two flats (ten one-bedroom units, four two-bedroom units, six three-bedroom units and two four-bedroom units), 285.9 square metres commercial floorspace (use class B1 or B2) and disabled car parking.	
<b>POST-SUBMISSION REVISIONS:</b> None.	
<b>RECOMMENDATION SUMMARY:</b> <b>Grant conditional planning permission, subject to Section 106 legal agreement.</b>	

**ANALYSIS INFORMATION**
**ZONING DESIGNINATION:** (Yes) (No)

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

<b>LAND USE DETAILS:</b>	Use Class	Use Description	Floorspace
<b>Existing</b>	Sui Generis	Vacant site used as surface car park	547.8 sqm

<b>Proposed</b>	B1	Offices	285.9 sqm
	C3	Residential	1404.1 sqm

<b>RESIDENTIAL USE DETAILS:</b>	Residential Type	No of Bedrooms per Unit				
		1	2	3	4	5+
<b>Existing</b>	0	0	0	0	0	0
<b>Proposed</b>	Market flats	10	1	4	0	0
	Social Rented flats	0	2	0	2	0
	Shared Ownership flats	0	1	2	0	0
<b>Totals</b>	<b>(Total = 22)</b>					

<b>PARKING DETAILS:</b>	Parking Spaces (General)	Parking Spaces (Disabled)	Bicycle storage
<b>Existing</b>	Not defined	Not defined	0
<b>Proposed</b>	0	2	30

### **CASE OFFICER'S REPORT**

#### **1. SITE DESCRIPTION**

- 1.1 The application site has an area of 569 square metres and is currently used as a surface car park. Its use prior to this is unknown. The site is located between Westgate Street and Bocking Street, with the one-storey Westgate Centre (comprising small light industrial/storage units) bounding the site to the south and west, and the overground railway line from Liverpool Street to London Fields (and beyond) bounding the site to the east.
- 1.2 Planning permission was granted at Planning Sub-Committee on 16 October 2008 for the demolition of the Westgate Centre and the construction in its place of a part two-, part six-storey building comprising 1276 square metres of class A1/A2/B1/D1 use at ground floor-level, and thirty-four self-contained residential units above (ref. 2008/0312).
- 1.3 Planning permission was also granted, at the same committee, for the conversion and part-rebuilding of Netil House (1-7 Westgate Street; on the other side of the railway line) to provide seventy-six residential units and 1312 square metres of commercial floorspace (use class B1 or B2) on the ground floor (ref. 2008/0594).
- 1.4 All three developments on the southern side of Westgate Street, east of London Fields Primary school – i.e. the two aforementioned planning applications and the planning application currently under consideration – have been designed by GML Architects.
- 1.5 To the north of the site, at 16-26 Westgate Street, is a recently completed part three-, part six-storey mixed-use development consisting of 767 square

metres of use class B1 floorspace on ground- and first-floor levels, with fourteen residential units above (ref. 2004/2553).

- 1.6 Beyond these buildings, the area that surrounds London Fields park is largely residential, with a greater emphasis on commercial uses towards Mare Street and Broadway Market.
- 1.7 The site's location is less than five minutes' walk away from both Mare Street (with easy access to frequent, twenty-four-hour bus services to central London, other parts of the borough and beyond) and London Fields train station (with services to Liverpool Street). The site is also situated approximately one hundred metres away from one of the capital's principal north-south cycle routes, which bisects London Fields park and facilitates easy access by bicycle to all parts of the borough, as well as to the City and West End.
- 1.8 The site is also in a Defined Employment Area in the Hackney UDP (1995) and is identified in the employment study by Atkins (commissioned by the Council in 2005) as a 'Priority Employment Area' (PEA). It is also identified as a PEA in the LDF Core Strategy Preferred Policy Options (April 2008).

## **2. CONSERVATION IMPLICATIONS**

- 2.1 Whilst not situated in a conservation area itself, the site is sandwiched between two conservation areas: Broadway Market to the west and Mare Street to the east. No statutory listed buildings or locally listed buildings are affected by the proposal.

## **3. HISTORY**

- 3.1 17/05/2007: Planning permission refused for the erection of a five-storey building comprising twenty-two flats (ten one-bedroom, four two-bedroom, six three-bedroom and two four-bedroom), with 315 sqm of use class B1 (office) space at ground floor level, and two disabled car-parking spaces (2007/0440).

## **4. CONSULTATIONS**

- 4.1 Date statutory consultation period started: 17/06/2008
- 4.2 Date statutory consultation period ended: 28/07/2008
- 4.3 Site notice: Yes
- 4.4 Press advert: Yes

#### **4.5 Neighbours**

172 neighbours were sent individual letters of notification, and a site notice and press notice were generated. Two letters of objection and two neutral letters of comment have been received.

The grounds for the objections are:

- Proposed building is 'FAR TOO HIGH and will dominate the street and approach/view of the park by all neighbours'
- Lack of provision for off-street parking will result in increase of traffic
- Adverse impact on light and privacy of properties in Bocking Street
- Design, height and scale of the building will not preserve or enhance the character and appearance of the area.

#### **4.6 Statutory consultees**

4.6.1 Thames Water: No objection.

4.6.2 London Fire and Emergency Planning Authority (LFEPA): The Brigade is satisfied with the proposals.

4.6.3 Network Rail: No response received.

4.6.4 Strategic Rail Authority: No response received at time of writing.

4.6.5 The Learning Trust: No response received at time of writing.

4.6.6 NHS Primary Care Trust: No response received at time of writing.

4.6.7 Invest in Hackney (Renaissi): Invest in Hackney feels that this application does not provide an acceptable ratio of commercial space to residential units. The site lies within a DEA and has significant commercial potential. As such Invest in Hackney would like to see a 50/50 ratio in order to maximise the economic potential of the site. The provision of commercial accommodation should be similar to that outlined in the previous application.

#### **4.7 Other Council departments**

4.7.1 Urban Design and Conservation: The massing (with the Westgate Centre) [see paragraph 1.2 of this report] doesn't appear to respond to the location's importance and doesn't contribute any additional green space. The void space between the two developments is of very poor quality due to the lack of joint massing considerations.

The active frontage is crucial because Westgate Street connects busy Broadway Market and London Fields to Mare Street. The vehicle entrance

and the railing wall by the car park occupy one third of the frontage, and therefore weaken the quality of the streetscape. The material used at the entrance gate and railing wall may need to incorporate more variations to provide a more cheerful feeling. The ground-floor frontage on the eastern side of the site could be a little more diverse to respond to the workshop space under the railway arches.

The layout of internal space is overexploited and left with poor quality (*sic*). On the ground floor, the narrow, deep plan for commercial unit 2 may not work effectively. The hallway between the entrance and the stairwell is a long, narrow, and dark corridor. No natural light is provided in the stairwells. On the upper floors, there should be a proper court yard between 11-23 Westgate Street and the Westgate Centre. Instead, there is a strangely-shaped light well. The residential units have no windows for the kitchens, which may cause light and ventilation problems. Unit 20 has a long, 'U'-shaped dark corridor. Most bedrooms are also strangely shaped with some sharp angles. The windows in bedrooms 1 and 2 in Unit 2 are too small. Maybe double-glazed windows can be provided to avoid train noise and allow more light.

In principle, the street elevation looks good. However, material samples are expected to be provided for review, and the dark blue render does not really match the colour scheme. In order to make the street frontage friendlier, the use of timber strips may be used to improve the eyesore of the car park railings.

- 4.7.2 Highways: No response received.
- 4.7.3 Traffic & Transport: Both the ground-floor plan and site plans show a number of doors along the site frontage and adjacent to the public footway that open outwards. It is essential that doors do not open outwards, in order to ensure that pedestrian safety/amenity and the access needs of pedestrians with mobility impairments are considered and maintained. The application is otherwise acceptable.
- 4.7.4 Waste: No response received.
- 4.7.5 Metropolitan Police Crime Prevention Design Adviser: No response received.
- 4.7.6 Policy: No response received.
- 4.7.7 Pollution: Objection, as the application falls into Noise Exposure Category C which states: 'Planning Permission should not normally be granted. Where it is considered that permission should be given, for example because there are no quieter sites available, conditions should be imposed to ensure a commensurate level of protection against noise'.

**5. POLICIES**

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

- EQ1 - Development Requirements
- EQ40 - Noise Control
- E18 - Planning Standards
- HO3 - Other Sites for Housing
- TR19 - Planning Standards

**5.2 Supplementary Planning Guidance (SPG)**

- SPG 1 - New Residential Development
- SPG11 - Access For People With Disabilities

**5.3 Local Development Framework (LDF): Supplementary Planning Document**

- SPD - Planning Contributions (2006)

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

- 2A.1 - Sustainability criteria
- 3A.1 - Increasing London's supply of housing
- 3A.2 - Borough housing targets
- 3A.5 - Housing choice
- 3A.6 - Quality of new housing provision
- 3A.7 - Large residential developments
- 3A.8 - Definition of affordable housing
- 3A.9 - Affordable housing targets
- 3A.10 - Negotiating affordable housing in individual private residential and mixed-use schemes
- 3B.1 - Developing London's economy
- 3B.2 - Office demand and supply
- 3B.3 - Mixed use development
- 3B.4 - Strategic Industrial Locations
- 3C.1 - Integrating transport and development
- 3C.2 - Matching development to transport capacity
- 3C.3 - Sustainable transport in London
- 3C.23 - Parking strategy
- 4A.1 - Tackling climate change
- 4A.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
- 5C.1 - The strategic priorities for North London

**5.5 National Planning Policies**

- PPS1 - Creating Sustainable Communities

PPG13 - Transport

## **6. COMMENT**

Planning permission is sought to erect a five-storey building comprising two units of commercial floorspace (of 176.4 square metres and 102.5 square metres respectively) within use classes B1 or B2 at ground-floor level, and twenty-two self-contained residential units above (ten one-bedroom units, four two-bedroom units, six three-bedroom units and two four-bedroom units). The ground-floor space forms a non-residential podium on which the residential units above sit.

Aside from the commercial floorspace, the remainder of the ground floor is taken up by two off-street disabled parking spaces, cycle parking and refuse storage. All access to the building is via Westgate Street.

### **Considerations**

The main considerations relevant to this application are:

- 6.1 The principle of the development
- 6.2 The design and appearance of the development
- 6.3 Potential impact on the amenity of adjoining residents
- 6.4 Acceptability of the proposed residential mix and proportion of affordable housing provision
- 6.5 Traffic and transport considerations
- 6.6 Consideration of objections

Each of these considerations is discussed in turn below.

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

- 6.1.1 The site is designated as a DEA within the UDP. Policy E2 of the UDP states that the Council will give favourable consideration to employment-generating development and that residential development will not normally be permitted within the DEA. Policy E5 states that the Council will normally resist any proposals which result in a reduction of site area or floorspace. These policies were not been saved by the Secretary of State in 2007. However, the council has consistently applied the policy of “no net loss” of employment floorspace, as it is considered that the general thrust of this policy is upheld in national and strategic planning policies. Notwithstanding the provisions of policy E2 it is generally considered that the introduction of residential uses as part of mixed use schemes is acceptable in these areas

as this would comply with the overarching principle of national and strategic policies to make the most effective and efficient use of land. The site is also identified within the LDF Core Strategy Preferred Policy Options as a Priority Employment Area, within which the Council will not permit the net loss of employment space.

- 6.1.2 The site is currently vacant and in use as a car park. The total site area is 569sqm. In calculating the existing employment space there is no policy background to support the case that external parking areas can be viewed as employment generating floorspace. The sites designation as a DEA and PEA means that consideration should be given to the quantity of employment floorspace being provided and that this should be appropriate and proportionate to the size of the site. However, in the absence of an existing figure of employment floorspace it can not be reasonably argued that the proposal would result in a loss of employment floorspace.
- 6.1.3 The proposed employment generating floorspace (286sqm) would represent approximately 50% of the site area. In order to accommodate the residential element it has been necessary to provide 2 disabled car parking spaces, which accounts for 87sqm of the site area. Further space is taken up with cycle storage and refuse areas, which can only be accommodated at ground floor level. Taking into account these necessary requirements it is considered that the quantity of employment floorspace is appropriate and proportionate in relation to the size of the site.
- 6.1.4 The proposed development would bring forward employment generating floorspace in the form of 2 adaptable commercial units. One unit would 176.4sqm and the other would be 102.5sqm. The size and format of the proposed units would be suitable for use by small to medium enterprises.
- 6.1.5 Overall and on balance the proposal for a quality mixed use scheme represents an efficient and effective use of brownfield land in line with the overarching principles of national, regional and local planning policy.

## **6.2 The design and appearance of the development**

- 6.2.1 The proposed development is expressed in a contemporary vernacular style, with bays finished with metal cladding alternating with glazed and timber-clad recesses containing balconies. The quarter of the north elevation closest to the railway line is clad in dark blue render, which wraps around the side elevations and the rear of the building. The ground-floor podium is characterised by aluminium-framed glazing and timber doors with vision panels, with railings to the vehicle access and disabled parking bays.
- 6.2.2 In general, the standard of external design is considered to be acceptable, subject to the use of high-quality materials that can be secured by condition(s) attached to any approval granted.

- 6.2.3 Although the Urban Design and Conservation team's comments regarding the proposal are noted, it is the case officer's view that the height, scale and massing of the proposed development are appropriate to its location and context, and correspond with those of the approved Westgate Centre development, which is adjacent to the application site (ref. 2008/0312). On balance, it is considered that many of the issues that are included in the comments do not have a materially adverse impact on the quality of development and do not constitute grounds for the refusal of an otherwise policy-compliant proposal. For example, it is the case officer's view that the shape and layout of the second commercial unit does not necessarily preclude its usefulness, and that unit 20's 'U'-shaped corridor does not necessarily prejudice the standard of living accommodation within that unit.
- 6.2.4 It is considered that issues such as the choice of dark blue for the render colour and the valid point regarding the railings to the vehicle access and disabled parking bays can be dealt with by attaching suitable conditions to any approval granted. With regard to the internal layout in general, room sizes meet the Council's minimum size standards in SPG1: New Residential Development.
- 6.2.6 Overall, it is considered that the design of the proposal is acceptable and complies with local, regional and national policies.

#### Sustainability

- 6.2.7 The submitted sustainability statement refers to a 10% reduction in carbon emissions through the use of renewable energy sources. The London Plan requires new developments to achieve a 20% reduction in carbon emissions from on site renewable energy generation. As the scheme is a complete new-build, a 10% reduction is not considered acceptable in this instance, and it is recommended that a clause requiring a 20% reduction be included in the S106 legal agreement should consent be granted. The submitted energy statement does not adequately demonstrate how the development will achieve this and therefore further details will be required by condition.
- 6.2.8 The submitted sustainability statement refers to the Ecohomes Stage One Assessment, which has been superseded by the proposed Code for Sustainable Homes. The statement indicates that the development would achieve a minimum score of Very Good, which translates to a level 3 rating under the proposed Code for Sustainable Homes. The statement describes various ways in which the development has been designed to achieve this rating, including maximising use of available sunlight, the use of long-life, recyclable materials, high levels of insulation and use of energy/water efficient fixtures and fittings. The statement also suggests provisions which should be incorporated into the development to help improve this rating to Excellent (Level 4 Code for Sustainable Homes). It is recommended that a clause requiring achievement of a level 3 rating under the proposed Code for Sustainable Homes with best endeavours to achieve level 4, be included in the S106 legal agreement should consent be granted.

6.2.9 The applicant intends to conduct further assessment of roof-top rain-water harvesting. It is recommended that this be secured by condition (see Recommendation A).

6.2.10 In addition to the measures discussed above it is recommended that the s106 agreement should also include a requirement for a Green Travel Plan, and the achievement of a BREEAM rating of very good with best endeavours for excellent.

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

6.3.1 The closest residential properties with windows from habitable rooms facing onto the application site are nos. 16-26 Westgate Street, the recently-completed mixed-use development on the corner of Triangle Road, from which the distance is approximately fourteen metres, which is a standard 'front to front' distance between residential buildings on opposite sides of the street in an urban setting, and sufficient for there not to be any significant impact on the amenity of neighbouring occupiers by way of undue overlooking.

6.3.2 The distance between the rear of the proposed development and the boundary with the approved development on the Westgate Centre site (ref. 2008/0312), is substantially less, ranging from three to nine metres. However, there are no habitable rooms directly overlooking the Westgate Centre's approved maisonettes; the majority of the proposed development's rear elevation comprises a blank wall with no windows. Where there are windows on this elevation, they are at an angle so that overlooking to properties in the Westgate Centre is avoided.

6.3.3 With regard to the possibility of noise pollution from the railway line affecting the amenity of prospective occupiers, the case officer is satisfied that building regulations administered by the Council's Building Control service make sufficient provision for mitigation of any such disturbance that may arise from the railway line, and accordingly it is considered that there will be no significant impact on the amenity of prospective occupiers. Furthermore, the Council's Pollution Control team have requested the attachment of a condition to help safeguard the proposed residential units from excessive noise, and this is recommended in paragraph 8.1.12 of this report.

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, excessive noise or loss of privacy. Overall, the proposed development is considered to be acceptable with regard to amenity and complies with the relevant policy in the Hackney UDP (1995).

### **6.4 Acceptability of the proposed residential mix and proportion of affordable housing provision**

- 6.4.1 The proposal's twenty-two residential units comprise ten one-bedroom units, four two-bedroom units, six three-bedroom units and two four-bedroom units. Therefore, a third of the units are family-sized dwellings, which is considered to be an acceptable dwelling mix.
- 6.4.2 The proposed development would provide seven units of affordable housing, amounting to thirty-two per cent on a per-unit basis or forty-one per cent on a habitable-rooms basis. The tenure split will be sixty-one per cent social rented to thirty-nine per cent intermediate. The RSL (Registered Social Landlord) is Islington and Shoreditch Housing Association. The applicant has submitted a toolkit that justifies to the Council's satisfaction this level of affordable housing provision.

## **6.5 Traffic and transport considerations**

- 6.5.1 The proposal is car-free, with the exception of two disabled parking spaces. The proximity to numerous bus routes from Mare Street (and two on Westgate Street itself), to train services from London Fields station and to the London cycle network, means a car-free proposal is acceptable.
- 6.5.2 A total of thirty cycle parking spaces is proposed, amounting to one per flat and eight for the commercial units. This is considered to be an acceptable level of cycle parking provision.
- 6.5.3 Based upon the transport statement submitted with the application, the Council's Traffic and Transport team have not raised any objections. It is considered that a car free development on this site with a PTAL rating of 5 is acceptable. It is recommended on any grant of planning permission that a green travel plan is submitted and this is included within the legal agreement.
- 6.5.4 The only traffic and transport issue with the proposed development that constitutes a ground for concern is that of outward-opening doors over the highway. A condition is recommended in paragraph 8.1.11 of this report to address this issue.

## **6.6 Consideration of objections**

- 6.6.1 Proposed building is 'FAR TOO HIGH and will dominate the street and approach/view of the park by all neighbours'

As discussed in section 6.2 of this report, it is considered that the height of the proposed development is acceptable, corresponding with the prevailing building height of development along the south side of Westgate Street (including the approved Westgate Centre scheme, ref. 2008/0312) and appropriate to the built context surrounding the site.

- 6.6.2 Lack of provision for off-street parking will result in increase of traffic

In line with the Council's broad aim of discouraging car use and encouraging the use of alternative means of transport, it is considered that the application site is sufficiently well-served by public transport for a largely car-free proposal to be acceptable. Given the characteristics of the site, accommodating more than the two off-street parking spaces that are reserved for disabled badge-holders could entail the loss of employment-generating floorspace, which would be unacceptable in policy terms and run contrary to the borough's long-term interests.

**6.6.3 Adverse impact on light and privacy of properties in Bocking Street**

No part of the proposed development is adjacent to the existing dwellinghouses on Bocking Street, which are separated from the proposed development by the approved Westgate Centre scheme. As such it is considered that the proposed development will have no materially adverse impact on the light and privacy of occupiers of said properties sufficient to warrant concern or refusal of the application on amenity grounds.

**6.6.4 Design, height and scale of the building will not preserve or enhance the character and appearance of the area**

As discussed in section 6.2, the design of the building is considered to be acceptable, expressed in a contemporary architectural language similar to that of other recent developments in this borough and beyond. Furthermore, it is considered that the proposed development will enhance the appearance of the area by filling in a gap in the streetscape and forming part of a coherent trio of developments along the south side of Westgate Street.

**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 planning permission and be GRANTED, 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 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.

**8.1.5 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.

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

Before the use hereby permitted first commences, at least two car parking space shall be marked and retained permanently for use by the vehicle of a disabled badge-holder.

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

**8.1.7 SCH10 – Secure bicycle parking**

Secure, covered parking shall be provided for thirty 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.

**8.1.8 NSC1 – Non-standard condition**

The timber proposed for exterior use on the elevations shall be pre-treated to prevent discolouration with a suitable water-repellant wood-preserving pigmented surface coating, with details of which finish/treatment has been used, a sample and full specifications of all timbers proposed for use anywhere on the building, together with a maintenance schedule, to be submitted to the local planning authority and approved in writing before any timber cladding is applied.

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

**8.1.9 NSC3 – Non-standard condition**

The developer/landowner shall carry out a renewable energy options appraisal, to be submitted within three months of the date of this permission, setting out how at least ten per cent of the proposed development's energy requirements will be provided through on-site renewable energy, and the proposed development shall achieve a EcoHomes 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. In the event that the ten per cent on-site renewable energy requirement is met by means other than the installation of solar thermal collectors on the roof, a sedum roof (or 'green roof') shall be implanted in their place. 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.

**8.1.10 NSC4 – Non-standard condition**

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

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

**8.1.11 NSC5 – Non-standard condition**

No doors along the site frontage shall open outwards over the public footway.

REASON: In order to ensure that pedestrian safety/amenity and the access needs of pedestrians with mobility impairments are considered and maintained.

**8.1.12 NSC6 – Non-standard condition**

All windows on the facade facing the existing railway line should be non-openable, with acoustically-treated ventilation, and comply with the specification in the Noise Assessment report of October 2006 carried out by RPS.

REASON: In order to safeguard the amenity of future occupiers from excessive noise disturbance.

**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 £3438.64 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 £53,237.44 as a financial contribution towards education facilities in the borough. (This sum has been calculated in accordance with the approved formula in the Planning Contributions Supplementary Planning Document (SPD) (2006), with child yield information based on the GLA 'DMAG Briefing Note' 2005/25 (updated in May 2006), using Wandsworth survey data as the best available proxy for inner London.)

8.2.3 Payment by the landowner/developer of £1,019.26 as a financial contribution towards open space in the borough. (This sum has been calculated in accordance with the approved formula in the Planning Contributions Supplementary Planning Document (SPD) (2006).)

8.2.4 The developer is required to pay, under Section 278 of the Highways Act (1980), a financial contribution (of a sum to be established by the Council's Highways department) 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.

- 8.2.5 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.
- 8.2.6 No resident's parking permits are to be issued to occupiers of the development other than disabled badge-holders.
- 8.2.7 Residential units to be built to Lifetime Homes standard and comply with Code for Sustainable Homes.
- 8.2.8 Payment by the landowner/developer of all the Council's legal and other relevant fees, disbursements and Value Added Tax in respect of the proposed negotiations and completion of the proposed Section 106 Agreement.
- 8.2.9 Achievement of a level 3 rating under the proposed Code for Sustainable Homes all reasonable endeavours to achieve level 4.
- 8.2.10 Achievement of a rating of very good with all reasonable endeavours to a rating of excellent.
- 8.2.11 20% reduction in carbon emissions through the use of renewable energy sources and use of low energy technology.
- 8.2.12 Considerate Constructors Scheme – the applicant to carry out all works in keeping with the National Considerate Constructors Scheme.
- 8.2.13 A Green Travel Plan to include servicing of the sites, to be submitted to and agreed with the Council, to include the provision of a car share scheme.
- 8.2.14 At least 10% of units provided shall be wheelchair accessible.
- 8.2.15 Provision to allow the placement of street lighting on the proposed buildings where appropriate.

## **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; EQ40 - Noise Control; E18 - Planning Standards; HO3 - Other Sites for Housing; 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; 3A.1 - Increasing London's supply of housing; 3A.2 - Borough housing targets; 3A.5 - Housing choice; 3A.6 - Quality of new housing provision; 3A.7 - Large residential developments;

3A.8 - Definition of affordable housing; 3A.9 - Affordable housing targets; 3A.10 - Negotiating affordable housing in individual private residential and mixed-use schemes; 3B.1 - Developing London's economy; 3B.2 - Office demand and supply; 3B.3 - Mixed use development; 3B.4 - Strategic Industrial Locations; 3C.1 - Integrating transport and development; 3C.2 - Matching development to transport capacity; 3C.3 - Sustainable transport in London; 3C.23 - Parking strategy; 4A.1 - Tackling climate change; 4A.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; 5C.1 - The strategic priorities for North London.

**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 All materials submitted pursuant to the discharge of condition 3 of this approval should be supplied and delivered at the same time in a container clearly marked with the address of the application site, reference to the application number 2008/0595, and accompanied by coloured copies of relevant elevational drawings, to which each material sample should be clearly referenced and labelled accordingly. Full specifications detailing each material's manufacturer and colour (as per manufacturer's description/name thereof) should also be submitted at the same time.

NSI.2 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: **24 November 2008**

**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