WARD: Victoria	REPORT AUTHOR: Rokos Frangos
APPLICATION NUMBER: 2008/2764	VALID DATE: 04/11/2008
DRAWING NUMBERS: E07-230 / D 01 to D 04, D 07 to D 09 D 13 (all rev. A); D 05 and D 06 (both rev. B); D 10 to D 12	ACCOMPANYING DOCUMENTS: Design and Access Statement, Sunlight and Daylight Report, Planning Statement, Renewable Energy Study, Transport Statement, Tree Condition Survey and Recommendations.
APPLICANT: Genesis Housing Group Capital House 25 Chapel Street condon IW1 5DT	AGENT: Savills Bridewell Gate Bridewell Place London EC4V 6AW
PROPOSAL: Demolition of the existing lart-five-storey building containing nineterpaces, together with associated outdoom	ouilding and the erection of a part-four-, een residential units and two parking r amenity space, storage access and
OST-SUBMISSION REVISIONS: None	

ANALYSIS INFORMATION

ZONING DESIGNATION:	(Yes)	(AL-)
CPZ	(.33)	(No)
Conservation Area		X
Listed Building (Statutory)		X
Listed Building (Local)		X
DEA (2000)		X
		X

n Floo	orspace
d) 254	
	4 sqm i4 sqm

RESIDENTIAL USE	Residential Type	No of Bedrooms per Unit				
DETAILS:		1	2	3	4	5+
Eviating	N/A	0	0	0	0	0
Existing	Market flats	0	0	0	0	0
Proposed	Social Rented flats	4	8	4	3	0
	Shared Ownership flats	0	0	0	0	0
Totals	(Total = 19)					

PARKING DETAILS:	Parking Spaces (General)	Parking Spaces (Disabled)	Bicycle storage
Existing	0	0	0
Proposed	0	2	15

CASE OFFICER'S REPORT

1. <u>SITE DESCRIPTION</u>

- 1.1 The site consists of a one-storey, disused library dating from the 1970s, with an expanse of tarmac to the rear and communal amenity space associated with a separate block of flats behind this. The surrounding area is residential in nature, comprising mainly good quality three-storey Victorian terraces and some post-war housing of between two and four storeys. The site is situated within close proximity to Victoria Park and lies approximately sixty metres from the Victoria Park conservation area boundary. No other UDP designations are applicable.
- The site has a Public Transport Accessibility Level (PTAL) of 1b ('poor'), although this rises to 3 ('moderate') if London Fields rail station and Mare Street's bus services are taken into account (980 metres and 700 metres walking distance away, respectively). Two bus services operate within close proximity to the application site, the westbound 388 towards Blackfriars and the 277 from Lauriston Road to Canary Wharf or Highbury & Islington. Other locations in the City, the West End and elsewhere in the borough can be reached by buses from Wells Street (26) and Mare Street (48, 55, 106, 254, D6).

2. CONSERVATION IMPLICATIONS

2.1 No statutorily listed or locally listed buildings are affected by the application. The site is not situated in a conservation area, nor is it sufficiently close to the Victoria Park conservation area to impact upon its character or appearance.

3. <u>HISTORY</u>

- 3.1 20/05/2008: Planning permission <u>refused</u> for demolition of existing building and erection of a part four-, part five-storey building comprising twenty-one residential units (eight one-bedroom flats, eight two-bedroom flats, two three-bedroom flats and three four-bedroom flats), together with two disabled carparking spaces, and associated outdoor amenity space, access and landscaping (2008/0342).
- 3.2 10/05/2007: Planning permission <u>refused</u> for demolition of existing building and erection of a new part four-/part five-storey building providing nineteen affordable housing units, two car-parking spaces and associated outdoor and amenity space, storage areas, access and landscaping (2007/0044).
- 24/08/2006: Planning permission refused for demolition of existing building and erection of part four-, part five-storey building providing nineteen affordable housing units (four one-bedroom, eight two-bedroom, six three-bedroom, one four-bedroom) and two car-parking spaces, with new vehicle access from Redruth Road and associated amenity area, landscaping and boundary walls (2006/1252).
- 3.4 24/11/2004: Planning application withdrawn for the erection of part four- and part six-storey building to provide forty-three flats (comprising twenty-six one-bedroom, forteen two-person studios and three one-person studios) together with demolition of existing disused library and associated outbuildings (2003/1033).

4. CONSULTATIONS

- 4.1 Date statutory consultation period started: 26/11/2008
- 4.2 Date statutory consultation period ended: 05/01/2009
- 4.3 Site notice: Yes
- 4.4 Press advert: Yes

4.5 Neighbours

Ninety-five surrounding occupiers have been consulted by personal letter. Seven letters of objection have been received, of which four share the same wording.

The objections are on the following basis:

- The area is already overcrowded and densely populated
- The proposed development will lead to more cars parking on Victoria Park Road and greater parking congestion in surrounding roads
- The proposed development will put more pressure on the local school to admit new pupils

- The proposed building 'will impact negatively on the sight lines of some of the flats at Regency Court' and will 'completely block my existing view' [from property directly opposite the proposal], and will 'block out more light' and 'affect the skyline'
- The proposed development will result in a loss of privacy and overlooking to the rear garden of 100a Victoria Park Road
- 'Taking a 1 storey building + trying to cram as many flats into it as possible is being greedy' (sic)
- Demolition and construction will result in noise and disruption.

4.6 Statutory Consultees

- 4.6.1 Thames Water: With regard to waste, there are public sewers crossing the site and no building works will be permitted within three metres of the sewers without Thames Water's approval. With regard to water infrastructure, no objection.
- 4.6.2 <u>Crossrail Safeguarding:</u> No comment.
- 4.6.3 <u>Environment Agency:</u> We have assessed this application as having a low environmental risk. We therefore have no further comments to make.
- 4.6.4 Network Rail: No response received.

4.7 Local Consultees

- 4.7.1 Metropolitan Police (Secured by Design Officer): No response received.
- 4.7.2 <u>London Fire and Emergency Planning Authority:</u> No objection; the proposal is satisfactory with regard to fire precautionary arrangements for fire brigade access.
- 4.7.3 NHS Primary Care Trust: No response received.
- 4.7.4 <u>The Learning Trust:</u> No response received.
- 4.7.5 <u>Transport for London:</u> The proposal as it stands would not result in an unacceptable impact to the Transport for London Road Network (TLRN) or the Strategic Road Network (SRN).

4.8 Other Council Departments

4.8.1 <u>Urban Design and Conservation:</u> No response received to consultation regarding this application. However, the design remains identical to the previous application, about which the Urban Design and Conservation team commented as follows:

'Whilst the height and massing of the current scheme remains broadly the same as before, there have been a series of pre-application discussions in order to overcome concerns raised over poor design and insufficient articulation of the elevations, which led to the refusal of the previous scheme. The current scheme is considered to improve greatly on the refused scheme, with a much clearer rationale for the design and greater articulation to the principal facades. The corner site is considered to be able to accommodate the five-storey height on Victoria Park Road and there is a clearer division into ground floor plinth, middle section and top storey. Similarly, greater articulation is provided on the Redruth Road elevation through the two-storey plinth and two-storey upper section. The coloured panelling provides additional visual interest at the upper levels. We do not wish to raise any formal objections to the proposals.'

- 4.8.2 <u>Highways:</u> The estimated cost of highway works is £32,841.09.
- 4.8.3 <u>Traffic and Transport:</u> No response to this application. However, the application remains the same as the previous application (other than a reduction in the number of units by two and a change in the dwelling mix), about which the Traffic and Transport team raised no objections: 'It is considered that the proposal will not impact unduly on the borough's transportation. The proposal is acceptable with conditions' (one of which is that the development should have one cycle-parking space per unit).
- 4.8.4 <u>Waste Management:</u> No response received.
- 4.8.5 <u>Trees and Landscape Officer:</u> No response received.
- 4.8.6 <u>Policy:</u> Residential without reprovision of community facility is acceptable in principle.
- 4.8.7 Pollution Control: Dust minimisation condition is recommended.

5. POLICIES

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

EQ1 - Development Requirements HO3 - Other Sites for Housing

CS3 - Retention and Provision of Community Facilities

TR19 - Planning Standards

5.2 Supplementary Planning Guidance (SPG)

SPG1 - 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.3 - Maximising the potential of sites

3A.5 - Housing choice

3A.6 - Quality of new housing provision

3A.9 - Affordable housing targets

3A.10 - Negotiating affordable housing in individual private residential and

mixed-use schemes

3A.11 - Affordable housing thresholds

3C.2 - Matching development to transport capacity

3C.17 - Tackling congestion and reducing traffic

3C.23 - Parking strategy

4A.1 - Tackling climate change

4A.3 - Sustainable design and construction

4A.4 - Energy assessment

4A.6 - Decentralised energy: heating, cooling and power

4A.7 - Renewable energy
4A.11 - Living roofs and walls
4A.14 - Sustainable drainage

4A.16 - Water supplies and resources

4B.1 - Design principles for a compact city

4B.2 - Promoting world-class architecture and design

4B.3 - Enhancing the quality of the public realm

5.5 National Planning Policies

PPS1 - Delivering Sustainable Development

PPS3 - Housing PPG13 - Transport

6. COMMENT

Permission is sought for the erection of a part four-, part five-storey block of affordable housing containing nineteen units, to be constructed on the corner of Redruth Road and Victoria Park Road where the former Redruth Library is located. The units will comprise four one-bedroom flats, eight two-bedroom flats, four three-bedroom flats and three four-bedroom flats. All the four-bedroom flats and one of the three-bedroom flats are maisonettes, with their own entrances off Redruth Road.

The application is a re-submission of a proposal that has been refused on three previous occasions, two of which were on the grounds of poor design (in May 2007

(ref. 2007/0044) and in August 2006 (ref. 2006/1252)). On both occasions, design issues had been resolved up to the point of agreeing height, bulk and massing, but it was felt that the detailed designs were not of sufficient quality to warrant support.

The most recent planning application (ref. 2008/0342) featured changes to the internal configuration and layout, a minor change to the dwelling mix and a design that had been revised partly in line with comments from planning officers following the previous refusal. However, the application was again refused – not for design reasons, but because an insufficient number of family-sized units was proposed and because the applicant had failed to provide, upon request, any legitimate reason why exemption from policy CS3 in the Hackney UDP (1995) – which requires the reprovision of community space – should apply.

With this issue now resolved (see sections 6.1 and 6.6 of this report), the resubmitted proposal is virtually identical to its predecessor, apart from a reduction in the number of units (from twenty-one to nineteen) and a revised dwelling mix that provides a greater number of family-sized units.

Considerations

The main considerations relevant to this application are:

- 6.1 The principle of the development
- 6.2 Design and appearance of the proposed development
- 6.3 Potential impact on the amenity of nearby residents
- 6.4 Acceptability of the dwelling mix and affordable housing provision
- 6.5 Traffic and transport considerations and car parking provision
- 6.6 Reasons for refusal of previous application
- 6.7 Consideration of objections

Each of these considerations is discussed in turn below.

6.1 The principle of the development

- 6.1.1 The proposal entails the loss of a disused library facility and the erection of residential units in its place. Policy CS3 (Retention and Provision of Community Facilities) in the Hackney UDP (1995) states that the Council will only support the redevelopment of 'an education, health, or similar facility' if 'adequate replacement provision has been made'.
- 6.1.2 None of the three previous proposals to redevelop the site have included replacement community space (i.e. within use class D1), and this was not a reason for refusal two out of the last three times. The library was closed

nearly eight years ago as part of the general rationalisation of library facilities in the borough, when the site was declared surplus to requirements and agreed for disposal. Unlike other library sites that have been sold, the Council made no stipulation for provision of a community facility on redevelopment.

- 6.1.3 It is considered that the Planning Service's non-pursuit of community space reprovision hitherto, and the lack of inclusion of this as a reason for refusal on two previous occasions, constitute a material consideration that outweighs the case for compelling the developer to reprovide community space at this stage.
- 6.1.4 Furthermore, the existing structure on site has no architectural or historic merit, and accordingly enjoys no statutory protection; therefore there is no objection in principle to its demolition.
- 6.1.5 The proposed building will be solely for residential use and in this regard will correspond with the prevailing use in the surrounding area, which is almost wholly residential. Overall, therefore, it is considered that there is no policy basis sufficient to preclude the erection of the proposed development on this site in principle, and it is considered that the proposal is acceptable in this regard.

6.2 Design and appearance of the proposed development

- 6.2.1 The proposed building comprises a five-storey element facing onto Victoria Park Road, and a longer four-storey element facing onto Redruth Road, with a slim L-shaped footprint. The main entrance will be at the front of the building on Victoria Park Road, while the four maisonettes will each have their own entrance from the street, on the Redruth Road.
- 6.2.2 The building is contemporary in style, with a materials palette that comprises full-height glazing throughout, London stock brick for the most part, with glazing alternating with coloured metallic panels on the top two storeys facing Redruth Road and the top storey facing Victoria Park Road. The Victoria Park Road façade comprises a single-storey plinth with a three-storey framed element situated above. The window apertures are generously proportioned. The overall design is simple, coherent and unornamented. Provided that high quality materials are used, an acceptable standard of design can be attained.
- 6.2.3 All ground-floor units have private gardens of approximately thirty square metres in size, with a communal garden provided behind the private gardens. All upper-floor units will have a balcony. All units comply with the Council's minimum floorspace standards, as set out in SPG1: New Residential Development (1998).
- 6.2.4 Solar water-heating and photovoltaic panels are proposed for the roof, which, in combination with passive energy efficiency measures, will result in a 14.14 per cent reduction in carbon dioxide emissions. This falls short of the London

Plan's twenty per cent reduction target, and it is recommended that a Section 106 obligation be included to secure the development's compliance with the London Plan's energy policies.

6.2.5 Overall, the design represents a significant improvement on the designs of the proposals that were previously refused. It is now considered that the proposed design is of sufficient quality to warrant support and comply with local, regional and national policies.

6.3 Potential impact on the amenity of nearby residents

- 6.3.1 The application site is surrounded by residential properties on all sides. The main potential for overlooking from the proposed building is from a) the front of the Victoria Park Road element, b) the front of the Redruth Road element, and c) the rear of the Redruth Road element.
- 6.3.2 It is considered that the distance between facing windows from any of these elevations would not result in overlooking to any degree that would have a materially detrimental effect on the amenity of neighbouring occupiers by way of loss of privacy or light. The front elevation of the Victoria Park Road element is over thirty metres from the front elevation of the property opposite, Norris House, which is itself set back from the pavement of Victoria Park road by over ten metres and shielded by relatively dense foliage.
- 6.3.3 The east elevation (i.e. the front elevation of the Redruth Road element) faces the side wall of 98 Victoria Park Road and its rear garden, with a distance of thirteen metres between them. The garden of 98 Victoria Park Road is shielded from public view by a five-foot-high brick wall and an abundance of foliage; therefore it is considered that users of the garden of 98 Victoria Park Road will not suffer from a materially adverse impact on their privacy by way of overlooking.
- 6.3.4 The nearest residential property to the west elevation of the Redruth Road element, 117-140 Parkside Estate, is situated approximately thirty-five metres to the south-west, with no direct sightlines.
- 6.3.5 The main risk of overlooking is to the occupants of the maisonettes in the proposed development, who may be overlooked in their rear gardens by occupants of the flats above, on the third and fourth floors of the same (Redruth Road) part of the building. This is not deemed an unreasonable degree of overlooking to an outdoor space where there are properties of more than one-storey with rear gardens, and is fairly standard in an urban situation.
- 6.3.6 Furthermore, the top two storeys of this elevation, which contain the flats, are 'framed', with the bottom edge of the frame projecting outwards to partly obstruct sightlines to the gardens below. Therefore it is considered that the perceived or actual loss of privacy of prospective occupants of the ground-floor maisonettes is not sufficient to warrant refusal of the application solely on that basis.

6.3.7 Therefore, for the reasons set out above and having due regard to the siting, location and orientation of the proposed development, it is considered that the proposal will not result in any significant risk to the amenity of adjoining occupiers by way of loss of daylight, sunlight, overshadowing or an increased sense of enclosure. 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 dwelling mix and affordable housing provision

- 6.4.1 The proposal's nineteen residential units comprise four one-bedroom flats, eight two-bedroom flats, four three-bedroom flats and three four-bedroom flats.
- 6.4.2 In terms of affordable housing provision, all nineteen units consist of affordable housing, all of which are for social rent. This is considered acceptable.
- 6.4.3 Over a third of the nineteen residential units are family-sized (three bedrooms or more), and over a third of these have four bedrooms or more. The dwelling mix is therefore considered acceptable.

6.5 Traffic and transport considerations and car parking provision

- 6.5.1 The proposed development is car-free, apart from two disabled parking spaces. Although the area is not in a Controlled Parking Zone (CPZ) and has a low public transport accessibility rating, the proposed development's lack of off-street parking spaces corresponds with the prevailing parking provision offered by a majority of surrounding residential properties, and is not exceptional in this regard. Therefore, having due regard to the Council's aspirations for discouraging car use in favour of alternative means of transport, a car-free proposal is considered to be acceptable.
- 6.5.2 Fifteen cycle parking spaces are provided. On the basis that one cycle parking space per unit is required, a condition is recommended requiring the provision of nineteen cycle parking spaces.
- 6.5.3 Based upon the transport statement submitted with the previous application, the Council's Traffic and Transport team have raised no objection to the proposed development, and have indicated that overall they do not consider that the proposed development will have a detrimental impact upon circulation and parking in the vicinity. Overall, therefore, there are no traffic and transport issues with the proposed development that constitute grounds for concern or refusal.

6.6 Reasons for refusal of previous application (ref: 2008/0342)

6.6.1 The first reason for the refusal of the previous application was:

The proposed dwelling mix is considered to be unacceptable and fails to comply with London Plan (Consolidated with Alterations since 2004) policy 3A.5 (Housing Choice) and the London Plan Housing SPG, by way of failure to provide a sufficient number of family-sized units in accordance with the Council's Housing Needs Survey 2003.

- 6.6.2 As discussed in section 6.4 of this report, the dwelling mix has been revised to provide an acceptable number of family-sized units. Therefore it is considered that this reason for refusal has satisfactorily been addressed.
- 6.6.3 The second reason for the refusal of the previous application was:

The proposed development fails to reprovide community space (use class D1) on the site of a former library facility, thereby contravening policy CS3 (Retention and Provision of Community Facilities) in the Hackney UDP (1995) and the applicant has failed to provide upon request any legitimate reason why exemption from policy CS3 should apply.

6.6.4 As discussed in paragraphs 6.1.2 and 6.1.3 of this report, a wholly residential proposal that excludes community space reprovision is considered to be acceptable in this instance. Therefore it is considered that this reason for refusal has satisfactorily been addressed.

6.7 Consideration of objections

6.7.1 Excessive height of proposed building; impact on sightlines and light

The proposed building is five storeys at its highest, facing Victoria Park Road, where the prevailing height limit currently stands at four storeys. The rest of the proposed building is four storeys tall. The Victoria Park Road element is approximately 2m higher than the proposed building's neighbours, 98 Victoria Park Road and 153-162 Parkside Estate. It is not considered that this height surplus constitutes excessive height in absolute terms, and no adverse effect on the amenity of neighbouring occupiers resulting from the proposed height has been identified.

6.7.2 <u>Insufficient number of parking spaces; likelihood of increased congestion etc.</u>

As discussed in section 6.5, it is not anticipated that the proposed development will impact unduly on the traffic circulation and parking in the area.

6.7.3 Loss of privacy and overlooking to 100a Victoria Park Road

100a Victoria Park Road is not situated adjacent to the application site but separated from it by 98 Victoria Park Road, the impact on which is addressed in paragraph 6.3.3 of this report. It is considered that there will be no materially significant impact on the privacy of occupiers of 100a Victoria Park Road as a result of this development.

6.7.4 Loss of view from property opposite

There is no legal right to a view under planning law, unless the view is statutorily protected. The current view from the property in question, of a disused one-storey municipal building dating from the 1970s, is not statutorily protected.

- 6.7.5 The following objections are not deemed to be material planning considerations and therefore cannot, in this officer's view, constitute reasons for the refusal of the planning application:
 - The area is already overcrowded and densely populated
 - The proposed development will put more pressure on the local school to admit new pupils
 - 'Taking a 1 storey building + trying to cram as many flats into it as possible is being greedy' (sic)
 - Demolition and construction will result in noise and disruption.

7. CONCLUSION

- 7.1 In summary, it is considered that the proposed development is of an appropriate use and of an acceptable standard of design, and will not have a materially adverse impact on the amenity of neighbouring occupiers by way of loss of light, privacy, outlook, increased traffic generation, nor on the character and appearance of the surrounding area.
- 7.2 Having regard to the above considerations, it is considered that the proposal complies with all pertinent policies in the Hackney UDP (1995) and the London Plan (2004), and on that basis the granting of permission is recommended.

8. RECOMMENDATION

RECOMMENDATION A:

8.1 That permission 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 three years after the date of this permission.

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

8.1.3 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) shall be placed upon or attached to the roof or other external surfaces of the building.

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

8.1.6 SCH8 - Parking for people with disabilities

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

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

8.1.7 SCH10 - Secure bicycle parking

Internal lockable space shall be made available within the curtilage of the building for the secure parking of nineteen bicycles, before the first occupation of the development.

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

8.1.8 NSC1 - Non-standard condition

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

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

8.1.9 NSC2 - Non-standard condition

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

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

8.1.10 NSC3 - Non-standard condition

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

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

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 Provision of one-hundred per cent affordable housing, comprising four one-bedroom flats, eight two-bedroom flats, four three-bedroom flats and three four-bedroom flats, all for social rental.
- 8.2.2 Payment by the landowner/developer of £3022.29 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).)
- 8.2.3 Payment by the landowner/developer of £51,145.14 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.)
- 8.2.4 Payment by the landowner/developer of £895.85 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).)
- 8.2.5 Payment by the landowner/developer of £6930.00 towards sustainable travel initiatives in the borough. (This sum was calculated by the Council's Traffic and Transport team for the previous planning application for this site (ref. 2008/0342).)
- 8.2.6 The developer is required to pay, under Section 278 of the Highways Act (1980), £28,500.00 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.
- 8.2.7 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.
- 8.2.8 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 Residential units to be built to Lifetime Homes standard and to achieve Code for Sustainable Homes level 3, with all reasonable endeavours to achieve level 4.
- 8.2.10 Achievement of twenty per-cent reduction in carbon emissions through the use of renewable energy sources and use of low-energy technology.

- 8.2.11 The applicant is to carry out all works in accordance with the National Considerate Constructors Scheme.
- 8.2.12 Provision for at least ten per cent of units to be wheelchair accessible.

RECOMMENDATION C

- 8.3 That in the event of the Section 106 agreement referred to in Recommendation B not being completed by 2 February 2009, the Head of Development Management 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 affordable housing, would be to the detriment of housing needs in the borough and would fail to promote a mixed and inclusive community, and as such would be contrary to policy HO3 of the Hackney UDP (1995), policies 3A.7 and 3A.8 of the London Plan (Consolidated with Alterations since 2004), the LDF Planning Contributions SPD (2006), and advice contained in PPS1 and PPG3.
- 8.3.2 The proposed development, in the absence of a legal agreement for securing educational contributions, would be likely to contribute to pressure and demand on the borough's education provision, contrary to policies EQ1 and CS2 of the Hackney UDP (1995), the LDF Planning Contributions SPD (2006) and policy 3A.21 of the London Plan (Consolidated with Alterations since 2004).

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; HO3 Other Sites for Housing; CS3 Retention and Provision of Community Facilities; 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.3 Maximising the potential of sites; 3A.5 Housing choice; 3A.6 Quality of new housing provision; 3A.9 Affordable housing targets; 3A.10 Negotiating affordable housing in individual private residential and mixed-use schemes; 3A.11 Affordable housing thresholds; 3C.2 Matching development to transport capacity; 3C.17 Tackling congestion and reducing traffic; 3C.23 Parking strategy; 4A.1 Tackling climate change; 4A.3 Sustainable design and construction; 4A.4 Energy assessment; 4A.6 Decentralised energy: heating, cooling and power; 4A.7 Renewable energy; 4A.11 Living roofs and walls; 4A.14 Sustainable

drainage; 4A.16 - Water supplies and resources; 4B.1 - Design principles for a compact city; 4B.2 - Promoting world-class architecture and design; 4B.3 - Enhancing the quality of the public realm.

10. INFORMATIVES

The following Informatives should be added:

- **SI.1 Building Control** SI.2 Work Affecting Public Highway Sanitary, Ventilation and Drainage Arrangements SI.3 **SI.6** Control of Pollution (Clean Air, Noise, etc.) SI.7 Hours of Building Works Disabled Person's Provisions SI.25 SI.27 Regulatory Reform (Fire Safety) Order 2005 Refuse Storage and Disposal Arrangements SI.28 SI.33 Landscaping
- NSI.1 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 2008/2764, 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.

Signed	Date
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Fiona Fletcher-Smith CORPORATE DIRECTOR, NEIGHBOURHOODS & REGENERATION DIRECTORATE

BACKGROUND PAPERS	NAME/DESIGNATION AND TELEPHONE EXTENSION OF ORIGINAL COPY	LOCATION CONTACT OFFICER
Hackney UDP	Rokos Frangos 8095	263 Mare Street, E8 3HT
The London Plan		263 Mare Street, E8 3HT
	PAPERS Hackney UDP	PAPERS AND TELEPHONE EXTENSION OF ORIGINAL COPY Hackney UDP Rokos Frangos 8095



LONDON BOROUGH OF HACKNEY

PLANNING COMMITTEE 07/01/2009

AMENDMENTS AND ADDITIONS

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Amended Heads of Agreement

Following the previous Planning sub-committee meeting, where an addendum outlined changes to the mix of affordable housing to reduce the intermediate units from 24 units to 9 units, the applicant has submitted, that for ease of management, 10 intermediate units would provide the optimal arrangement. This is an increase from the 9 that was considered the minimum number of intermediate units, and as such, the Council's Housing Officer considers this to be acceptable.

Therefore, Clauses 8.2.1 and 8.2.2 shall now read as follows:

- 8.2.1 To secure the provision of 100% of units as affordable housing, with a split of 72%:28% socially rented/intermediate.
- 8.2.2 That the provision of 100% (36 units) affordable housing be secured by Islington & Shoreditch Housing Association providing 26 social rented units and 10 intermediate units.

Delete Recommendation C

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1. Consultees Responses

London Borough of Hackney - 2012 Olympic and Paralympic Games Unit

Comments received from the abovementioned internal consultee raise issues pertaining to the legacy setup and operation of the venue. Those being:

- The Arena's Isolation from the community, at least initially before communities emerge in the park, will be accentuated if the media centre does not go ahead as planned.
- There is a need for closer car parking, at least initially, than the proposed multi-storey car park use to help address potential isolation.

- This isolation from an existing community for at least the first decade of legacy life means it will have a wide regional draw, (far more than the usual 20 minute travel time to a sports hall). Concern over lack of use for the arena if a proactive development plan to generate use is not in place.
- Distance from major public transport points to the site is a problem, and will increase car dependency.
- There are serious concerns should the Media Centre be reduced in scale in Legacy Mode, as this could have a significant impact on the legacy use and viability of Arena through reduced employment in the immediate area.
- A site wide and specific events strategy is critical to the success of the venue.
- Access from Hackney Wick train station is significant. If the venue is going to work this needs investment to minimise the walking distance and make it safe.
- Critical to connectivity that one of the remaining permanent bridges is the bridge adjacent to the venue.
- Concern over how it is possible to get 6,000 people in an out of the venue safely on a dark evening without high car dependency.

2. Recommendation

Members are requested that the above bullet points be added to the recommendation within the agenda report.

HELDING GO - STARGETTE COLLEGE

1. Consultees Responses

Pollution

The Council's Pollution Team have reviewed the application and raise no objection. However, the following are recommended as conditions and informatives to the consent should it be granted.

Conditions

Service Equipment

Any extract system and other service equipment (air conditioning, etc) must be so
positioned, designed and acoustically insulated so as not to cause noise and vibration

NSC13 - Non-standard condition

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

REASON: To protect the underlying Source Protection Zone.

NSC14 - Non-standard condition

Prior to the commencement of development a scheme for the provision and management of a buffer zone alongside the New River shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The scheme shall include:

- details of the planting scheme (for example, native species)
- details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term
- details of any footpaths, fencing, lighting etc.

REASON: Development that encroaches on watercourses has a potentially severe impact on their ecological value. This is contrary to government policy in Planning Policy Statement 1 and Planning Policy Statement 9 and to the UK Biodiversity Action Plan. Land alongside watercourses is particularly valuable for wildlife and it is essential this is protected. Article 10 of the Habitats Directive also stresses the importance of natural networks of linked corridors to allow movement of species between suitable habitats, and promote the expansion of biodiversity. Such networks may also help wildlife adapt to climate change.

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1) Revision of paragraph 4.8.3. The Council's Traffic and Transport team have now submitted comments relating to this planning application. The proposal is considered acceptable in transport terms, with the exception of the three bin-store doors, which are shown opening outwardly onto the public footpath. With regard to parking, the officer adds: 'Any additional parking demand generated by the site will be accommodated on-street in the surrounding public highway, mainly Victoria Park Road, Redruth Road and Rutland Road. However, additional parking generated by the site is unlikely to have a serious adverse impact on parking in these streets, where there is a fair amount of on-street parking places available.'

- 2) The developer is requesting that the requirement to establish a green roof, as set out in condition NSC1 (paragraph 8.1.8), be changed in favour of a brown roof. The agent explains: 'A brown roof offers many of the same qualities as green roofs. These include enhancing biodiversity, reducing flood risk (by absorbing heavy rainfall), providing insulation and improving the appearance of the area. The provision of a brown roof is compliment with Policy 4A.11 (Living Roofs and Walls) of the London Plan 2008 whereby boroughs should expect major developments to incorporate living roofs and walls where feasible. In accordance with policy 4A.1,1 a brown roof would deliver the following objectives which are required within the London Plan: adapting to and mitigating climate change; sustainable urban drainage; enhancing biodiversity; improved appearance. Given the uncertain future within the housing sector, a brown roof would also offer a more viable alternative to a green roof which is complimented by other sustainable methods within the development'.
- 3) Recommendation of further condition, to follow paragraph 8.1.10 and to constitute paragraph 8.1.11. The condition is requested by the Traffic and Transport team in their comments (see item 1).

NSC4 - 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.

- 4) Removal of the Section 106 head of terms listed in paragraph 8.2.5. The £6930 contribution towards sustainable travel initiatives was sought by the Council's Traffic and Transport team in their comments on the previous planning application (ref. 2008/0342), and included in the Section 106 heads of terms for this application in the absence, at the time of writing, of any Traffic and Transport comments pertaining specifically to this application. It was assumed that as this proposal is so similar to its predecessor, a similar requirement would be applicable. However, the Traffic and Transport team's comments on this application, which arrived after publication of the committee report, make no reference to, or request for, a sustainable travel initiatives contribution. Therefore, the relevant legal officer has been instructed not to pursue this contribution.
- 5) The developer is requesting the revision of the Section 106 head of terms listed at paragraph 8.2.10, so that it reads:

'Achievement of fourteen per-cent reduction in carbon emissions through the use of renewable energy sources and use of low-energy technology'.

This is instead of the twenty per cent currently sought by the head of terms. The agent explains by way of justification that the previous application proposed only a ten percent reduction in carbon emissions, with which the Council raised no issue, and adds:

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'The energy consultant has reviewed alternative on-site renewable energy methods that could increase the provision of renewable energy. However, these alternative methods would require a plant room. Given the constrained nature of the site, if a plant room was incorporated this would result in a loss of residential space on the

It should be noted that the ten per cent mentioned by the agent in relation to the previous application actually refers to the percentage of renewable energy to be generated on site, rather than the percentage by which carbon emissions were to be reduced.

The fourteen per-cent reduction reflects the proposal's current sustainability offer.

- 6) Three further objections have been received. One contains the same wording as the four referred to in paragraph 4.5 of the committee report. The other two are reproduced in full as part of this addendum (see appendix). The points raised in Mr Alexander's letter are addressed as follows.
- 1. Addressed in section 6.1 of the committee report.
- 2. Addressed in paragraph 6.7.1. The omission of any reference to the proposal's size, bulk and massing from section 6.2 of the committee report is regrettable; a reflection of the fact that these matters were agreed between previous case officers and the developer prior to the current case officer taking stewardship of the application site. The proposal is considered to be acceptable in these regards, for the reasons set out in paragraph 6.7.1.
- 3. Addressed in section 6.3 of the committee report.
- 4. Addressed in section 6.3 of the committee report.
- 5. The application site does not contain any protected open space or any external amenity space that was intended for that purpose, with the exception of the small area referred to in item 7, which is protected by another recommended condition (see item
- 6. Addressed in paragraph 6.5.1 of the committee report, and also in item 1 of this addendum (see above).
- 7. The building corresponds with the building line established on the Victoria Park Road terrace east of Redruth Road. Its being stepped forward of the building line to the west of the application site is not considered detrimental to the character and appearance of the area given the overall fragmentation of the building line at this point in the road.
- 8. Addressed in section 6.4 of the committee report.
- 7) A member's enquiry was received on 5 January 2009 from Councillor Daniel Kemp (Victoria ward) asking whether Section 106 monies were being sought by the Council in connection with this planning application. A response was sent the following day summarising the extent of financial contributions being sought in the Section 106

agreement and mentioning the clause retaining all nineteen units as affordable in perpetuity. It should be noted that the response included reference to sustainable travel initiatives as part of the sum of contributions, which has since been dropped (see item 4).

Councillor Kemp has raised a further query, on 6 January, regarding the loss of 'communal land behind the pram sheds'. He adds: 'Indeed I am perturbed that it seems the communal land is being annexed into the development... Why are they enclosing the communal gardens with a 2400mm high eight foot wall?'

In a second email sent on the same date, to which are attached seven photos of the communal gardens in question, Councillor Kemp writes: 'The communal area in the photos is a major bone of contention. Can it be clarified how this can be absorbed into a development and access denied to local residents by a 2400mm high wall or will they be able to get in too?'

A response has been sent earlier today, clarifying that the communal garden to which Councillor Kemp is referring is in fact not being annexed into the development, is not being enclosed within a 2.4-metre-high wall and is not, in the main, part of the application site, and that residents will continue to be able to access it as normal. However, the site plan does show a small 2.5-metre stretch at the east of this communal garden as falling within the boundary of the application site, and is where the two parking spaces and bin store are proposed to be sited.

This has been raised with the applicant's agent, who was asked whether the applicant actually owns this land or whether it's just a mistake on the submitted plans. The agent has investigated this and reports back that 'the development falls within the site boundary and our client's ownership. However, it does appear from the plans that the car parking spaces cover a small section of the communal grass area of the adjacent property. Having spoken to the architect, this can be resolved by moving the car parking spaces forward. This could be dealt with through a planning condition'.

8) Accordingly, recommendation of further condition, to follow paragraph 8.1.11 and to constitute paragraph 8.1.12.

NSC5 - Non-standard condition

No part of the grassed area that comprises the communal garden south of the former library building and north of nos. 141-152 Parkside Estate shall be built upon, resurfaced or altered in any way. No vehicles shall be parked on the communal garden at any time.

REASON: In order to maintain the existing level of public open space in the estate adjacent to the application site.

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Signed

Fiona Fletcher-Smith
Corporate Director
Neighbourhoods & Regeneration

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Appendix 12A

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Jean Woodley 36 Gore Road Garden Flat London E9 7HP

6th January '09

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London Borough of Hackney Planning Department

Re; Library Development- Redruth Road, E9
Reference Number- 2008*2764

For the Attention of Rokos Frangos

Dear Mr. Rokos,

As a resident of the local area, I would like to voice my concerns over the above proposed development.

Parkside Estate has, for many years, remained for the most part, a trouble free and very social Estate, with a strong sense of community.

And I strongly believe that, the reason it has remained this way, is because it is not a maize of wall to wall housing, with residents living cheek by jowl.

This is obviously yet another case of, pack them in and to hell with the consequences.

Has anyone though of the social impact that an additional nineteen families will have on this estate.

What most residents would like to see is a communal building that served not only Parkside Estate, but also the surrounding areas.

What most residents would also like, is consultation on such a community building, ensuring that its serves a need.

I strongly urge both yourself and fellow members of the Planning Committee, to seriously re-think this proposal.

I would also like you to ask yourself a question, which is this.

Would I like to live in place like this? would I like to raise children on this Estate?

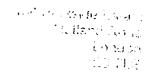
Planning Officers have a huge social responsibility- to plan our living environment. It has been proven time and time again, that the space in which live, has an enormous impact on the Social Structure of a Community.

Hackney is one of the most deprived Boroughs in Britain, I think you owe it to the residents of Parkside to enhance their living space, not burden it.

PLEASE NOTE- I WOULD LIKE MY LETTER OF OBJECTION TO BE INCLUDED IN THE PRESENTATION AT THE PLANNING MEETING TO BE HELD ON WEDNESDAY, 7th JANUARY 2009

Yours sincerely.

Ms. J.M. Woodley



Mr R Frangos
Neighbourhoods and Regeneration
London Borough of Hackney
Planning Service
263 Mare Street
London
E8 3HT

12th December 2008



Dear Mr Frangos

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Town and Country Planning application Ref. 2008/2764
Former Redruth Library site, corner of Redruth Road and Victoria Park Road, London, E9 7JZ

I strongly object to the scheme on the following grounds:

- The applicant wishes to change the use of the former library site to residential. There has been no
 consideration of potential benefit to the local community as no part of the proposal to offset this
 loss as part of the application has been given.
- 2. The proposal, by reason of its size, bulk, amount of building and hard surfaces, would constitute overdevelopment of the site and would result in an overbearing and detrimental feature within the street scene. The block fronting Victoria Park Road is one storey higher than adjacent residential development and three storeys higher than the residential block on the opposite side of Victoria Park Road. The proposed infill block fronting Redruth Road is one storey higher than the adjacent existing block in Redruth Road.
- 3. Overlooking the footprint of the proposal has been located in close proximity to existing residential properties and will severely compromise privacy to the adjacent blocks to the rear of Victoria Park Road and Redruth Road. Proposed sightlines are totally unacceptable particularly as terraces to no. 152 and 154 Rutland Road will be totally overlooked with the consequential loss of privacy.
- 4. Overshadowing and loss of daylight no drawings seem to have been included to underpin the effect of overshadowing. As the Redruth Road wing of the building is located on the eastern boundary, overshadowing will be a major concern to the east section of the existing residential block fronting Victoria Park Road. This will create a gloomy environment to these residents' properties. Both properties from no. 98 Victoria Park Road and beyond, also 7-21 Rutland Road will be affected by the shadow cast by the proposal especially in autumn/spring months.
- 5. Loss of existing storage and open space it is accepted the general existing external environment in the courtyard is of poor quality, dangerous state of repair and badly maintained by Hackney Council. It was hoped that any development on the footprint of the former library block would allow improvements to the external amenity space for existing residents. The proposal contributes nothing to this. Indeed it restricts this potential opportunity.
- Parking provision the impact of the proposal on street parking has not been considered.
 Redruth Road is overparked at present with an inadequate provision currently for existing residents. The density proposed will only add to the difficulties generally experienced.

- Building line the proposal steps forward approximately 2.5m beyond the recognised building line
 established by the public house on the corner of Skipworth Road and the adjacent residential block
 fronting Victoria Park Road. The building line should be respected.
- 8. **Tenure of residents** it is not clear from the application what tenure of development is proposed by the housing association. It is noted that the dwellings offer an opportunity for both families and potential starter homes. It would be beneficial if this could be reflected in the mix of the tenure.

Finally, the architecture at least will have a positive impact on the street scene and its refreshing contemporary style. It is unfortunate that this is the only positive comment which can be made on an application where inappropriate overdevelopment seems to have been the driving force behind it.

Yours sincerely

Stephen Alexander

CC.

Mr D McKenley Ms P Watson

Ward Councillors

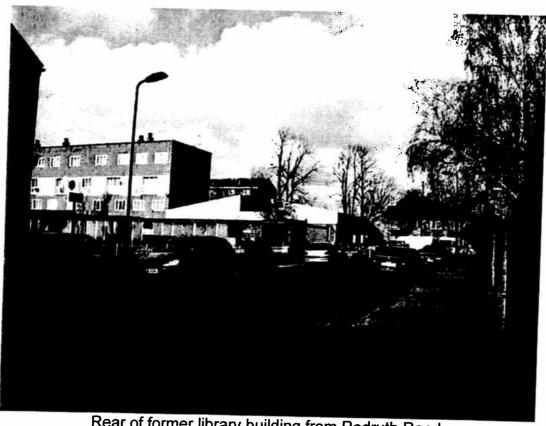
Hackney Homes Residents' Services Division Chair, Parkside Estate Residents' Association

Pamawatson @ yohoo. co. UKK

Site Photos - Former Redruth Library (ref. 2008/2764)



View of former library building and Victoria Park Road (library building denoted by arrow)



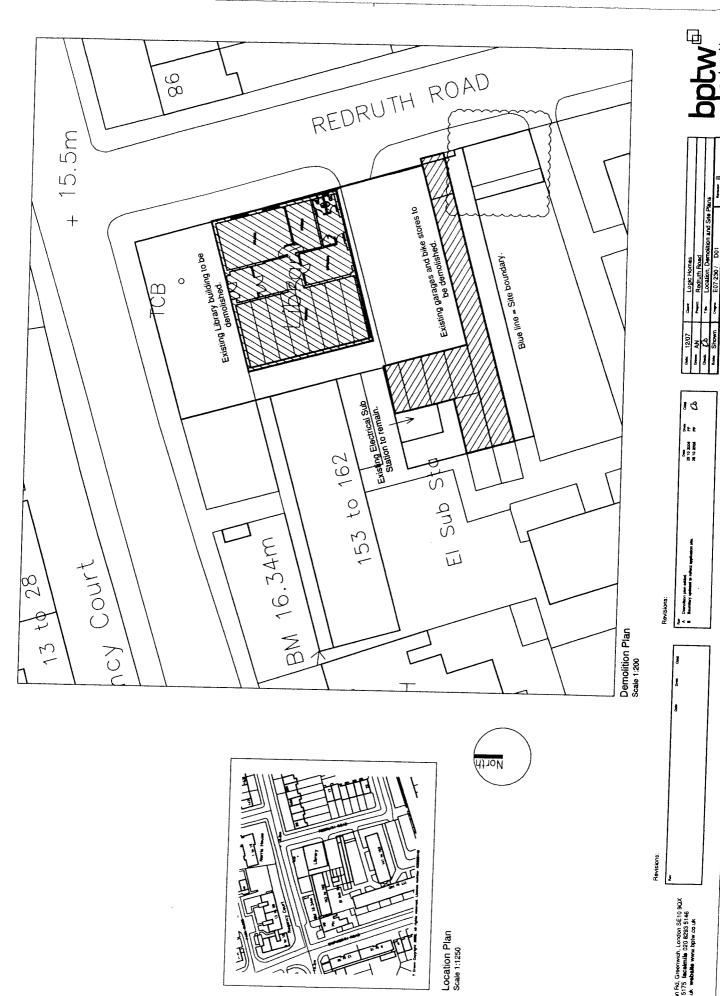
Rear of former library building from Redruth Road



View of Redruth Road from Victoria Park Road



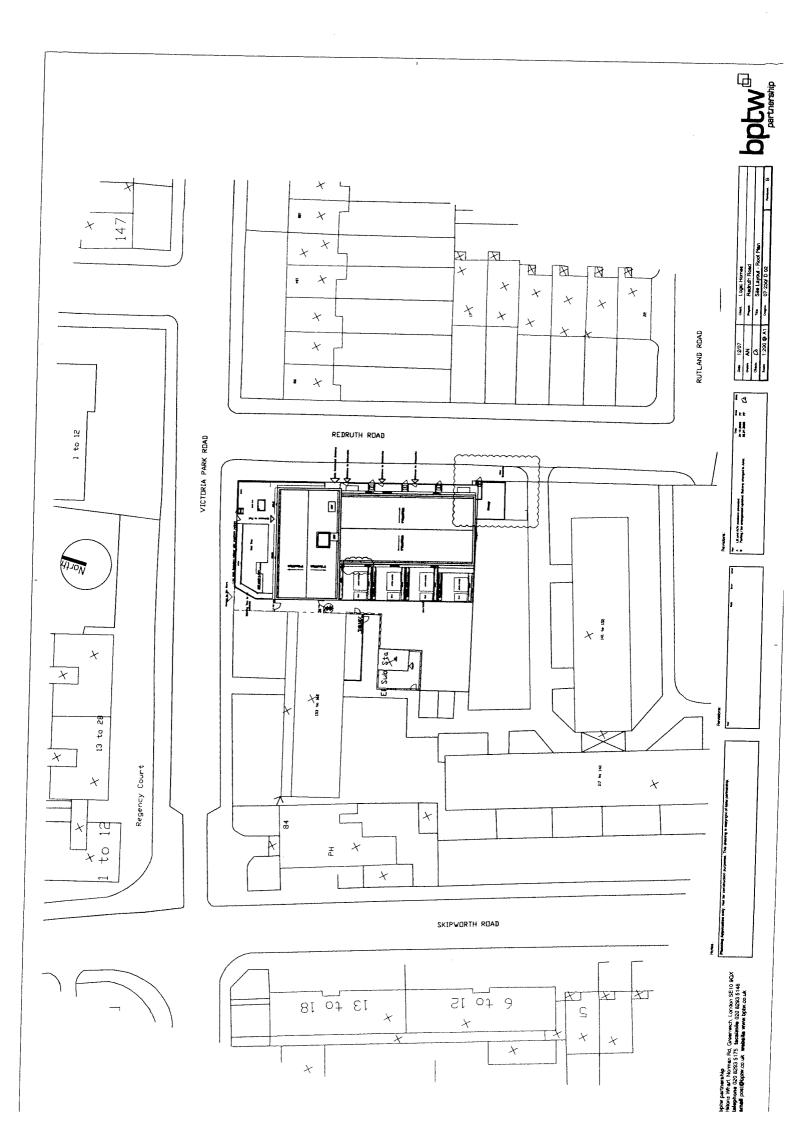
View of former library building and Victoria Park Road (library building denoted by arrow)



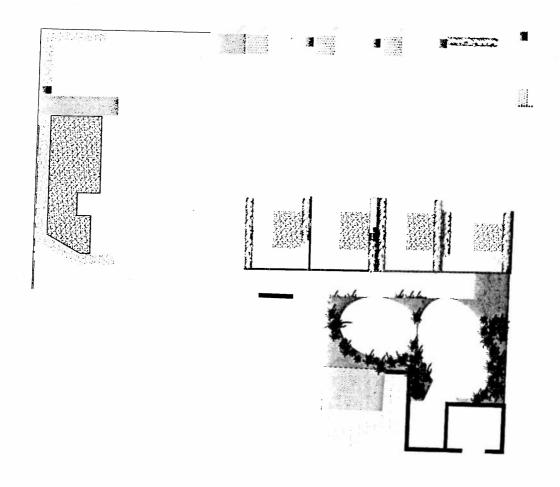
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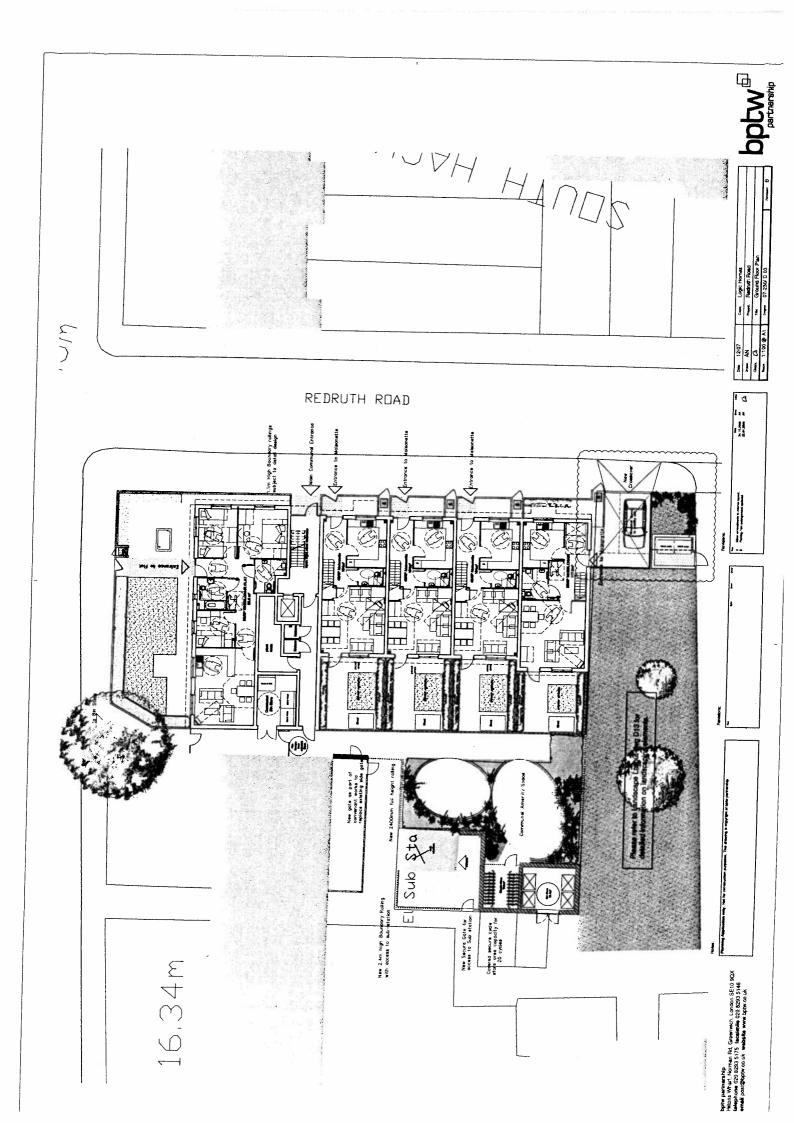












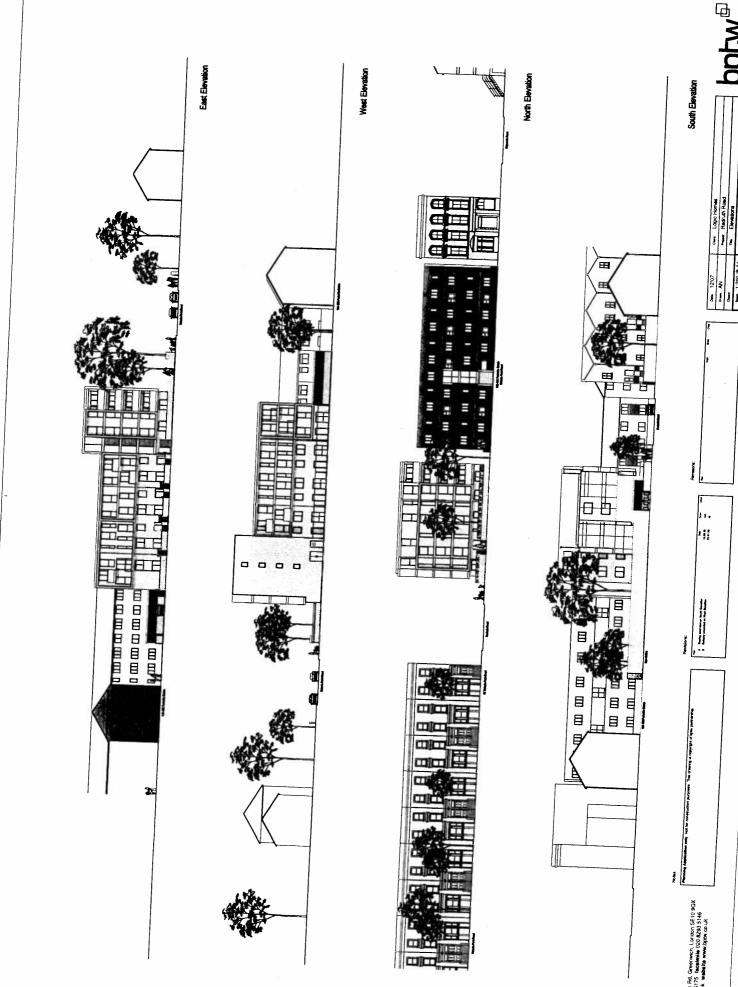




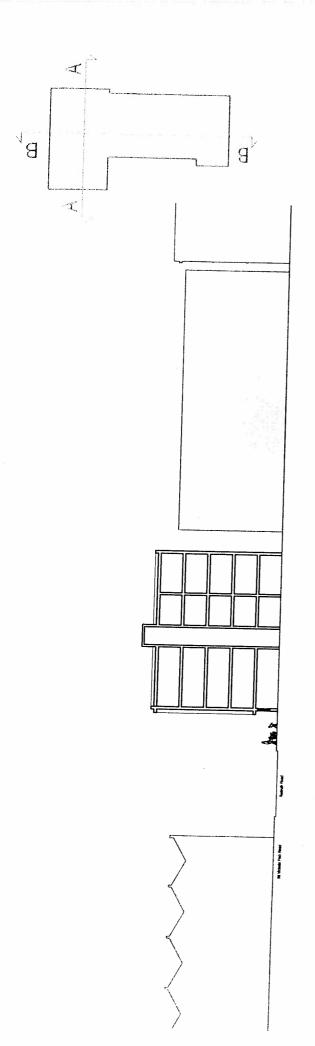




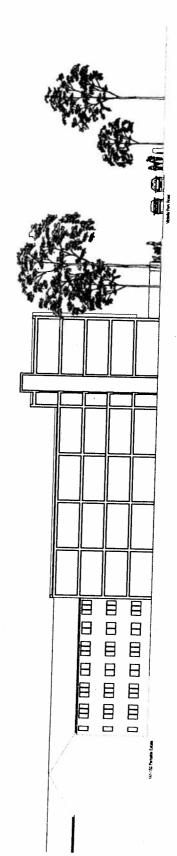








Section A-A

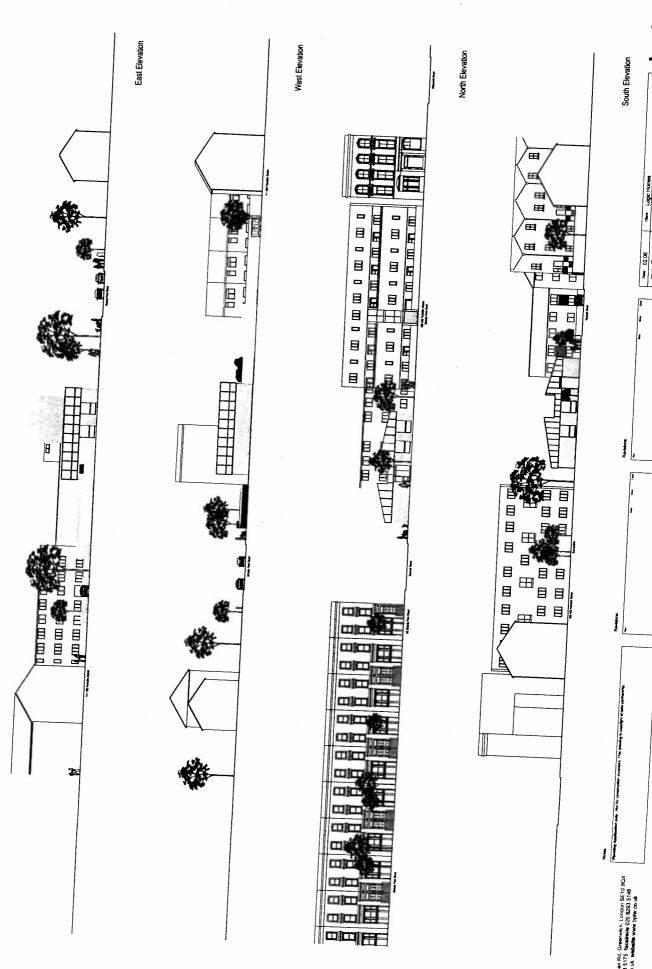


Section B-B

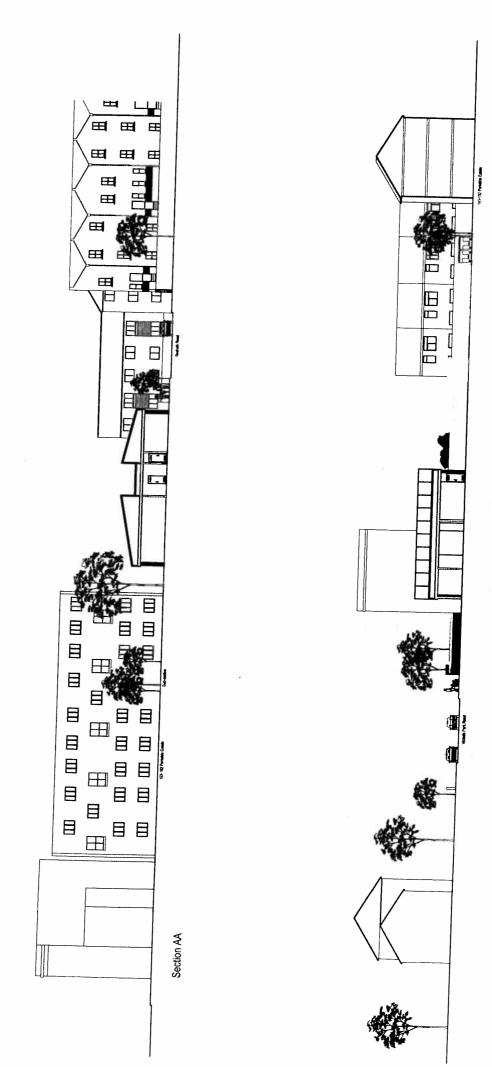
Figure A Lift short location selected.

Bi Z4.10.2008 FF Revisions:



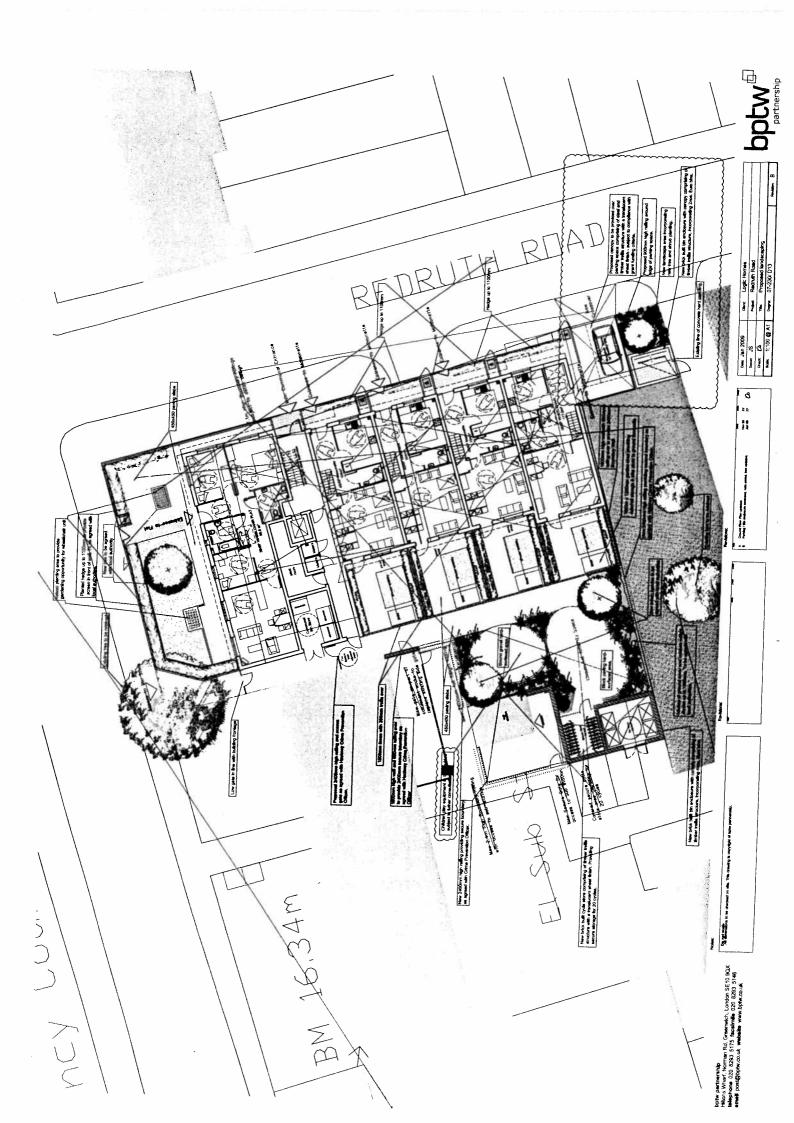






Section BB

Revisions:





Hackney Neighbourhoods and Regeneration Planning Service, 263 Mare Street, London, E8 3HT





