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|--|---|
| <b>ADDRESS: Buccleuch House, Clapton Common, London E5</b>   |   |
| <b>WARD: Springfield</b>   | <b>REPORT AUTHOR: Gillian Nicks</b>                             |
| <b>APPLICATION NUMBER: 2008/0750</b><br><br><b>DRAWING NUMBER:</b> D1100, 2100, 2200, 2501, 2701, 3200A, 3100A, 3101A, 3103A, 3105A, 3199A, 3210, 3501A, 3502A, 3503, 3504, 3505, 3506, 3507, 3601 3701, 3702, 3703, 4800, 4801, 4802,   | <b>VALID DATE: 14<sup>th</sup> April 2008</b>                   |
| <b>APPLICANT:</b> Hanover In Hackney Housing Association/ Countryside Properties (London)<br>C/o Agent   | <b>AGENT:</b> Savills,<br>Grosvenor Hill,<br>London,<br>W1K 3HQ |
| <b>PROPOSAL: Demolition of existing building and erection of a six storey building (plus basement) to provide 152 residential units (46 units to comprise extra care accommodation and 25 x 1 bed, 50 x 2 bed, 19 x 3 bed and 12 x 4 bed) with ancillary car parking and landscaping.</b>  |   |
| <p><b>NOTE TO MEMBERS:</b></p> <p>This application was reported to members at the 4<sup>th</sup> February 2009 Committee. Members did not vote in favour of the officers recommendation for the following reasons:</p> <p>Overdevelopment within the envelope of the building by approximately twenty per cent;<br/>         Poor internal design and layout especially for the larger family units;<br/>         Unconvinced that the current set of plans provide good standard of living accommodation;<br/>         The open plan living areas with bedrooms located off this was deemed unacceptable; and<br/>         Too many single aspect flats and internal corridors too long.</p> <p>Officers have been given legal advice that this application was not determined, and to bring it back to members for their determination with the same recommendation as summarised below, but in light of previous concerns raised, the following is provided by way of clarification:</p> <ul style="list-style-type: none"> <li>- Drawings to show the division of the access to bedrooms that were located off open plan living areas now rectified rather than requiring the imposition of a condition. This allows free entry into all rooms without needing to pass through another;</li> <li>- The building has three main corridors; two serving the residential</li> </ul> |   |

component and one for the extra care element. The distance between cores and main entrances to residential units is at worst eighteen metres, and only in one instance, which given the building form as accepted by the Planning Inspector is acceptable. The width of the corridors comply with Lifetime Home Standards.

- The density of the scheme is 253 units/hectare, which includes the extra care accommodation. Given the sites PTAL rating of 2, this falls above the recommended density matrix by the GLA within an Urban area. However, this is a guide, and does not reflect site/scheme specifics, for instance the inclusion of the extra care homes and the massing as agreed by the Inspector.

**POST REVISION SUMMARY:**

Ground floor stair adjustments to main entrance areas.  
 Room widths to number single bedrooms amended to accord with SPG1 standards  
 Bridge to some maisonettes amended to provide access to side of living areas.

**RECOMMENDATION SUMMARY:**

**Grant conditional planning permission subject to a section 106 agreement**

**ANALYSIS INFORMATION**

| ZONING DESIGNATION:         | (Yes) | (No) |
|-----------------------------|-------|------|
| CPZ                         |       | X    |
| Conservation Area           |       | X    |
| Listed Building (Statutory) |       | X    |
| Listed Building (Local)     |       | X    |
| DEA                         |       | X    |

| LAND USE DETAILS:        | Use Class                | Use Description           |    |                 |    | Floor space sqm |
|--------------------------|--------------------------|---------------------------|----|-----------------|----|-----------------|
| Existing                 | Other                    | Extra Care support        |    |                 |    |                 |
| Proposed                 | Other                    | Extra Care support        |    |                 |    | 745             |
|                          | C3                       | Residential               |    |                 |    |                 |
| RESIDENTIAL USE DETAILS: | Residential Type         | No of Bedrooms per Unit   |    |                 |    |                 |
| Type                     |                          | 1                         | 2  | 3               | 4  |                 |
| Existing                 | Not applicable           | Not applicable            |    |                 |    |                 |
| Proposed                 | Flats                    | 25                        | 50 | 19              | 12 |                 |
|                          | Extra Care               | 37                        | 9  | -               | -  |                 |
| PARKING DETAILS:         | Parking Spaces (General) | Parking Spaces (Disabled) |    | Bicycle storage |    |                 |
| Existing                 | -                        | -                         |    | -               |    |                 |
| Proposed                 | 38                       | 3                         |    | 132             |    |                 |

**CASE OFFICER'S REPORT**

**1. SITE CONTEXT**

1.1 The site, approximately 6000sqm in area, is situated on the north side of Clapton Common, The existing Buccleuch House, built in the 1950's as a single women's accommodation, is a six storey vacant red-brick building. The west

and east flank walls are articulated by the provision of balconies, with a curved balustrade worked into the façade. The front elevation has four sets of inset balconies, spread across the façade in a regular pattern. The length of the building is broken up by a projecting central element, providing an open stairwell. The rear elevation has four arms to the building with ground floor level extensions providing plant room storage and the like. In addition, hard standing lies unmanaged between the rear building line and the back wall to properties at Overlea Road to the north. To the front, hard standing and overgrown vegetation within a square running the length of the site is found, with evidence of waste dumping.

- 1.2 The surrounding area is predominately residential, with Springfield Park, a designated 'Local Nature Reserve' and an 'Area of Nature Conservation Importance' found to the north; The River Lea runs adjacent to the Park. The residential character of the surrounding area is made up of 1930s two-three storey semi-detached housing to the north, 1960s housing to the south and a number of nineteenth century period buildings. The predominant palette in the area is brick.

## **2. CONSERVATION IMPLICATIONS**

- 8.1 The site does not lie within a Conservation Area but is adjacent to Clapton Common Conservation Area to the south of the site. On the south side of the Common, are the Grade II listed properties of Clapton Terrace. The Church of the Good Shepherd is found to the northern edge of the common, west of the application site.
- 8.2 Between Buccleuch House and Clapton Common is a designated London Square, protected by the London Squares Preservation Act 1931. The Square forms part of this application and is within the ownership of the applicant.

## **3. HISTORY**

- 3.1 **2005/0705** – Planning application for 'Erection of a part 7 part 8 storey building plus basement to provide 192 residential units (including 46 sheltered units/entrance flats) comprising 98 x 1 bedroom 70 x 2 bedroom and 24 x 3 bedroom units with 554sqm of ancillary floor space for the sheltered accommodation including dining area, lounge, kitchen and day centre' refused on 16<sup>th</sup> September 2005.

The reasons for refusal were as follows:

1. The proposed development, by reason of its scale, height, form, massing, materials and design, represents an incongruous form of development that would be out of keeping with the surrounding townscape and would adversely impact upon the character and appearance of the existing surrounding area, therefore being contrary to Policies EQ1, EQ3, HO3, HO20 and Strategic Policies ST1, ST2, and ST4 of the Hackney Unitary Development Plan, Policies 4B.8 (Tall Building-Locations) and 4B.9 (Large Scale Buildings-Design and Impact) of the London Plan 2004, and PPS1: Delivering Sustainable

Development.

2. The proposed development, by reason of its design, scale and height, fails to contribute to or respect the Clapton Common Conservation Area and would not be sympathetic to the scale and proportion of the surrounding buildings thereby creating a single, visually dominant block on the Clapton Common Conservation Area. As such the scheme would be contrary to policies EQ1, EQ12 and Strategic Policies ST1, ST2, ST4 and ST8 of the Hackney Unitary Development Plan and Policies 4B.1 (Design Principles for a Compact City), 4B.2 (Promoting World Class Architecture and Design) and 4B.7 (Respect Local Context and Communities) of the London Plan 2004, PPG15: Planning and the Historic Environment and PPS1: Delivering Sustainable Development.

3. The proposal, by reason of its excessive height and scale, would appear visually obtrusive on the skyline when viewed from Springfield Park and the Lee Valley. As such the proposal would be contrary to policies EQ1, EQ21, EQ30 and Strategic Policies ST9 and ST10 and PPG17 Planning for Open Space and PPS1 Delivering Sustainable Development.

4. The proposed mix of residential units would not provide a sufficient proportion of family-sized or large family-sized accommodation, to the detriment of housing needs in the Borough, and would therefore be contrary to Policy HO9 of the Hackney Unitary Development Plan, London Plan Policies 3A.2 (Borough Housing Targets), 3A.4 (Housing Choice), 3A.5 (Large Residential Developments) and PPG3: Housing and PPS1: Delivering Sustainable Development.

3.2 The application was appealed, by the applicant in 2006. Subsequently, the Council's decision was upheld by the Secretary of State. Notwithstanding, a number of principles were accepted by the Inspector:

- i. Relationship of Buccleuch House with the Common in terms of its effect on Character and Appearance is extremely important and exercised the greatest visual presence.
- ii. No objection to narrowing of the gaps in street frontage at the ends of the building giving greater street continuity;
- iii. Landscaping London Square with reorganisation of paths to correspond to entrances and establish gathering areas;
- iv. Proposals need to respect views encompassing the spire of the Listed Church of the Good Shepherd
- v. Provision market, special needs and affordable housing on interesting developed, sustainable, previously developed land.

3.3 Extensive pre-application discussions have been carried out, including presentation at Design Review Panel.

#### **4. CONSULTATIONS**

4.1 Date Statutory Consultation Period Started: 22<sup>nd</sup> April 2008

4.2 Date Statutory Consultation Period Ended: 13<sup>th</sup> May 2008

4.3 Site Notice: Yes

4.4 Press Advert: Yes

#### **4.5 Neighbours**

Letters were sent to 168 neighbouring occupiers. A total of 4 objections have been received, of which one is on behalf of Clapton Terrace Residents' Association (CTRA).

The grounds of objection are as follows:

- Building height is too imposing; only agree to 3-4 storey and basement.
- Over dominate building unsuitable for conservation area.
- Property (Overlea Road) will be overlooked from four floors of the proposed building interfering with privacy.

From CTRA:

- Brick colour – too dark and unsympathetic
- Insufficient attention has been paid to the Section 106 which means a lack of regard for the impact on local services and facilities.
- Generic design showing little flair or imagination especially disappointing in attractive, spacious London Square.
- Concerned about the proportion of affordable housing and tight proportions of some of the rooms.

#### **4.6 Statutory consultees**

##### **4.6.1 Clapton Common Conservation Area Advisory Committee**

Welcome further discussions on the renewal of Buccleuch House on the east side of the common. There exists an important opportunity to create buildings of the highest architectural quality to replace a monolithic block that, following the unfortunate destruction of the Georgian Terrace in the early 1930s, has in recent years been detrimental to the setting of the Clapton Common Conservation Area.

The proposed new building is slightly taller than that existing, but it is reduced from the previous application and its overall scale is likely to be acceptable. However, it is difficult to judge the impact on sightlines in juxtaposition with the Grade II\* listed Church of the Good Shepherd at Rookwood Road.

Acknowledge that the submitted elevation designs indicate that the architects have attempted to address the important task of trying to break up the block's monumentality. The use of brick is welcomed, as is the limited use of elements intended to create vertical articulation, including glazed recesses; a partial variety of window design; and through breaking up the roofline to a limited extent.

Nonetheless, we find the submitted designs generally uninspiring and in general a dull 'more of the same' approach. While the applicants' Design and Access Statement goes to some length to claim a considered approach to a design treatment that addresses the dominating horizontality of such a long block we do not consider that this has been resolved satisfactorily. Much more work on creating visual interest could be employed, including more imaginative articulation, interest and variety at roof level. For example, to mitigate the buildings' height, the final storey could be set back – a similar concept to mansards but without trying to imitate that style.

We particularly consider that the attempt to distinguish the southerly Hanover in Hackney section from the remainder is misconceived. In this section this is no attempt to avoid an unmitigated monotony of appearance: all attempts at variety of vertical articulation, rhythm and use of proportion have been abandoned, relying instead on superficial slate cladding and coloured balconies to claim distinction. If avoiding monumentality is a problem for the site as a whole, it is unfortunate that there has been no attempt to alleviate it here. It is surprising that in this section there has been a desire to achieve distinction from, rather than overall cohesion with, the overall design treatment in the remainder of the design elevations. This appears to be counter to current policy guidance towards the inclusive design of mixed use developments.

In summary, whilst welcome the re-landscaping of the London Square at the interface of the site with Clapton Common, submit that the proposals fail to seize the opportunity to really enhance the setting of the Conservation Area by offering architecture of the highest distinction.

#### 4.6.2 Environment Agency

No objection in principle subject to following conditions being imposed:

i. The construction of storage facilities for oils, fuels or chemicals shall be carried out in accordance with details submitted to and approved in writing by the Local Planning Authority before development is commence.

REASON: To prevent pollution of the water environment.

ii. The construction of the foul and surface drainage system shall be carried out in accordance with details submitted to and approved in writing by the Planning Authority before the development commences.

REASON: To prevent pollution of the water environment.

Following informatives should also be attached:

- In accordance with Section 34 of the Environmental Protection Act and the Duty of Care, any waste generated from construction/excavation on site is to be stored in a safe and secure manner in order to prevent its escape or its handling by unauthorised person. Waste must be removed by a registered carrier and disposed of at an appropriate waste managed licensed facility following the waste transfer or consignment note system, whichever is appropriate.

- Under the terms of the Water Resources Act 1991 as amended by the Water

Act 2003, an abstraction licence will normally be required from the Environment Agency for the abstraction (removal) of water (even temporarily) from any inland waters (rivers, streams, ditches, lakes etc) or underground strata (e.g. from a well, borehole or catch pit). The granting of a licence will be dependent on the availability of water resources locally and on the acceptability of any resulting impact on the environment and existing protected rights.

4.6.3 English Heritage

This application should be determined in accordance with national and local policy guidance and on the basis of your specialist conservation advice.

4.6.4 Invest In Hackney

No representation received.

4.6.5 London Fire and Civil Defence Authority

No representation received.

4.6.6 Police

No representation received.

4.6.7 Primary Care Trust

No representation received.

4.6.8 Thames Water Utilities

Surface water drainage – it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required to ensure that the surface water discharged from the site shall not be detrimental to the existing sewerage system.

Thames Water recommends that petrol/ oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol/oil interceptors could result in oil-polluted discharges entering local watercourses.

Following informatives should be attached:

i. The London Water Ring main is in the area and special precautions will be required to avoid any damage that may occur as a result of the proposed development. Developer services should be contacted.

ii. There is a Thames Water main crossing the development site which may/will need to be diverted at the Developer's cost, or necessitates amendments to the proposed development design so that the aforementioned main can be retained. Unrestricted access must be available at all times for maintenance and repair.

4.6.9 The Learning Trust  
No representation received.

#### **4.7 Other Council Departments**

4.7.1 Arboriculture Officer:  
Proposals acceptable, conditions recommended.

4.7.2 Conservation and Design:

Following an extensive pre application process, some of the original concerns of the Design and Conservation team have been addressed, namely the visual impact of the strong horizontality of the façade which has been subdivided into a series of vertical elements which contribute to break down the extreme length of the building.

However, significant elements of the scheme- the internal quality of the housing accommodation, the proposed duplexes, the accessibility to the upper flats, the space at the back of the building and the details of material- remain of serious concern.

Most importantly, the scheme suffers from an overdevelopment within the consented envelope. A much more positive layout could have been produced within the same granted envelope where it not be for the high number of units crammed into the building. A reduction by a small number of units would enable a much more flexible grid to be laid out and subsequently a higher quality of internal circulation space and entrances, improved dual aspect flats, and an overall increase in the quality of the space planning resulting in significant improvement of the living standards. This could have been achieved even more easily through a minimal carving of the consented mass.

Despite our encouragement and efforts all along the year long pre application process, it is regrettable that this project has not evolved significantly to meet standard design requirements.

We therefore recommend that this application is refused.

#### **Height, bulk and massing.**

The maximal height and alignment of the building have been fixed by the Inspector's decision notice of the 2006 appealed scheme.

Since then, and despite our strong advice that breaking down the consented envelope would help integrate the building better to its setting and provide a better quality of accommodation by introducing shorter corridor lengths, more natural light into the building which would ultimately produce a much more suitable urban form in that particular location, the applicant has chosen an approach based on maximizing the envelope.

As mentioned repeatedly, although granted, the strict interpretation of the height and depth consented and the subsequent maximal massing deriving from it,

have been adding to the difficulty of providing decent internal planning – see Internal Layout below.

In this context, it is considered that, although acceptable per se, the massing is not serving the scheme well and by avoiding more subtle modeling of the granted form, the applicant has been showing a low commitment to internal quality, favoring the easiest but not necessarily the best solution for the site. See internal space planning.

### **Elevations, appearance and character**

We acknowledge the improvement to the elevations of the building with a visual hierarchy clearly displayed in the front elevation. As opposed to previous schemes, there is now a distinct verticality which manages to break down the extreme length of the building into sub elements. The transition between these elements is provided through articulated balconies or recessed floor plates.

This is considered a more suitable solution than the previous scheme for the chosen bulk of the building.

However, it is still felt that some elements need to evolve. In particular, the top line cornice needs stronger weight to counterbalance the significant length of the building and we remain unconvinced by the ground floor elevation whose homogeneous rendered treatment could be extremely monotonous.

Overall, the appearance of the building has evolved positively since the refused scheme.

### **Internal space planning**

*- Design of the main cores and access to the upper flats.*

The accessibility to the upper flats through a 180 degrees turn to reach the lift makes the entrance route contorted for residents and not easily identifiable for visitors. The access to the core fails to be direct, legible and safe.

Furthermore, the configuration of the core based on crossing corridors and access staircase with no visibility and little daylight raises the fundamental quality of the space needed to create a welcoming entrance to the flats. The solution proposed represents a lack of spaciousness, is generally of bad proportions and the level of daylight is insufficient.

It is unacceptable that given the great length and footprint of the building, the entrances to more than 80 flats are reduced to mere corridors. This translates in upper floors into 30m long corridors serving 7 units each. This site as opposed to many infill sites in Hackney is of regular shape and the rectangular proportions of the chosen footprint allow for many alternatives to the proposed distribution and it is only regrettable that they have not been explored.

*Quality of the ground and lower ground floor maisonettes:*

The design and location of the duplexes is a major source of concern. Although

we expressed our serious reservations early at pre application stage, the internal quality of full basement units with a full height wall fronting the openings (for some, the windows are less than 2.80 meters from the fronting wall), remains unconvincing.

Despite claims by the applicant that the units are well proportioned, their internal layout (no separate kitchen for some family units, absence of an entrance lobby or threshold, location of the staircase across the living room) are considered to have a reduced functionality and to be of substandard quality.

Within additional material submitted, the applicant's claim that *satisfying Hackney SPG on residential extension would consequently generate a poor quality layout for these units, a non compliance with day lighting and sun lighting standards and would not meet market demands for open plan living* is evidently fallacious.

Firstly, it is well established that overcrowding has a detrimental impact on health and social behavior. Modern standards of living quoted by the applicant- such as open plan for living room and kitchen- are considered- in the case of family units designed to minimal habitable rooms standards and comprising 5 members or more - a source of overcrowding. It is therefore detrimental to the privacy needed by each individual within the family and not desirable here.

Secondly, not only the SPG guidance should have been incorporated from the pre application stage so that minimal standards are guiding the internal layout, but it is worth noting, again, that the site itself is particularly regular in shape and isolated from other properties, and therefore as opposed to many infill sites in Hackney, is not at the source of day lighting constraints.

Once more, this reveals the incompetence of the layout and the over density of units within the envelope chosen. A good design should not provide either good internal layout or sufficient daylight, but obviously both, particularly in such an uncomplicated site.

### **External amenities**

The service space at the back of the building is composed of parking spaces, refuse storage and bike storage. Although some units have their main entrance doors onto this space, no particular design solution has been provided to enhance the quality of the space. Units 01, 02, 03, 04 and 05 in particular face the parking ramp and the refuse shed. The configuration of the space at the back of the building raises serious concerns in terms of safety, cleanliness and general usage.

Bins and cycle storage were requested early on to be incorporated into the building but have been left occupying key parts of the external layout, which could have been turned into landscaping areas.

The extreme density of the housing units is directly at the cause of the separation of the services from the building itself and we can only deplore again

that quality has not been a key consideration in the design process.

### **Materials and detailing**

The specifications provided raise concern about the realistic approach to the scheme in the current economic context.

It seems improbable that glass balustrades will be used, given their cost, and any other alternatives (perforated galvanized, plexi or other) will be of much reduced quality and impact strongly on the quality of the elevations.

The Hanover in Hackney block raises similarly the question of the material used. Slate might be expensive and hard to articulate on a corner. There is a serious risk of losing the quality of the scheme if materials and detailing are not followed throughout the evolution of the application.

### **Summary**

This proposal fails to take design quality into sufficient consideration throughout the different components of the scheme. The quantity of housing proposed has been clearly privileged at the detriment of any consideration of quality.

Focusing on the appearance of the building doesn't compensate for major areas of design which have been treated as secondary such as functionality and spatial configuration resulting in poor living standards for occupants.

In conclusion, the design has not been considered holistically for this scheme and is therefore not acceptable.

#### **4.7.3 Highways:**

The estimated cost of the works is £47,200 that has been compiled using drawings No. 5943-D3100 that was submitted as part of the planning application submission and an OS extract as attached. The proposals include the following:-

Take up and dispose of wearing course on footway (Bitmac paving)

Take up existing footway base course and dispose (Concrete)

Take up and dispose of existing granite kerbs

Provide and lay new granite straight kerbs and transition kerbs

Provide and lay new base course on footway

Provide and lay new PCC paving in accordance with the Streetscene urban design guide

Reconstruct / Renew existing vehicular crossover, in accordance with the Streetscene urban design guide and as directed

Removal of crossover as directed

Renew/install line markings

The estimate includes for traffic management in accordance with Chapter 8 however the estimate does not include any statutory apparatus adjustments that may be required as a part of the construction of the crossover. A minimum of 450 – 500mm cover from the top of services is required for residential/ light use crossovers however 600mm cover is required for heavy duty crossovers. This is

a task required to be carried out and paid for by the developer and should be carried out in advance of LB Hackney carrying out any highway works.

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

4.7.4 Housing:

Pleased with inclusion of Agudas Israel to bring forward the 10x 4 bed units.

4.7.5 Policy

No representation received.

4.7.6 Pollution

Recommend following conditions be applied

The development shall not commence until details of a Construction Management Strategy has been submitted to, and approved in writing by the Local Planning Authority for that part of the development. The Management Scheme and Code of Practice shall oblige the applicant, or developer and its contractor to use all best endeavours to minimise disturbances including but not limited to noise, vibration, dust, smoke and TV reception emanating from the site and will include the following information for agreement:

A detailed specification of demolition and construction works at each phase of development including consideration of environmental impacts and the required remedial measures.

The specification shall include details of the method of piling.

Engineering measures, acoustic screening and the provision of sound insulation required mitigating or eliminating specific environmental impacts.

Arrangements for publicity and promotion of the scheme during construction.

A commitment to adopt and implement of the ICE Demolition Protocol and Considerate Contractor Scheme registration.

All demolition and construction work shall be undertaken in strict accordance with the approved management scheme and code of practice, unless otherwise agreed in writing by the Local Planning Authority.

**Reason**

To ensure that occupiers of neighbouring premises do not suffer a loss of amenity by reason of pollution and nuisance.

During demolition and construction on site:

- The best practical means available in accordance with British Standard Code of Practice B.S. 5228: 1997 shall be employed at all times to minimise the emission of noise from the site;
- The operation of the site equipment generating noise and other nuisance causing activities, audible at the site boundaries or in nearby residential properties shall only be carried out between the hours of 0800 – 1800 Mondays-Fridays, 0800 -1300 Saturdays and at no time on Sundays or Bank Holidays

unless otherwise agreed in writing by the Local Planning Authority;

- Vehicular access to adjoining and opposite premises shall not be impeded;
- All vehicles, plant and machinery associated with such works shall be stood and operated within the curtilage of the site only;
- No waste or other material shall be burnt on application site;
- A barrier shall be constructed around the site, to be erected prior to demolition;
- A suitable and sufficient means of suppressing dust must be provided and maintained.

**Reason**

To ensure that and occupiers of neighbouring premises do not suffer a loss of amenity by reason of nuisance.

**4.7.7 Transport:**

Site is not located within a Controlled Parking Zone (CPZ). The availability of free parking on-street suggests that car use associated with the proposal could potentially be higher than the level of parking provided on-site. Level car parking is in line with the average levels of on-site parking outside CPZ areas. Car park layout is acceptable. Parking provision should be distributed across tenures.

The transport impact assessment undertaken shows that the net increase in traffic on the surrounding road network resulting from the proposal will be relatively low. Although the site is not located in a CPZ, the level of parking provision is in line with the average parking provision in non-CPZ areas across the Borough and is therefore considered to be acceptable. Therefore, the proposal is considered to be acceptable in transport terms, subject to conditions and mitigation measures.

In principle the scheme is acceptable subject to conditions.

**4.7.8 Waste management:**

Capacity for their waste requirements and more. They need 26,450 litres of waste storage and 3 recycling frames, the plans show they have provision for 3 frames and waste storage for 33,000 litres.

**5. POLICIES**

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

|      |   |                                  |
|------|---|----------------------------------|
| EQ1  | - | Development Requirements         |
| EQ12 | - | Protection of Conservation Areas |
| EQ13 | - | Demolition in Conservation Areas |
| EQ18 | - | Setting of listed buildings      |
| EQ28 | - | London Squares                   |
| EQ31 | - | Trees                            |
| EQ48 | - | Designing out Crime              |
| H03  | - | Other sites for housing          |
| H07  | - | Redevelopment of housing         |

- H017 - Residential accommodation for care
- E12 - Office Development
- E18 - Planning Standards
- TR19 - Parking standards
- OS2 - Open spaces and parks
- OS5 - Development affecting open spaces and parks
- OS10 - Children's Play areas
- OS17 - Wildlife Habitats

## **5.2 Local Development Framework – Core Strategy Preferred Policy Options (April 2008)**

- PPO1 - Planning Policy Context (Future development and Regeneration in Hackney)
- PPO3 - Spatial Vision for Hackney (Re-establish neighbourhoods)
- PPO4 - Spatial Vision for Hackney (Co-existence of a diverse mix of uses)
- PPO6 - Spatial Vision for Hackney (Highest possible quality of development)
- PPO8 - Strategic Spatial Implications (Residential development)
- PPO11 - Strategic Spatial Implications (Sustainability principles)
- PPO13 - Promoting Quality (Built environment, sense of place and local distinctiveness)
- PPO14 - Promoting Quality (Statutory Listed Buildings)
- PPO15 - Promoting Quality (Climate change)
- PPO17 - Providing Better Homes (Needs residents)
- PPO18 - Providing Better Homes (Affordable Housing)
- PPO19 - Providing Better Homes (Mix of housing)
- PPO20 - Providing Better Homes (Sustainable Homes)
- PPO22 - Supporting Hackney's Neighbourhoods and Communities (Strengthening)
- PPO29 - Promoting Sustainable Transport (Strategic Transport Networks)
- PPO30 - Promoting Sustainable Transport (Spatial arrangement of activities)
- PPO32 - Making a safer cleaner place (High quality design)
- PPO33 - Making a safer cleaner place (Open space)
- PPO34 - Making a safer cleaner place (Sustainable construction)
- PPO35 - Making a safer cleaner place (Sustainable Waste Management)
- PPO36 - Planning Obligations and Area policies (S106 planning obligations)

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

- SPG1 - New Residential Development
- SPG11 - Access For People With Disabilities

## **5.4 London Plan (2004)**

- 2A.1 - Sustainability Criteria
- 2A.2 - The spatial strategy for development
- 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.8 - Definition of affordable housing
- 3A.9 - Affordable Housing Targets
- 3A.10 - Negotiating affordable housing in individual private residential and mixed use schemes
- 3A.11 - Affordable Housing Thresholds
- 3B.3 - Mixed use development
- 3C.1 - Integrating transport and development
- 3C.2 - Matching development to transport capacity
- 3C.3 - Sustainable Transport in London
- 3C.17 - Tackling congestion and reducing traffic
- 3C.18 - Allocation of street space
- 3C.19 - Local transport and public realm enhancements
- 3D.14 - Biodiversity and nature conservation
- 4A.1 - Tackling climate change
- 4A.2 - Mitigating climate change
- 4A.3 - Sustainable design and construction
- 4A.4 - Energy assessment
- 4A.7 - Renewable Energy
- 4A.11 - Living Roofs and Walls
- 4A.14 - Sustainable drainage
- 4A.17 - Water quality
- 4A.19 - Improving air quality
- 4B.1 - Design principles for a compact city
- 4B.3 - Enhancing the quality of the public realm
- 4B.5 - Creating an inclusive environment
- 4B.10 - Large scale buildings – design and impact
- 4B.12 - Heritage Conservation
- 4B.15 - Archaeology

## **5.5 National Planning Policies**

- PPS1 - Delivering Sustainable Development
- PPS3 - Housing
- PPG13 - Transport
- PPS22 - Renewable energy
- PPS25 - Development and Flood Risk

## **6. COMMENT**

Planning permission is sought for the erection of a six storey building, providing two elements of residential accommodation plus ancillary car parking, waste storage and redevelopment of the London Square immediately to the west of the proposed building.

The proposed building is divided by the provision of extra care home units and pure residential dwelling accommodation.

The extra care building, to the south of the site, would be provided with a separate façade treatment, and in that respect a separate entrance from the main building. With a small basement area providing some plant space, including biomass boiler, the main entrance to this building would be at the far south west corner, in front of the proposed upgraded London Square. Support facilities, including dining/kitchen room, kiosk, hairdresser, laundry, lounge and day centre would be accommodated at the ground floor level. To upper floors, a mix of one and two bed units would be accommodated, with the provision of living room, kitchen and separate bathrooms. With the exception of the fifth floor, two guest bedrooms, with bathroom facilities, would be provided. All the units would be wheelchair accessible.

The building is proposed to be built with a brown brick plinth, whilst the remainder of the elevation would be cladded by grey slate panelling. This would be broken up by the provision of glass screened projecting balconies. The entrance would be highlighted by a rusticated white render portico.

The main residential block has two different types of housing: flats at upper levels with maisonettes serving the lower ground and ground floor.

Along the front elevation, the building would be served by two main entrances, whilst the maisonettes would be accessed individually via bridges leading directly into the living spaces serving those units. The bridge access would cross a void providing external amenity provision, accessed at lower ground level, to the front maisonettes (ten in total). To the rear, access to individual maisonettes would be at the lower ground level, given a topographical change west to east across the site.

The elevations to the main residential block would be predominately of a multi redish brick, with white rusticated render base delineating between upper floors and maisonettes. Glass screened recessed balconies to brick bays or colour panels and glass screens to projecting bays would be provided with white rustico render to main entrance porticos leading off from an access route between the London Square and the proposed building.

To the front of the site, the existing London Square would be furnished with bench seating whilst inbetween that and the building would be a 'home zone', with controlled vehicular access.

## **Considerations**

The main considerations relevant to this application are:

- 6.1 The principle of the use
- 6.2 Design and appearance of the proposed development
- 6.3 Potential impact on the amenity of prospective and adjacent residents

- 6.4 Traffic and transport considerations
- 6.5 Response to objectors
- 6.6 Planning Contributions

Each of these considerations is discussed in turn below.

### **6.1 The principle of the use**

- 6.1.1 The existing site, whilst vacant, was last used for a residential type use; current building comprises 71 bed-sits, 12 two bed units and one three bed unit, plus communal lounge, laundry, management offices and a day care centre.
- 6.1.2 The proposal seeks to address Hanover In Hackneys obligation to bring forward 42 extra care units on the site following transfer from the Council in the late 1990s. Forty six (37 x 1 bed and 9 x 2 bed) extra care units are proposed to be brought forward; this type of accommodation falls within Class C2 of the Town and Country Planning (use classes) Order 1987. These units are aimed at individuals who need an extra level of assistance to remain self-sufficient. Each unit will be self contained, with communal facilities that will provide a range of support services above that which could be offered if the existing building were brought back into use.
- 6.1.3 In addition, 106 residential units will be provided.
- 6.1.4 Given the previous use of the site as a form of residential accommodation, and the dominant residential character of the surrounding area, the principle of the use is acceptable and in accordance with Council policy H03 and H017.

#### Residential mix and affordable housing provision

- 6.1.5 The proposal brings forward a mix of accommodation, of which a third would be family sized (nineteen three bed units and twelve four bed units). The Council would welcome a slight increase in the number of family sized units. Notwithstanding, this does in some way seek to address the housing pressures upon the Borough as identified within the Councils Housing Needs Survey. Furthermore, all the two bed units are four person units, that whilst not considered family sized accommodation, may address a need for young families outside the affordable housing market.
- 6.1.6 Hackney's SPD on Affordable Housing (2005) excludes sheltered housing as being affordable housing, and neither triggers the need to provide affordable housing. The applicant has included the proposed sheltered accommodation as affordable housing within their financial viability report in addition to twelve shared intermediate units within the residential block. The extra care units have been inputted as social rented units, and in this instance so long as they are secured as such by way of a legal agreement in perpetuity it is considered acceptable. These units would not be available to the affordable housing market per se as they do not fall within the same use class as residential

dwellings. It is suggested that should at any time an application be brought forward to change the use class of these units then an appropriate number should be brought forward as pure affordable housing, accumulatively across the whole site.

## **6.2 Design and appearance of the proposed development**

- 6.2.1 The current building is considered to provide no positive contribution to the setting of the adjacent Clapton Common Conservation Area given its deteriorated state. Notwithstanding, the site benefits from a significant location on the edge of the Common, with the London Square providing further visual relief as well as marking the length of the site. The Inspector for the appeal scheme considered the existing building, to “exercise the greatest visual presence” at Clapton Common. He considered that the visual effect of the elevation mitigates this dominance through both vertical and horizontal articulation.
- 6.2.2 Whilst the site is prominent on the edge of the Common, certain principles have been set down by the Inspector and Secretary of State in determination of the appeal scheme that are a material consideration for any subsequent application. Particularly, the length of the building was considered to be appropriate.
- 6.2.3 The proposed massing of the scheme is considered to be acceptable in that the length of the building conforms with the Inspectors considerations of the proposal, furthermore the height proposed follows that of the existing building and is reduced from the appeal scheme. Whilst it is appreciated that design officers would welcome a greater effort to break down the massing of any emerging development than that which is proposed, it is also appreciated that this could jeopardise the overall development offer, including a reduced number of extra care units and family units. Nonetheless, the building line is set back from the previous proposal, this has been sought to address the Inspectors concern that views from the south towards the Grade II listed Church of the Good Shepherd would be directly affected by any forward projection. The setting back affords greater visual presence of the Church and plays a part in lessening the impact upon the Common by the building mass at the subject site. Overall, the massing is considered to be acceptable in the context of the adjacent Conservation Area without having a detrimental impact upon either its character or appearance.
- 6.2.4 In consideration of the above, and as considered significant by the Inspector in discussion of the existing building, it is the acceptable articulation of elevations that can address the overall impact of the proposed massing. Design officers have remarked upon the proposals improved visual hierarchy displayed across the front elevation following detailed pre-application discussions. Nonetheless, it is considered that the top cornice line should be more strongly weighed to address the length of the building. The proposal includes a projecting stone parapet, which the applicant considers to be sufficient when the building is viewed, as it will in real terms, in three dimension. It is considered that the concern of the design officer, i.e. the cornice should be employed to address

the length of building (which is considered in principle to be acceptable), is addressed through the articulation of the façade. Additionally, there are concerns with regard to the ground floor elevation treatment. However, it is envisaged that given the level of activity at ground floor level alongside the proposed upgrade to the London Square, this element would not necessarily display a monotony which some officers forecast could appear. Furthermore, it would add a further level of detail to delineate between the maisonettes and flats at upper levels.

- 6.2.5 Whilst some have suggested the top floor of the proposed building should be set back it is considered that this is an inappropriate response, and would not necessarily resolve their concern that the top cornice line is ill-defined.
- 6.2.6 The modulation of the façade, with a separate treatment to the extra care element from the main residential block, is welcomed. The proposed materials are considered to be of a high quality that requires a commitment from the applicant to be delivered through to completion of the development. The significance of the site in the setting of the Common has been discussed above. Any attempt to replace materials that are proposed would certainly result in an acceptable loss of quality to the scheme that has been brought forward after extensive collaborative working between the architect and the Councils design officer. It is anticipated in good faith that these details will not be altered, and cheaper alternatives will not be presented for officer's consideration under conditions recommended to members.
- 6.2.7 Views from Springfield Sports Ground and the River Lea have been provided. It is considered that the proposal would not introduce any significant impact from the existing context, but rather would strengthen the building line in distance.
- 6.2.8 Overall, whilst design have raised some concerns with the detailing, the acknowledgement that the massing of the proposal is acceptable is significant. A commitment to the materials proposed would guarantee the overall quality of the development, and secure the sites significance upon the Common. The setting back of the building line redefines views from the south towards the Grade II listed Church. Furthermore, the proposal does not threaten the appearance or character of the adjacent Clapton Common Conservation Area but seeks to enhance it given the significance of its related location.

#### Residential Layout

- 6.2.9 The concerns of design officers with regard to the internal layouts have been provided above.
- 6.2.10 Firstly, they have noted that the accessibility to upper floor units is contorted, and consequently also unidentifiable. The regular footplate of the building is considered beneficial for ease of access and a responsive design to accommodate legibility. It is noted that the residential block has two main entrances for all upper floors, minimising the internal cores arguably to maximise the overall density of the site. Notwithstanding, the Inspector under the appeal scheme considered the length of the building to be acceptable, and

is a material consideration to be weighed against the criticisms towards this new design. Given the in principle acceptability of the length of the building, reflecting the passed building form to the site, the presence of long corridors is in some way unavoidable, and have been reduced from the appeal scheme. With regard to the '180 degrees turn to reach the lift' that is considered to be unidentifiable for visitors, it is not envisaged that this development would be open to unsupervised visits, or that its overall design should be accorded to the needs of such circumstances alone. This is not to discount the necessity for legibility, but on balance it is considered that there are other mechanisms that can be employed to improve the legibility of these cores, signage is just one such instrument. It is envisaged that the location of the cores would not detrimentally impact upon the free flow of the usability of occupier's residential experience at the site. Notwithstanding, it is appreciated that these elements will not be served by natural lighting, however it is the main entrances that will provide the initial welcome to the development that is not effected in this respect.

- 6.2.11 During the course of the application, discussions over the internal layouts of units have taken place following concerns raised during the pre-application process. Firstly, a number of single bedrooms across upper floor residential units did not comply with the space standards set out within the Councils Supplementary Planning Guidance, requiring habitable rooms to be no narrower than 2.13 metres. A number of units were revisited and on balance it is considered that the remaining units with rooms falling marginally short of this standard are not sufficient grounds for refusal.
- 6.2.12 The maisonettes were also a point of focus at pre-application stage and continue to be cause for concern to design in respect of providing poor standards of accommodation. There are twenty one maisonettes, of which sixteen are family sized units, all the four bed units are provided here. Contrary to the Councils Residential Standards SPG these units do not provide separate kitchen and living spaces which officers have considered does not support the reality of family living which can require the separation of such spaces. The applicant considers they are offering a modern, open plan concept, and note that the units meet with the housing corporation's standards. Notwithstanding, there should be a degree of privacy accorded to individuals within these residential units, despite the concern that the lack of division would deny such retreat. On balance it is considered that current living patterns are not necessarily taken into consideration by the SPG, and given the overall benefits of the proposal, this policy conflict is not considered sufficient to be grounds for refusal. Notwithstanding, a number of bedrooms are accessed immediately off these open plan living areas which is considered poor internal planning, but can be addressed by way of Condition in this instance.

#### Sustainability and Renewable Energy Provision

- 6.2.13 The London Plan seeks for a reduction in carbon emissions generated from proposed developments through the provision of lean (minimising demand for energy), green (energy from zero-carbon sources) and clean (energy efficiency) means. The proposal, through energy efficient methods, would lead to a

reduction in the carbon that could be generated by energy demand from the site by twelve per cent. An additional ten percent carbon saving would be provided through the provision of on-site renewable energy proposal seeks, by the inclusion of a biomass boiler at basement level to the Extra Care component. This seeks to address the Mayor of London's objective of reducing carbon emissions by twenty per cent by 2010.

6.2.14 The proposal seeks to achieve Code for Sustainable Homes Level 3. The council requires as a minimum proposals to demonstrate best endeavours towards level 4. It is recommended that this be sort through the section 106 legal agreement.

6.2.15 Conditions for green roofs and water harvesting are recommended.

#### Refuse provision

6.2.16 The proposal would provide the storage of refuse in separate, convenient, locations to both the main residential and the extra care element, away from the street scene. Given the existing boundary line between the site and properties at Overlea Road it is considered that no detriment will be experienced by adjacent occupiers with the refuse store along the boundary line. The same consideration is made of the location of the refuse for the extra care element, against the south boundary with properties at Clapton Common.

6.2.17 Design officers have issue with the location of the refuse store and its interaction with the building frontages of the site. It is true that for some residents the rear of the site will be their front entrance. However, the refuse is set back against the property line, but as discussed not to the detriment of adjoining neighbours. Were the inclusion of storage internal, it is suggested that the external environment to the rear could be enhanced. However, the rear would require access for other vehicles, and it is considered that the arrangements proposed are acceptable. The location of the store is at an acceptable distance from the proposed units for waste management and shall provide easy access for collection.

### **6.3 Potential impact on the amenity of prospective and adjacent residents**

#### Daylight, Sunlight and Overshadowing

6.3.1 The application is accompanied by a Daylight and Sunlight report assessing BRE guidelines. This report assesses the proposed impact upon properties to the rear of the site at Overlea Road.

6.3.2 The British Research Establishment has produced guidance notes on site layout planning for daylight and sunlight that provides tests and recommendations against which to consider the acceptability of a proposal on current environmental conditions. These tests and recommendations are widely recognised and accepted as a point of reference. One of the tests, the 'Vertical Sky Component' (VSC), is a measure of the amount of daylight available at the centre point to the external pane of a window. The target value is equal to 27%

and any change from the existing level of less than 0.8% would result in a noticeable loss of light.

- 6.3.3 Of the surveyed reference points, only one (to 29 Overlea Road) would not comply, though the existing VSC level does not meet the BRE guideline either. Sunlight levels are also considered, and the results show that the proposal would not obstruct sunlight levels to existing residential units below the BRE recommendations that requires one quarter of probable sunlight hours , including at least five percent of these in winter, between 21 September and 21 March.
- 6.3.4 The BRE states that for overshadowing of open space, no more than two-fifths and preferably no more than a quarter of a garden or amenity area should be prevented from receiving any sun on 21 March by proposed buildings. The shadow analysis carried out illustrates that all the gardens to the rear of properties at Overlead Road will receive sunlight at some point during this day.
- 6.3.5 Design officers were concerned by the quality of the maisonettes, and considered that the units proposed may not receive adequate levels of light internally. The Average Daylight Factor (ADF) test considers the amount of light that will be received within the interior of the room and was requested to be carried out upon the proposed development. The results highlight that the internal light levels conform to BRE guidance and would be adequately well lit through natural means.
- 6.3.6 Overall, it is considered that the proposal will have a negligible impact on existing residents and the daylight/sunlight levels for prospective occupiers would be acceptable in accordance with BRE guidelines.

Privacy/overlooking and sense of enclosure

- 6.3.7 The proposal includes residential accommodation to a site that previously accommodated a type of residential accommodation.
- 6.3.8 Whilst there is an intensification of the residential element to the site, it is not considered that any loss of privacy will result, as the Inspector concluded under the appeal scheme. The proposed building line, whilst set back from the existing, is at an acceptable distance from properties to the rear at 1-27 Overlea Road. The end property to Overlea Road (number 29) is near eighteen metres distance from the boundary line. To the south, the adjacent property at 56 Clapton Common, has a window facing the site, which serves a non-habitable room upon inspection at a site visit.

Open space and amenity

- 6.3.9 The majority of the residential accommodation will be brought forward with some form of private amenity space be it garden area (maisonettes) or balcony (flats).

6.3.10 To the front of the site, the London Square is proposed to be redeveloped, and will act as a break between the site and the Common. Indeed, whilst currently the site benefits from the setting of Clapton Common, the Square is currently overgrown, with considerable misuse evident upon site visit, including the deposit of waste.

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

6.4.1 The existing site has accommodation for ten parked vehicles to the rear, whilst the service road to the front of the site has room for a further 21 vehicles, with provision of one disabled and one ambulance bay.

6.4.2 The inspector stated in his decision of the appeal scheme that *'the site's location is highly sustainable, being well situated in relation to rail and bus services, and close to Route 1 of the National Cycle Network, as well as routes showing on the London Cycle Guide. Parking spaces within the site would be limited to approximately one for every three units of accommodation (approximately 52 spaces for the private element – including 2 disabled)..and the potential increase in traffic'* was shown to be easily accommodated.

6.4.3 There is no change in the context of the site in relation to transport infrastructure since this assessment was made. The site is situated within close proximity of a number of bus routes to and away from the centre of London, falling within a PTAL (Public Transport Accessibility Level) rating area of two. Clapton station and Stoke Newington main line stations are 1.1 and 1.35 kilometres from the site respectively. The current proposal seeks to bring forward a significant reduction in the number of parking spaces from that considered acceptable in principle by the Inspector. From (the appeal scheme) a total of 65 vehicular spaces the current scheme proposes some 41 spaces, including 3 disabled, one mini bus and one ambulance space.

6.4.4 Ten of these spaces will be to the rear of the residential block, with thirteen spaces serving the Extra care unit, provided to the rear, as well as space for the mini bus and an ambulance bay. In addition, sixteen spaces would be provided up along the eastern edge of the London Square. The extra care traffic shall access their allocated parking via Spring Hill and Clapton Common, whilst the parking to the rear of the residential block shall be accessed from Clapton Common via Craven Walk or Overlea Road. In principle, the provision of car parking to this degree is considered acceptable, in light of the sites PTAL rating.

6.4.5 A trip generation study has been carried out and submitted as part of the applications Transport Statement. This shows the anticipated trip generation will increase from the existing condition to both Spring Hill and Craven Hill, however this does not take into consideration the impact upon Clapton Common, but is viewed to be marginal given the strategic nature of the road. Again, the trip generation is less than that considered acceptable by the Inspector, and in turn by the Secretary of State.

6.4.6 The scheme would provide 132 cycle spaces, equal to at least 1 per residential

unit; no provision has been made for the extra care accommodation units. All cycle storage would be found to the rear of the site, within a secure and covered structure.

- 6.4.7 Overall, the scheme in terms of its potential impact on the highway is considered to be negligible, with a supportable number of proposed car parking spaces, adequate access and provision for the operating needs of the extra care element as well as an adequate number of cycle spaces to support sustainable modes of transport.

## **6.5 Response to objectors**

- 6.5.1 Building height is too imposing; only agree to 3-4 storey and basement.  
The acceptability of the massing of the proposal has been discussed above at 6.2.3.

- 6.5.2 Over dominate building unsuitable for conservation area  
The proposal site is not within the Conservation Area, nonetheless it is considered not to be detrimental to the setting of the adjacent Conservation Area.

- 6.5.3 Property (1 Overlea Road) will be overlooked from four floors of the proposed building interfering with privacy  
No privacy issues are considered to be raised by the proposal. 1 Overlea Road is not directly overlooked by the proposal, and exceeds the twenty one metre guide distance of habitable room to habitable room.

- 6.5.4 Brick colour – too dark and unsympathetic  
The proposed brick colouring is considered to fit with the surrounding context, as well as continue the background palette of the existing building. A condition is recommended to be attached so officers can be sure of its quality, especially given the context of the site.

- 6.5.5 Insufficient attention has been paid to the Section 106 which means a lack of regard for the impact on local services and facilities.  
The details of the heads of terms to be secured through the legal agreement are provided below. These comply with the Councils Supplementary Planning Document on Financial Contributions and considered to meet the tests as set out by National Policy in securing such obligations.

- 6.5.6 Generic design showing little flair or imagination especially disappointing in attractive, spacious London Square  
The proposed design has been considered alongside the historical context of the site, with a terrace in situ prior to the existing 'House'. Rather than a iconic contemporary expression of architecture at the site which could detract from the demure backdrop to the common, the proposed design is considered to satisfactory preserve the character and appearance of the adjacent Clapton Common Conservation Area and the London Square which forms part of the site.

- 6.5.7 Concerned about the proportion of affordable housing and tight proportions of some of the rooms

These are considered acceptable, as has been discussed in detail above.

## **6.6 Planning Contributions**

- 6.7.1 The proposal meets the trigger to provide contributions under the Planning Contributions Supplementary Planning Document (PCSPD).
- 6.7.2 In accordance with the SPD, the provision of open space and education financial contributions are sought. Furthermore, given the mixed uses proposed at the site, it is considered pertinent to secure the appropriate sequence of development that is occupied be secured so as to ensure the extra care units are provided without delay.
- 6.7.3 Other heads of terms that are as standard are found within Recommendation B below.

## **7. CONCLUSION**

- 7.1 In summary, the proposed development is considered to be of an appropriate use and of a high quality of design, with no adverse impact on the amenity of neighbouring occupiers by way of loss of light, privacy, outlook, or raise traffic implications.
- 7.2 The proposal complies with pertinent policies in the Hackney UDP (1995) and the London Plan (2008) and the granting of permission is therefore recommended subject to the completion of a section 106 agreement.

## **8. RECOMMENDATIONS**

### **Recommendation A**

- 8.1 **That permission be GRANTED, subject to the following conditions:**
- 8.1.1 **SCB1 - Commencement within three years**  
The development hereby permitted must be begun not later than three years after the date of this permission.

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

- 8.1.2 **SMC6 – Materials to be approved**  
Details, including samples, of materials to be used on the external surfaces of the building, boundary walls and ground surfaces (excluding the London Square) shall be submitted (accompanied by the design and access report submitted under the approval and a copy of the Officers Committee Report) to and approved by the Local Planning Authority, in writing, before any work commences on site. The development shall not be carried out otherwise than in accordance with the details thus approved.

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

**8.1.3 SCM7 – Details to be approved**

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

- a. Windows, glazing bar profiles, and architraves;
- b. A typical cross section elevation drawing;
- c. Balconies and balustrade
- d. 1:50 drawing showing a typical section and corner section of the extra care façade illustrating joining details of slate.
- e. The home zone

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

**8.1.4 SCM9 - No extraneous pipework**

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

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

**8.1.5 SCM11 – Modifications to be approved**

Detailed drawings showing the following modifications to the scheme shall be submitted to and approved by the Council before any work is commenced on site. This part of the development shall be completed only in accordance with modifications thus approved:

- a. access to bedrooms separated from areas living areas with open plan kitchens;
- b. Railings to be provided around London Square opposed to low wall

REASON: The provision of a bedroom coming off open plan living spaces is not considered conducive. Similarly, the proposed low wall is not considered to fit with the context of the London Square.

**8.1.6 SCD2 – Provision of access and facilities**

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

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

**8.1.7 SH5 – Provision of parking, turning, unloading facilities**

No part of the development hereby approved shall be occupied until the

accommodation for car parking, turning and loading/unloading has been provided in accordance with the approved plans, and such accommodation shall be retained permanently for use by the occupiers and or users of, and/or persons calling at, the premises only and shall not be used for any other purposes.

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

**8.1.8 SCT1 –Landscaping scheme to be approved.**

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

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

**8.1.9 SCT3 – Protection of Trees during site works**

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

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

**8.1.10 SH10 – Provision for cycles**

Space shall be made available for the secure parking of 132 cycles within the site before the residential use (C3) is first commenced.

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

**8.1.11 SCH11 – Adequate visibility to entrance**

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

site is commenced, and be so maintained.

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

**8.1.12 NSC – Drainage**

The construction of the foul and surface drainage system shall be carried out in accordance with details submitted to and approved in writing by the Local Planning Authority, in consultation with the Environment Agency, before development commences.

REASON: To prevent pollution of the water environment.

**8.1.13 NSC – Non- standard condition**

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

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

**8.1.14 NSC– Non-standard condition**

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

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

**Recommendation B**

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

8.3.1 To secure the provision of 58 habitable units as affordable housing to be given over to Hanover in Hackney and Agudas Israel (as appropriate) or an alternative RSL as agreed by the Local Planning Authority. The dwelling mix comprising 37 x 1 bed and 9 x 2 bed units as the social rental element and 1 x 2 bed, 1 x 3 bed and 10 x 4 bed comprising the intermediate units.

8.3.2 The extra care units (37x 1bed and 9 x 2 bed), shall be fitted out before occupation of the Open Market units.

8.3.3 No more than 50% of the Open Market units to be used and/or occupied until the Affordable housing units (1x 2 bed, 1 x 3 bed and 10 x 4 bed) have been

transferred to Agudas Israel or an alternative RSL as agreed by the Local Planning Authority.

- 8.3.4 The developer must have an active programme for recruiting and retaining adult improvers and as a minimum take on at least one adult improver per £5 million of construction contract value and provide the Council with written information documenting that programme within seven days of a written request from the Council.
- 8.3.5 The Developer will, through a environmental management system, provide monitoring information in relation to the Development to the Local Planning authority on the first anniversary of the occupation of the site with respect to:
- (a) energy consumption;
  - (b) air quality;
  - (c) waste generation and recycling;
  - (d) water use;
  - (e) biodiversity; and
  - (f) percentage of energy requirements resourced from Renewable Energy.
- 8.3.6 Residential units to be built to Lifetime Home Standards and achieve Code for Sustainable Homes Level 3 with best endeavours to be demonstrated in detailed towards Level 4.
- 8.3.7 A contribution of £ 9,619.42 towards open, child and play space within close proximity to the site, that could include the London Square but in which instance should relate to the provision of child and play space only.
- 8.3.8 The developer will provide a Public Open Space plan and Public Open Space management plan prior to implementation of the development. The Public Open Space to be completed prior to the occupation of the Open Market Units.
- 8.3.9 A considerate construction and neighbourhood co-ordination group to be set up, to meet bi-monthly, the members of which are to be agreed in advance with the Local Planning Authority and minutes to be circulated by the developer to all those involved.
- 8.3.10 The developer will provide a construction management plan including a construction logistics plan with details of vehicle types, movements and timings.
- 8.3.11 On occupation, the owner should provide the residents with a handbook detailing local public transport services and walking routes to schools in the area, to help achieve sustainable development.
- 8.3.12 Contribution of £ 287,480.47 towards Education based on calculation within the Supplementary Planning Document.
- 8.3.13 An appropriate percentage of residential units permitted by any subsequent planning permission are allocated as Affordable Housing such percentage to be applied to the aggregate total of the residential units permitted

by both the Planning Permission and the Subsequent Planning Permission.

- 8.3.14 Provision of at least one car parking space for the operation of a car club.
- 8.3.15 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.
- 8.3.16 The signing of a Section 278 legal agreement under the Highways Act to pay the Council £47,200.00 to reinstate and improve the footway adjacent to the boundary of the site, and include if required, any access to the Highway, measures for street furniture relocation, carriageway markings, access and visibility safety requirements. Unavoidable works required to be undertaken by Statutory Services will not be included in London Borough of Hackney estimate or payment.

**9. REASONS FOR APPROVAL**

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

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

**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.24 Naming and Numbering
- SI.25 Disabled Person's Provisions
- SI.27 Fire Precautions Act 2005
- SI.28 Refuse Storage and Disposal Arrangements
- SI.33 Landscaping

**Signed..... Date.....**

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

| NO. | BACKGROUND PAPERS   | NAME/DESIGNATION AND TELEPHONE EXTENSION OF ORIGINAL COPY | LOCATION CONTACT OFFICER          |
|-----|---|---|-----------------------------------|
| 1.  | Hackney UDP (1995) and the London Plan (2004 with Alterations Feb 2008) | Gillian Nicks<br>Deputy Team Leader<br>(020 8356 8350)    | 263 Mare Street, London<br>E8 3HT |