

<b>ADDRESS:</b> Former Brownswood Library, Brownswood Road, London, N4 2ST	
<b>WARD:</b> Brownswood	<b>REPORT AUTHOR:</b> Rokos Frangos
<b>APPLICATION NUMBER:</b> 2008/3185	<b>VALID DATE:</b> 14/01/2009
<b>DRAWING NUMBERS:</b> J08-167 / D00 rev. A, D01 rev. B, D02, D03 rev. A, D05; J08-167 / L00 and L01; E07-229 D 08 to D 10.	<b>ACCOMPANYING DOCUMENTS:</b> Design and Access Statement, Sunlight and Daylight Report, Supporting Planning Statement, Renewable Energy Study, Transport Statement, Tree Condition Survey and Recommendations.
<b>APPLICANT:</b> Genesis Housing Group Capital House 25 Chapel Street London NW1 5DT	<b>AGENT:</b> Savills Bridewell Gate Bridewell Place London EC4V 6AW
<b>PROPOSAL:</b> Demolition of existing building and erection of a five-storey building containing seventeen residential units (four one-bedroom flats, six two-bedroom flats, five three-bedroom flats and two four-bedroom flats) and one disabled parking space, together with associated outdoor amenity space and landscaping.	
<b>POST-SUBMISSION REVISIONS:</b> None.	
<b>RECOMMENDATION SUMMARY:</b> Grant conditional planning permission, subject to Section 106 agreement.	

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

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

<b>LAND USE DETAILS:</b>	Use Class	Use Description	Floorspace
<b>Existing</b>	D1	Library (disused)	387 sqm
<b>Proposed</b>	C3	Residential	1640 sqm

<b>RESIDENTIAL USE DETAILS:</b>	Residential Type	No of Bedrooms per Unit				
		1	2	3	4	5+
<b>Existing</b>	N/A	0	0	0	0	0
<b>Proposed</b>	Market flats	0	0	0	0	0

	Social Rented flats	4	6	5	2	0
	Shared Ownership flats	0	0	0	0	0
<b>Totals</b>	<b>(Total = 17)</b>					

<b>PARKING DETAILS:</b>	Parking Spaces (General)	Parking Spaces (Disabled)	Bicycle storage
<b>Existing</b>	0	0	0
<b>Proposed</b>	0	1	17

### CASE OFFICER'S REPORT

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

- 1.1 The application site is located in the largely residential area of Brownswood Park, in the north-west of the borough. The area consists mainly of Victorian terraces of between two and four storeys, with a more recent development of apartments in the vicinity ranging from five to seven storeys. Immediately adjacent to the application site is Lichen Court, a four-storey residential block dating from the 1970s.
- 1.2 The site itself consists of a single-storey building formerly used as a library until its closure earlier this decade. The building dates from the mid-twentieth-century and is of no architectural merit.
- 1.3 The site has a Public Transport Accessibility Level (PTAL) of 5 ('good'). Six bus services to other parts of the borough, the West End and the City operate from within a few minutes' walk of the application site. Finsbury Park Underground and surface rail station is approximately 850 metres away, with Piccadilly and Victoria line services and WAGN services northwards to Hertfordshire and southwards to Moorgate.
- 1.4 There are no pertinent UDP designations for the site.

#### **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.

#### **3. HISTORY**

- 3.1 16/05/2008: Planning permission refused for the demolition of existing building and erection of a five-storey building to provide eighteen residential units (five one-bedroom units, seven two-bedroom units, five three-bedroom units and one four-bedroom unit), with associated amenity space, storage areas, landscaping and one disabled parking space (ref. 2008/0304).

- 3.2 27/03/2007: Planning application for the demolition of the existing building and erection of five-storey building to provide 340 square metres of D1 (community use) at ground floor and eighteen affordable housing units above comprising four one-bedroom, eight two-bedroom, four three-bedroom and two four-bedroom units and including balconies on the rear elevation, with associated open space, eighteen cycle spaces and landscaping withdrawn (ref. 2006/2194).
- 3.3 11/01/2006: Planning application for the demolition of the existing library building and the erection of a five-storey plus basement-level building to provide 280 square metres of class D1 (community facility) at basement level and twenty-one residential units above comprising five one-bedroom, nine two-bedroom and seven three-bedroom units withdrawn (ref. 2005/1386).

#### **4. CONSULTATIONS**

- 4.1 Date statutory consultation period started: 19/01/2009
- 4.2 Date statutory consultation period ended: 16/02/2009
- 4.3 Site notice: Yes
- 4.4 Press advert: Yes

#### **4.5 Neighbours**

107 surrounding occupiers have been consulted by personal letter. Fourteen letters of objection and one letter of support have been received.

The objections are on the following basis:

- Overdevelopment of the site with far too many units proposed, excessively high density; proposed building 'too large for the plot'; 'too big and out of proportion'
- Flats are overcrowded and badly designed
- Building line has been 'brought forward considerably, right to the pavement edge'
- Out of keeping with immediate area; will fail to integrate with the street
- Does not comply with Disability Discrimination Act
- Bad positioning of refuse bins
- 'Overbearingly intrusive'; increased sense of enclosure
- Lack of privacy
- 'Severe' lack of amenity space, 'well below minimum recommended standards' / 'Substandard open space amenity. No attempt has been made at providing a decent open space for residents'

- Overlooking from balconies on upper flats to rear gardens of properties on Wilberforce Road / general overlooking and loss of privacy concerns, especially to Cobble Mews
- Loss of sunlight and daylight to garden
- Single-aspect flats facing Lichen Court will have poor daylight and sunlight availability
- Excessive height; over-dominant; 'roof is also one storey higher than the adjoining Lichen Court'
- 'Unsightly' and 'ugly'
- The proposal will generate more traffic within the area; insufficient parking
- It will 'transform a quiet residential area into a busy area – noise and disturbance will be increased'.
- Negative impact on property value
- Impact on local wildlife.

#### **4.6 Statutory Consultees**

4.6.1 Thames Water: No objection.

#### **4.7 Local Consultees**

4.7.1 Metropolitan Police (Secured by Design Officer): No response received.

4.7.2 London Fire and Emergency Planning Authority: The Brigade is satisfied with the proposals.

#### **4.8 Other Council Departments**

4.8.1 Sustainability and Design: The Brownswood Road scheme proposes a five-storey residential box building which reinstates the street frontage. In the context of the adjacent four-storey Lichen Court, and considering the distance to the existing terrace houses facing Wilberforce Road, we think that the massing and the building height are appropriate to this site.

The ground-floor arrangement has been much improved by providing a much more friendly street frontage. Two flats are situated to the front at the ground floor, and the front yard boundary is properly defined with plants and railings on the level change between the site and the street level. This arrangement with the main entrance has resulted in a more domestic street scene.

In terms of internal layout, in general this is acceptable; however, there are some minor design issues. The disabled car parking space is situated adjacent to the 2B4P wheelchair flat, but there is no direct route into that flat for the wheelchair-user once the car has been parked; the ground-floor plan appears to suggest that the wheelchair-user has to go back up onto the street and through the main entrance in order to access the flat. The bin store is located behind the wheelchair ramp, and therefore, the bins need to be

removed from the refuse space via the ramp where the 2B4P flat also has two windows just facing it. Inside the building on the ground floor, two flat entrance doors located just by the bin store may not provide the best solution. In addition, a separate kitchen is required for the three-bedroom flats.

With regard to detailed design, the elevations fail to provide a strong character within the context. While we appreciate the idea of breaking down the building massing through the introduction of a large vertical glazed slot into the communal circulation space, the strong horizontal bands interwoven with recessed vertical elements do not provide any character relating either to the surroundings or on its own. Another concern is the achievability of the cantilevered beam in brick cladding on the top storey of the south-western corner of the building. A detailed drawing of the cantilevered beam is required.

In general, we think the scheme has provided a better relationship with the street at the ground level and an improved layout arrangement, although there are still some minor concerns regarding the elevations, and the functionality issues of disabled car parking access. However, we have no objection to this scheme.

4.8.2 Highways: The estimated cost of highway works is £19,200.00.

4.8.3 Traffic and Transport: There are no significant transport implications expected to arise from this development. The development includes an adequate provision of cycle parking places: one per residential unit, in accordance with TfL cycle parking standards. The site has good accessibility to public transport. A car-free development in this location is supported by the Council. The level of parking provision is considered to be adequate: one disabled parking place. The current parking stress (ratio of parking bays to parking permits) in Queens Drive and Brownswood Road is 1.67 and 1.5, respectively. Given that the parking demand likely to be generated by the proposal is expected to be low (approx. 6/7), and because there is spare on-street parking capacity to accommodate this demand, the Council will not seek a car-free agreement. Adequate provision for turning is provided within the site.

4.8.4 Waste Management: This application looks fine but they need another 1100-litre Eurobin for their co-mingled recycling.

4.8.5 Trees and Landscape Officer: No response received.

## **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**

Planning permission is sought for the erection of a five-storey block of affordable housing containing seventeen units, together with one disabled parking space, associated outdoor amenity space and landscaping, to be constructed on the site of the former Brownswood Library on Brownswood Road. The units will comprise four one-bedroom flats, six two-bedroom flats, five three-bedroom flats and two four-bedroom flats.

The application is a re-submission of a proposal that has been refused or withdrawn on three previous occasions. The most recent planning application, under reference 2008/0304, was refused because the detailed design was considered to be unacceptable, on account of excessive articulation of the front elevation, poor relationship with the street at ground-floor level and concerns regarding footprint, massing and the materials palette.

Furthermore, the proposal contained an insufficient number of four-bedroom units, failing to comply with the proportions set out in the London Plan SPG: Housing, and failing to uphold the Council's objectives to provide more family-sized units, the requirement of which is set out in the 2003 Housing Needs Survey.

The design of the proposed development has subsequently been revised again, and the dwelling mix changed, in response to the previous reasons for refusal, details of which are provided below.

**Considerations**

The main considerations relevant to this application are:

- 6.1 The principle of the development
- 6.2 Design, appearance and sustainability 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 Following the withdrawal of a previous application in March 2007 (under reference 2006/2194), the Council agreed to formally waive the requirement to reprovide community floorspace within use class D1 on this former library site, as required by saved UDP policy CS3; officers were satisfied that the applicant had demonstrated best endeavours to find an end-user for the community space included in the previous proposal, without success.
- 6.1.3 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.
- 6.1.4 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.
- 6.1.5 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, appearance and sustainability of the proposed development**

- 6.2.1 The proposed building comprises a five-storey block of four sides of different lengths. The height of the building is one storey (four metres) taller than the adjacent block of flats (Lichen Court), but two storeys shorter than the corner element of the recently completed building opposite Lichen Court, on the other side of Queen's Drive. The surrounding Victorian terraces are three and four storeys in height. It is considered that the surrounding buildings provide a height range within which the proposed new building sits comfortably and that a height of one storey over and above that of Lichen Court does not constitute an unacceptable increase or an excessive height such as would have an overbearing impact on the street scene.
- 6.2.2 Unlike Lichen Court, with its staggered façade, the proposed development's front elevation is straight and parallel with the road. The building is contemporary in style, with a materials palette that comprises emphatic horizontal bands of London stock brick, with glazing alternating with coloured metallic panels. Balconies are 'cut into the overall volume' and the window openings throughout are acceptably proportioned. The materials palette is familiar and can be seen on new developments elsewhere in the borough. It will be imperative to ensure that high-quality materials are used. The massing

of the building is acceptable, the precedent for its rectilinear form established by Lichen Court and concurrent with contemporary architectural style.

- 6.2.3 In terms of internal living accommodation, all units comply with the Council's minimum floorspace standards, as set out in SPG1: New Residential Development (1998). All units have private outdoor amenity space in the form of terraces or balconies, with a communal garden provided. Two of the units are wheelchair-accessible units.
- 6.2.4 The proposal's renewable energy offer consists of solar water-heating, which, in combination with passive energy efficiency measures, will result in an 18.23 per-cent reduction in carbon dioxide emissions. This falls short of the London Plan's twenty per-cent reduction target, but only by less than two per cent. A section 106 head of terms is recommended to secure the eighteen per-cent reduction and requires the applicant to make best endeavours to achieve the full twenty per cent. It is intended that the proposed development attains Code for Sustainable Homes level 3. The proposed building includes a brown roof and provision for rainwater harvesting.
- 6.2.5 Overall, the design represents an improvement on the designs of previous proposals. 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) habitable rooms and balconies from the side (south-west) elevation to properties at 125 to 137 Wilberforce Road; b) habitable rooms and balconies from the front (north-west) elevation to 81 Queen's Drive; and c) habitable rooms and balconies from the rear (south-east) elevation to properties at 73 and 75 Queen's Drive. It is considered that properties on Cobble Mews are not sufficiently close to the application site to be affected (the nearest distance between the application site and the rear of properties on Cobble Mews being forty-five metres).
- 6.3.2 In all three instances, and particularly in the case of the Wilberforce Road properties, there is the potential for overlooking from habitable rooms or balconies to the existing properties' rear gardens. However, opaque glazing is to be fitted to the Wilberforce Road-facing sides of the south-west elevation's balconies to help prevent direct overlooking to these gardens. Furthermore, overlooking to gardens is a not-uncommon (and often unavoidable) characteristic of residential development in an urban context. It could reasonably be argued that overlooking to a neighbour's garden would not have a sufficiently detrimental impact on that neighbour's amenity to warrant the refusal of an application solely on that basis.
- 6.3.3 The primary consideration in assessing the potential for overlooking, therefore, must be the distances between habitable rooms. For the aforementioned

properties on Wilberforce Road, with which the south-west elevation of the proposed development is almost parallel (albeit at a fifteen-degree angle), the distance between facing habitable rooms is between twenty-six and thirty metres (with the rear gardens of the Wilberforce Road properties themselves over twenty metres in length). Even if it could be argued that the balconies on the south-western corner are sufficiently large to be considered 'external habitable rooms', the distance is still twenty-two metres. In light of the twenty-one-metre guideline minimum distance between facing habitable rooms, 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.

- 6.3.4 With regard to 73 and 75 Queen's Drive, these properties are located at a ninety-degree angle from the south-east elevation of the proposed development. The distance between the balcony in the middle of this elevation and the rear of the closest of these two properties (no. 75) is approximately thirty metres; therefore, given the orientation of the proposed development in relation to these properties and the thirty-metre distance, it is considered the proposal will not result in overlooking, loss of privacy or light to these two properties. The same applies to 81 Queen's Drive (distance from proposed development: twenty-five metres; orientation: approximately eighty-degree angle).
- 6.3.5 Furthermore, the daylight and sunlight report submitted as part of the application demonstrates that all the daylight and sunlight tests recommended in the BRE guidelines are satisfied and that there will be no material impact on the level of daylight and sunlight availability to the adjoining properties.
- 6.3.6 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 seventeen residential units comprise four one-bedroom flats, six two-bedroom flats, five three-bedroom flats and two four-bedroom flats. This is one four-bedroom unit more than the previous proposal (ref. 2008/0304), with the number of three-bedroom units unchanged.
- 6.4.2 In terms of affordable housing provision, all seventeen units consist of affordable housing, all of which are for social rent. This is considered acceptable.

- 6.4.3 Over a third of the seventeen residential units are family-sized (three bedrooms or more), and nearly 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 in a Controlled Parking Zone (CPZ) and is, accordingly, car-free – apart from one disabled parking space. Having due regard to the area's high PTAL rating and the Council's aspirations for discouraging car use in favour of alternative means of transport, a car-free proposal in this location is considered to be acceptable.
- 6.5.2 Seventeen cycle parking spaces are provided, in a fully enclosed, secure room on the ground floor. On the basis that one cycle parking space per unit is required, this is considered to be an acceptable level of cycle parking provision.
- 6.5.3 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: 2008/0304)**

- 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 four-bedroom 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 four-bedroom 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 by reason of its siting, massing, articulation and design fails to integrate with the street, particularly at ground-floor-level, and would result in a discordant relationship with its context, adversely impacting the character and appearance of the streetscene and the locality in general. As such, the proposal is contrary to policies EQ1 (Development Requirements) in the Hackney UDP (1995) (saved) and 4B.1 (Design principles for a compact city) in the London Plan (Consolidated with Alterations since 2004).*

6.6.4 The design of the proposed development has been revised since the previous application refusal. The massing and articulation of the proposed building have been simplified, and the proposed building has a more active frontage, with a ground-floor entrance that is level with the street and helps the development integrate more effectively with its context. Therefore it is considered that this reason for refusal has satisfactorily been addressed. The design of the current proposal is discussed more fully in section 6.2 of this report.

## **6.7 Consideration of objections**

### **6.7.1 Excessive height / proposed building too big / overbearing / over-dominant / overdevelopment of the site**

This issue is addressed in paragraph 6.2.1 of this report. It is considered that the proposed development is of an acceptable height and scale, and will not, as a result of its size and massing, negatively impact upon the appearance of the street scene or the amenity of adjoining occupiers.

### **6.7.2 Overcrowded and badly designed flats**

This issue is addressed in paragraph 6.2.3 of this report. All of the Council's minimum room sizes are met.

### **6.7.3 Building line has been 'brought forward considerably, right to the pavement edge'**

The building is in fact set back from the pavement edge by over three metres.

### **6.7.4 Unsightly / ugly / out of keeping with immediate area / will fail to integrate with the street**

This issue is addressed in paragraph 6.2.2 of this report. The building is in a contemporary architectural language that accords with other recent approvals as well as with Council expectations of new buildings in general; furthermore, it is considered that its rectilinear appearance integrates satisfactorily with the neighbouring building, Lichen Court.

### **6.7.5 Does not comply with Disability Discrimination Act**

The Planning Service is satisfied with provision within the development for wheelchair users; two wheelchair-accessible flats are being provided, together with a disabled-only parking space.

### **6.7.6 Bad positioning of refuse bins**

Officers are satisfied with the location of the bin store, although a condition is recommended to ensure an inward-opening door only (so as to avoid an

outward-opening door obstructing wheelchair access to the ground-floor wheelchair-accessible unit). The Waste Management department is satisfied with the refuse provision, save for a requirement for an additional recycling bin (which can also be secured by way of planning condition).

6.7.7 Lack of outdoor amenity space

This issue is addressed in paragraph 6.2.3 of this report. All units have private outdoor amenity space proportionate to, and standard for, the specific dwelling type.

6.7.8 Overlooking / loss of privacy / loss of sunlight and daylight

This issue is discussed at length in section 6.3 of this report. It is considered that the proposed development will not result in overlooking, loss of privacy or loss of sunlight and daylight to adjoining buildings' habitable rooms.

6.7.9 Single-aspect flats facing Lichen Court will have poor daylight and sunlight availability

The proposed development does not contain any single-aspect flats that face Lichen Court.

6.7.10 Insufficient parking / potential for increased traffic generation

This is addressed in paragraph 6.5.1 of this report. The area has sufficiently good public transport accessibility for the proposed development to uphold the Council's objective of encouraging alternatives to car use.

6.7.11 Will 'transform a quiet residential area into a busy area – noise and disturbance will be increased'

The relevant objector has not elaborated upon – and the Planning Service does not concur that – a seventeen-unit residential development will 'transform' the area to a busy area with increased noise and disturbance.

6.7.12 Negative impact on property value

This is not a material planning consideration and therefore cannot constitute a reason for the refusal of the planning application.

6.7.13 Impact on local wildlife

The relevant objector has not elaborated upon – and the Planning Service cannot identify how – the proposed development will have an impact on local wildlife. This objection is therefore not considered material to the determination of this planning application.

**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 (Consolidated with Alterations since 2004), and on that basis the granting of planning 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, railings 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; excluding solar water-heating and/or photovoltaic cells) shall be placed upon or attached to the roof or other external surfaces of the building, other than as shown on the drawings hereby approved.

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

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

Before the use hereby permitted first commences, at least one parking space shall be marked and retained permanently for use by the vehicle of a person with disabilities, as shown on the drawings hereby approved.

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 building for the secure parking of seventeen 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 brown roof (100mm 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.

**8.1.11 NSC4 – Non-standard condition**

The external door to the bin store shall be inward-opening only.

REASON: In the interest of keeping the wheelchair access from the adjacent ramp to the ground-floor wheelchair-accessible flat unobstructed by an outward-opening door left open.

**8.1.12 NSC5 – Non-standard condition**

Provision is to be made within the bin store for a 1100-litre Eurobin for the purposes of co-mingled recycling.

REASON: In the interest of encouraging recycling provision and upholding the Council's sustainability objectives.

**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 Regeneration and Planning and the Interim Head of Legal Services:**

8.2.1 Provision of one-hundred per cent affordable housing, comprising four one-bedroom flats, six two-bedroom flats, five three-bedroom flats and two four-bedroom flats, all for social rental.

8.2.2 Payment by the landowner/developer of £2516.04 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 £46,451.91 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 £745.79 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 The developer is required to pay, under Section 278 of the Highways Act (1980), £19,200.00 to reinstate and improve the highway and footway adjacent to the boundary of the site.
- 8.2.6 Provision by the landowner/developer for the use of local labour on site during the construction phase.
- 8.2.7 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.
- 8.2.8 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.
- 8.2.9 Achievement of an eighteen per-cent reduction minimum in carbon emissions through the use of renewable energy sources and use of low-energy technology, with best endeavours to achieve a London Plan policy-compliant level of twenty per cent.
- 8.2.10 The applicant is to carry out all works in accordance with the National Considerate Constructors Scheme.
- 8.2.11 Provision for at least two units to be wheelchair accessible.
- 8.2.12 For all contracts with a value in excess of £5 million, payment by the landowner/developer of £3750.00 towards the cost of NVQ training (to secure more skilled employment for the construction industry sector).

### **RECOMMENDATION C**

- 8.3 **That in the event of the Section 106 agreement referred to in Recommendation B not being completed by 14 April 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                   |
| SI.3 | Sanitary, Ventilation and Drainage Arrangements |

- SI.6 Control of Pollution (Clean Air, Noise, etc.)
- SI.7 Hours of Building Works
- SI.25 Disabled Person's Provisions
- SI.27 Regulatory Reform (Fire Safety) Order 2005
- SI.28 Refuse Storage and Disposal Arrangements
- SI.33 Landscaping

NSI.1 All materials submitted pursuant to the discharge of condition 3 of this approval should be supplied and delivered at the same time in a container clearly marked with the address of the application site, reference to the application number 2008/8185, and accompanied by coloured copies of relevant elevational drawings, to which each material sample should be clearly referenced and labelled accordingly. Full specifications detailing each material's manufacturer and colour (as per manufacturer's description/name thereof) should also be submitted at the same time.

NSI.2 This decision notice is accompanied by a Section 106 legal agreement. It shall be implemented in full accordance with the details of that agreement.

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

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

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