

ADDRESS: Digby Road / Berger Road, Homerton, London E9 5SB	
WARD: Chatham	REPORT AUTHOR: Ian Bailey
APPLICATION NUMBER: 2009/0726 DRAWING NUMBERS: 0735 (PL) 001, 011, 100D, 101E, 102C, 103B, 104B, 105B, 106B, 107B, 108B, 109B, 110B, 111B, 112B, 113B, 114B, 115B, 120B, 140F, 201B, 202A, 203C, 301D, 302D, 303C, 304C, 305C, 306C, 307B, 308C, 309B, 330B Design & Access Statement (Rev. A), Planning Statement, Amenity/Open Space Assessment, Statement of Community Involvement, Site Investigation Report, Hydrological Report, Noise & Vibration Assessment, Sunlight & Daylight Study, Wind Study, Archaeological Desk Assessment, Energy Report, Sustainable Homes Report, Transport Assessment.	VALID DATE: 27/03/2009 EXPIRY DATE: 29/06/2009
APPLICANT: Turnhold Properties C/o Agent.	AGENT: CMA Planning 113 The Timberyard Drysdale Street London, N1 6ND
<p>PROPOSAL: S73 Application for the variation of condition 2 (development in accordance with approved plans) of planning permission 2008/3142 to permit development in accordance with revised plans, comprising changes to residential mix, internal layouts and minor elevation changes.</p> <p>NB: Members are requested to note that the matters under consideration are modifications to a previously approved planning application ref: 2008/3142.</p> <p>Application 2008/3142 permitted the: - "Clearance of the site and the construction of a part 5, part 14 storey building for a mixed use development to provide 83 square metres of A1, B1 and/or D1 use and 97 affordable residential units with associated car parking, refuse and landscaping."</p> <p>The modifications consist of the following:-</p> <ul style="list-style-type: none"> • Although the overall number of units remains the same, the mix of units size as approved is altered by this proposal as follows: <ul style="list-style-type: none"> - <i>Approved</i> - Social Rented - 11 x 1-bed, 5 x 2-bed, 23 x 3-bed, and 14 	

- x 4-bed (53 in total). Intermediate – 23 x 1-bed, 11 x 2-bed and 10 x 3-bed (44 in total); and,
- *Proposed* – Social Rented - 16 x 1-bed, 1 x 2-bed, 23 x 3-bed, and 14 x 4-bed (54 in total). Intermediate – 30 x 1-bed, 2 x 2-bed and 11 x 3-bed (43 in total).
- Additional 8 person lift added to the tower between ground and thirteenth floor.
 - Alterations to the arrangement of wheelchair accessible units throughout the development (overall this number of wheelchair accessible units from 11 to 12). In particular:
 - i) 5 no 3B/5P wheelchair accessible units to the lower building converted to 5 no 3B/6P non- wheelchair accessible units
 - ii) 4 no. 4B/7P wheelchair accessible units in lower building converted to 4 no 4B/8P non- wheelchair accessible units;
 - iii) 1 no 3B/5P unit to the ground floor converted to 1 no 3B/5P wheelchair accessible unit; and,
 - iv) 10 no 2B/4P units to the tower converted to 10 no 1B/2P wheelchair accessible units.
 - Alterations to the size of balconies across the development. In particular:
 - i) 39 projecting balconies increase in depth from 1200mm to 1500mm;
 - ii) 18 recessed balconies increase in depth from 1200mm to 1500mm.
 - 6 x 4B/6P duplex units to the lower floors to the north of the development re-configured to be south facing living rooms (at entry point).
 - Design of entrance to the communal cores altered.
 - Elevational alterations including re-position of windows/balconies to reflect the other alterations detailed above.

POST SUBMISSION REVISIONS:
 The mix of wheelchair accessible units has been altered from 10 x 1-bed units as originally submitted, to 1 x 4-bed, 1 x 3-bed and 10 x 1-bed units

RECOMMENDATION SUMMARY:
Grant conditional planning permission subject to S106 legal 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 (Size)
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Existing	-	Vacant				
Proposed	C3	Residential (7668 m ²)				
	A1, B1, D1	Commercial (83m ²)				
RESIDENTIAL USE DETAILS:						
Existing:	0					
Proposed:		No. of Bedrooms per Unit				
		1	2	3	4	5
Affordable	97	46	3	34	9	0

PARKING DETAILS:	Parking Spaces (General)	Parking Spaces (Disabled)	Bicycle storage
Existing	0	0	0
Proposed	0	3	125

CASE OFFICER'S REPORT

1. SITE CONTEXT

- 1.1 The site is 0.23 hectares and is located at the junction of Digby Road and Berger Road, to the immediate south-west of Homerton Overground Station.
- 1.2 The railway line runs to the north of the site, and to the north of the railway, this part of Homerton is characterised by a mixture of two-storey warehouse type buildings of no prevailing style or quality. Those in use are occupied by low intensity uses. Directly opposite the site across the railway is a recently completed 12-storey block. To the South of the railway line high-density housing exists at approximately ten-storeys in height. Gilby House directly south of the site is nine-storeys in height plus a plant room. To the east, lower density flats and houses exist. A two-storey school is located to the west of the site.
- 1.3 The surrounding area contains a mix of buildings styles and uses. The area to the north of the railway is characterized by warehouses and industrial buildings. They differ in height, scale and style. On the southern side of the railway, where the site is located, the buildings are mainly residential, with 1960's and 1970's tower blocks ranging from five-storeys in height to 10-storeys.

2. CONSERVATION IMPLICATIONS

- 2.1 The site is not located in any Conservation Area. No statutorily or locally listed buildings are affected by the proposal.

3. HISTORY

- 3.1 Planning permission was approved on 20 March 2009 (following consideration of the application 11 March 2009 planning committee) for the clearance of the site and the construction of a part 5, part 14 storey building for a mixed use development to provide 83 square metres of A1, B1 and/or D1 use and 97 affordable residential units with associated car parking, refuse and landscaping.

- 3.2 January 2009 - Application *withdrawn* (ref: 2008/1993) for the clearance of the site and the erection of a part one to fourteen storey building for a mixed use development to provide 64 square metres of A1, A2, B1 and/or D1 use and 98 residential units including affordable housing with associated car parking, refuse and landscaping.
- 3.3 July 2005 – Application *refused* (ref: 2005/0704) for erection of a multi-storey building rising from an 8-storey base to 19-storeys to provide 187 residential units, comprising 76 x 1 bedroom, 93 x 2 bedroom, 14 x 3 bedroom, 2 x 4 bedroom and 2 x 4+ bedroom units together with the provision of 35 on-site car parking spaces and landscaped external public amenity space. The reasons for refusal can be summarised as:
- Out of scale and character with the surrounding area due to its height, scale, bulk, design and appearance;
 - Overbearing relationship with the Grade II listed St Barnabas Church;
 - Inappropriate mix of dwelling sizes;
 - Impact on amenities of residents of Digby House and the Berger Primary School playing grounds by way of overshadowing, and loss of light;
 - Failure to justify the level of affordable housing, and;
 - Failure to provide required education contributions, and highway works via way of a S106/S278 agreement.

4. CONSULTATIONS

- 4.1 Date Statutory Consultation Period Started: 06/04/2009
- 4.2 Date Statutory Consultation Period Ended: 27/04/2009
- 4.3 Site Notice: Yes
- 4.4 Press Advert: Yes
- 4.5 922 letters were sent to adjacent occupiers. One letter of objection and one letters of neither support or object were received. A letter of support has also been received from a representative of Berger Primary School. The grounds of objection were as follows:
- Loss of light.
 - Loss of view.
 - Height of block.
 - Impact on property values.
- 4.6 **Local Groups**
- 4.6.1 London Fire & Emergency:
Satisfied with proposal.

4.6.2 Crime Prevention Design Advisor:
No comments received.

4.6.3 Primary Care Trust (NHS):
No comments received.

4.6.4 Invest in Hackney:
No comments received

4.6.5 The Hackney Society:
No comments received

4.6.6 The Learning Trust:
No comments received.

4.7 **Statutory consultees**

4.7.1 GLA/Mayor of London:
Subject to the inclusion of the previously agreed conditions and S106 agreement (as per application 2008/3142) the application is considered not to raise any strategic concerns and therefore Hackney can proceed to determine the application without further referral to the GLA.

4.7.2 Environment Agency:
No comments received (NB: Previous comments to application 2008/3142 can be found in the Committee Report at Appendix 1)

4.7.3 Channel Tunnel Rail Link:
No comment received (NB: Previous comments to application 2008/3142 can be found in the Committee Report at Appendix 1)

4.7.4 Cross Rail:
Do not wish to make any comments.

4.7.5 London Overground:
No comments received.

4.7.6 Network Rail:
No comments received.

4.7.7 English Heritage:
Application should be determined in accordance with national and local guidance and Council's specialist conservation advice.

4.7.8 Thames Water:
No objection to the scheme.

4.7.9 TfL
As per the GLA comments above.

4.8 Other Council Departments

4.8.1 Sustainability and Design:

No concerns raised with the proposed amendments. (NB: Previous comments to application 2008/3142 can be found in the committee report at Appendix 1)

4.8.2 Highways:

No comments received

4.8.3 Transportation:

No objection as the proposed variation does not involve changes to the transport conditions of the permitted scheme. (NB: Previous comments to application 2008/3142 can be found in the committee report at Appendix 1)

4.8.4 Policy:

No comments received.

4.8.5 Pollution:

No comments received. (NB: Previous comments to application 2008/3142 can be found in the committee report at Appendix 1)

4.8.6 Waste management:

No comments received. (NB: Previous comments to application 2008/3142 can be found in the committee report at Appendix 1)

4.8.7 Building Control:

No comments received.

4.8.8 Landscape Officer:

No comments received.

4.8.9 Partnership and Investment (Housing Associations)

A positive is that the number of family sized units remains the same for the social rented housing, and a new three bed unit is provided for intermediate housing. However a concern is raised with regards to a further increase in the number of 1-bedroom units as part of the mix of the development and the loss of 2-bed units.

There is also a concern with regards to the provision of wheelchair accessible units as initially only 1-bedroom units, whereas there is a requirement within the borough for a mix of unit sizes for wheelchair accessible units, particularly for 3 bedroom units. Presently the largest need in the Borough for wheelchair accessible units in the borough is for 1 and 3-bed units, followed by 2-bed and then 4 and 6 bed units. Normally, there is a greater requirement for 2-bed units.

(NB: The provision of wheelchair accessible units has been altered from the initial proposal as discussed in the 'Post Submission Revision' section above).

5. POLICIES

5.1 Hackney Unitary Development Plan (UDP) (1995)

- EQ1 – Development Requirements
- EQ32 – Shopfronts and Shop Signs
- EQ40 – Noise Control
- EQ41 – Development close to existing sources of noise
- EQ46 – Recycling Facilities
- EQ48 – Designing out Crime
- E3 – Development outside of Defined Employment Areas
- E18 – Planning Standards
- R4 – Local Shops
- HO3 – Other sites for Housing
- TR19 – Planning Standards
- ACE1 – New Arts, Culture and Entertainment Development

5.2 Supplementary Planning Guidance /Document

- SPG1 – New Residential Developments

5.3 Local Development Framework (LDF)

- SPD – Planning Contributions Supplementary Planning Document (2006)
- SPD – Affordable Housing (2005)

5.4 London Plan (2008 - 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.8 – Definition of Affordable Housing
 - 3A.9 – Affordable Housing Targets
 - 3A.10 – Negotiating Affordable Housing
 - 3A.11 – Affordable Housing Thresholds
 - 3A.17 – Addressing the Needs of London's Diverse Population
 - 3C.1 – Integrating Transport and Development
 - 3C.2 – Matching Development to Transport Capacity
 - 3C.3 – Sustainable Transport in London
 - 3C.23 – Parking Strategy
 - 4A.1 – Tackling Climate Change
 - 4A.3 – Sustainable Design and Construction
 - 4A.7 – Renewable Energy
 - 4A.22 – Spatial Policies for Waste Management
 - 4B.1 – Design Principles for a Compact City
 - 4B.3 – Enhancing the Quality of the Public Realm
 - 4B.5 – Creating an Inclusive Environment
 - 4B.6 – Safety, Security and Fire Prevention and Protection
 - 4B.8 – Respect Local Context and Communities
- Housing SPD 2005

5.5 National Planning Policies

PPS1	–	Creating Sustainable Communities
PPS3	–	Housing
PPS10	–	Planning for Sustainable Waste Management
PPS12	–	Local Spatial Planning
PPG13	–	Transport
PPS22	–	Renewable energy
PPS23	–	Planning and Pollution Control
PPG24	–	Planning and Noise

6. COMMENT

6.1 Introduction

6.1.1 Planning permission is sought to vary the approved plans (as detailed in condition 2 of planning permission 2008/3142) and to allow the development to commence in accordance with substituted plans.

6.1.2 The massing, height, general external appearance, and layout of the development are unaltered by the proposal. The number of units approved (97 in total) under permission 2008/3142 also remains the same, as does the percentage split between intermediate and social rented (45/55%).

6.1.3 There are, however, a number of material alterations to the scheme, which need to be considered as part of this application. These include:

1. External alterations to the positioning of windows and recessed balconies (and hence the external appearance of the building);
2. Increase in the width of a number of balconies; and,
3. Alterations to the mix of units in terms of bedspace (these are as listed under 'Proposal' section above).

6.1.4 The applicant's agent has outlined that these alterations have occurred due to a number of specific requirements that have come from Network HA. This includes the need to provide a second lift into the 14-storey tower element of the development (and as a contingency if one is temporarily out-of-use), which has had the knock-on effect of reducing the size, and therefore bed-spaces of a number of units. Network HA also require that any wheelchair accessible unit are either accessed at ground floor, or for any unit at the upper floors are accessed from two lifts – and this has led to the conversion of a number of the units within the tower to be wheelchair accessible.

6.1.5 A further requirement of Network HA is that the internal layout of a number of units are altered to arrange for the living rooms to be south-facing. This alters the external appearance of the proposal as it results in recessed balconies that were located in the north elevation replacing windows in the south elevation and vice versa.

6.2 Assessment of the Amendments

External Alterations

6.2.1 Overall, the external alterations are minimal in nature and have no significant impact on the appearance of the development as previously approved. They are required to facilitate internal alterations to the proposal, which will also improve the residential amenity of future occupiers and providing living rooms and balconies which are south facing.

6.2.2 In addition, the alterations have been reviewed by Council's Design Officers and no concerns were raised.

Increase in the Depth of Balconies

6.2.3 39 projecting balconies and 18 recessed balconies will increase in width from 1200mm to 1500mm. For those units with projecting balconies this will be a positive as it increase the amount of external amenity space and improves the usability of the balconies. For the units with recessed balconies, although this has a converse decrease in the internal floorspace of the units, this is nominal (and minimum room space requirements are still all met) and this is acceptable as it can be balanced against the improvement in the orientation of the balconies and increase in their size.

Mix of Units and Wheelchair Accessible Units

6.2.4 The introduction of an additional lift to the tower leads to a number of 2-bedroom units having to be re-configured as 1-bedroom units in the tower element of the proposal. These are generally altered to be wheelchair accessible as they also benefit from being directly accessible from two lifts. This increases the proportion of 1-bedroom units as part of the scheme to a level which would normally be a concern (from 35% to 47%). However, as this is required to address a justifiable concern with the internal accessibility of the development, and it is for the delivery of a 100% affordable housing scheme, it is, on balance, acceptable.

6.2.5 The proposal also results in the loss of nine larger family-sized wheelchair accessible units and their replacement with 10 x 1-bed, 1 x 3-bed and 1 x 4-bed wheelchair accessible units. As this is reasonably aligned with current need for wheelchair accessible units in the borough, complies with London Plan policy for the provision 10% of all units as wheelchair accessible, and all other units are built to Lifetime Homes standards, this is considered an accessible mix.

6.3 Response to objectors

6.3.1 Loss of light: The applicant has provided a 'Daylight and Sunlight' report which confirms that BRE standards. This was discussed and considered at paragraphs 6.3.2 and 6.3.4 of the committee report from application 2008/3142 (Appendix 1). As the development as proposed by this application remains of the same height, bulk, and mass it is considered that this can not be a reason for refusing the application.

6.3.2 Loss of view: This is not a material planning consideration.

6.3.3 Height: The height of the proposed development is not altered from that as approved under application 2008/3142, and therefore it is not a relevant

consideration for the determination of this application.

6.3.4 Impact on property values: This is not a material planning consideration.

6.5 Planning Contributions

6.5.1 The planning contributions sought remain the same as for application 2008/3142 (except for a slight increase in the education and libraries contribution to reflect the alteration to the mix of units) and are as detailed at Recommendation B below.

7 CONCLUSION

7.1 Overall, the amendments have either a positive or negligible impact on the proposed development, and therefore the proposal remains acceptable in terms of design, bulk, scale, and massing, and will not materially impact on the amenity of the surrounding properties. As such, the proposed development is considered compliant with pertinent policies saved in the Hackney UDP (1995), the London Plan (Consolidated with Alterations since 2004), and national planning policies. Accordingly, the granting of planning permission is recommended.

8. RECOMMENDATIONS

8.1 Recommendation A

That permission be GRANTED, subject to the following conditions:

8.1.1 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 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.

Design & Appearance

8.1.3 Materials to be approved (entire site)

Details, including samples, of materials to be used on the external surfaces of the building, boundary walls, gates and ground surfaces shall be submitted 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.

8.1.4 Further details of be Submitted and Approved

Detailed drawings/full particulars showing the following matters set out below must 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 the modifications thus approved:-

- b) Details of adequate screening to the child playspace area
- c) Details of the lighting facilities, canopies, and entrance/waiting spaces to the residential entrance.

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 and, to ensure that the playspace area is a safe environment to use.

8.1.5 Landscaping Scheme to be approved

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

8.1.7 Provision of landscaping as approved

The landscaping hereby approved as part of the development 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 is to include the replacement of any plants that die, or are severely damaged, seriously 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.

8.1.8 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. Details of any additional pipework required shall be submitted and approved in writing by the Local Planning Authority before any building works commence. 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.

8.1.9 Details of roof plant

Full details of all the roof plant enclosures (plans/sections and elevations) shall be submitted and approved in writing by the Local Planning Authority before any building works commence. 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.

Transport

8.1.10 Parking for persons with disabilities

Before the use hereby permitted first commences the 3 disabled car parking spaces shall be provide for use by the vehicles of persons with disabilities as located on drawing number 0735 (PL) 101C.

REASON: In order to ensure that a reasonable minimum of parking spaces are located for persons with disabilities prior to occupation.

8.1.11 Provision for cycles

Secure, covered parking shall be provided for at least 125 bicycles in the form of Sheffield Stands or a suitable alternative, as shown on the plans hereby approved, before use of the development hereby permitted commences.

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

8.1.12 Marking parking areas

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

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

8.1.13 Parking

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

8.1.14 Parking

Parking of vehicles shall only be carried out on the areas identified for parking on the plans hereby approved, and not on any other area of the site.

REASON: In the interests of orderly and satisfactory parking provisions being made on the site to ensure that the proposed development does not prejudice the visual amenity of the scheme.

General Conditions

8.1.15 Noise

(i) The building shall be constructed so as to provide sound insulation against external noise, to achieve levels not exceeding 30dB LAeq (23:00 to 07:00) and 45dB LAm_{ax} (measured with F time-weighting) for bedrooms between 23:00 to 07:00, 35dB LAeq (07:00 to 23:00) for other habitable rooms, with windows shut and other means of ventilation provided.

(ii) The development shall not commence until details of a sound insulation scheme complying with paragraph (i) of this condition have been submitted to and approved in writing by the local planning authority.

(iii) The development shall not be occupied until the sound insulation scheme approved pursuant to paragraph (ii) of this condition has been implemented in its entirety. Thereafter, the sound insulation scheme shall be maintained in perpetuity.

REASON: To ensure a pleasant residential environment is provided for potential occupiers.

8.1.16 Construction Method Statement

Full details of a work method statement for demolition and construction, including control measures to minimise noise and dust emissions, hours of work, wheel washing facilities, and details for the disposal of materials from the site shall be submitted to, and approved by, the Local Planning Authority prior to commencement of any construction/clearance work on the site. The development, including disposal of materials from the site, shall in all respects be carried out in accordance with the approved details.

REASON: To safeguard the amenities of neighbouring properties and the area generally during construction.

8.1.17 Details of refuse storage enclosure

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

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

8.1.18 Ecological roofs

Full details of the proposed bio-diverse, substrate based (75mm minimum depth) extensive green roofs and walls, to include a detailed maintenance plan, shall be submitted to and approved by the Local Planning Authority, in writing, before construction commences. The development shall not be carried out otherwise than in accordance with the details thus approved.

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

8.1.19 Secured by Design

The development shall achieve a Certificate for Compliance to Secure by Design or alternatively achieve Secure by Design standards to the satisfaction of the Metropolitan Police, details of which, to include consultation with the police during the construction period, shall be provided in writing to the Local Planning Authority within one month of the completion date.

REASON: To provide a safer environment for future residents and visitors to the site and reduce the fear of crime.

8.1.20 Level Access

A level access shall be provided to all ground floor units hereby approved before the use is first commenced.

REASON: In order to ensure that people with disabilities are able to gain proper access to the development.

8.1.21 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.

8.1.23 Shopfront details to be approved

Details of the proposed shopfront on drawings on a scale of 1:50, together with materials used in construction, shall be submitted to and approved by the Local Planning Authority, in writing, before any work is commenced on this part of the development. The shopfront shall include additional glazing on the angled wall facing Berger Road. The development shall not be carried out otherwise than in accordance with the details thus approved.

REASON: To ensure that the design of the shopfront is not detrimental to the appearance of the building.

8.1.24 Sustainable Urban Drainage

No development shall take place until details of the implementation, maintenance and management of the sustainable urban drainage scheme have been submitted to and approved by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- i. a timetable for its implementation, and
- ii. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable urban drainage scheme throughout its lifetime

8.1.25 Restriction of Use

The ground floor commercial premises hereby approved shall be only used for:

Use Class A1 (Retail);

Use Class A2 ((a) financial services, or (b) professional services);

Use Class D1 ((a) for the provision of any medical or health services, (b) as a crèche, day nursery or day centre, (c) for the provision of education, (d) for the display of works of art (otherwise than for sale or hire), (e) as a museum, (f) as a public library or public reading room);

Use Class B1 (Business).

and for no other purposes including any other purposes in Classes A1, A2, D1, or B1 of the Schedule to the Town and Country Planning (uses Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order.

REASON: In the interest of general residential amenity

8.2 Recommendation B

That the above recommendation be subject to the applicant, the landowners and their mortgagees entering into a section 106 agreement in order to secure the following matters to the satisfaction of the Assistant Director of Regeneration and Planning and the secretary and solicitor to the Council:

- 8.2.1 To secure the provision of 100% of units as affordable housing, with a split of 55%:45% socially rented/intermediate.
- 8.2.2 That the provision of 100% (97 units) affordable housing be secured by Network Housing Association or another RSL approved by the Council, providing 53 social rented units and 44 intermediate units.
- 8.2.3 Payment by the landowner/developer of an education and libraries contribution of £292,409.46 with respect to anticipated child yield from the additional residential housing units being provided in accordance with the DFES cost of providing a school place.
- 8.2.4 Payment by the landowner/developer of an open space/child playspace contribution of £4,454.24 towards the supply and quality of open space in the immediate locale.
- 8.2.5 A contribution of £129,544 towards public realm and highways works in the vicinity of the site. This will comprise of:
 - The signing of a Section 278 legal agreement under the Highways Act to pay the Council for required works to the highway. Unavoidable works required to be undertaken by Statutory Services will not be included in London Borough of Hackney estimate or payment (£79,544).
 - A contribution directed towards the improvements in the public realm within the vicinity of the site to improve the public realm in the local area to encourage walking and cycling (£50,000).
- 8.2.7 All residential units to be built to Lifetime Home standards.
- 8.2.8 Commitment to the Council's local labour and construction initiatives (25% on site employment).
- 8.2.9 Achievement of a level 3 rating, with all reasonable endeavours to achieve level 4, under the proposed Code for Sustainable Homes.
- 8.2.10 20% reduction in carbon emissions over the whole site through the use of renewable energy sources and use of low energy technology.
- 8.2.11 Considerate Constructors Scheme – the applicant to carry out all works in keeping with the National Considerate Constructors Scheme.
- 8.2.12 At least 10% of units provided shall be wheelchair accessible.
- 8.2.13 A Green Travel Plan to include servicing of the site, to be submitted to and agreed with the Council, to include the provision of a car share scheme and a provision for annual review.

- 8.2.14 Provision to allow the placement of street lighting on the proposed buildings where appropriate.
- 8.2.15 Best endeavours to provide a car club parking space.
- 8.2.16 Parking shall only take place on the parking spaces shown on the approved drawings, and not on any other area of the site.
- 8.2.17 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 Recommendation C

That in the event of the Section 106 agreement referred to in Recommendation B not being completed by 23rd March 2009, the Assistant Director of Regeneration and Planning 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 H03 of the Hackney Unitary Development Plan, Affordable Housing SPD (2005), Policies 3A.1, 3A.2, 3A.3, 3A.5, 3A.6, 3A.8 and 3A.9 of the London Plan, and advice contained in PPS1 and PPS3.
- 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 Policy EQ1 of the Hackney Unitary Development Plan, Planning Contributions SPD (2006), and Policy 3A.24 of the London Plan.

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; EQ48 – Designing out Crime; HO3 – Other sites for Housing; TR19 – Planning Standards; SPG1 New Residential Development; SPD Affordable Housing; SPD Planning Contributions.

The following policies contained in the London Plan 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.8 – Definition of Affordable Housing; 3A.9 – Affordable Housing Targets; 3A.10 – Negotiating Affordable Housing; 3A.11 – Affordable Housing Thresholds; 3A.17 – Addressing the Needs of London's Diverse Population; 3C.1 – Integrating Transport and Development; 3C.2 –

Matching Development to Transport Capacity; 3C.3 – Sustainable Transport in London; 3C.23 – Parking Strategy; 4A.1 – Tackling Climate Change; 4A.3 – Sustainable Design and Construction; 4A.7 – Renewable Energy; 4A.22 – Spatial Policies for Waste Management; 4B.1 – Design Principles for a Compact City; 4B.3 – Enhancing the Quality of the Public Realm; 4B.5 – Creating an Inclusive Environment; 4B.6 – Safety, Security and Fire Prevention and Protection; 4B.8 – Respect Local Context and Communities; Housing SPD 2005.

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 1971
- SI.28 Refuse Storage and Disposal Arrangements
- SI.34 Landscaping
- NSI With regard to surface water drainage, it is the responsibility of the developer to make proper provision for drainage. Contact Thames Water, Ph. 0845 850 2777, for further information.
- NSI Thames Water will aim to provide customers with a minimum pressure of 10m head (approx. 1 bar) and a flow rate of 9 litres/minute and the point where it leaves Thames Water's pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- NSI Surface water management should utilise sustainable drainage techniques (SUDS), in accordance with the SUDS management train (Ciria C909). Please contact the Environment Agency for further details.
- NSI Care should be taken to ensure that no debris or other materials can fall onto Network Rails land. Approval must be obtained from Network Rails Outside Parties Engineer.
- NSI Any scaffold which is to be constructed adjacent to the railway must be erected in such a manner that at no time will any poles or cranes over-sail or fall onto the railway. All plant and scaffolding must be positioned, that in the event of failure will not fall on Network Rail land.
- NSI Consultation required on any alterations to ground levels. Should be noted that Network Rail concerned about excavations within 10 metres of the boundary with the operational railway and will need to be assured that the construction of the foundations and footings will not impact on the stability of the railway. A full method statement must be supplied and agreed with Network Rail's Outside Party Engineer.

- NSI NR not aware whether any PPG24 noise and vibration assessment has been carried out for this location. Amenity will need to be addressed.
- NSI Additional flows of surface water must not be discharged onto NR land nor into NR culverts or drains. Soak ways should not be constructed within 10metres of the boundary with the operational railway.
- NSI 1.8 metre high fence should be constructed to avoid trespass and vandalism and provide acoustic insulation for the residential units.
- NSI To ensure residential units built without encroachment onto operational railway line all buildings and structures should be set back at least 2 metres from boundary with operational railway or at least 5 metres for overhead power lines. Landscape details along railway corridor to be submitted.



Signed..... Date: 1 June 2009

Stephen Douglas
DIRECTOR, NEIGHBOURHOODS & REGENERATION

NO.	BACKGROUND PAPERS	NAME AND TELEPHONE EXTENSION OF ORIGINAL COPY	LOCATION CONTACT OFFICER
1.	Hackney UDP (1995) and the London Plan	Ian Bailey (020 8356 8442)	263 Mare Street, London E8 3HT