

Planning Sub-Committee – 11/03/2009

ADDRESS: Digby Road / Berger Road, Homerton, London E9 5SB	
WARD: Chatham	REPORT AUTHOR: Ian Bailey
APPLICATION NUMBER: 2008/3142 DRAWING NUMBERS: 0735 (PL) 001, 011, 100B, 101C, 102B, 103A, 104A, 105A, 106A, 107A, 108A, 109A, 110A, 111A, 112A, 113A, 114A, 115A, 120A, 140C, 201A, 202, 203A, 301B, 302C, 303B, 304B, 305B, 306A, 307A, 308B, 309A, 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: 22/12/2008 EXPIRY DATE: 23/03/2009
APPLICANT: Turnhold Properties C/o Agent.	AGENT: CMA Planning 113 The Timberyard Drysdale Street London, N1 6ND
PROPOSAL: 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 (Social Rented - 11 x 1-bed, 5 x 2-bed, 23 x 3-bed, and 14 x 4-bed. Intermediate – 23 x 1-bed, 11 x 2-bed and 10 x 3-bed) with associated car parking, refuse and landscaping.	
POST SUBMISSION REVISIONS: <ul style="list-style-type: none"> • Disabled car-park numbers on Berger Road reduced from 5 to 3 to reduce vehicle crossovers and improve courtyard space. • Glazing of shopfront increased to angled wall. 	
RECOMMENDATION SUMMARY: Grant conditional planning permission subject to S106 legal agreement, and referral to the Mayor of London.	

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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)				
Existing	-	Vacant				
Proposed	C3	Residential				
	A1, B1, D1	Commercial (83m ²)				
RESIDENTIAL USE DETAILS:						
Existing:	0					
Proposed:		No. of Bedrooms per Unit				
		1	2	3	4	5
Affordable	97	34	16	33	14	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. The site was undeveloped until the late 19th century when terraced housing and a public house were built on the site. By the early 1970's all buildings within the site had been demolished and were replaced by temporary gardens. Currently the site is cleared and disused.

- 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.

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- 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.
- 1.4 The site has very good access to public transport, with a PTAL Rating (a calculation based on the proximity, range and frequency of public transport services) of 4. It is located next to Homerton Overground Station which is on the Stratford-Richmond London line. It is also within walking distance of public bus services providing 46 buses per hour in each direction together on a weekday. Bus stops with shelters are located within 210 metres of the site. The range of public transport services available will ensure this form of transport will prove to be attractive to residents of the proposed development.

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 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.
- 3.2 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

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- 4.1 Date Statutory Consultation Period Started: 30/12/2008
- 4.2 Date Statutory Consultation Period Ended: 20/01/2009
- 4.3 Site Notice: Yes
- 4.4 Press Advert: Yes
- 4.5 922 letters were sent to adjacent occupiers. Six letters of objection and four letters of support were received.
The grounds of objection were as follows:
- Increase in crime due to commercial unit.
 - Noise.
 - No need for further commercial units.
 - Over-development.
 - Parking.
 - Loss of light.
 - Loss of privacy.
 - Height of block.
 - Impact on property values.
 - Loss of view.
- 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:
Due to the height of the building being above 30m, it has been referred to the Mayor of London. In consideration of the application the GLA has provided a

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'Stage 1' report and concluded that the Mayor considers that, subject to the inclusion of a number of planning conditions and section 106 contributions, the application would comply with the London Plan. (For information, Transport for London have advised and provided comments for the Stage 1 report).

The specific conditions and S106 contributions that the GLA would require are as follows:

Child play space: The local planning authority should secure a financial contribution to improve older children play facilities in the local area.

Public Realm Improvements: TfL are seeking a financial contribution of £150,000 to improve the public realm in the local area to encourage walking and cycling.

Car parking: The local planning authority should secure a section 106 'car free' agreement to prevent future residents from obtaining local parking permits/contracts.

Sustainable Urban Drainage: The local planning authority should include an appropriate planning condition ensuring the provision of the proposed sustainable urban drainage techniques as set out in this report.

Construction logistics Plan: The local planning authority should secure the provision of a construction logistics plan through an appropriate planning condition.

Living Roofs: The local planning authority should include an appropriate planning condition requiring the installation and continued maintenance of the proposed green roof and living walls.

Employment: The local planning authority should include an appropriate planning condition requiring the provision of a local training and employment initiative.

If the Committee were to endorse the recommendation to approve the application it would be subject to a further period of referral to the Mayor (14 days) at which point it may be decided to either (i) allow the decision to proceed unchanged (ii) direct the council to refuse the application, or (iii) direct that the Mayor of London is to act as the Local Planning Authority for the determination of the application.

- 4.7.2 Environment Agency:
No objection to the application. Pleased to see Green roof, and provide informative regarding Sustainable Urban Drainage System.
- 4.7.3 Channel Tunnel Rail Link:
No impact on the Department for Transport, as such no comments.

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4.7.4 Cross Rail:

Do not wish to comment.

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. However, provide comments and informatives on drainage and waste.

4.7.9 ODA

Consulted as site is within the 2km buffer zone of the Olympics Site. Comments awaited.

4.7.10 TfL

As above, comments from TfL are incorporated into the GLA comments

4.8 **Other Council Departments**

4.8.1 Sustainability and Design:

The scheme is located on a triangular site, situated by Homerton Station and adjacent to the rail embankment, with the north east corner facing the station entrance to the east. The north-south pedestrian railway underpass located between the train station and the site also creates a movement node at the north-east corner of the site. Therefore, the scheme will play an important role in improving the image of Homerton Station and increasing the quality of the small square in front of the station.

Massing:

The massing presents dramatic changes in volume. A tower element (14-storeys) is proposed at the north-east corner, and successfully provides a very strong image as a landmark building, located by the train station and a pedestrian movement node. The massing is stepped down with a continuous pitched roof from the corner tower, along the railway boundary, to the 6-storey element on Digby Road. The continuity of the massing changes successfully transforms the scheme from a landmark building by the station into the friendly

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neighbourhood scale of Digby Road. The opening to the triangular courtyard faces the south side, (Berger Road), which avoids shade being cast on the green open space from the building.

Street Frontage & Landscaping:

In general, the scheme creates satisfactory street frontages. The corner tower with commercial use on the ground floor provides a welcoming façade facing toward the station square. The separate residential entrances, arranged along the street and the triangular semi-public space, provides a lively frontage. The provision of ground floor residential windows overlooking the street and the semi-public courtyard is also much appreciated. The size of the service entrances, however, has made them far more dominant than the residential entrances. It is suggested that the residential entrances could be further enhanced by lighting facilities, canopies, and well-defined entrance spaces/waiting areas. This can be addressed via condition should consent be granted.

The impact of car parking on the courtyard and the street frontage has been an issue. A revision to the scheme minimising the provision of parking spaces has successfully reduced this impact. However, the interruption of the pavement by the parking area should be mitigated. The pedestrian paving in front of the car parking should avoid the use of 'road-like' materials. This paving could use different materials from the other parts of pavement, but it should try to continue the footpath without interruption, and imply pedestrian priority. This can be addressed via condition should consent be granted.

The semi-public courtyard is semi-enclosed, with the opening on Berger Road to the south. The reduced provision of car parking minimises the impact on the landscaping. However, further details regarding the landscape design are required. It is not clear how the footpath works and what kind of urban furniture and paving will be provided. In addition, the treatment of the interface between the building and courtyard is not clear. The overlooked courtyard is encouraged, however, there are some issues including how the defensible space works regarding the privacy of those residential units, and how a friendly boundary treatment to the courtyard will be provided. A condition requiring a landscaping plan addressing these issues will be imposed on any grant of planning permission.

Elevations & Green Roof:

The contrast between the lighter 'shell' of terracotta cladding and the exposed darker 'base' of fibre cement cladding on the elevations is very successful. The green roof provides another interesting element, and softens the solid massing and elevations. It also provides potential habitat space and rooftop amenity space.

Internal Layout:

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The internal layout of the proposal is satisfactory. The double aspect flats are welcomed, and the lift lobbies shared by two flats per floor avoid long corridors. Each unit is provided either with private amenity space or a balcony, as well as the semi-public courtyard on the ground floor and the roof terrace. Unfortunately, some strangely angled internal spaces are inevitable due to the 'folded' elevations. Some other issues include small width dining rooms, however, the flats are of a good size and they generally meet the Council's space standards.

4.8.2 Housing:

Tenure mix of scheme is welcomed, as is the high provision of family units. Some concern over the prevalence of 1-bed units over 2-bed units.

4.8.3 Highways:

No objections. Provide details of works required under S278 Highways agreement.

4.8.4 Transportation:

Are generally happy with the proposal, providing that the applicant can demonstrate how the parking impact will be mitigated. The layout with 3 disabled parking places is acceptable, although it results in a wider vehicular crossover than we would normally approve it is acceptable given the overall improvements with regards to the layout of courtyard, and the previous proposal with proposed two-separate crossovers for 4 parking spaces. The requirement for 10 per cent disabled parking is not satisfied; 3 no. car parking places is below the 5 per cent disabled parking provision recommended by Department for Transport Manual for Streets 2007. Given the location of the site in relation to Homerton Station and Berger Primary School, and as a result the expected significant pedestrian movement along the adjoining footway in Berger Road, the Council's concern is that a wider vehicular crossing to accommodate additional parking spaces will bring about an unacceptable level of risk of vehicle/ pedestrian conflict. This is considered the best possible layout. If further parking is insisted on, the additional space taken up for parking might undermine good design.

The proposal has been put forward as a car-free development. However, the success of a car-free development relies on the Council securing through the s.106 agreement, an obligation which prevents residents of the development from being eligible for a permit to park on the adjoining public highway, where parking controls operate. A car-free agreement cannot be entered into with respect to the subject development proposal as the site is not located within a CPZ area i.e. no parking controls operate in the adjoining streets where cars associated with the site are likely to park. It is the view of Traffic and Transportation that the current on-street parking capacity is very low and therefore the parking demand generated by the proposal is likely to exceed the supply of on-street parking.

Traffic and Transportation recommends that the developer employs devices such as a travel plan with satisfactory monitoring arrangements, car club

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membership and a contribution to the provision of an on-street car club bay, conveniently located for use by residents of the development, in order to reduce the level of car-use likely to be generated by the proposal. One of the targets included in the travel plan should be percentage modal split in relation to car-use, which should not exceed the current on-street parking capacity. A corresponding measure in the Travel Plan is therefore required that the developer agrees to pay an agreed amount per car which exceeds this figure (subject to modal split survey taken every 6 months as part of the Travel Plan monitoring arrangements).

It is recommended that a sustainable transport contribution be sought towards public realm improvements in Digby Road/Berger Road and the possible introduction of some loading restrictions to improve traffic flows in Barnabas Road. Public realm improvements in Berger Road may constitute the implementation of a home zone type area along the frontage of the development, extending to the entrance to Homerton Station. A contribution of £50,000 is sought.

Traffic and Transportation has considered the constraints of the site in terms of the transport aspects, i.e. in design terms the footprint of the site does not lend itself to the provision of basement parking or a high provision of ground level parking. Furthermore, it is not possible to provide a basement, given the site's proximity to Homerton Station. Traffic and Transportation has taken a flexible approach in supporting the provision of 3 disabled car parking places. Traffic and Transportation considers this to be the right balance in achieving the best possible outcome for design, road safety and parking.

4.8.5 Policy:

No comments received.

4.8.6 Pollution:

Has reviewed the PPG 24 noise report for this application and can confirm the measurement has been undertaken as per PPG 24 guidelines. Recommend conditions to mitigate noise impacts on potential occupiers.

4.8.7 Waste management:

Suitable waste provision to be provided

4.8.8 Building Control:

No comments received.

4.8.9 Landscape Officer:

No comments received.

5. POLICIES**5.1 Hackney Unitary Development Plan (UDP) (1995)**

EQ1 – Development Requirements
EQ32 - Shopfronts and Shop Signs

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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
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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

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PPS12	–	Local Spatial Planning
PPG13	–	Transport
PPS22	–	Renewable energy
PPS23	–	Planning and Pollution Control
PPG24	–	Planning and Noise

6. COMMENT

Planning permission is sought 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 residential units including affordable housing with associated car parking, refuse and landscaping.

The main tower of the proposed building is located to the north east of the site, with an entrance addressing Berger Road, and the pedestrian underpass of the railway line that extends from Mackintosh Lane. The lower element of the development is then proposed to be constructed towards the north of site (perpendicular to the railway) and towards the Digby Road frontage completing two sides of the triangular site. The site will be open to Digby Road, with the remainder of the site given over to a ground floor courtyard and 3 disable car parking spaces accessed from Digby Road.

The main building form is proposed with an undulating roof line, with a varied building line. The majority of the roof is proposed as a green roof, and the west elevation of the tower, where the building changes from the 14-storey tower to the part five storey element, is proposed to be entirely 'living wall'. An element of the roof will be given over to an area for children's playspace.

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 Residential Amenity.
- 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 principle of a mixed use residential-led development, with a small commercial element is considered appropriate to this location. The new

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building and commercial unit will create a more active frontage on this stretch of road, leading to an improvement in the streetscene.

- 6.1.2 The scheme provides 34 x 1-bed flats, 16 x 2-bed flats, 33 x 3-bed flats, and 14 x 4-bed flats. It is considered that this provides a good mix of units, and therefore accords with UDP and London Plan Policies and SPD on Housing. The scheme provides 100% affordable housing with a split of 55%:45% in favour of social rented accommodation (53 units social rented, 44 units intermediate). This is considered acceptable in terms of mix and tenure, and is supported by the Council's Housing Team. The site is located in a predominantly residential area, with a mix of surrounding uses, and as such the development is considered to be compatible with surrounding uses.
- 6.1.3 The scheme provides 97 residential units, creating 318 habitable rooms. This results in a density of 1383 hr/ha (324 dwellings/ha). This is above the density level recommended in the London Plan for 'Urban' locations with good public transport accessibility levels (PTAL ratings of 4-6), which this site has with a PTAL rating of 4. However, the level is only a recommendation, and the scheme has an immediate access to public transport, and provides a good living environment for future residents. In addition the proposal provides an acceptable internal layout which provides for a good level of amenity for future residents, and accords with our SPG standards. As such, an exception can be considered acceptable in this instance.

6.2 Design and appearance of the proposed development

- 6.2.1 The application has been considered by Design Officers and in an earlier version has been presented to the Design Review Panel. In general, the feedback in relation to the scheme was positive (please see comments above) but it has been recognised that this is dependent upon the successful high-quality implementation of the development. As such, conditions are recommended which seek full submission of material and landscaping details to ensure that this potential realised.
- 6.2.2 Overall it is considered that the scheme represents a visually interesting response to the site constraints. The development of a tower element to the Digby Road represents a positive feature and relationship with the public realm towards Homerton Station. The height of the tower is also acceptable in the context of its position diametrically opposite the main tower structure at the recently implemented development at 2-46 Sedgwick Street.
- 6.2.3 The varied roofscape and building lines of the lower level building (those position to the north and west of the site) also add visual interest to the development and its built form. This will assist in reducing the overall mass of the building. As part of the scheme evolution a low level structure towards the Digby Road frontage has been removed, which has also assisted in reducing the scale of the building to a level that is now considered acceptable in this local context.

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- 6.2.4 In terms of ensuring the building is sustainable, a number of options have been considered for meeting the renewables requirements for the scheme. A biomass boiler in a community heating scheme has been proposed, which will reduce carbon emissions over the entire site by at least 20%. This is in accordance with The London Plan requirement of a 20% reduction in carbon emissions for new developments. It is recommended that a clause requiring this be included in the S106 legal agreement should consent be granted.
- 6.2.5 The scheme will meet Level 3 of the Code for Sustainable Homes. The London Borough of Hackney endeavours that all new developments target level 4. Therefore, this matter will be addressed via a Section 106 agreement and subject to this the matter of sustainability is considered to be acceptable.

6.3 Residential AmenityAmenity Provision:

- 6.3.1 The scheme provides a good level of amenity space, with all but one flat having either a garden or a balcony. In addition, a semi-public courtyard of 504m² is provided on the ground floor, and 690m² of roof terrace amenity space is provided on the 6th floor. This 6th floor terrace includes children's play space of 250m². This will be enclosed by perimeter fencing to the north elevation as the site is overlooking the railway line. Additionally, the landscaping of the site will be enhanced by the green wall and roofs.

Sunlight/Daylight

- 6.3.2 The site is well separated from all the adjoining properties. A daylight and sunlight assessment carried out in accordance with BRE (Building Research Establishment) Guidelines has been submitted (NB these are industry standard tests for ensuring an appropriate level of daylight and sunlight is maintained/provided to living accommodation).
- 6.3.3 In terms of daylight, 'vertical sky component' (VSC) tests were carried out for a number of reference points (including Berger Primary School, Gilby House, Risley House, and the recent development at 2-46 Sedgwick Street). A number of these points received VSC (Vertical Sky Component) results below recommended BRE levels. These were then further assessed under average daylight factor (ADF) tests. This test indicates that for habitable room windows the internal light conditions at these reference points will remain above recommended BRE targets.
- 6.3.4 With regard to sunlight, the report concludes that there will be a marginal reduction in sunlight reaching one ground level point, which only failed in the winter months by 2%. Most façade assessment points meet recommendations, with the exception of three points, however, these are bedroom windows which have a low requirement for sunlight. Although the scheme will result in a marginal impact on the sunlight reaching some points, it is not considered sufficient to justify refusal on these grounds.

Planning Sub-Committee – 11/03/2009Loss of Privacy

- 6.3.5 The separation between the proposed lower-level building and those existing buildings to the south is at least 18 metres. At this point, windows in the proposed development will be facing onto the front of the southern building. The tower block is over 40 metres from this building to the south. The railway line and embankment separates the proposed building from buildings to the north. Additionally, in a built up and urban environment, these distances exceed requirements, and are considered to be acceptable, with no loss of privacy resulting from the development.

Overbearing/Enclosure

- 6.3.6 As discussed above, the proposal is well separated from all surrounding properties. While it is acknowledged that due to the sheer height of the proposed building a perceived increase in the sense of enclosure may occur, this proposal, within the context of a built up urban environment, will not cause significant harm to residential amenity.

Noise

- 6.3.7 As the proposal is for a predominantly residential use, there is not likely to be any significant increase in noise over and above that already experienced in a residential area. A noise issue arises due to the proximity of the building to the railway. Conditions are recommended for inclusion on any grant of planning permission requiring suitable sound insulation measure be incorporated in the scheme. This will serve to mitigate any noise impacts on occupiers from the railway. Additionally, as most flats are adjacent to the railway are dual aspect, therefore the noise impact can be mitigated.

6.4 Traffic and transport considerations

- 6.4.1 The site has a PTAL rating of 4. The site is therefore considered to have good sustainable transport characteristics, being highly accessible by public transport. The site is located within the maximum recommended walking distance (approximately 50 metres) to Homerton Station to the north east, and therefore has good accessibility to Highbury & Islington Station to the west and Stratford Station to the east and connections beyond. The site is also well served by several bus routes in Homerton High Street, which offer alternative connectivity to the London Underground & Rail Network and the City.
- 6.4.2 The Council's Highways officer has been consulted on the proposal and has raised no objections, outlining the highway works required, and the amount of contribution requested. These requirements have been secured under the Heads of Terms in the S106 legal agreement.
- 6.4.3 The Council's Transport department have been consulted on the proposal and state they are generally happy with the proposal, providing that the applicant

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can demonstrate how the parking impact will be mitigated. The layout with 3 disabled parking places is acceptable, although it results in a wider vehicular crossover than we would normally approve. Traffic and Transportation has taken a flexible approach in supporting the provision of 3 disabled car parking places. Traffic and Transportation considers this to be the right balance in achieving the best possible outcome for design, road safety and parking.

- 6.4.4 The proposal has been put forward as a car-free development. However, a car-free agreement cannot be entered into with respect to the subject development proposal as the site is not located within a CPZ area. The Transport Department recommends that the developer employs devices such as a travel plan with satisfactory monitoring arrangements, car club membership and a contribution to the provision of an on-street car club bay, in order to reduce the level of car-use likely to be generated by the proposal. One of the targets included in the travel plan should be percentage modal split in relation to car-use, which should not exceed the current on-street parking capacity. This will help to mitigate the impacts of the scheme on parking in the area. As such, this is recommended as a clause in the S106 Legal Agreement, should consent be granted.
- 6.4.5 The Transport Department also recommends that a sustainable transport contribution be sought towards public realm improvements in Digby Road/Berger Road and the possible introduction of some loading restrictions to improve traffic flows in Barnabas Road. Public realm improvements in Berger Road may constitute the implementation of a home zone type area along the frontage of the development, extending to the entrance to Homerton Station. This is recommended as a clause in the S106 Legal Agreement, should consent be granted.

6.5 Response to objectors

- 6.5.1 Noise: This issue has been addressed in section 6.3.7 of this report.
- 6.5.2 No need for further commercial units: The new building and commercial unit will create a more active frontage on this stretch of road, leading to an improvement in the streetscene.
- 6.5.3 Increase in crime due to commercial unit: The improved street scene will lead to improved natural surveillance. Additionally, the scheme will be required to achieve 'Secured by Design' certification.
- 6.5.4 Over-development: This issue has been addressed in section 6.1.3 of this report.
- 6.5.5 Parking: This issue has been addressed in section 6.4.3-6.4.4 of this report.
- 6.5.6 Loss of light: This issue has been addressed in section 6.3.3-6.3.4 of this report.
- 6.5.7 Loss of privacy: This issue has been addressed in section 6.3.5 of this report.

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6.5.8 Height: This issue has been addressed in section 6.2.2 of this report.

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

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

6.6 Planning Contributions

6.6.1 The following matters are being sought as part of the Section 106 legal agreement to offset the impact of the development proposal:

- To secure the provision of 100% of units as affordable housing, with a split of 55%:45% socially rented/intermediate.
- 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.
- Payment by the landowner/developer of an education and libraries contribution of £290,659.79 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.
- Payment by the landowner/developer of an open space/older child playspace contribution of £4,454.24 towards the supply and quality of open space in the immediate locale.
- Payment by the landowner/developer of a sustainable transport/public realm improvements contribution towards works to the public highway.
- 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).
- All residential units to be built to Lifetime Home standards.
- Commitment to the Council's local labour and construction initiatives (25% on site employment).

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- Achievement of a level 3 rating, with all reasonable endeavours to achieve level 4, under the proposed Code for Sustainable Homes.
- 20% reduction in carbon emissions over the whole site through the use of renewable energy sources and use of low energy technology.
- Considerate Constructors Scheme – the applicant to carry out all works in keeping with the National Considerate Constructors Scheme.
- At least 10% of units provided shall be wheelchair accessible.
- A Green Travel Plan to include servicing of the site, to be submitted to and agreed with the Council, to include best endeavours for the provision of a car share scheme and a provision for annual review.
- Best endeavours to provide a car club parking space.
- Provision to allow the placement of street lighting on the proposed buildings where appropriate.
- Parking shall only take place on the parking spaces shown on the approved drawings, and not on any other area of the site.
- 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.

7. CONCLUSION

- 7.1 The proposal is considered 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

Recommendation A

- 8.1 **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.

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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:-

- a) Details of adequate screening to the child playspace area
- b) 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

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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.

Planning Sub-Committee – 11/03/2009**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.

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(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

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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

Planning Sub-Committee – 11/03/2009**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

Recommendation B

- 8.2 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 £290,659.79 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).

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- 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.

Recommendation C

- 8.3 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.

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- 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

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- 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**.....

Fiona Fletcher Smith
DIRECTOR, NEIGHBOURHOODS & REGENERATION

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