

ADDRESS: 57-63 and 67-71 Kingsland Road, London, E2 8AG	
WARD: Haggerston	REPORT AUTHOR: Rokos Frangos
APPLICATION NUMBER: 2009/0691	VALID DATE: 31/03/2009
DRAWING NUMBERS: 5368/SK/3.300, 3.301 and 4.00 5368/P/3.00, 3.01 A, 3.02 to 3.11 1171/01 rev. E, 02 rev. A, 03 rev. E, 04 to 06; JKK3371 11 to 14 (all rev. A)	SUPPORTING DOCUMENTS: Daylight and Sunlight Report, Design and Access Statement, Energy Feasibility Study, [Report] 'Noise Aspects', Planning Statement, Student Accommodation Report, Sustainability Statement and Predictive BREEAM Multi-Residential Assessment, Transport Assessment.
APPLICANT: Goldcrest Homes (Downs Development Ltd) c/o agent	AGENT: CgMs Consulting Morley House 26 Holborn Viaduct London EC1A 2AT
PROPOSAL: Redevelopment of site to comprise a part-three-, part-five-storey building containing 255 units of student accommodation and 213 square metres of retail space (use class A1) on ground floor, together with associated landscaping, cycle parking and outdoor amenity space.	
POST-SUBMISSION REVISIONS: Enlargement of bin store and reconfiguration of cycle storage.	
RECOMMENDATION SUMMARY: Grant conditional planning permission, subject to Section 106 agreement.	

ANALYSIS INFORMATION
ZONING DESIGNATION: (Yes) (No)

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

LAND USE DETAILS:	Use Class	Use Description	Floorspace
Existing	<i>Sui Generis</i>	Tool hire business	443 sq.m.
	A2	Job Centre	1479 sq.m.
Proposed	A1	Retail	212.5 sq.m.

	C1	Student accommodation	6,661.4 sq.m.
--	----	-----------------------	---------------

PARKING DETAILS:	Parking Spaces (General)	Parking Spaces (Disabled)	Bicycle storage
Existing	0	0	0
Proposed	0	0	147

CASE OFFICER'S REPORT

1. SITE DESCRIPTION

- 1.1 The application site is located at the Shoreditch end of Kingsland Road, in the south of the borough. The site itself consists of a three-storey building (nos. 57-63) extending westwards to span the breadth of the site, formerly used as a Job Centre, and a two-storey building (nos. 67-71) formerly used as a plant-hire business.
- 1.2 To the west, north-west and south-west, the application site is surrounded by the Hackney Community College campus. To the immediate south of the site, nos. 53-55 are occupied by a plumbing/heating/bathroom-supplier, with residential above, and nos. 41-49 by a motorbike dealership on the ground floor with flats and live/work units above. The unit at no. 65, sandwiched between the two Kingsland-Road-facing elements of the application site, is a smaller three-storey building with a Vietnamese café on the ground floor and residential above. Opposite the application site is one of Kingsland Road's most architecturally imposing buildings, no.76-96, a five-storey Victorian warehouse building converted to office units, flats and live/work units in 2001 and known since then as Union Central.
- 1.3 Beyond the application site's neighbours, the surrounding area consists mainly of buildings of between three and five storeys from a variety of eras within the grain of a Victorian street pattern, mostly comprising commercial uses on the ground floor and residential or live/work units on the floors above. Nightlife uses predominate further south along Kingsland Road.
- 1.4 The site is located less than a hundred metres away from Hoxton Overground station. When it opens next year, it will contribute towards to the site achieving the highest possible Public Transport Accessibility Level (PTAL) of 6a. Kingsland Road is already serviced by frequent 24-hour bus routes to the City, West End, South Bank and other parts of the borough. Furthermore, Old Street Underground and suburban train station is approximately ten minutes' walk away.
- 1.5 Aside from its location in the Kingsland conservation area, the application site falls within a Defined Employment Area (DEA). There are no other UDP designations.

2. CONSERVATION IMPLICATIONS

- 2.1 No statutorily listed or locally listed buildings are affected by the application. The site is located in the Kingsland conservation area.

3. HISTORY

- 3.1 30/09/2008: Planning permission granted for demolition of existing buildings and the erection of part-three-, part-four- and part-five-storey buildings to create eighty-five residential units and 513 square metres of retail space (use class A1), together with associated landscaping & storage (ref. 2008/0943).
- 3.2 28/02/2008: Planning permission refused for demolition of existing buildings and erection of part-three-, part-four- and part-five-storey buildings comprising four residential blocks containing eighty-five residential units, with 513 square metres retail floor space at ground-floor level on Kingsland Road frontage, and associated landscaping (ref. 2007/2802). (Reasons for refusal: height and scale of buildings; poor residential mix and layout.)

4. CONSULTATIONS

- 4.1 Date statutory consultation period started: 03/04/2009
- 4.2 Date statutory consultation period ended: 18/05/2009
- 4.3 Site notice: Yes
- 4.4 Press advert: Yes

4.5 Neighbours

318 surrounding occupiers have been consulted by personal letter. One letter of objection, one neutral letter and two letters of support have been received.

The objection is on the following basis:

- Potential for noise arising from incoming student population
- The five-storey building will result in loss of light to – and outlook from – Union Central
- ‘Considerable’ noise disturbance from construction.

4.6 Statutory Consultees

- 4.6.1 Thames Water: Recommendations made regarding surface water drainage. There are public sewers crossing this site, and no building works will be permitted within three metres of the sewers without Thames Water’s approval. With regard to water infrastructure, no objection.

4.7 Local Consultees

4.7.1 London Fire and Emergency Planning Authority: No response received.

4.7.2 Invest in Hackney: Invest in Hackney do not support the above application. The loss of commercial land in one of the borough's most attractive business destinations will damage the local economy and not make the most of the economic opportunities afforded to the immediate area by the new Haggerston [Hoxton?] Tube Station on the East London Line [Overground], due to open next year.

The site certainly has existing commercial potential given its close proximity to the city, good public transport links and the number of businesses located in the immediate vicinity. According to our most recent business data, over ninety businesses, employing over 800 people, are located within 150 metres of the site. Around a third of the employment is in high-street retail on Kingsland Road, showing that there is a significant market demand beyond just the retail units. The majority are small businesses employing 1-10 people based around a variety of industries such as cleaning and maintenance Services, employment agencies, art galleries and dealers, charitable and voluntary organisations, web design agencies, etc.

Given that this area will most likely become more commercially viable as a business destination with the arrival of the East London Line in 2012 [2010?], Invest in Hackney consider it a missed opportunity for the site not to provide a significant amount of commercial space. A possible configuration could be to retain the retail frontage and include two floors of commercial space with a flexible use class, but primarily for B1 users, with unit sizes of no larger than 2000 square feet and a relatively high-specification finish. This would be attractive to a number of small-business sectors that have already demonstrated their interest in the immediate area.

4.7.3 Kingsland Conservation Area Advisory Committee (CAAC): No objection.

4.7.4 Hackney PCT (NHS): No response received.

4.7.5 Transport for London (TfL): No response received.

4.8 Other Council Departments

4.8.1 Sustainability and Design: The proposal is thought to be an appropriate and studied response to the site context and the design brief. It maintains the morphology of the historic development, in that it creates an internalised courtyard/mews space with its primary entrance from a gateway on Kingsland Road. This model of development and layout is thought to be an appropriate response to the site. In creating an active ground floor (commercial and retail) all along its Kingsland Road frontage, the proposal enhances the level of activity on the street.

The height and massing of the proposed development is considered to be appropriate; the massing of the proposed 67-71 Kingsland-Road block enhances the sense of enclosure of Kingsland Road. Furthermore, the height of the block, the eaves line and the ground-floor line is consistent with adjoining historic buildings at 73-75 Kingsland Road. The massing and setting-back of the blocks allow for daylight access into the courtyard/mews.

The elevational articulation of the Kingsland Road blocks is based on the architectural expression of the historical buildings, in that it employs the use of

- narrow vertical bays that pick up on the strong vertical emphasis and narrow plot frontages, predominant in the historic buildings of the area
- paired windows, which successively diminish in grandeur moving from the lower to upper floors
- a proportion of windows comparable to the historic buildings
- a distinctive roof element
- traditional materials (yellow stock brick)
- a continuation of the building line, ground-floor line and the eaves line (in the case of 67-71 Kingsland Road)
- shopfronts designed in accordance with the Hackney Shopfront Design guide (by using pilasters, stall-risers, and retaining the traditional size of the fascia etc.).

The mews block uses a contemporary architectural expression composed in a contemporary palette of materials: western red cedar, aluminium, glass etc., which is in contrast to the traditional Kingsland Road elevation, and is thought to be an appropriate response to the 'external' and 'internal' context of the site. Finally, the proposal provides a varied and clearly characterised set of outdoor amenity spaces.

In conclusion, the proposal

- employs the traditional 'courtyard and gateway' layout, thus reinforcing the traditional character of the conservation area
- is appropriately scaled to integrate into the setting of the conservation area, particularly the street frontage along Kingsland Road
- uses a palette of materials that is sympathetic to the historic buildings of the conservation area.
- creates varied and clearly defined amenity spaces
- enhances the level of activity on the street.

We therefore recommend this proposal for approval, subject to all external materials and their details.

4.8.2 Highways: Kingsland Road is a TfL-maintained road; consult them.

4.8.3 Traffic and Transport: The proposed development will not result in any serious impact on the borough's transport infrastructure. The proposal is car-free and has excellent public transport accessibility.

- 4.8.4 Waste Management: This application requires over twenty-five litres of waste storage, i.e. approximately twenty-four 1100-litre Euro bins (based on a weekly collection). The design and access statement shows an area with a capacity for only ten bins, which falls short by over half the requirement. Although extra collections can be negotiated, these would have to be paid for. They will also need space for a further four 1100-litre euro bins for their recycling. A similar situation exists [at the new student accommodation block] in Pitfield Street, where the development fell short of the required storage space and they now need daily collections to keep up with the waste generated there – and they are arguing with the fact that they have to pay for these extra collections.
- 4.8.5 Pollution Control: Officers are satisfied that the internal noise level will be designed to the good standard of BS8233:1999 for the façade facing Kingsland Road and are also satisfied with the proposed internal LAMAx of 45dB.
- 4.8.6 Landscape and Tree Officer: No response received.

5. POLICIES

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

- EQ1 - Development Requirements
- EQ12 - Protection of Conservation Areas
- R3 - Development within Shopping Frontages
- R4 - Local shops
- EQ40 - Noise Control
- TR19 - Planning Standards

5.2 Supplementary Planning Guidance (SPG)

- SPG1 - New Residential Developments
- SPG11 - Access For People With Disabilities
- SPG16 - Interim Housing Standards

5.3 Local Development Framework (LDF): Supplementary Planning Document

- SPD - Planning Contributions (2006)

5.4 London Plan (Consolidated with Alterations since 2004)

- 2A.1 - Sustainability criteria
- 2A.7 - Areas for Regeneration
- 3A.18 - Protection and enhancement of social infrastructure and community facilities
- 3A.25 - Higher and further education
- 3C.1 - Integrating transport and development

- 3C.2 - Matching development to transport capacity
- 3C.17 - Tackling congestion and reducing traffic
- 4A.1 - Tackling climate change
- 4A.3 - Sustainable design and construction
- 4A.4 - Energy assessment
- 4A.6 - Decentralised energy: heating, cooling and power
- 4A.7 - Renewable energy
- 4A.11 - Living roofs and walls
- 4A.14 - Sustainable drainage
- 4A.16 - Water supplies and resources
- 4B.1 - Design principles for a compact city
- 4B.2 - Promoting world-class architecture and design
- 4B.3 - Enhancing the quality of the public realm

5.5 National Planning Policies

- PPS1 - Delivering Sustainable Development
- PPS3 - Housing
- PPG13 - Transport

6. COMMENT

Planning permission is sought for the demolition of the existing buildings on site and the erection of a part-three-, part-five-storey building containing accommodation for 255 students, with ancillary student facilities such as a café and laundrette, and associated landscaping, cycle parking and outdoor amenity space, together with 213 square metres of retail space (use class A1) on the ground floor.

The student accommodation consists of 173 (standard) studios, 39 'premium' studios, 13 wheelchair-accessible units and 30 cluster units.

The proposed development is made up of three buildings, the envelopes of which correspond in terms of height, scale and massing with those approved for residential use in the previous scheme (ref. 2008/0943).

Block D/E extends westwards from 57-63 Kingsland Road across the entire width of the site. Its ground floor contains the retail unit, which is sufficiently large to be subdivided into two or three smaller units. Student accommodation is arranged above this and on the ground floor to the rear of the retail unit. The ground floor and second floor also have 'communal hotspots' (i.e. communal students' areas, with wi-fi).

Block C comprises 67-71 Kingsland Road on the ground floor, winding around 73-75 Kingsland Road to the rear. The ground-floor unit of this building will be a 223-square-metre café/coffee shop solely for students' use, with a communal area, office, small cycle-storage area and refuse-storage area to the rear.

Block A/B is to the rear (i.e. west) of Block C, and to the north of Block D/E. As well as the student accommodation units, Block A/B has another communal area (on the

ground floor), together with the main cycle storage room, service area and laundry room.

Blocks A/B and D/E appear as two parallel wings, separated by a college-style 'quad' (i.e. a formal rectangular landscaped courtyard). A further strip of landscaping comprising a lavender walk (i.e. lavender bushes alongside a path) is situated to the south of Block D/E. All three buildings contain roof decks in various positions; however, Block A/B contains a more substantial roof garden designed to include a barbecue area, herb gardens, smoking area, and bamboo screening.

The principal difference between the current proposal and its approved processor is the main use (previously residential, currently student accommodation).

Considerations

The main considerations relevant to this application are:

- 6.1 The principle of the development
- 6.2 Design, appearance and sustainability of the proposed development
- 6.3 Potential impact on the amenity of nearby residents
- 6.4 Acceptability of the standard of living accommodation
- 6.5 Traffic and transport considerations and car parking provision
- 6.6 Consideration of objections

Each of these considerations is discussed in turn below.

6.1 The principle of the development

- 6.1.1 The proposal entails the loss of use-class A2 space (the Job Centre) and *sui generis* space (the plant-hire business) in a Defined Employment Area (DEA) and the erection of student accommodation (use class C1) and a retail unit (use class A1) in its place. The Council traditionally resists the loss of employment-generating floorspace, and in Defined Employment Areas (DEAs) will normally seek the reprovion of employment-generating floorspace of an equivalent amount being redeveloped.
- 6.1.2 However, although the application site is located in a DEA, the Council has taken the view that the site's most recent uses (the Job Centre and plant-hire business) do not fall within the definition of employment-generating use classes (which are primarily B1, B2 and B8). Accordingly, in its approval of the previous scheme to redevelop the site under ref. 2008/0943, the Council has already accepted the loss of the use-class A2 and *sui generis* floorspace, as these uses are not protected by UDP employment policies.

- 6.1.3 Despite the previous approval, the loss of employment-generating land is being resisted by Invest in Hackney. However, notwithstanding the arguments raised in their objection, it is considered that in determining the acceptability of the proposed uses, the previous planning approval constitutes an overriding material planning consideration. Furthermore, there has been no change in local, regional and national policy since the previous approval to constitute a basis for a change in officers' position. Therefore it is considered that the loss of space within the aforementioned use classes remains acceptable.
- 6.1.4 Student accommodation is covered by policy HO15 ('Residential Hostels') in the Hackney UDP (1995), which has provisions pertaining to the density of accommodation in relation to the amenity of neighbouring occupiers, the standard of accommodation itself and the concentration of hostels or hostel-type accommodation in a given area. The London Plan (Consolidated with Alterations since 2004) also includes policy 3A.25 ('Higher and further education'), which requires local authorities to help "ensure that the needs of the education sectors are addressed" and that this includes "supporting the provision of student accommodation."
- 6.1.5 Although the application site is not located within the immediate environs of any of London's institutions of higher education, the proposed development is within easy travelling distance of many of them. If approved, the attached Section 106 legal agreement would secure the accommodation for use exclusively by students in higher education, tying the accommodation to London's universities, or other educational establishments to be approved by the Council. Therefore, it is considered that the lack of higher education establishments in immediate proximity to the application site does not render the application site unsuitable.
- 6.1.6 In light of the above considerations, and in the absence of any competing land designations in the UDP, the use of the site for student accommodation is considered acceptable in principle, as there is no local, regional or national policy basis that would preclude that use on the application site.
- 6.1.7 Overall, therefore, it is considered that there is no policy basis sufficient to preclude the erection of the proposed development on this site in principle, and it is considered that the proposal is acceptable in this regard.

6.2 Design, appearance and sustainability of the proposed development

- 6.2.1 Before commencing consideration of the design and appearance of the proposed development, the application site's designation as part of a conservation area requires the local planning authority to assess proposals to demolish any building in the conservation area against the criteria set out in Planning Policy Guidance (PPG) 15: Planning and the Historic Environment, which indicates that the general presumption should be in favour of retaining buildings that make a positive contribution to the character and appearance of a conservation area. The criteria are, in essence, the condition of the

building and the cost of its repair and maintenance in relation to both its importance and the value derived from its continued use; the adequacy of efforts to retain the building in use, and the merits of alternative proposals for the site.

- 6.2.2 It is considered that the existing structures on the application site meet two of these tests for demolition, in that the condition of the buildings is poor and the cost of repair and maintenance would be disproportionate to the importance and value that would be derived from their continued use; and that the aesthetic merits of the proposed development – to be discussed in the paragraphs that follow – outweigh those of the existing buildings.
- 6.2.3 Furthermore, it is considered that the existing buildings do not make a positive contribution to the character and appearance of the conservation area, on account of their lack of architectural merit and period detail, and their general state of deteriorating repair.
- 6.2.4 Finally, it should be borne in mind that the Council has already granted conservation area consent at the same time as it granted planning permission for the previous scheme (refs. 2008/0943 (planning application) and 2008/0946 (conservation area consent)), and that the granting of the latter was not tied by condition to the planning permission with which it was determined. The demolition of these buildings is therefore considered acceptable.
- 6.2.5 The proposed development adopts the same height, bulk and massing as its predecessor (ref. 2008/0943). It remains contemporary in style, with a materials palette that comprises a Leicester multi-cream stock brick (or similar) to the Kingsland Road elevations, with zinc window surrounds and preweathered zinc reveal panels on the top floor. The quad-facing elevations are treated in white render and timber cladding, with the introduction of western red cedar timber shingles on Block A/B and white engineering bricks (or similar) on the north-facing ground floor of Block D/E.
- 6.2.6 The proposed buildings' front elevations are considered to be appropriate to their context. The detailed design in general is concurrent with contemporary architectural style, whilst the buildings' restrained materials palette and relative simplicity give them a discreet appearance that fits in comfortably with their surroundings. The proposed development is considered to enhance the character and appearance of the streetscene and conservation area, not only when judged against the existing buildings but also in absolute terms.
- 6.2.7 The proposal's renewable energy measures consist of a combination of gas combined heat and power (CHP) and solar hot-water-heating, which would achieve a reduction in carbon dioxide emissions of twenty-eight per cent, thereby meeting the London Plan's reduction target. It is intended that the proposed development achieves a BREEAM (Multi-Residential) rating of 'Very Good' and a Section 106 head of terms is recommended in order to secure this. The proposed building includes limited provision for green roofs, as well as provision for rainwater harvesting.

6.2.8 Overall, it is considered that the proposed design complies with local, regional and national policies and is of sufficient quality to warrant support.

6.3 Potential impact on the amenity of nearby residents

6.3.1 The application site is surrounded in large part by school buildings. The only habitable rooms facing each other are from the front elevation of the proposed development across the street to Union Central (76-96 Kingsland Road).

6.3.2 The distance between the proposed elevations and Union Central is twenty minutes. This is a generous front-to-front distance in an urban setting and will not, in officers' view, unduly prejudice the privacy of occupants.

6.3.3 Furthermore, the daylight and sunlight report submitted as part of the application confirms that by reason of the proposed development's height, bulk and massing matching the previous consented residential scheme (ref. 2008/0943), there will be no difference in the impact of the current proposal on existing neighbouring dwellings.

6.3.4 Therefore, for the reasons set out above and having due regard to the siting, location and orientation of the proposed development, it is considered that the proposal will not result in any significant risk to the amenity of adjoining occupiers by way of loss of daylight, sunlight, overshadowing or an increased sense of enclosure. Overall, the proposed development is considered to be acceptable with regard to amenity and complies with the relevant policy in the Hackney UDP (1995).

6.4 Acceptability of the standard of living accommodation

6.4.1 Standards governing Houses in Multiple Occupation were introduced in the 1985 and 2004 Housing Acts and the minimum room sizes contained therein are still used today as a basis for assessing student accommodation. These are the figures that have been referred to in the past by both the Council's Private Sector Housing department and the Planning department's Policy section.

6.4.2 The standards state that:

- the minimum size for bedrooms with no cooking facilities is 6.5 square metres where provision for a communal living/dining space is made
- the minimum size for bedrooms with no cooking facilities is 10 square metres where *no* provision for a communal living/dining space is made
- the minimum size for bedrooms with cooking facilities *within* the room is 10.5 square metres
- the minimum kitchen size for use by 6-10 individuals is 10 square metres

6.4.3 No minimum size is given for combined kitchen/dining spaces. In the absence of this, the use of SPG1 'New Residential Development' can be used as a

guide. While this SPG does not apply to student accommodation, the logic used in determining minimum room standards in SPG1 can be used to inform calculations of what the minimum size of combined kitchen/dining spaces should be for student accommodation.

- 6.4.4 SPG1 states that for a dwellinghouse inhabited by eight people (the maximum given), the minimum sizes of a *separate* kitchen and dining room add up to 20 square metres, whereas the minimum size of a *combined* (i.e. open plan) kitchen/dining area is 15 square metres. Therefore the combined facility only contains seventy-five per cent of the space that the kitchen and dining room would offer if provided separately.
- 6.4.5 According to the 1985 Housing Act, the minimum sizes of a *separate* kitchen and living/dining room for student accommodation add up to 26.5 square metres. Applying the same percentage (seventy-five per cent) to that figure suggests that the minimum size of a *combined* kitchen/dining area for a cluster unit should be 19.9 square metres. The proposed kitchen areas within the 'cluster' units are provided at a minimum of 16 square metres, although there is no indication that these are intended to be combined kitchen and dining areas.
- 6.4.6 With regard to the bedrooms, all of the habitable rooms are for single-person occupancy, with the smallest measuring 13.5 square metres, which exceeds the aforementioned standards.
- 6.4.7 There are a total of four internal communal spaces as well as a café/coffee shop for exclusive use by students. In terms of external amenity, roof terraces, a larger roof garden, the college-style quad and the lavender walk comprise a satisfactory amount of space.
- 6.4.8 Overall, therefore, the standard of student accommodation is considered to be acceptable.

6.5 Traffic and transport considerations and car parking provision

- 6.5.1 The proposed development is in a Controlled Parking Zone (CPZ) and is, accordingly, car-free. Having due regard to the area's high PTAL rating and the Council's aspirations for discouraging car use in favour of alternative means of transport, a car-free proposal in this location is considered to be acceptable.
- 6.5.2 147 cycle-parking spaces are provided within secure, internal, lockable rooms, amounting to more than one space per two students. This is considered to be an acceptable level of cycle parking provision.
- 6.5.3 The Council's Traffic and Transport team have raised no objection to the proposed development, and have indicated that overall they do not consider that the proposed development will have a detrimental impact upon circulation and parking in the vicinity. Overall, therefore, there are no traffic

and transport issues with the proposed development that constitute grounds for concern or refusal.

6.6 Consideration of objections

6.6.1 Potential for noise arising from incoming student population

Although these concerns are noted, the Council as local planning authority cannot and should not exercise prejudice against one group of users on this or any other basis. This is treated as a residential use, and the nature of the user is not a material planning consideration, cannot be treated as such, and objections to that effect are not considered upholdable. Noise nuisance is controlled by the Council's Pollution Control team and in the event of any noise nuisance arising, it would be up to any affected residents to report this to the Council's Pollution Control team, who could serve a Noise Abatement Notice. Furthermore, the Section 106 agreement associated with this planning application will contain a head of terms requiring the adoption of – and adherence to – a Student Management Plan, which makes provision for the reporting of anti-social student behaviour.

6.6.2 Loss of light to – and outlook from – Union Central building

This issue is addressed in paragraphs 6.3.1 and 6.3.2 of this report. It is considered that a building of the height proposed (and previously approved by the Council) will not have a detrimental impact on the availability of daylight to a building that is twenty metres away. Furthermore, with the exception of statutorily protected views, there is no right to a view in planning law.

6.6.3 'Considerable' noise disturbance from construction

Construction noise is not a material planning consideration, although the matter is covered by separate (non-Planning) regulations, of which applicants are routinely notified by informatives attached to decision notices.

7. CONCLUSION

7.1 In summary, it is considered that the proposed development is of an appropriate use and of an acceptable standard of design, and will not have a materially adverse impact on the amenity of neighbouring occupiers by way of loss of light, privacy, outlook, increased traffic generation, nor on the character and appearance of the surrounding area.

7.2 Having regard to the above considerations, it is considered that the proposal complies with all pertinent policies in the Hackney UDP (1995) and the London Plan (Consolidated with Alterations since 2004), and on that basis the granting of planning permission is recommended.

8. RECOMMENDATION

RECOMMENDATION A:

8.1 That permission be GRANTED, subject to the following conditions:

8.1.1 SCB0 – Development in accordance with plans

The development hereby permitted shall only be carried out and completed strictly in accordance with the submitted plans hereby approved and any subsequent approval of details.

REASON: To ensure that the development hereby permitted is carried out in full accordance with the plans hereby approved.

8.1.2 SCB1 – Commencement within three years

The development hereby permitted must be begun not later than three years after the date of this permission.

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

8.1.3 SCM6 – Materials to be approved

Details, including samples, of all materials to be used on the external surfaces of the building, boundary walls, gates and ground surfaces shall be submitted to and approved by the local planning authority, in writing, before work on the external surfaces, boundary walls, gates and ground surfaces commences on site. The development shall not be carried out otherwise than in accordance with the details thus approved.

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

8.1.4 SCM9 – No extraneous pipework

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

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

8.1.5 SCI3 – No roof plant

No plant (including all external enclosures, machinery and other installations; excluding solar water-heating and/or photovoltaic cells) shall be placed upon or attached to the roof or other external surfaces of the building, other than as shown on the drawings hereby approved, unless planning permission for such is sought and granted separately.

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

8.1.6 SCH10 – Secure bicycle parking

Lockable space shall be made available within the site for the secure parking of 147 bicycles, in accordance with the plans hereby approved, before the first occupation of the development.

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

8.1.7 NSC1 – Non-standard condition

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

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

8.1.8 NSC2 – Non-standard condition

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

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

8.1.9 NSC3 – Non-standard condition

Provision is to be made within the site for eleven 1100-litre Eurobins for non-recyclable waste and four 1100-litre Eurobins for recyclable waste, with details of the interior (configuration of receptacles) and exterior (detailed design and facing material) of the bin store to be submitted to the local planning authority and approved in writing prior to first occupation of the site.

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

8.1.10 NSC4 – Non-standard condition

Details of the construction traffic route and a construction traffic management plan shall be submitted to the local planning authority prior to the commencement of construction works on site.

REASON: In the interests of road safety.

8.1.11 NSC5 – Non-standard condition

No development shall commence on site until a scheme to minimise the threat of dust pollution during site clearance and construction works

(including any works of demolition of existing buildings or breaking out or crushing of concrete) have been submitted to and approved in writing by the local planning authority. The approved scheme shall include a watering regime in the event of dry weather, dust screens, etc., as appropriate, and shall be implemented in its entirety once development has commenced.

REASON: In order that the local planning authority may be satisfied that the demolition process is carried out in a manner which will minimise possible dust pollution to neighbouring properties.

8.1.12 NSC6 – Non-standard condition

Full written details, including relevant drawings and specifications, of the proposed works of sound insulation against airborne noise between the commercial use on the ground floor of the development hereby approved and the residential use on the first floor shall be submitted to and approved in writing by the local planning authority. The use hereby permitted shall not commence until the sound insulation works have been implemented in accordance with the approved details. The sound insulation shall be retained permanently with the approved details.

REASON: In the interests of minimising noise disturbance to prospective occupiers.

8.1.13 NSC7 – Non-standard condition

(i) The rating level of the noise emitted from fixed plant on the site shall be 5dB below the existing background level at any time. The noise levels shall be determined at the façade of any noise sensitive property. The measurements and assessments shall be made according to BS4142:1997.

(ii) Development shall not commence until details of a 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 scheme approved pursuant to paragraph (ii) of this condition has been implemented in its entirety. Thereafter, the scheme shall be maintained in perpetuity.

REASON: In the interests of minimising noise disturbance to adjoining occupiers.

8.1.14 NSC8 – Non-standard condition

All landscaping in accordance with the drawings hereby 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 five years, such maintenance 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.

RECOMMENDATION B:

- 8.2 That the above recommendation be subject to the applicant, the landowners and their mortgagees entering into a deed of planning obligation by means of a Section 106 Agreement of the Town and Country Planning Act 1990 (as amended), in order to secure the following matters to the satisfaction of the Assistant Director of Regeneration and Planning and the Interim Head of Legal Services:**
- 8.2.1 Payment by the landowner/developer of £39,856.91 as a financial contribution towards Council library facilities. (This sum has been calculated in accordance with the approved formula in the Planning Contributions Supplementary Planning Document (SPD) (2006).)
 - 8.2.2 Payment by the landowner/developer of £11,814.15 as a financial contribution towards open space in the borough. (This sum has been calculated in accordance with the approved formula in the Planning Contributions Supplementary Planning Document (SPD) (2006).)
 - 8.2.3 Provision by the landowner/developer for the use of local labour on site during the construction phase.
 - 8.2.4 Payment by the landowner/developer of all the Council's legal and other relevant fees, disbursements and Value Added Tax in respect of the proposed negotiations and completion of the proposed Section 106 Agreement.
 - 8.2.5 Achievement of a twenty per-cent reduction minimum in carbon emissions through the use of renewable energy sources and use of low-energy technology, and achievement of BREEAM (Multi-Residential) rating of 'Very Good'.
 - 8.2.6 The applicant is to carry out all works in accordance with the National Considerate Constructors Scheme.
 - 8.2.7 For all contracts with a value in excess of £5 million, payment by the landowner/developer of £3750.00 towards the cost of NVQ training (to secure more skilled employment for the construction industry sector).
 - 8.2.8 The living accommodation shall not be occupied outside term-time other than by students in full-time education.
 - 8.2.9 The living accommodation shall be used and occupied solely in association with - and by full-time students of - the University of London (all colleges: Birkbeck, Goldsmiths, King's College London, the London Business School,

the London School of Economics, Queen Mary, Royal Holloway, the School of Oriental and African Studies, and University College London (UCL)), Imperial College, University of East London, University of Westminster, London Guildhall University, City University, London Metropolitan University, South Bank University or an alternative establishment to be agreed by the Council.

- 8.2.10 The owner must provide a Travel Plan, to be agreed by the Council, towards achieving sustainable travel targets, including the services of a Travel Plan Coordinator. The Travel Plan must be in place by the first year of occupancy and the developer must put in place yearly monitoring arrangements for 5 years.
- 8.2.11 No entitlement (unless the holder of a disabled person's badge) to a resident's parking permit.
- 8.2.12 In mitigation of the transport impact of the proposed development, a contribution of £65,000 is sought towards sustainable travel initiatives, walking and cycling, public transport and highway measures in the area.
- 8.2.13 The owner must adopt and adhere to a Student Management Plan, incorporating the elements set out in the 'Code of Practice for the Management of Student Housing', including the requirement for emergency and 24-hour contact details to be made available to members of the public in the event of anti-social behaviour arising from resident students.

9. REASONS FOR APPROVAL

- 9.1 The following policies contained in the Hackney Unitary Development Plan (1995) are relevant to the approved development/use and were considered by this Council in reaching the decision to grant planning permission: EQ1 - Development Requirements; EQ12 - Protection of Conservation Areas; R3 - Development within Shopping Frontages; R4 - Local shops; EQ40 - Noise Control; TR19 - Planning Standards.
- 9.2 The following policies in the London Plan (Consolidated with Alterations since 2004) are relevant to the approved development/use and were considered by this Council in reaching the decision to grant planning permission: 2A.1 - Sustainability criteria; 2A.7 - Areas for Regeneration; 3A.18 - Protection and enhancement of social infrastructure and community facilities; 3A.25 - Higher and further education; 3C.1 - Integrating transport and development; 3C.2 - Matching development to transport capacity; 3C.17 - Tackling congestion and reducing traffic; 4A.1 - Tackling climate change; 4A.3 - Sustainable design and construction; 4A.4 - Energy assessment; 4A.6 - Decentralised energy: heating, cooling and power; 4A.7 - Renewable energy; 4A.11 - Living roofs and walls; 4A.14 - Sustainable drainage; 4A.16 - Water supplies and resources; 4B.1 - Design principles for a compact city; 4B.2 - Promoting world-class architecture and design; 4B.3 - Enhancing the quality of the public realm.

10. INFORMATIVES

The following Informatives should be added:


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

NSI.1 All materials submitted pursuant to the discharge of condition 3 of this approval should be supplied and delivered at the same time in a container clearly marked with the address of the application site, reference to the application number 2009/0691, and accompanied by coloured copies of relevant elevational drawings, to which each material sample should be clearly referenced and labelled accordingly. Full specifications detailing each material's manufacturer and colour (as per manufacturer's description/name thereof) should also be submitted at the same time.

NSI.2 All construction/demolition work must be undertaken between the hours of 08.00 to 18.00 Monday to Friday and 08.00 to 13.00 on Saturdays, with no work on Sundays or Public Holidays.

NSI.3 This decision notice is accompanied by a Section 106 legal agreement. It shall be implemented in full accordance with the details of that agreement.

NSI.4 The developer understands that the provision of nine fewer Eurobins than the twenty-four suggested by the Council's Waste Management service may result in the requirement for a second weekly collection, for which a fee is payable.



Signed..... Date: 1 June 2009

Steve Douglas
INTERIM CORPORATE DIRECTOR, NEIGHBOURHOODS &
REGENERATION DIRECTORATE

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