

ADDRESS: 12-32A Hertford Road, 27-31 Downham Road and 305 Kingsland Road, London N1 and E8.	
WARD: De Beauvoir	REPORT AUTHOR: Gillian Nicks
<p>APPLICATION NUMBER: 2008/3131 (Full Planning Application), 2008/3166 (Conservation Area Consent) and 2008/3167 (Listed Building Consent).</p> <p>DRAWING NUMBER: PL100 -121, PL200-211, PL300-304, PL400-433 and PL500-527.</p> <p>DOCUMENTS: CGMS Archaeological desk based assessment – AUG 05 (updated Jan 2006); Site remedial services Ltd, Remediation Plan Sept 2008; Ecology consultancy Black Redstart and Bat Survey, November 2008; Peter Brett Flood Risk Assessment, Oct 2008; Peter Brett Air Quality Assessment November 2008; Peter Brett Planning and Noise Assessment November 2008; Tym and Partners Employment Policy Appraisal Final Report, Dec 2008; Ecology consultancy Phase 1 Habitat Surbey and Protected Species Assessment, Nov 2008; Peter Brett, Transport Assessment Nov 2008; Clarkebond Report on Listed Buildings 19 November 2008; Doyle Conservation Area Appraisal, December 2006; Doyle Building Gazetteer December 2006; CGMS Historic Building Assessment, Dec 2006; JCMT et al Sustainable design and construction statement and energy assessment, December 2007; JCMT and Whitelaw+Turkington Design and Access statement, Dec 2008; Delva Patman Associates Daylight and Sunlight Study Dec 2008 and Technical Appendices Dec 2008.</p>	VALID DATE: 5 th February 2009

APPLICANT: London and Quadrant Housing Trust Straford Eye 10 Grove Crescent Road London E15 1BJ	AGENT: Doyle Town Planning and Urban Design Studio 540 Highgate Studios 53-79 Highgate Road Kentish Town London NW5 1TL
PROPOSAL: Mixed use development to provide 207 residential units (70 x 1 bed, 69 x 2 bed, 45 x 3 bed and 23 x 4 bed including 65 affordable units) 5130sqm B1 floor space, 704sqm D1 (health centre)/B1 floor space, 271sqm A1 (retail) floor space, 86sqm A3 (restaurant) floor space, 336sqm B8 floor space plus associated landscaping, refuse and cycle storage together with 53 car parking spaces. This application is accompanied by associated Conservation Area Consent and Listed Building Consent applications.	
POST REVISION SUMMARY: The following details have been provided following the consultation period and have sought to respond to points raised by LBH officers and the GLA: Play Space and Sunlight Plan – PL312 April 2009 Wheelchair Adaptable units – PL305 Typical Lifetime Home unit – PL306, 307, 308, 309, 310, PBA – Technical notes (Bus Stop Audit Notes) - 02/04/2009, Bus stop map, Bus stop audit Hoare Lea – Response to GLA’s comments, April 2009 Amendments to Delva Patman Associates Daylight and Sunlight Study (Kings Wharf) 20 th April 2009.	
RECOMMENDATION SUMMARY: Grant conditional planning permission subject to a section 106 agreement following STAGE II referral to the Greater London Authority.	

ANALYSIS INFORMATION

ZONING DESIGNINATION:	(Yes)	(No)
CPZ	x	
Conservation Area	x	
Listed Building (Statutory)	x	
Listed Building (Local)		x
DEA	x	

LAND DETAILS:	USE	Use Class	Use Description	Floor space sqm
Existing		A4	Drinking Establishment	529
		A5	Take Away	158
		B1/B8	Office/Storage	4594
		B2	Motorbike repair shop	336
Proposed		A1	Retail	271
		A3	Café	86
		B1	Office	5103

	B2	Motorbike repair shop	336			
	C3	Residential	13,693.6			
	D1	Health Centre	704			
RESIDENTIAL USE DETAILS:	Residential Type	No of Bedrooms per Unit				
Type		1	2	3	4	
Existing	Not applicable	Not applicable				
Proposed	Flats	70	69	45	23	
PARKING DETAILS:	Parking Spaces (General)	Parking Spaces (Disabled)		Bicycle storage		
Existing	-	-		-		
Proposed	30 (1 for goods vehicles)	23		233		

CASE OFFICER'S REPORT

1. SITE CONTEXT

- 1.1 The site extends to approximately 1 hectare located on the eastern side of Hertford Road, to the south of Downham Road, and on the western side of Kingsland Road. It is adjacent to Kingsland Basin, a site of 'Special Landscape Character', and the Regents Canal, a 'Green Link' and part of the London Plans Blue Ribbon Network.
- 1.2 The site is made up of a number of buildings of various forms, ages and states of repair as follows:

12-14 Hertford Road:

A two-storey circa early twentieth century commercial building of yellow stock brick and contrasting darker brick to openings and plinth. Historically a brick wharf, currently occupied at first floor level by artist studios.

16 Hertford Road – Dating from the late nineteenth century, historically used as a stables and other associated activities with the storage and transportation of manure, today it is in commercial use. It is a two storey yellow stock brick block, with contrasting blue bullnose brick to front openings. There are other detailing, including inset terracotta tiling. To the rear, a horse ramp runs into 16A Hertford Road.

16a Hertford Road – Around similar age as 16 Hertford Road, this is a three-storey building with a single storey rear addition facing the Basin. Historically of a similar use to the aforementioned building, the property is now in commercial use.

18-20 Hertford Road (Norway Wharf):

A two storey stock brick building with a central entrance and two loading bays arranged symmetrically either side as it faces Hertford Road. A single storey post-war building lies to the rear facing the Basin.

22 Hertford Road:

Three storey brick built house from the mid-nineteenth century,

24 Hertford Road

Double height open timber storage sheds with corrugated metal roof used as scaffolding yard.

32 Hertford Road (Old Ivy Public House)

Three-storey brick built, former public house.

32a Hertford Road

Nineteenth century two storey yellow stock brick warehouse building with contrasting red brick segmental arch. Original iron hoists with iron tracery inserts mounted to the front of the building.

27-29 Downham Road:

Currently used as a motorbike repair shop with commercial space above, three storey stock brick property.

31 Downham Road:

Two-storey Victorian plain stock brick terrace building

305 Kingsland Road, London E8 (Commercial Wharf):

With exception of shed, vacant plot with high boundary wall to Basin

- 1.3 The surrounding area has a mix of varied building styles and uses. To the west of the site is the De Beauvoir Estate, characterised by a range of building heights from five storeys directly facing the site, to a twenty storey tower block further west at the interior of the estate. To the north of the site is the De Beauvoir Conservation Area, with three-storey residential property and a fire station to the north side of Downham Road. On the east of the basin, fronting onto Kingsland Road, a series of recent developments, on either side of the 305 Kingsland Road element of the proposed site are established. These include the restoration and conversion of the Grade II listed building at 315 Kingsland Road, otherwise know as the Spice Warehouse at Quebec Wharf, and two depots for Travis Perkins. The east side of Kingsland Road is characterised by traditional nineteenth century terraces with Ability Plaza facing the junction of Kingsland Road with Downham Road. The southern side of Regents Canal is characterised by a range of various industrial, commercial and mixed use developments.
- 1.4 The application site is within the Kingsland Basin Defined Employment Area (Site no.127), and designated for other leisure proposals (Site no.336) being suitable for 'Water-based community and recreation facilities and moorings'. It is part of the London Plans Blue Ribbon Network and classified as an 'Area of Special Landscape Character' and an 'Area of Archaeological Priority'. It also sits adjacent to the Councils designated 'Green Links' chain.

2. CONSERVATION IMPLICATIONS

- 8.1 The site lies within both the Kingsland and Regents Canal Conservation Areas.

16 and 16A Hertford Road are Grade II listed buildings, listed for the following principal reasons:

- a. 16A Hertford Road is of special interest as a rare survival of multi-storey stabling from the late nineteenth century;
- b. the massive scale of this accommodation for horses illustrates how commercial and industrial activity a hundred years ago relied on animals, even though steam and electric vehicles were becoming more common place and this is of special historic interest;
- c. The ramp abutting 16 Hertford Road, complete with its cobbled surface and raised sets to assist horses in climbing the incline, is a relatively rare survival and of particular interest;

8.2 In the vicinity of the site is also located the Grade II Quebec Wharf building at 315 Kingsland Road.

3. HISTORY

6.5.1 **2006/0903** – Planning application for ‘Demolition of 12-14, 16, 22-24 Hertford Road, 27-29 Downham Road and 305 Kingsland Road. Mixed use development involving refurbishment of part of 16, 18-20 and 32 Hertford Road and New building of 3, 4, 5, 6 and 7 storeys to provide 290 residential units (113x1 bed, 79 x 2 bed, 67 x 3 bed and 31 x 4 bedroom) and 3006sqm mixed commercial floor space (indicative mix: 1561sqm B1 (Business) 338sqm B2 (General Industrial), 655sqm D1 (health centre), 325sqm A4 (Drinking Establishment), 127sqm parking and services areas) plus ancillary A1 (retail), A2 (Office), A3 (Café/restaurant) uses and including basement car parking for 80 cars, accessed from Hertford Road’ refused in 2006 for the following reasons:

1. The proposals represent a substantial loss of employment generating floor space within the Kingsland Basin Defined Employment Area thereby leading to a significant reduction in the capacity of the site to provide employment within the Borough and would be contrary to Policies ST1, ST24, ST25, H03 and E5 of the Hackney Unitary Development Plan. The area is also identified in the Council’s Employment Growth Options Study (March 2006) to be protected as a Priority Employment Area.
2. The proposals include the demolition of buildings within the Kingsland Conservation Area which individually and as a group contribute positively to the character and appearance of the Conservation Area and would thereby be contrary to Policies ST1, ST2, ST8, H03 and EQ13 of the Hackney Unitary Development Plan and advice in Planning Policy Guidance 15.
3. The proposals, by reason of their layout, height, scale, bulk, design and appearance would be out of scale and character with the site and surrounding area, failing to respect the established architectural and historic character of Kingsland Basin and adjoining areas of Hertford Road, Downham Road and Kingsland Road, failing to preserve or enhance the character and appearance of the Kingsland

Conservation Area including views into and out of the Conservation Area and Area of Special Landscape Character and would be contrary to policies ST1, ST2, ST4, ST8, H03, EQ1, EQ3, EQ12, EQ14, EQ24, EQ26 and EQ30 of the Hackney Unitary Development Plan, Policies 4B., 4B.4, 4C.20, 4C.28 of the London Plan, Planning Policy Guidance 15 and Planning Policy Statement 1.

4. The proposed layout, scale, bulk and height of the buildings up to the water's edge would have an overbearing and enclosing impact on Kingsland Basin and as such would be detrimental to the amenities and environment of occupants of the residential moorings within the Basin, out of character with the quiet and secluded nature and historic character of the Basin and harmful to the implementation of Policies 4C.3, 4C.4 (BRN) of the London Plan and contrary to Policies ST1, ST2, ST4, ST12, ST42, EQ1, EQ24, EQ30 of the Hackney Unitary Development Plan.
5. The applicant has failed to adequately address how the proposal will protect and preserve the wildlife habitat, nature conservation interest and ecology of the Kingsland Basin and Regents Canal and also fails to respect and enhance the unique character of this Area of Special Landscape Character and adjoining Area of Nature Conservation Importance and would be contrary to Policies ST1, ST5, ST12, ST13, ST42, EQ24, EQ26, EQ30, OS13, OS16 and OS17 of the Hackney Unitary Development Plan and Supplementary Planning Guidance No. 9 Regents Canal.
6. The proposal fails to provide adequate public access to and from Regent's Canal and Kingsland Basin, thereby failing to increase the leisure and amenity value of the canal basin as well as inhibiting the implementation of Unitary Development Plan Proposal ref:336 to use Kingsland Basin for water based community and recreation facilities and moorings and would be contrary to Policies ST1, ST12, ST13, ST42, EQ24, EQ26 EQ30, OS13 and OS18 of the Hackney Unitary Development Plan and Supplementary Planning Guidance No. 9 Regents Canal.

6.5.2 The accompanying Conservation Area Consent (2006/1227) for the 'Demolition of building at 12-14 Hertford Road (Bick Wharf), 16 Hertford Road (Hertford and Crown/Reglan Wharf), 22-24 Hertford Road (Union Wharf), 27-29 Downham Road, 31 Downham Road, 305 Kingsland Road in connection with development of mixed use scheme submitted under reference 2006/0903' was refused for the following reason:

1. The proposed demolition of 12-14 and 16 Hertford Road, by reason of the positive contribution these buildings make to the character of the Kingsland Road Conservation Area would have a serious and detrimental effect on the character and appearance of the Conservation Area and would be contrary to Policies St8 (Conservation Area), EQ1 (Development Requirements) and EQ13 (Demolition in Conservation Areas) of the Hackney Unitary Development Plan.

6.5.3 The application was appealed, and a public inquiry was held in April and May 2007. The proposal was dismissed, and in summary the Inspector made the

following comments:

- The Kingsland Basin Urban Development Framework provides a useful background to consideration;
- Design to 305 Kingsland Road has more domestic character, for example through the use of balconies, than its neighbours (though not excessive) and though the proposed building be storey higher than Quebec Wharf (Listed) consider would not diminish the quality of massiveness in the older building or its overall impact.
- Demolition at 27-31 Downham Road acceptable in principle subject to acceptable replacement, considers linking of new building to Duke of York PH handled well.
- Agree with applicants that Nos 12-14 Hertford Road have qualities of age, style and materials which relate to other wharf buildings surrounding the canal basin, has an historic association with the Regent's Canal and the Basin and reflects their traditional functional character but individually only limited value as part of the wider street scene. Its loss would not have a substantial impact on the character or appearance of the Conservation area, however in its favour the buildings are occupied by the Barbican Arts Group Trust, which accords it some community value.
- As a design concept, entirely content with the appellant's approach to scale and massing. The traditional continuous frontage would be maintained to the road and the progressive increase in height would be managed in a sensitive way that does not overpower the older buildings.
- On the waterside, the concept to create a number of open spaces would retain an element of the more open character of the western side of the Basin and maintain the idea of having a series of separate 'wharfs'.
- Its 7-storeys scale, although much taller than anything presently on the west side of the basin would be acceptable. The eastern side of the Basin has already been redeveloped at such heights, and permission has been given for a building of similar scale at its head.
- Loss of southern and eastern elevations to 16A Herford Road would be particularly regrettable. And would fail to preserve or enhance the character or appearance of the Conservation Area.
- The site is not identified as a Strategic Employment location within the London Plan but that does not indicate that UDP Policy E5 or the DEA designation should be overridden and does not mean it is not worthy of protection for employment use in a more local context.
- There would be little material impact on the residents of properties on the east of the Basin.

6.5.4 **2007/0015** – Planning application for 'Mixed use scheme comprising either (Option 1):4950m2 (B1, B2 or B8) and 230 residential units (15 studios, 74 x 1 bed, 64 x 2 bed , 52 x 3 bed and 25 x 4 bed which includes 31 x 1 bed , 23 x 2 bed , 12 x 3 bed and 15 x 4 bed affordable units); or (Option 2): 4295m2 employment use (B1, B2, B8), 655m2 health centre (D1) and 230 residential units (15 studios, 74 x 1 bed , 64 x 2 bed , 52 x 3 bed and 25 x 4 bed which includes 31 x 1 bed , 23 x 2 bed , 12 x 3 bed and 15 x 4 bed affordable units), plus 93 basement car parking (11 disabled spaces), 252 bicycle and 5 motorcycle spaces' withdrawn by applicant in May 2007.

4. CONSULTATIONS

- 4.1 Date Statutory Consultation Period Started: 19th February 2009
- 4.2 Date Statutory Consultation Period Ended: 23rd March 2009
- 4.3 Site Notice: Yes
- 4.4 Press Advert: Yes
- 4.5 Neighbours

Consultation by way of coloured brochure was circulated to 1418 surrounding occupiers. A drop in session was held at Haggerston Community Centre, within five minutes walk of the application site, on 18th March 2009 from 4-9pm, approximately 20 people attended the event where the Case Officer and applicant were present. A total of 6 letters neither supporting or objecting to the application were received, with 106 letters of objection and 13 letters of support received at the time of writing.

In summary, the grounds of objection are as follows:

- Proposal clearly conflicts with Hackney UDP policies and London Plan;
- Density and scale represents overdevelopment of the site that is out of scale with the environment and dominates the setting of the Kingsland Basin and its surrounding buildings; Any future development should be restricted to the height of the current buildings on the site. The plan shows that the height and density of the development will cause overlooking, a feeling of enclosure, loss of privacy and a significant loss of sunlight and daylight to many of the habitable rooms of the already existing dwellings contrary to building research establishment guidelines. Shadows will be cast over the Basin and this open and clear area will be turned into yet another 'canal canyon' to provide profits for developers
- Scale and layout of the buildings fail to preserve and enhance the setting of the listed buildings at 16 and 16A Hertford Road and the setting of the Conservation Area. The orientation of the buildings conflict with the historic layout and scale of the site;
- The buildings are too high and should not exceed six stories taking precedent from De Beauvoir Crescent.
- Height of proposed buildings should be an absolute limit of five storeys and where the proposals cluster around listed buildings they must not be higher than the historic buildings to invade and ruin their character. This means three storeys at most.
- Commercial wharf will be higher than Kings Wharf, daylight will be severely impacted as a result.
- Commercial wharf will adjoin Kings Wharf. Balconies of the courtyard facing apartments will be too close to the rear windows of Kings Wharf Block B, allowing easy sight into bedrooms and living areas, thus invading privacy.

Rooftop terraces adjoining and on top of the penthouse flats on Commercial Wharf will lead to a significant loss of privacy for flats at Kings Wharf and shall be only metres from facing windows of flat 406 (Kingsland Road window) and flat 411 (Kingsland Basin window) Kings Wharf.

- Inappropriate separation between Kings Wharf and Commercial Wharf and could increase chances of intrusion and with public access to the basin via Commercial Wharf, concerned about anti-social behaviour at night time alongside the canal basin. The plans do not make clear what safety provisions there are.
- The volume of works that the entire basin redevelopment entails will mean several years of building works noise and pollution, interrupting the daily lives of those living and working at Kings Wharf.
- The overall proposal is a cheap, utilitarian uniform design without variation such that the buildings lack individual identity and overall character. Kingsland Basin is one of the few remaining areas of its type with character and listed buildings and a more imaginative design should be employed for a site of such significance. The current design seeks purely to maximise profitable gain from commercial exploitation. Design in this area should take advantage of the site's history and character, rather than simply working around them.
- The development is out of character with the historic use of the site. In the past this area, and much of Hackney was used for manufacture and trade (mainly furniture). Consideration should be given to develop this site to provide commercial premises to bring in jobs, not residential accommodation. Hackney should be promoting developments which provide jobs and local services, rather than encouraging yet more dormitory developments which put a strain on transport and other services.
- Basin is designated as an Area of Special Landscape Character due to its wide range of aquatic flora, invertebrates, fish and breeding water fowl. It lies along a Green Link, i.e. the Regents Canal and it is located next to the London Can's site of metropolitan importance. It supports a fragile ecology requiring very careful consideration and treatment. A total of 26 bird species, 12 of which showed signs of breeding on site, have been identified. Additional species were breeding nearby and obtaining food from the site. The Basin is a particularly attractive habitat for swifts and housemartins as feeding area. Residents have in addition observed kingfishers on the site and swans breeding on the site. It is not considered that the proposals to mitigate loss of habitat are adequate.
- The proposed movement of houseboats, and the expansion of recreational use, to the northern part of the Basin will adversely affect the ecological balance and the use of the area for birds nesting on rafts and water. Several species of fish breed in the quieter waters of the basin and grow to large size in the weed and plant sheltered banks. Destruction of these will cause severe disruption of fish breeding, and impact on the bird life of the area as a consequence. Kingsland Basin has become a site of serious nature significance to the area and remains one of the few less disturbed portions of the canal;
- Parking is inadequate, surrounding area already full with Mandarin Wharf to add further to the demand.
- No provision for children or teenagers. There should be play parks and

- green spaces as part of this plan, the ecozone is too small for this purpose.
- Buses are already full at rush hour, what new and additional bus links will be provided, e.g. service to Angel to alleviate pressure.
 - Lack of green open space within the development, with green roofs not accessible to residents and only southernmost courtyard provided with green space. Courtyards should be provided with more soft landscaping, with paths rather than whole areas provided in hard standing.
 - Inspiration of network narrow streets between converted warehouses (such as South of Shad Thames) inappropriate since the open spaces in this development are not streets and people should be able to relax there as they cannot do in narrow alleys. Better inspiration would be Bishops Square, where open space (formerly a street) surrounded by new buildings entirely comprises calming, mainly green surfaces, aside from necessary walkways around the outside of the space. Design of new courtyards could easily be adapted to make them much more visually appealing and more versatile. Some of the spaces between the paths are already shown as to be mounded up – which would effectively deter people from walking across, rather than around them; there is no need for further deterrence by covering these mounds with pebbled hard surfaces (as proposed for Norway Wharf) or growing prickly low box shrubbery all over them (such as the northernmost courtyard, intended for residents only) which simply prevents their being used at all, in non-destructive ways. Soft, green surfaces would make these mounded-up areas much more versatile: usable for sitting in summer or for children to play there. Inadequate provision of child play space when considering quantum of family housing.
 - Prevalent hard landscaping contemplates the possibility of these spaces being used for art exhibitions or a farmers market, which is unrealistic. Catering for a remote possibility should not take precedence over the potential for everyday recreational use of the public courtyards in this development.
 - If more soft landscaping were used at ground level, there would be no need for elaborate mechanism to provide for the run-off of ground water which would have nowhere natural to soak away under the current proposals.
 - Proposed application fails to demonstrate the new office accommodation is needed in the area, and the provision of such significant amount of accommodation will have a further downward pressure on the commercial market in the area and poses significant crime and disorder risks.
 - Proposal includes new shop frontage to Kingsland Road. There are a number of empty shops along that stretch of Kingsland Road, both new and existing. The application fails to demonstrate that adding further to available shop frontage is needed.
 - The proposed application includes 65 affordable housing units and 139 one and two bed units. The application fails to demonstrate that such accommodation is needed in the area. Available demographic and socio-economic data would suggest that Hackney is polarised in its socio-demographic structure and that it desperately needs accommodation to attract middle income families. Further, there is significant development of one and two bedroom flats in the area.
 - There should be a greater number of shared ownership homes as opposed to socially rented properties, noting that there are substantial numbers of

social rented properties on the De Beauvoir Estate and there is a great need for key worker accommodation in the area. A higher number of Shared Ownership properties would maintain a more balanced community locally and would facilitate an overall reduction in density on the site whilst maintaining the viability of the scheme.

- The application would result in a number of existing buildings along Hertford Road being lost. The demolition of the buildings would reduce further the local history in the area, replacing character, locally relevant buildings, with modern, characterless buildings that lack any relationship to the local context within which they sit.
- The application does not include sufficient detail on quality of materials to be used. A number of recent developments in the area are of poor quality in terms of their finishes and materials, which does not enhance or improve the local area.
- The scale and layout of the buildings fail to preserve and enhance the setting of the listed buildings at 16 and 16A Hertford Road and the setting of the Conservation Area. The orientation of the buildings conflict with the historic grain.
- The buildings are designed to a uniform pattern without variation in typology such that the buildings lack individual identity and overall character. A more imaginative design should be employed for a site of such significance and character and that the design should take advantage of the historic buildings on the site rather than simply work around them as 'retained' buildings.
- 16 and 16A Hertford Road have not been fully appreciated in the Building Gazetteer compiled by Doyle in Dec 2006. There are other buildings on the development site similarly been underestimated by the survey. There has not been sufficient and careful consideration so as to justify demolition of the following buildings which contribute to the conservation area on account of their character, function and group and townscape value
 - e.g. 12-14 Hertford Road, circa 1905 and 1916 is categorised by Doyle as B/C only;
 - the 1900/1920 timber warehouse at 24 Hertford Road which Doyle categorised only as B;
 - 31 Downham Road is possibly of B category based upon its group value and underlying remnants of historic fabric;
 - 27-29 Downham Road, circa 1900 with front elevations rebuilt in 1921, could increase its contribution to the conservation area by restoration of its group value.
- Public access must be gated and be limited to residents and canal boat users only. There should be no through routes to the proposed scheme and no new links between the Basin and the canal tow path as incidents of crime is high on the latter
- Impact on light levels for properties in Kings Wharf Block B, units 6-10 on each floor.
- Scale and height of proposed buildings dwarf the stables, general height of four storeys adequate for the site.
- Density of certain buildings has merely been shifted around since the listing of certain older buildings to compensate for the loss of flats in these areas. Commercial Wharf will encroach on Kings Wharf walkway, has significantly increased in height and density from the previous proposal despite concerns

voiced in consultation with the architects and previous applications. Large parts of the scheme at Commercial Wharf and west of Kingsland Basin are significantly higher than Kings Wharf, in addition it appears there will be paving on top of the penthouse flats at Commercial Wharf, thus facilitating rooftop use even higher than shown in the drawings. Risk that the freeholders of existing buildings such as Kings Wharf will seek to add further floors.

- Plan PL207 and related plan PL208 overstate the height of Kings Wharf. This implies that the proposed development at Commercial Wharf will be higher relative to Kings Wharf than is shown on the drawings. Within the supporting planning statement it states that the "*Kings Wharf development rises to nine storeys (21m) and the adjoining Benyon Wharf rises to 20m*". This may adversely affect TV reception for Kings Wharf. The communal aerial is located on the roof above the flat on the Kingsland Road side, closest to Commercial Wharf. It may also give rise to other issues reliant on using the correct height for Kings Wharf. Also, find no reference to height in the Delva Patman survey. They do not refer to the plans for Kings Wharf or Benyon Wharf in their list of source materials.
- Loss of daylight/sunlight to Spice/Quebec Wharf. The relevant information for assessing impact under the BRE guidelines for calculating Annual Probable Sunlight Hours includes information about the flats layout as well as floor level because it is the adverse effect on the habitable rooms with windows within 90 degrees due south which is critical. Measures have been taken recently on Quebec Wharf building and it has been established that the building is substantially within the 90 degrees. Building has been ignored from the current calculation and therefore a separate reading should be taken.
- The Delva Patman report does not consider the reduction in daylight to the walkway windows of the flats at the northern end of the canal and Kingsland Road blocks of Kings Wharf. Currently, one photocell operates all walkway lighting. There will be a combination of loss of daylight and overshadowing of the walkways at the northern end of the walkways for the Canal and Kingsland Road Blocks. This will require separate photocell circuits as some of the walkway lighting will need to be left on all day during autumn and winter if the proposal is approved.
- Delva Patman drawing SHD/506 shows the courtyard of Commercial Wharf will be permanently overshadowed. The lower flats in the courtyard block of Kings Wharf will thus have no access to an area not in shade, this is unacceptable for a forward thinking development by a social housing provider.
- The shadowing report, which accompanied the previous application, included detailed analysis of the reduction in sunlight for the moorings. It is unsatisfactory that no similar test has been undertaken for this given the greater height of the current scheme. The Delva Patman report indicates that the existing moorings will be overshadowed until 10am or later and will then be overshadowed from 2pm onwards. Any development of the waterside area of the two Travis Perkins yards would completely overshadow the eastern side of the basin for much of the day.
- There is little opening for common ground in the form of allotments
- No reference found to any application for permission in respect of the blue

line plan that include residential moorings. The residents on the boats form an integral part of the basin. Greatly concerned that boat residents will have not appreciated that the propose moorings shown are not part of the application. Consequently, Boat residents will not have considered the severe loss of sunlight, privacy and security should the scheme be approved and their moorings remain in their current location, general paucity of information for CGUG community.

- The sunlight and daylight report does not provide sufficient explanation or statistics to justify its conclusions.
- Current indications are for a “more of Benyon Wharf” approach (referring to outward faces rather than successful internal courtyards). Architects must respect character of the existing buildings and work hard to produce something special to Kingsland Basin, not repeat what can be seen at many other new sites across London. Use of glass balcony fronts visible in some of the illustrations seem inappropriate producing a sleek and shiny corporate office face.
- Proposal should provide more industrial space
- The proposals will turn the Canal into a residential cul-de-sac rather than a mixed area of homes, small businesses and wildlife.
- Consultation incorrect. On the page with the heading ‘proposed uses’ the image labelled ‘existing site plan’ should in fact say ‘Proposed site plan’. This might have dissuaded several residents from commenting on the proposal since the rendered perspectives there seems to be little different.
- Passive solar heat system at Kings Wharf at risk with the south-west faced large windows for capturing sunlight and the exposed concrete ceilings for thermal mass storage.
- Listed buildings should be retained and reused where possible rather than demolished as stated in the conclusion of the Regents Canal Conservation Area.
- Too many car parking spaces for area of good and improving public transport – 207 homes should mean no more than ten per cent for disabled users. As within a CPZ ban others from holding resident parking permits and require developer to pay first years membership of Hackney Car Club for all residents with a driving licence.
- 32 Hertford Road will be overlooked, especially upper two bedrooms, back garden will be overlooked and roof terrace as well as kitchen.
- Proposal will destroy the historic character of the street. They are not going to build extensively in brick, they are not going to maintain the low rise nature of the buildings, various fixtures and fittings of this heritage as currently seen on the outside of the buildings, such as the warehouse winches,, painted murals etc. Any attempt to ‘preserve’ the character of the buildings is consonant with destroying them, as preservation within the context of a contemporary housing development is tantamount to reification.
- The architecture designs seem to seek to continue the Benyon Wharf aesthetic which is disappointing. It would be good to see more variety and features. Not advocating that new buildings have to look like Kings Wharf: a mix of both styles and matiers is to be encouraged, but hope to see ground level and water level planting, not only to sofen the exterious but to support bird and other life and greater provision of upper level balconies to allow residents to install their own planting.

- Proposed Commercial Wharf is taller than last scheme and in higher density.
- Fourteen rooms in Kings Wharf reviewed in the Sunlight and Daylight study – which rooms are these?
- Kings Wharf absent from sunlight tests.
- Mezzanine level at Kings Wharf (Basin side) receives very little light during day. As the work area of these live/work units have barely habitable room heights and therefore so low that it is very hard to fit central light fittings which don't obstruct movement around the space.
- Construction waste and demolition materials have been allowed into the water, waste blows around. It is hard to see how much wildlife will remain when the proposed Kingsland Wharves development has been completed. Urge Council to make greater efforts and lay conditions on developer and his contractors to mitigate these problems.
- No indication of what physical separation will be provided. It must be both effective and aesthetic. Urge Council to insist the developer allows and encourages his architect to consult with Kings Wharf residents on reasonable design details.

Barbican Arts Trust submitted objection on the grounds that:

London and Quadrant have ignored all communication from BAGT concerning its inclusion in the development. Comments made in direct relation to BAGT by the inspector in his report following L&Qs unsuccessful appeal have been similarly ignored.

(Paragraph 45 of the Appeal Decision, following L&Q=B9s second planning application): I recognise that in view of their condition, age and configuration, the buildings are not as flexible as modern structures, or as easy to upgrade. For these reasons, they are unlikely to be attractive to users who require up-to-date facilities. On the other hand, some are likely to be more attractive to occupiers who need cheaper accommodation and who cannot afford the rents sought for modern buildings. I heard first hand and convincing evidence of this from the Barbican Arts Trust, who occupy Nos. 12-14 as studios. That view is backed up by the Artists Studios guide produced by the Arts Council and others, which highlights the difference between affordable and commercial rents for studios. In this connection, Hackney is identified in the London Plan (para 3.139) as a place where creative industries cluster, recognising that one influencing factor is the availability of low cost workspace. LP Policy 3B.9 promotes the identification and support of such clusters. In my opinion, the appeal site provides such an opportunity. Provided that development of the site was to be appropriately targeted, I have no reason to believe that occupiers would not be found.

In the current uncertain financial climate regard should be had to BAGT twenty years in Hertford Road. It seems ludicrous that L&Q should turn it back on an organisation, backed by Arts Council England, that has a proven track record for studio provision and a public programme of cultural advancement in the local community.

Canals in Hackney User Group – support the scheme but do not feel the

suggested unrestricted public access along the whole of one side is feasible.

- provision of squares allow space onto the basin and avoids a canyon effect as seen on the east side developments. Also, the retention of existing buildings has improved the scale and reduced over shadowing of part of the basin. The public square at Norway Wharf is in a good position for local people to view the conservation end of the basin that they could enjoy without disrupting the unique security and tranquillity of the basin by full through route to the towpath.
- Can see that in the future the security may improve and increased public access agreed on the west side. To allow for that possibility our mains supplies, general facilities and permanent moorings will be moved to the Kingsland Road side of the Basin within L and Q's proposal.
- As the main towpath suffers from anti-social behaviour such as drug taking and theft, a through link would spoil the current amenity of the basin enjoyed by local people
- Should be more units available for cafes and restaurants as currently ample supply of housing but not enough services to provide for them
- No mention of disabled units
- No mention of lamp posts around the site

The Inland Waterways Association wrote without objection but to share concerns of Canals In Hackney Users Group about the security aspects for boats in the basin and the increased public access to the waterside.

Support

Will regenerate the local area, whole area is in desperate need of regeneration and more greenery.

The creation of additional amenities will be a benefit to existing local residents.

Tree planting scheme for Hertford Road and Downham Road

Direct access for the public to the Basin from Hertford and Downham Road.

Proposal will clean up a dilapidated area and hope that the pub will also be included in these plans.

Great they are planning to restore and keep the existing buildings whilst adding with new ones.

Wharf area and conservation area will be great and enhance the canal making use of the canal.

Opening up the Wharf would be a great addition to the canal and area.

4.6 Statutory consultees

4.6.1 British Waterways

No objection to the proposed development subject to conditions and contribution of £25,000.00 towards improvements under Cycle Route Implementation and Stakeholder Plan (CRISP) as well as two chicanes required to encourage safer cycling along the towpath, to and from the development. Wish to provide comments that should be considered in context of letter to applicants agents (dated 27th October 2008 – Index 5 to Application Planning Statement) as follows:

Support the design and layout of the development, with the proposed variation in building design and height and the retention and redesign of the listed buildings, which we feel has successfully incorporated the heritage features of the site. Also support the idea of including art works such as the water feature in the Stable Yard, perhaps with a map of the Regents Canal, which would further help to link the basin with the adjacent canal network. Further idea of temporary art work displays within the site helping to make it an attractive visitor destination, and promoting its cultural and historic elements.

Please see further public and communal amenity access to the Basin, particularly in coordination with the adjacent proposed development of 2-10 Hertford Road. Also, pleased to note the new landing stages for canoeists (including access for the Laburnum Boat Club) and other boats, including potential provision for the floating classroom, which is all in accordance with London Plan Blue Ribbon Network Policies.

Support the proposed commercial uses around the waterside to help add interest and vitality to the Basin and capitalise on the water as an asset in accordance with the BRN policies. New accesses allow increased permeability and help to integrate development with the water space, thus adding interest and vitality to the basin and its surroundings. Accept that a level of security is required for the new occupants of the development, keen that the development is not cut off from the towpath and the Regent's Canal.

Consider that the development should contribute towards local canal side environmental improvements such as upgrading the towpath (i.e. widening, resurfacing and in appropriate locations, verge planting) and graffiti removal in the local area. This would increase the capacity and attractiveness of the towpath as a practical link between destinations and a beautiful leisure resource, thereby helping to reduce local traffic movements and to encourage walking and better health and well-being.

Pleased revised scheme respects amenities of the existing boaters within the Basin, and includes provisions for various amenity improvements such as formal mooring pontoons, services points and pump out facilities.

Support ecological and landscaping enhancements proposed for the basin, allowing it to be brought back into use as a functional waterside while mitigating the impact of development, and enhancing the existing habitats.

In interest of sustainable development and to satisfy a BRN principle, BW would like to see the development utilise its canal side location for waterborne transport. The construction cycle could potentially be serviced from the canal. Construction waste can be removed by water and building material and plant can be deliver by water. BW request that a feasibility study, and implementation of its findings, be carried out in connection with the potential use of the site for waterborne transport.

4.6.2 East London Line

No representation received.

4.6.3 English Heritage

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

Archaeology:

Recommendation for Condition to secure Building Recording and Analysis and a Condition to secure programme of archaeological work.

4.6.4 Environment Agency

No objection in principle to the proposed development subject to conditions (as listed within Recommendation A, 8.1.14-21).

4.6.5 Georgian Group

No representation received.

4.6.6 Greater London Authority

The GLAs Stage I response was received on the 1st April 2009. This found that on balance the application did not comply with the London Plan but set out a number of changes that could remedy the application to become compliant. Following submission of further information, an update to the GLAs stage I received on 28th May 2009 states that:

Now provided up to date responses on the issues raised in the Stage I report, with the following issues partially outstanding:

- Resolving the requirement to provide PV as part of the renewable energy component;
- Securing a condition to move demolition fill by canal (agreed wording with the Council);
- Securing a condition for noise mitigation (agreed wording with the Council);
- Securing conditions to ensure the inclusion of the proposed Green Roofs and SUDS;
- Securing conditions or S106 requirements for a Travel Plan, Servicing Plan and Construction Plan;
- Securing a financial contribution for off site play facilities or open space improvements;
- Securing a condition for the energy efficiency modelling;
- Securing a condition for the delivery of the energy strategy (CHP and renewable component)

4.6.7 Invest In Hackney

Believe that the proposal is well placed to bring the site back to optimal use. Investment by L&Q will ensure the creation of a highly desirable working and living environment, resulting on a significantly improved public realm. This investment, together with others planned for the adjacent properties, has the potential to create a landmark scheme for Hackney, ensuring quality open space for residents, businesses and visitors, transforming a collection of unattractive buildings and contributing to the wider regeneration of the

Kingsland Road and Kingsland Basin areas.

Proposals not only to maintain but increase employment floor space, together with GLE an experienced workspace management company, developers propose to create high quality office and studio space suitable for SMEs and aimed particularly at the artistic and creative industries, a targeted growth industry. Proposed commercial floor space includes B2 light industrial space in the form of small production units, which is welcomed by liH. Incorporating these units successfully into this development will be important in showing that they can work in close proximity to residential units in future development.

4.6.8 London Fire and Civil Defence Authority
No representation received.

4.6.9 Police
No representation received.

4.6.10 Primary Care Trust
New health centre, designed to latest NHS standards, will replace an existing practice at Englefield Road that, whilst one of City and Hackneys best performing practices currently has inadequate space and facilities to meet new standards and expand its services to the local community, including extended hours. The PCT fully supports the application.

4.6.11 Thames Water Utilities
No representation received.

4.6.12 The Learning Trust
No representation received.

4.6.13 Transport for London
Comments included within GLAs Stage one response:

The applicant has not provided sufficiently detailed travel plan, has not carried out a survey of local bus stops within 400 metres of the site, has not provided sufficient modelling work, and has not committed to the provision of a delivery and servicing plan.

4.7 Local Groups

4.7.1 Kingsland Conservation Area Advisory Committee
The Committee is pleased to see that L&Q, after submitting several applications and working closely with Hackney Council, have arrived at a design for Kingsland Basin that will deliver a very attractive scheme.

Glad that the development now contains more open spaces and views from Hertford Road to the basin and that there will now be access to Regents Canal from Hertford Road. The retention and refurbishment of a number of historic buildings is also very welcome. The managed access to the scheme will be of great benefit to the local community.

The Landscape design is essential to the success of this project and it should be a condition of this application that the external works, as described in the application, are carried out in full prior to occupation of the buildings.

The Committee has some concern about the seven and eight storey buildings on the site but appreciate that these are mitigated by the courtyards and the pathway along the edge of the Basin.

4.7.2 The Hackney Society
No representation received.

4.8 Council Departments

4.8.1 Arboriculture/Landscape and Tree Officer:
Proposals acceptable, conditions recommended.

4.8.2 Building Control
No representation received.

4.8.3 Community and Leisure Services
No representation received.

4.8.4 Conservation and Design:
Kingsland Basin is one of the largest Canal Basins in London. Since its completion in 1827 the Basin has been associated with timber, building trade and furniture trade and manufacturing.

The Majority of wharves on the east bank of the Basin including Baltic Wharf, Benyon Wharf, Kings Wharf and Quebec Wharf have been redeveloped into residential-led mixed use schemes ranging between 4-9 storeys. The head of the Basin (11-23 Downham Road) is under construction (up to 8 storeys) and Reliance Wharf (2-10 Hertford Road) on the west bank of the basin (resolution to grant) is for up to 6-storeys, mixed use development including a publicly accessible courtyard. Several other Canal side sites in the vicinity of Kingsland Basin along De Beauvoir Crescent and Orsman Road are in various stages of planning and construction. The cumulative impact of developments in and around Kingsland Basin is transforming the nature, function, character and perception of this area.

New developments have largely followed a courtyard pattern with the Basins edge interrupted by gaps and wide-openings and continuous frontage along the surrounding streets. However, they are mostly private and inaccessible to the public. In response to this the Council approved the Kingsland Basin Urban Design Framework for public consultation in 2007. The Framework sought to establish a number of urban design principles that should influence the design of future development around the Basin. These included:

- Public Realm - a sequence of publicly accessible routes and spaces along the west side of the Basin;
- Historic fabric – retention of the best of the historic wharf buildings (including

- unlisted buildings) within any new development;
- Encouragement of mixed use development;
- Acceptable buildings heights, scale and massing.

The height and massing strategy and the overall layout of the proposal is based on an understanding and appreciation of its context. It maintains the established historic scale and height along Hertford Road, it creates generous open spaces and sense of openness around the listed Stable Block (16A Hertford Road), and it creates an effective variation in building lines, heights and setbacks along the Basin's edge framing interesting views and balancing the intensity of development. In its layout it makes appropriate references to the grain and historic morphology of wharves which forms part of the character and special interest of the Basin.

The proposal provides a good size, mix and range of public open spaces, including a busy and vibrant Norway Wharf, a quiet and tranquil Stable Yard, experiential water-side boardwalk and a jetty at the head of the Basin offering expansive views of the Basin and Canal. The proposal capitalizes the site's major asset – the water, by providing access and opportunities for a range of water based activities. The proposed pedestrian routes link into the existing network of routes i.e. the Canal towpath and Hertford Road, significantly enhancing local permeability. The proposed open space adequately responds to and forms the setting of the Listed Buildings on site but also frames and creates a series of interesting views in and out from the proposed development. Of the provision of private open space, the proposal provides an adequate level and range of amenity space including opportunities for play for toddlers and young children for its residents.

The three main elevation treatments adopt a disciplined and contemporary approach based on the architectural character defined by the surviving examples of nineteenth Century and early twentieth Century Industrial buildings. It effectively introduces new elements such as balconies to accommodate residential use. The palette of material is controlled and subtle variations are introduced by using a variety of colours. Stock brick is the principle material used and is a direct response to the stock brick used in Victorian buildings. The elevation treatment and the palette of material preserve the appearance of the Conservation area and the setting of the listed buildings.

The application site forms a substantial part of Kingsland Basin which lies within the Regents Canal Conservation Area (also adjacent to the Kingsland Conservation Area), the special character of which is derived from its canal-side industrial past and characterised by surviving examples of 19th and early 20th century wharf buildings. The proposal includes substantial redevelopment of the western bank of Kingsland Basin and will have a profound impact on the character of the basin and the canal.

Improved accessibility and provision of public open space: The proposal's new pedestrian routes links into the existing network of routes i.e the canal tow path and Hertford Road, which significantly enhances local permeability. It provides a good size, mix and range of public open spaces, including a busy and vibrant

Norway wharf, a quiet and tranquil Stable Yard, experiential water-side boardwalk and a jetty at the head of the basin offering expansive views of the basin and the canal. The open spaces adequately respond to and form the setting of the listed buildings on site but also frame and create a series of interesting views in and out from the proposed development. The proposal capitalises the site's major asset – the water, by providing access and opportunities for a range of water based activities. The proposal also provides an adequate level and range of amenity space including opportunities for play for toddlers and young children, for its residents.

Retention of the historic fabric of the site: Majority of buildings associated with the historic character and appearance of Kingsland Basin have been retained, this includes the listed stable block 16-16a Hertford Road, 18-20 Hertford Road and 32 -32a Hertford Road. The historic buildings which are proposed for demolition are either, not of particular relevance to the special interest of the conservation area or are not of sufficient architectural quality and interest to merit retention.

Appropriate height and architectural character: The height and massing strategy and the overall layout of the proposal is based on an understanding and appreciation of its context. It maintains the established historic scale and height along Hertford Road, it creates generous open spaces and sense of openness around the listed Stable block (16a Hertford Road), and it creates an effective variation in building lines, heights and setbacks along the basin's edge framing interesting views and balancing the intensity of development. In its layout it makes appropriate references to the grain and historic morphology of wharves which forms part of the character and special interest of the basin. The three main elevation treatments adopts a disciplined and contemporary approach based on the architectural character defined by the surviving examples of 19th century and early 20th century industrial buildings. It effectively introduces new elements such as balconies etc. to accommodate residential use. The palette of material is controlled and subtle variations are introduced by using a variety of colours. Stock brick is the principle material proposed and is a direct response to the stock brick used in the Victorian buildings.

The application scheme has been arrived at following extensive pre-application discussions that also included the involvement of English Heritage and presentations to the Hackney Design Review Panel. The layout and design of the scheme meets the principles set out in the Kingsland Basin Framework and the historic character of the area, including the principal buildings of interest, are to be retained. The application scheme is therefore acceptable subject to the approval of further details including materials. Suitable conditions should be attached to any consent to ensure that it is delivered to the high standard of design and materials specified in the application documents and drawings.

4.8.5 Highways:

Following visit to the site works to highway required at estimate cost of £103,760.98. The proposals include the following:-

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

Take up existing footway base course and dispose (Concrete)
Take up and dispose of existing granite kerbs
Provide and lay new granite straight kerbs and transition kerbs
Provide and lay new base course on footway
Provide and lay new fibre - reinforced paving in accordance with the Public Realm Design Guide
Reconstruct / Renew 2 No. vehicular crossovers in accordance with the Public Realm Design Guide and as directed by the engineer on site.
Removal of a number of crossovers, as directed.
Renew/install line carriageway

The above works are to Hertford Road and Downham Road only all work to Kingsland road must be agreed with TfL

The estimate includes for traffic management in accordance with Chapter 8 however the estimate does not include any statutory apparatus adjustments that may be required as a part of the construction of the crossover. A minimum of 450 - 500mm cover from the top of services is required for residential/ light use crossovers however, 600mm cover is required for heavy duty crossovers. This is a task required to be carried out and paid for by the developer and should be carried out in advance of LB Hackney carrying out any highway works.

4.8.6 Housing:

Proposals acceptable.

4.8.7 Policy

It is good.

4.8.8 Pollution

Recommend number conditions (see Recommendation A , 8.1.38).

4.8.9 Transport:

The site is located within a controlled parking zone and has a public transport accessibility rating of 2/3. The PTAL level of the site is expected to increase to level 3/4 with the construction of the new Haggerston Station on the East London Line Extension, expected to be completed in 2010. The site is therefore considered to have good accessibility. Kingsland Road is part of the A10 Transport for London Road Network and therefore under the management of TfL.

Approval of the access arrangements in Kingsland Road to be sought from TfL. The vehicular access in Hertford Road is considered satisfactory. The details of this access will need to be provided prior to development for approval and construction by LBH highways.

The layout of the car park is satisfactory. The minimum dimensions for standard car parking places, disabled parking spaces and width of access are satisfied. The width of the proposed vehicular ramp is generous and allows for two-way traffic. The minimum visibility requirements appear to be met.

The total car parking provision is acceptable and takes account of the future increase in accessibility to public transport. A total of 23 disabled parking spaces are provided across the two sites – 15 at the basement of Hertford Road and 8 at ground level in Kingsland Road.

There is an existing car club bay located within five minutes of the development in De Beauvoir Square. Whilst conveniently located for this development, provision of a bay within the basement car parking for use by occupants of the site and possibly the wider community is recommended by way of Section 106.

The servicing and delivery arrangements are considered satisfactory. Whilst there is no objection to the installation of a second loading bay on Hertford Road, approval from the Councils Parking Services department must be sought.

The transport assessment included a trip rate assessment that demonstrates the proposal will generate slightly less vehicular trips than the existing use. The Council therefore agrees that the trip rate of the proposed development will have a minimal impact on the existing traffic situation and no serious impact on the adjoining junction capacities.

The Cycle parking provision for the various uses is in line with TfL standards and therefore considered to be satisfactory. The layout and location of the proposed cycle parking places are accepted.

The Transport assessment included a Travel Plan Framework (TPF), which states the measures to be included in the Travel Plan (TP). The TP for the site will include two components: A workplace and Residential TP. Part of the TPF states that a car club will be investigated as a TP measure. However, this will be secured as a separate obligation in the section 106 agreement and a Travel Plan is recommended as an obligation also.

No objection subject to standard conditions.

4.8.10 Waste management:

Application has been discussed in depth with waste strategy and waste operations and the developers to come to an agreement on their waste strategy.

There are seven collection points for residential/commercial and mixed waste collections, including recycling stations. All collection points have been agreed with operations team for storage, distance, suitability for collection, such as dropped kerbs and weight allowed for vehicles and recycling.

5. POLICIES

5.1 Hackney Unitary Development Plan (UDP) (1995)

- EQ1 - Development Requirements
- EQ12 - Protection of Conservation Areas
- EQ13 - Demolition in Conservation Areas

EQ14	-	Alterations and Extensions of buildings in Conservation Areas
EQ16	-	Protection of Listed Buildings
EQ17	-	Alterations to Listed Buildings
EQ18	-	Setting of Listed Buildings
EQ19	-	Changes of use of Listed Buildings
EQ28	-	London Squares
EQ29	-	Archaeological heritage
EQ30	-	Areas of Special Landscape Character
EQ31	-	Trees
EQ32	-	Shop Front and Shop signs
EQ41	-	Development close to existing sources of noise
EQ42	-	Air pollution
EQ43	-	Development of contaminated land
EQ44	-	Water Pollution
EQ46	-	Recycling facilities
EQ48	-	Designing out Crime
H03	-	Other sites for housing
H06	-	Residential use of upper floors above shop units
H07	-	Redevelopment of housing
E12	-	Office Development
E18	-	Planning Standards
TR19	-	Parking standards
R4	-	Local Shops
R10	-	Cafes, Restaurants, Wine Bars and 'Take-away' Hot Food Shops
OS6	-	Green Chains and Links
OS9	-	Recreational Footpaths, Towing Paths, Cycle ways and Bridleways
OS10	-	Children's Play areas
OS12	-	Protection of Open Water Areas
OS13	-	Access and Use of Water Areas
OS14	-	Areas of Nature Conservation Importance
OS16	-	Development and Areas of Nature Conservation Importance
OS17	-	Wildlife Habitats
CS2	-	Provision of Community Facilities as part of Development Schemes
CS3	-	Retention and provision of Community Facilities
CS4	-	Provision of healthcare facilities

5.2 Supplementary Planning Guidance (SPG)

SPG1	-	New Residential Development
SPG9	-	Regents Canal
SPG10	-	Restaurants, Public Houses, Hot Food Take-away
SPG11	-	Access For People With Disabilities
SPG13	-	Listed Buildings

5.3 London Plan 2008 Consolidated with Alterations since 2004

- 2A.1 - Sustainability Criteria
- 2A.2 - The spatial strategy for development
- 2A.7 - Areas for Regeneration
- 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.7 - Large Residential developments
- 3A.8 - Definition of affordable housing
- 3A.9 - Affordable Housing Targets
- 3A.10 - Negotiating affordable housing in individual private residential and mixed use schemes
- 3A.11 - Affordable Housing Thresholds
- 3A.20 - Health Objectives
- 3A.21 - Locations for Health Care
- 3A.27 - Meeting floor targets
- 3B.1 - Developing London's economy
- 3B.2 - Office demand and supply
- 3B.3 - Mixed use development
- 3B.8 - Creative industries
- 3B.11 - Improving employment opportunities for Londoners
- 3C.1 - Integrating transport and development
- 3C.2 - Matching development to transport capacity
- 3C.3 - Sustainable Transport in London
- 3C.19 - Local transport and public realm enhancements
- 3C.21 - Improving conditions for walking
- 3C.22 - Improving conditions for Cycling
- 3C.23 - Parking strategy
- 3D.3 - Maintaining and improving retail facilities
- 3D.4 - Development and promotion of arts and culture
- 3D.8 - Realising the value of open space and green infrastructure
- 3D.13 - Children and young people's play and information recreation strategies
- 3D.14 - Biodiversity and nature conservation
- 4A.1 - Tackling climate change
- 4A.2 - Mitigating climate change
- 4A.3 - Sustainable design and construction
- 4A.4 - Energy assessment
- 4A.5 - Provision of heating and cooling networks
- 4A.6 - Decentralised Energy: Heating, Cooling and Power
- 4A.7 - Renewable Energy
- 4A.10 - Overheating
- 4A.11 - Living Roofs and Walls
- 4A.12 - Flooding
- 4A.13 - Flood Risk Management
- 4A.14 - Sustainable drainage

- 4A.15 - Rising groundwater
- 4A.16 - Water supplies and resources
- 4A.17 - Water quality
- 4A.18 - Water and sewerage infrastructure
- 4A.19 - Improving air quality
- 4A.20 - Reducing noise and enhancing soundscapes
- 4A.21 - Waste strategic policy and targets
- 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
- 4B.4 - London's buildings: retrofitting
- 4B.5 - Creating an inclusive environment
- 4B.6 - Safety, security and fire prevention and protection
- 4B.8 - Respect local context and communities
- 4B.10 - Large scale buildings – design and impact
- 4B.11 - London's built heritage
- 4B.12 - Heritage Conservation
- 4B.13 - Historic conservation-led regeneration
- 4B.15 - Archaeology
- 4C.1 - The strategic importance of the Blue Ribbon Network
- 4C.2 - Context for sustainable growth
- 4C.3 - The natural value of the Blue Ribbon Network
- 4C.6 - Sustainable growth priorities for the Blue Ribbon Network
- 4C.10 - Increasing sport and leisure use on the Blue Ribbon Network
- 4C.11 - Increasing access alongside and to the Blue Ribbon Network
- 4C.12 - Support facilities and activities in the Blue Ribbon Network
- 4C.14 - Structures over and into the Blue Ribbon Network
- 4C.15 - Safety on and near to the Blue Ribbon Network
- 4C.20 - Development adjacent to canals

5.4 National Planning Policies

- PPS1 - Delivering Sustainable Development
- PPS3 - Housing
- PPS9 - Biodiversity and Geological Conservation
- PPG13 - Transport
- PPS22 - Renewable energy
- PPS23 - Planning and Pollution Control
- PPG24 - Planning and Noise
- PPS25 - Development and Flood Risk

6. COMMENT

Planning permission is sought for the redevelopment of six sites, including both new build and the refurbishment and change of use to conservation and listed buildings. The Application site, as previously introduced, is more easily presented by discussion

of the proposals six built elements:

Firstly, at 27-31 Downham Road, a part four, part five storey block would provide 336 sqm of B2 floor space for a proposed motorbike repair shop at ground floor level with further commercial floor space provided at upper floor levels. These would be subdivided into 33 SME style units, varied in scale from seventeen to 42sqm. At fourth floor level a four metre set back along the western building line would accommodate roof level access to the block. Easy access to the motorbike shop for customers and their bikes will be complemented by the use of a cantilevered shop front. Internally, both refuse and cycle storage is provided to the commercial units coming off the separate access way to the upper level commercial units.

Secondary access to the rear of Downham Road will lead to Downham Wharf: access to cycle storage for the Wharf would be provided against the rear of the Downham Road block. Currently referred to as Union Wharf (as well as incorporating 32A Hertford Road and the Old Ivy Public House) a part two, part three, part four, part five and part six and part seven storey development of blocks around an internal courtyard would be erected here. Facing Hertford Road, the existing façades of 32-32a Hertford Road shall be retained, with new build at 22-24 Hertford Road up to seven storeys with sixth floor set back Basin side. Part of this new build element would also be the north elevation framing a public courtyard to Norway Wharf.

The internal courtyard to Downham Wharf is framed by the rear building line to the Downham Road Block, the rear building line to the properties fronting Hertford Road, at two to three storeys, and a winged element of the new build at Hertford Road running through to the western edge of the Basin. This wing shall accommodate part of the accommodation to a Health Centre; the main access to the health centre will be off Hertford Road through an entrance punctuated in the retained frontage at Norway Wharf. An internal corridor shall manipulate the manner in which the health centre is laid out, as to ensure multiple windows through both a north and south façade, taking advantage of its location with proposed courtyards flanking its sides. Treatment and therapy rooms shall be so located as to have the northerly aspect overlooking the Courtyard at Downham Wharf that shall be accessible to staff of the health centre also.

Downham Wharf shall also accommodate commercial floor space to those units at 32 and 32a Hertford Road, with access leading to eleven individual units, again ranging in size for SME's. The new build element shall be set back from Hertford Road at third floor level by two metres increasing at the fourth floor level by ten metres from the front building line.

Facing the Basin, the block would rise to seven storeys with a two metre set back at the sixth floor. At ground level, a single storey under croft to afford both views and private access to the Basin would be accommodated.

Norway Wharf leads off from Hertford Road through a 3.6 metre high under croft to a public courtyard with views toward the Basin and Quebec Wharf, on the east side of the Basin. The west and north edges to the Courtyard are flanked by the medical centre. A café with full height glazing to the basin will be at the northeast corner junction of the courtyard to this Wharf.

Through retaining the existing façade, twelve SME commercial units would be provided at first floor level, taking internal division cues from existing opening patternation.

The southern side of the courtyard shall be framed by the Listed Building at 16A Hertford Road, with openings at ground level that shall provide access to commercial units falling within Hertford Wharf. With the retention of the listed buildings of 16 and 16a Hertford Road, except for the demolition of a single storey rear addition to 16A Hertford Road, the L-shaped form of the block will be entirely commercial, again providing varied accommodation for SME units. In so being, a further courtyard shall be accommodated, with new buildings to the south and part of the eastern edge of the yard, with an opening leading towards the Basin leaving the Listed Building free standing and set back from the Basins edge following demolition to its existing single storey rear extension. The block to the east would align with the end wall of the Listed Building, similarly set back from the Basin edge.

Across from the pedestrian entrance to the stable yard at the end of 16 Hertford Road, a new build block rising to eight storeys (set back from the Basin at the sixth floor) would be provided. Following the demolition of the existing two storey brick built structure, it would be predominately brick clad with some timber and metal cladding also. De Beauvoir Wharf, proposed at five storeys on Hertford Road, would accommodate at basement level the majority of the proposals car parking. With ramped access off Hertford Road, the parking would be ventilated through a double skin to the front elevation. A wall would be brought in front of the main façade, with half podium level of the car parking opening behind the wall, with planting built in between the façade and the wall. A similar arrangement is proposed at the Basin side for cross ventilation. The effect of the wall accommodates the bringing forward of Balconies that are set within the forward building line to upper levels along the Hertford Road elevation.

De Beauvoir Wharf would provide the only sole residential block, with the provision of a private courtyard provided, with a narrow, private access only, opening towards the Basin, set back from the water, aligned with the Basin facing block at Downham Wharf. The courtyard would be accommodated with child play space.

Across the Basin, at Commercial Wharf, the site would be cleared to accommodate the erection of two blocks to provide part six, part seven and part eight storeys, between Kings Wharf to the south and 305A Kingsland Road (Travis Perkins site) to the north. The building would be a mix of brick with metal cladding to the roof level. The west (basin) elevation would be provided with balconies. Along Kingsland road, a commercial/retail unit would be provided, with residential to the rest of the block. Access to a central courtyard would be off Kingsland Road, with a main access joint for pedestrians and vehicles. Views toward the Basin would be provided through a double height undercroft at the southern end of the site, as the west block would abut Kings Wharf.

Considerations

The main considerations relevant to this application are:

6.1 The principle of the use

- 6.2 Design and appearance of the proposed development
- 6.3 Potential impact on the amenity of prospective and adjacent residents
- 6.4 Traffic and transport considerations
- 6.5 Response to objectors
- 6.6 Response to Greater London Authority
- 6.7 Planning Contributions

Each of these considerations is discussed in turn below.

6.1 The principle of the use

- 6.1.1 The existing site is occupied by a range of employment generating uses, within a range of building types and occupations, from a scaffolding yard to office space. Additionally, parts of the application site are occupied by artist studios, and businesses otherwise connected to the Creative Industry sector.
- 6.1.2 The site falls within a Defined Employment Area, one that is recommended to come forward as a Priority Employment Area by Atkins within their Employment Growth Options Study published in 2006. The Inspector to the appeal scheme, as mentioned at paragraph 3.3 above, recognised that the application site was not marginal in terms of its employment potential, and met a number of criteria that also reflected those recommended for inclusion by the Mayors Industrial Capacity SPG:
 - capable of meeting a short term demand for industrial development;
 - an area designated for industrial protection and could support local clusters of industrial activity;
 - offers potential for in-situ expansion of existing business;
 - well located to take advantage of proposed infrastructure, notably a new tube station;
 - offers potential for the provision of small industrial units serving the local area;
 - contributes to local employment objectives and local economic diversity;
 - well located with respect to the highway network and public transport, and offers potential for transport by water;
 - provides lower cost industrial accommodation suitable for small start—up or lower-value industrial uses; and
 - provides sufficient space for parking and turning for goods vehicles.
- 6.1.3 The Inspector determined that the appeal scheme was contrary to policy, at the time, which sought to safeguard employment generating floor space within this DEA. Whilst the local planning policies were not saved by the Secretary of State direction under paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004, given the proposed designation in the Core

Strategy Proposals Map as a Priority Employment Area the presumption to retain employment floor space at the site is still relevant. This application would provide 5103sqm of B1 floor space. This seeks to address the quantum of floor space the Council considers as existing (6493 sqm of B Class floor space) and exceeds the 3006sqm previously proposed.

- 6.1.4 Whilst policy seeks to safeguard employment floor space, there is also a need to provide essential infrastructure and the Council are committed to ensuring an appropriate provision of healthcare services are provided across the Borough. The inclusion of D1 floor space to come forward as a new Doctors Surgery is welcomed, is in line with Council policy, and in this instance is acceptable as contribution to the shortfall of B Class employment floor space with this component taking the total B1/D1 floor space to 6500sqm. Officers have received letters of support from the Primary Care Trust and the Englefield Road Surgery who are anticipating occupying the D1 space. It is understood the current surgery to which they operate from is inadequate in terms of capacity and does not meet current NHS standards. Other uses under D1 classification would not be acceptable as compatible, nor having been afforded appropriate public consultation (such as a public hall). Given the scale of development and nature of Norway Wharf the interface of other D1 uses is considered inappropriate and as such it is recommended a condition to restrict this D1 floor space to health care only is recommended to ensure that the floor space is safeguarded for such purpose.
- 6.1.5 The B1 class floor space is so designed as to accord with the requirements for SME's in being laid out into small units as previously described above. Invest in Hackney have provided their support for these proposals. Whilst it is acknowledged there are a number of units particularly at 12-14 Hertford Road occupied by those in the Creative Industry (artists, sculptors etc), planning authorities are not at liberty to safeguard land use for specific users but by the way such land is sort to be used. The submission is such that a range of occupiers could occupy the B1 floor space, arranged in varied floor plate sizes, and different aspects across the site also that may encourage occupation by artists in certain areas but suit other B1 operators elsewhere.
- 6.1.6 The proposals include the provision of B2 floor space accordingly designed for use by the current motorbike repair shop. Again, this provision is welcomed within the scheme and seeks to provide a truly mixed use development.
- 6.1.7 In addition, some A class uses, along Kingsland Road, and to Norway Wharf facing the Basin, are accommodated within the development to provide retail and café floor space respectively. In accordance with Local, Regional and National planning policy to create sustainable, mixed used developments, this fusion of uses around the Basin are considered complementary to each other and would contribute to igniting the regeneration of the area.
- 6.1.8 Overall, the mix of commercial, retail and health care use here is supported and in accordance with the local, regional and national policy. The level of B1 floor space provision is considered to overcome the previous reason for refusal where in this instance the addition of health care as part of the re-provision is

welcomed.

Residential mix and affordable housing provision

- 6.1.9 It has been established previously, by the Inspector, that a mixed use proposal at the site is acceptable in principle; therefore the introduction of housing on the site is considered acceptable. The proposal brings forward a mix of accommodation. A total of 68 family units, equating to 33% of the residential component, would be accommodated which seeks to accord with the London Plan objective towards housing choice. Just over eleven per cent of the family units would be large (four bed) units. Whilst this falls short of the London Plans expected provision of forty per cent for large family sized units, this policy is for 'overall' London wide housing and on balance given the context of the site with its DEA designation and historic conservation sensitivity is considered adequate. The Councils Housing Needs Survey demonstrates a high demand for family sized units, and whilst not wholly meeting this need, the scheme does seek to make an acceptable contribution in mind of the aforementioned factors. Furthermore, the majority of two bed units are four person units that whilst not considered family sized accommodation, may address a need for young families outside the affordable housing market.
- 6.1.10 All residential units would be built to lifetime home standards, secured by way of a legal agreement. The units seek to comply in the majority with the Councils New Residential Development SPG (1), including layouts and room standards. Furthermore, ten per cent of units would be wheelchair adaptable; a condition is recommended to secure this provision should approval be given for the development. The majority of units are accommodated with some form of private amenity through provision of balconies. The proposed density would equate to 206.6 dwellings per hectare which is compliant with the sites location as a central location (within 800 metres of a Major Town centre (in this instance Dalston) under the London Plans Density matrix that anticipates a density range of up to 240 units per hectare for a site in this location.
- 6.1.11 The application proposes 32% affordable housing by unit; it is represented as 41% by habitable rooms, illustrating the weight towards family housing as part of the affordable housing element. Of the affordable provision, twenty four units would be Intermediate with the remaining 41 units as Social Rented. This equates to a 37:63 tenure split. London Borough of Hackney and London Plan policy presumes a tenure split of 30:70. The surrounding site context, with De Beauvoir Estate to the west, accommodates a higher than average level of social accommodation and therefore to contribute towards balanced and sustainable communities the proposed weighting in favour of intermediate housing is considered acceptable. This is supported by both Council Housing Officers and the GLA.
- 6.1.12 Overall, the residential component of the development is considered to be in accordance with policy and shall make an acceptable contribution towards the need for both affordable and family sized accommodation in the Borough.

6.2 Design and appearance of the proposed development

- 6.2.1 The Regents Canal Conservation Area Appraisal claims “Kingsland Basin is one of the largest canal basins in London”. Further, in respect of the west side of the Basin: *“it is important that any new development takes notice of the qualities of the basin and respects the character of the surviving buildings...there is a much more open feel, with many open yards and the buildings that do exist generally erected beside the roadside, rather than the waterside. This is a unique quality and one that should be preserved”*.
- 6.2.2 Following lengthy discussions between Council Officers and the applicant’s agents as well as early (pre-application stage) presentation to Design Review Panel, the proposed development is considered to address the qualities noted above. The proposal respects the existing building line to Hertford Road, with a series of courtyard areas interspersed behind it. This introduces the first public access to the west side of the Basin since its completion in 1820. The retention of 32, 32a, 18-20 16A and 16 Hertford Road acts to retain elements of the heritage of the Basin, whilst these are enhanced by sensitively designed, brick faced blocks at 12-14 and 22 to 30 Hertford Road. From the south of the Basin, at views from the Bridge over its mouth, the open yard character to be orientated across the site from its existing state shall be visible.
- 6.2.3 In total, along Hertford Road, four wharves shall be established by a combination of existing and new build. These shall be interspersed in turn by four courtyards, each of varying scale to address the scale of development. From two stories along Hertford Road the building height to this side of the Basin shall peak at eight storeys, set back from the Basin, at De Beauvoir Wharf. With 16a Hertford Road set back from the basement following the demolition of its single storey extension, the opportunity to create a continuous footpath along the Basin is accommodated. Furthermore, to the north and south of the 16a Hertford Road, the provision of courtyards provides both real and visual ‘space’ to frame the listed building appropriately.
- 6.2.4 Along Hertford Road, at the southern end of the application site, the new build element shall rise towards the proposals resolved for approval at 2-10 Hertford road, up to eight stories, set back from the Basin edge. This is comparable to the building height of other developments around the Basin, similarly with eight storey set back. With the inclusion of a listed building within the proposal site, the application is different from earlier iterations that sought a greater massing, without the increased setting back and transition of scale.
- 6.2.5 With basement car parking, the design includes a ‘hidden’ approach to natural ventilation of the car parking, through the inclusion of double facades along Hertford Road. It is considered this approach will be visually sensitive, with the allowance for planting, as well as being supplemented with the accommodation of balconies at upper levels. - way works with venting etc
- 6.2.6 On the east side of the Basin, at Commercial Wharf, the new build would have a double height base established on the street side that would continue into the courtyard on the West Elevation. This would be presented with regular bays of large glass and metal panels, with a similar palette proposed for use on the top

floor also. The intermediate floors would be clad in timber and brickwork with a combination of recessed balconies to improve privacy with adjoining Kings Wharf. The Kingsland Road elevation would step down towards the lower scale development towards the north, being one storey higher at the party line, as it steps up to an eight storey to the south, adjacent to Kings Wharf. The façade picks up cues from the developments at both Benyon and Kings Wharf to bring forward a strong vertical rhythm broken into three parts, with a central brick clad verticality with a regularity of openings balanced on either side. The Basin façade also continues to take cues from the afore-mentioned wharfs to the South, with a strong grid of glazing broken up by timber panels. The massing across the site would be broken into two blocks, providing the courtyard space and so aligned as to not be forward of the existing building form at Kings Wharfs east and west blocks.

- 6.2.7 Mindful of the Inspectors comments in relation to the overall scale and massing of the appeal scheme, and the general scale of buildings at all other sites surrounding the Wharf, it is considered that the proposed height at the site is acceptable. It should not be forgotten that the site has come forward since the appeal, with the listing of 16 and 16A Hertford Road, nonetheless, giving the conservation proposals and sensitively set back massing to neighbouring blocks, the overall layout is considered to enhance the character and appearance of the buildings, and the Conservation Area also. The Kingsland Conservation Area Advisory Committee have noted that the proposed design “will deliver a very attractive scheme”.
- 6.2.8 Given the setting of the site particularly, the applicant has been encouraged to illustrate at the planning stage proposed details to address conservation standards. These include loading bay door, stable yard door and Norway Wharf door details. Furthermore, party to the listed building application, typical details of the internal alterations to 16A Hertford Road works have been provided, including new openings in existing filler joist floor for new stairwell and lift shaft for instance. All existing steel windows are proposed to be repaired or replaced with traditional pattern steel windows to match the existing. All such matters would be controlled under the Listed Building consent sort for approval subject to this application.
- 6.2.9 Overall, the proposed internal works and proposed refurbishment to the buildings proposed for retention are considered to be appropriate and by condition will be sensitivity addressed, mindful of conservation practise. In conjunction with the proposed new build and general proposals for the site, the Conservation Area Consent and Listed Building consents are acceptable.
- 6.2.10 It is considered appropriate that should the opportunity arise for the inclusion of street lighting along Kingsland Road be timely with the construction of the development that this be secured by condition. However, given the sensitivity of the street scene along Hertford Road, it would be inappropriate to require this here. Indeed, given the predominance of retained building frontage, there would be an unacceptable amount of cabling to the front of these facades to accommodate this, which would be considered to detract from the character and appearance of the Conservation Area. Particularly for the listed building,

this would require separate Listed Building Consent and would detract from the buildings heritage in line with the comments made above.

- 6.2.11 Overall, the proposed development is considered to be of an appropriate scale in relation to its position and area coverage. The proposals have been brought forward positively following the appeal, previous iterations and the listing of 16 and 16A Hertford Road. The approach by the applicant has appropriately taken advantage of the sites waterside location whilst mindful of its position within a Conservation Area, the surrounding built context and particularly the Listed Buildings within the site and adjacent at Quebec Wharf. With the imposition of conditions to capture the detail of the proposals, securing the desired high design quality for the development, it is considered that the application is acceptable and in accordance with pertinent local, regional and national policies.

Sustainability and Renewable Energy Provision

- 6.2.12 The proposals see development on existing Brownfield land and reuse of some existing building stock that addresses sustainable methods of development as sort by London Plan policy 4A.3. In a similar vein, all residential units are proposed to accord with Lifetime Home standards to have flexible use throughout their lifetime.
- 6.2.13 The residential element of the proposed development seeks to rate a Code for Sustainable Homes Level 4.
- 6.2.14 The London Plan seeks a reduction in carbon emissions generated from proposed developments by twenty per cent through the provision of lean (minimising demand for energy), clean (energy efficiency) and green (energy from zero-carbon sources) means. Firstly passive methods to reduce energy demands, followed by the provision of energy through clean methods that do not have an adverse impact on the environment. Lastly, some provision of energy through renewable energy measures is expected. The proposal seeks to address this policy presumption, with the predicted reduction in carbon emissions from these measures (starting from the base level (Building Regulations Part L) where no interventions would have taken place) equating to 19.7 per cent. A CHP plant is proposed to be housed in the basement under De Beauvoir Wharf. Biomass technology is to be incorporated to provide reductions in carbon emissions as part of the schemes 'green' provision. Overall, carbon reductions are predicted to be 29.6%, in excess of the GLA's current targets, but seeking to peak towards those set out in National Planning Policy Statement one. In order to complement these intentions it is recommended that details of the source of Biomass be secured. The GLA seek a condition that requires further details of the modelling, particularly to ensure that all components of the scheme have been appropriately tested in accordance with baseline understandings; this request is supported by Council officers.
- 6.2.15 The GLA are unconvinced by the applicants argument that Photovoltaic cells can not be provided at roof level given competition for green roofs etc. Council

officers are in agreement, and similarly understand the conflict with the status of the listed building not meriting inclusion at that block, but further consideration needs to be taken, notwithstanding the financial attribution. The GLA rightly contends that, similar to all policy presumptions, the London Plans policies in this regard should have been given due attention at the outset of the schemes development.

- 6.2.16 Whilst statements have been provided within the application to the provision of water collection across the scheme, it is considered that insufficient detail has been provided and the imposition of conditions to secure this within the proposal should be applied where members are minded to support the proposal.

Refuse provision

- 6.2.17 Refuse, including recycling provision, is distributed across the development in accordance with both commercial and residential requirements, following discussions with the Councils Waste department. Recycling provision has been reviewed to be in compliance with the Councils co-mingled bin policy.
- 6.2.18 Overall seven collection points are to be provided across the scheme, including the recycling provision. Commercial refuse provision to the Downham Road is provided. A larger combined residential and commercial refuse and collection centre is proposed at Norway Wharf with further smaller refuse points at Hertford and De Beauvoir Wharf. Similarly at 305 Kingsland Road both bulk refuse storage and ordinary refuse points would be accommodated.
- 6.2.19 All collection points have been agreed with Wastes operation team for storage, distance, suitability for collection such as dropped kerbs and weight allowed for vehicles and recycling.

6.3 Potential impact on the amenity of prospective and adjacent residents

- 6.3.1 Under the appeal scheme, the Inspector concluded that *“the proposed development on the living conditions of occupiers of dwellings adjacent to the Basin, including the residential moorings, would be acceptable”*.

Daylight, Sunlight and Overshadowing

- 6.3.2 The application has been accompanied by a Daylight and Sunlight study the scope of which has considered the potential impact upon adjacent buildings at Belvedere Court, Fermain Court East, St Martins Court, 11-23 Downham Road, 319, 321 and 323 Kingsland Road, Quebec Wharf, 266 to 268 Kingsland Road, Kings Wharf, Benyon Wharf and Reliance Wharf (as resolved under planning application reference 2008/0199). This scope is considered appropriate with respect to the orientation of the site. Whilst properties to the north of Downham Road, at 4-19 Downham Road, have not been considered, they are approximately 25 metres away from the application site. Along Downham Road, the height of the building is increasing by one metre which whilst reducing the availability of natural light to these properties, the applicant advises there will be

no breach of British Research Establishment (BRE) standards and given their position this is considered adequate.

- 6.3.3 The British Research Establishment has produced guidance notes on site layout planning for daylight and sunlight that provides tests and recommendations against which to consider the acceptability of a proposal on current environmental conditions. These tests and recommendations are widely recognised and accepted as a point of reference for planning in this regard.
- 6.3.4 One test, the 'Vertical Sky Component' (VSC) is a measure of the amount of sunlight available at the centre point to the external pane of a window. The target value is equal to 27% and should be no less than 0.8 times its former value. However, it is recognised that within urban areas, this level may not be reached. Indeed the daylight and sunlight report submitted demonstrates that a large number of windows to the surveyed properties fall below 27% under existing conditions, representative of the urban context of the site.
- 6.3.5 With the exception of Kings Wharf, to be discussed below at paragraph 6.3.5, only fourteen windows out of 86 windows surveyed of surrounding properties failed the VSC test under proposed conditions, with all but one not meeting BRE under existing conditions. Where the VSC test fails, it is considered more appropriate to consider the quality and distribution of light using 'Average Daylight Factor' (ADF). Taking into consideration the type of use a room has, the ADF target values are varied for bedrooms, living rooms and kitchens at 1%, 1.5% and 2% respectively. Of the fourteen windows that have failed the BRE guidelines, all passed the ADF test, demonstrating that the overall impact on neighbouring properties is negligible.
- 6.3.6 The tests carried out for Kings Wharf covered its west and north elevations. The VSC test shows that though a number of units do not meet BRE standards currently (27% VSC) , the change in level is such that they do not meet the standards under proposed conditions. However, when looking at the ADF levels, it is found that the proposal would not result in a failure of the BRE standards.
- 6.3.7 The BRE also provide a guide to the Annual Probably Sunlight Hours to windows, this considers the main windows of rooms which face within 90 degrees of due south. Neighbouring properties that fit this condition are Belvedere Court, Fermain Court East, St Martins Court and 11-23 Downham Road. Out of twenty four windows surveyed at these properties, only two, at Belvedere Court were found to be effected by the proposed development. This impact will be for living/dining rooms to this development for units at ground level.
- 6.3.8 Shadowing guidelines are provided by the BRE as well. It is recommended that for gardens and open space to be adequately sunlit, no more than forty per cent of such spaces should be prevented from receiving sun at all on 21st March, Spring Equinox, though preferably no more than 25%. As an amenity space, the Basin has been reviewed, and the study finds that there will be no permanent shadow cast on the Basin throughout the day. All the new courtyard areas have

been surveyed also. This shows that there be no breach of the BRE guideline targets.

- 6.3.9 Overall, with the exception of the two rooms at Belvedere Court, it is considered following the study submitted with the application that the overall impact to neighbouring properties will be marginal.

Privacy/overlooking and sense of enclosure

- 6.3.10 Of the proposed residential component within the scheme, the distance between the west and east side of the Basin of more than twenty one metres wide is such that no detriment is envisaged, and compliant with SPG1 standards.

- 6.3.11 At commercial Wharf, the orientation of blocks to the north elevation with Kings Wharf is so positioned as not to have an adverse impact, with no direct overlooking to be experienced. Similarly, at 11-23 Downham Road the development shall be at such an orientation with the residential components at the head of the Basement as to result in no direct overlooking. Similarly, development to the west of the site, along Hertford Road is considered to be at a sufficient distance from the application site as not to raise any privacy concerns. The adjoining proposed development to the south (Reliance Wharf) is designed without prejudice to the development capacity of the application site

Open space and amenity

- 6.3.12 Both London Plan policy and the London Borough of Hackney Unitary Development Plan seek improved access to the 'Blue Ribbon Network' that are the '*waterways and water spaces and land alongside them*'. Particularly, it is anticipated that opportunities for the creation and enhancement of open spaces alongside waterways will be capitalised and complemented by appropriate signage etc
- 6.3.13 The proposals see a continual link through the site from the Regents Canal towpath, in anticipation of development at 2-10 Hertford Road. A walkway 450mm above the water would run along the length of the west side of the Basin. This would lead towards an 'ecological zone' to the north of the Basin, in view of the bridge at its mouth.
- 6.3.14 Off the walkway, a series of open spaces each different in character and with varied intentions of their scope of use would be provided. The walkway will provide direct access to the public open spaces at Norway Wharf and the Stable yard as well as 2-10 Hertford Road at a time proposals come forward. Towards the north of the Basin, and demarcating the proposed ecological zone, a new bridge towards a landing stage at the top of the Basin, of which such provision was supported under the application for redevelopment at 11-23 Downham Road, would be connected. This could provide direct access to Downham Road; the 11-23 Downham Road application incorporates an obligation upon the owner of the site when upon implementation of the proposal a package of measures to be adopted by the Owner in relation to providing public access

through the site to the Basin through the site would be required. Additionally, linkage through to Union Wharf may be available were any proposals to come forward at the site. Overall, this seeks to increase permeability around the site and is mindful of the forthcoming station at Haggerston within five minutes walk of the site.

- 6.3.15 Paralleled to the walkway, and where the buildings are set back from the Basin, a wider walkway will be provided, with a marine artefact seating proposed to be located at the foot of 16A Hertford Road. To address slight level changes off from the walkway, steps that will double as seating shall be provided. Along the eastern edge of the Basin Wall some planting would be provided as the water at this point is naturally too deep for these plants to grow.
- 6.3.16 The ecological zone is proposed to support the Basin's existing ecology and enhance the sites biodiversity. A number of various native trees, shrubs, grass and wildflower species are proposed, all considered for their natural presence close to water.
- 6.3.17 At Downham Wharf a small scale courtyard of a private character is proposed, that would be surrounded by a mix of commercial, residential and health care facilities, with access restricted to the latter two. A mixture of predominately hard surfacing(bonded gravel surface) bound by granite sets with raised timber decking and a selection of soft landscaping into two naturalistic low mounds interspersed with timber seating is proposed. A combination of recessed and low bollard lighting shall be accommodated within the space. The courtyard will lead onto raised timber decking that shall abut the edge of the Basin, with views immediately across the proposed ecological zone.
- 6.3.18 The courtyard at Norway Wharf is the main public space within the proposal. Having comparable scale to both Gillett Square and Gainsborough Studios, the space would be significant for use of proposed occupiers and users, as well as existing occupiers surrounding the site. Leading off Hertford Road, a path of York stone slabs through the courtyard will provide direct and visual access toward the Basin. This will be aligned to a walkway against the northern edge of 16A Hertford Road also, both of which shall be bisected, and in turn linked, by a rigid grid pattern. Forming four squares of bounded gravel proposed to be shaded by Honeylocust trees, the courtyard will be so accommodated as to accommodate flexibility in the way it could be used. To the northern edge, a medicinal herb garden shall front the doctors surgery. Seating shall be accommodated across the space also.
- 6.3.19 At Hertford Wharf, the stable yard would provide exceptional examples of the heritage of the site and be enhanced through the provision of a number of proposed treatments to the space. Envisaged as a quieter space, given its surrounding context without the interface of heavy footfall uses, compared with Norway Wharf, it would be paved with traditional materials, with a perimeter of Yorkstone coloured slabs forming the main pedestrian access from Hertford Road to the Basin. A rectangle at the centre would be paved with stone sets reclaimed from on site, recessed to create an ephemeral reflection pool, assisting with localised runoff too. As well as the stone sets, custom made tiles

to commemorate the sites equestrian industrial history is also proposed. Similarly, existing tethering rings would be conserved. Additionally traditional channel drains and a stone relief map showing the Basins location on the Regents Canal would add interest and be supplemented with interpretive boards to depict the sites history.

- 6.3.20 The stable yard will benefit from the retention of the ramp to the rear of 16 Hertford Road, used for taking horses to the stables at first floor level of 16A Hertford Road. In echo of this, it is considered beneficial to secure, as well as the features discussed above, additional public art that will mark the significant of the site, subject to local consultation involvement, under a legal agreement.
- 6.3.21 De Beauvoir Wharf would be accommodated with the schemes only specific child play space area. At the centre, a raised lawn would be available for informal play and lounging. To the south of the space, sheltered and shaded play space would be provided, supported by provision of both a sculptural wall as its backdrop and timber play features. With the addition of planting of box hedging, rowan and serviceberry trees provision of some private amenity spaces would increase the wharfs overall private status.
- 6.3.22 At commercial wharf, charcoal unit pavers shall mark out a predominately hard landscaped area, adequate for the accommodation of parking at the site also. Hedge rows, shall demark the division between communal, 'homezone' parking area to private space at ground floor level to the block. Hedges, along with sculptural boulders, shall be incorporated to enliven informal play. Trees shall be planted, with metal guards where there may be a conflict with car parking. Timber bollards shall allow for defined pedestrian access from Kingsland Road, separate from that which may be used by cars off Kingsland Road. Some timber decking will lead off from the courtyard to front the west edge of the site and the Basin.
- 6.3.23 At the southern end of the Basin, existing vegetation shall be enhanced with the provision of native species including honeysuckle, dog rose, ivy, guilder rose, and native grasses to enhance the biodiversity of the Basin and the visual amenity.
- 6.3.24 A series of living roofs are proposed across the site. Green roofs to the southern element of the Downham Wharf block facing the Basin and to the new build block at Hertford Wharf as it faces the Basin. A further three roofs shall be bio diverse consisting of a mixture of crushed recycling brick, potentially recycled from the site interspersed with native plants replicating similar conditions to parts of the site as existing, potentially attracting Black Redstart.

Ecology

- 6.3.25 The application has been accompanied by the submission of two ecological reports: 'Phase 1 Habitat Survey and Protected Species Assessment' and 'Black Redstart and Bat Survey'. In regard to the former, the assessment finds that, whilst the site may be an 'Area of Special Landscape Character' it holds low value for wildlife. The vegetation and habitats present on the site are limited to

either the periphery or scattered across the less distributed areas, where there has been colonisation of cracks in the concrete and accumulated organic matter, comprising primarily of a few trees, ruderal scrub and tall herb species. The proposals seek to address the loss of these.

- 6.3.26 Along with the planting of 39 tree plants, shrubs and wild flower varieties shall also be provided (see section 6.2 for further details of the proposals for the open space).
- 6.3.27 The latter report found no presence of Black Redstarts during survey in 2008, nor in their earlier studies in 2006. However, other birds were seen at the site. Three species (house sparrow, starling and linnet) are on the red list of conservation concern, with another eight species seen that are on the amber list, with reductions in the numbers experienced in the last 25 years. Many of the species were found to be associated with the Basin rather than the development site itself, and some of the birds recorded related to “fly-over birds or birds using Regents Canal or flying along it”.
- 6.3.28 All species of bat are protected under The Conservation (Natural Habitats &c.) Regulations 1994 (as amended) and the Wildlife and Countryside Act 1981 (as amended). Consequently, where a bat roost is to be affected by development activities, a licence from Natural England will need to be obtained to derogate from the relevant legislation and mitigate against any detrimental effects. However, the applicant’s survey found no evidence of a bat roost in any of the buildings affected by the proposed development. The study advises that given the transient nature of bat mobility the possibility of bats being present within the application site in the future cannot be dismissed. Therefore, if demolition is delayed and a significant time elapses between the time of survey and commencement of works (by more than a year) further surveys should be sought, and should bats be found in any case during works, these are required to cease until Natural England and/or a licensed bat worker have been informed and provided advice on how best to proceed.
- 6.3.29 The site and its surrounds were found to be used as a feeding and/or community habitat by up to three species of bats and consequently bat boxes should be incorporated within any buildings that front the Basin, oriented away from artificial lighting.
- 6.3.30 Overall, provision for 23 bird and five bat boxes shall be fixed on buildings or walls to address the needs of current levels of birdlife found in the vicinity of the site.

Flood Risk

- 6.3.31 The site is situated within a low flood risk area with appropriate surface water run off incorporated within design proposals. Attenuation tanks, pervious paving, green and bio-diverse roofs are proposed to mitigate against increased run-off rates given the increase in development coverage across the site.

Noise

- 6.3.32 The application has been submitted with a 'Planning and Noise Assessment'. It has concluded that the primary source of potential noise affecting the site would come from road traffic along Kingsland Road. It is recommended that mitigation measures in terms of the glazing performance for habitable roads facing both Kingsland and Hertford Road are made.
- 6.3.33 The Councils pollution department seek a condition to ensure that the development is constructed in accordance with the recommendations of the submitted report and subject to conditions requiring mitigation to any potential noise transfer from the basement car park as well as control of plant noise too.

Air Quality

- 6.3.34 An air quality assessment has been submitted with the application that considers minimal change in the local air quality will result from the proposed development. It is recommended that, though short term, during the construction period "an inventory and timetable of all dust generating activities should be included within a Method Statement and agreed with the local borough, along with a description of relevant mitigation measures". This is covered by other regulation, but it is recommended that a construction management plan be submitted as part of the legal agreement should members consider in favour of the recommendations provided below.

6.4 Traffic and transport considerations

- 6.4.1 The site is situated within a PTAL rating level of 2/3 given its Hertford/Kingsland Road location. The forthcoming East London Line extension to be located immediately to the east of the site at Haggerston will see this level rise to 3/4. In addition to the forthcoming provision of the East London Line extension the site is in close proximity to a number of bus routes, with approximately 33 buses an hour travelling in each direction along Kingsland Road. A further service is provided along Downham Road. Overground railway connection is also available at Dalston Kingsland.
- 6.4.2 Whilst there are 207 residential units, only 45 car parking spaces are proposed, 37 at basement and a further eight (disabled spaces) at Kingsland Road. This quantum of spaces is considered appropriate for the scale of development, mindful of the London Plans policy to reduce reliance on the use of private cars and given the sites proximity to public transport links. The site is situated within Controlled Parking Zone H (De Beauvoir) with controls in parking between 8.30-6.30pm Monday to Friday. Consequently, the issue of overspill parking is not anticipated with all prospective occupiers not permitted a residents permit.
- 6.4.3 The basement parking shall be given ramped access, ventilated through the front façade of Hertford Road and in areas of the De Beauvoir Wharf courtyard, to the southwest corner of the site, off Hertford Road. This is adjacent to that previously given favourable consideration by members to the neighbouring site at 2-10 Hertford Road. The adjacency of these two areas are considered to be acceptable and would not have an overbearing impact on the road where it is

currently relatively quiet.

- 6.4.4 The proposal would provide adequate parking for the commercial elements of the proposal. An existing crossover along Downham Road shall be available for the B2 Motorbike repair unit. Seven commercial parking spaces, including two disabled, shall be provided at basement level which falls just short of the standard requirements of one space per 745sqm B1 floor space.
- 6.4.5 The access to Commercial Wharf is considered to not be in conflict with the Downham Road junction or Bus stop to the north along the west side of Kingsland Road.
- 6.4.6 Cycle parking provision for both the commercial and residential elements of the application are proposed. In relation to the residential component, one space per unit is provided, and scattered around the site to relate to the layout of the residential units, with basement/ground floor secured and covered storage provided. The commercial element is catered for by the provision of twenty six cycle spaces, with five spaces for the doctors surgery (against a TFL requirement of just one) and 21 spaces for the B1, A1 and A3 units.
- 6.4.7 Overall, the scheme is considered to comply with the requirements of the local, regional and national plan and seeks to endorse sustainable modes of transport.

6.5 Response to objectors

- 6.5.1 Proposal clearly conflicts with Hackney UDP policies and London Plan;
The proposal is considered to comply with local, regional and national planning policy in land use, design, amenity and transport ways.
- 6.5.2 Density and scale represents overdevelopment of the site that is out of scale with the environment and dominates the setting of the Kingsland Basin and its surrounding buildings; Any future development should be restricted to the height of the current buildings on the site. The plan shows that the height and density of the development will cause overlooking, a feeling of enclosure, loss of privacy and a significant loss of sunlight and daylight to may of the habitable rooms of the already existing dwellings contrary to building research establishment guidelines. Shadows will be cast over the Basin and this open and clear area will be turned into yet another 'canal canyon' to provide profits for developers
The design is considered acceptable, as discussed at section 6.2 above, and no overshadowing detriment to the Basin is envisaged, refer to section 6.3.8. The layout of the west side of the Basin within this proposal is considered to counteract against any canyon effect that may have been set by the development to the east side of the Basin.
- 6.5.3 Scale and layout of the buildings fail to preserve and enhance the setting of the listed buildings at 16 and 16A Hertford Road and the setting of the Conservation Area. The orientation of the buildings conflict with the historic layout and scale of the site;

The scheme has been brought forward in discussion with the Councils Sustainable design and conservation team. The proposals retain the open wharf heritage, whilst it is acknowledged that these are not strictly in accordance with the layout of the original development surrounding the Basin in the 1800s. It is considered that the proposals have been progressed in exceptional detail at planning stage and seek to preserve and enhance both the character and appearance of both the Conservation Area and the listed buildings.

6.5.4 The buildings are too high and should not exceed six stories taking precedent from De Beauvoir Crescent.

The proposed height of the development has been discussed in detail at paragraph 6.2.7. above.

6.5.5 Height of proposed buildings should be an absolute limit of five storeys and where the proposals cluster around listed buildings they must not be higher than the historic buildings to invade and ruin their character. This means three storeys at most.

As before.

6.5.6 Commercial wharf will be higher than Kings Wharf, daylight will be severely impacted as a result.

Kings Wharf is south of the development, whilst the development of Commercial Wharf will see the east side of the site built where it is currently open, despite the presence of scrub and bush. The daylight and sunlight report submitted with the application has been discussed in detail at paragraph 6.3.2 to 6.3.9.

6.5.7 Commercial wharf will adjoin Kings Wharf. Balconies of the courtyard facing apartments will be too close to the rear windows of Kings Wharf Block B, allowing easy sight into bedrooms and living areas, thus invading privacy. Rooftop terraces adjoining and on top of the penthouse flats on Commercial Wharf will lead to a significant loss of privacy for flats at Kings Wharf and shall be only metres from facing windows of flat 406 (Kingsland Road window) and flat 411 (Kingsland Basin window) Kings Wharf.

The southern elevation to the Commercial Wharf blocks have projecting balconies at a distance of eight metres from the face of the northern elevation at Kings Wharf. Given the deck access to this part of Kings Wharf, the actual distance is slightly further (1-2metres). Furthermore, no direct overlooking would occur due to the orientation of the balconies with Kings Wharf.

A roof terrace at Commercial Wharf is proposed to the seventh floor of the Basin block. Given the adjoining nature of the block with Kings Wharf, the terrace would be approximately four metres away from the central block at Kings Wharf. To address any potential overlooking, a condition to provide some form of screening is recommended at 8.1.3

6.5.8 Inappropriate separation between Kings Wharf and Commercial Wharf and could increase chances of intrusion and with public access to the basin via Commercial Wharf, concerned about anti-social behaviour at night time alongside the canal basin. The plans do not make clear what safety provisions there are.

The provision of access through Commercial Wharf is currently proposed for residents only. Conditions to bring forward boundary treatments are applied within the Recommendation.

6.5.9 The volume of works that the entire basin redevelopment entails will mean several years of building works noise and pollution, interrupting the daily lives of those living and working at Kings Wharf.

Planning grounds for refusal do not relate to potential disruption for surrounding occupiers during construction period. The recommendation includes conditions for the submission of a construction management plan and the legal agreement to include the requirement for a community working group allowing surrounding occupiers to meet with the developer during the course of construction at regular intervals; this has been used on similarly large developments within the Borough. Pollution and Building Control have separate regulations that govern the construction stage so as not to have an undue impact to the surrounding area through noise and dust.

6.5.10 The overall proposal is a cheap, utilitarian uniform design without variation such that the buildings lack individual identity and overall character. Kingsland Basin is one of the few remaining areas of its type with character and listed buildings and a more imaginative design should be employed for a site of such significance. The current design seeks purely to maximise profitable gain from commercial exploitation. Design in this area should take advantage of the site's history and character, rather than simply working around them.

The proposals are considered to have a variety not simply due to the retention of a number of buildings across the application site, but also given the varied context for the three main new build blocks: Downham Road, De Beauvoir Wharf and Commercial Wharf, each taking on its own individual design sympathetic to its immediate context, either developed or as proposed. In this way it is considered that, in accordance with the Inspectors findings of previous schemes, the best of the existing building stock is being reused so as to retain the heritage of the site. Furthermore, the setting back of blocks unlike on the east of the Basin or along the Canal, retains an open wharf character to the site.

6.5.11 The development is out of character with the historic use of the site. In the past this area, and much of Hackney was used for manufacture and trade (mainly furniture). Consideration should be given to develop this site to provide commercial premises to bring in jobs, not residential accommodation. Hackney should be promoting developments which provide jobs and local services, rather than encouraging yet more dormitory developments which put a strain on transport and other services.

Following the appeal, the applicant has developed the proposals in discussion with Council officers, ensuring an appropriate mix of uses that seeks to accord with local policy for retention of employment floor space. With a range of not only A1 and B1 class floor space but the additional inclusion of D1, A3 and B2 class use the proposal is considered to be truly mixed use as discussed above at paragraphs 6.1.1 to 6.1.8.

6.5.12 Basin is designated as an Area of Special Landscape Character due to its wide range of aquatic flora, invertebrates, fish and breeding water fowl. It lies along

a Green Link, i.e. the Regents Canal and it is located next to the London Can's site of metropolitan importance. It supports a fragile ecology requiring very careful consideration and treatment. A total of 26 bird species, 12 of which showed signs of breeding on site, have been identified. Additional species were breeding nearby and obtaining food from the site. The Basin is a particularly attractive habitat for swifts and housemartins as feeding area. Residents have in addition observed kingfishers on the site and swans breeding on the site. It is not considered that the proposals to mitigate loss of habitat are adequate.

The Inspector to the appeal scheme found that there would be no detriment to the surrounding habitats to the site. Subsequent surveys have been carried out for this latest application, the findings inline with these original considerations. The provision of both bird and bat boxes is supported. Furthermore, it is considered appropriate that conditions to ensure demolition of buildings and the development generally is considerate of breeding periods, notwithstanding the necessary requirements to consult Natural England as discussed at 6.3.28. The surveys undertaken do not refer to any mention of swans being seen at the site.

6.5.13 The proposed movement of houseboats, and the expansion of recreational use, to the northern part of the Basin will adversely affect the ecological balance and the use of the area for birds nesting on rafts and water. Several species of fish breed in the quieter waters of the basin and grow to large size in the weed and plant sheltered banks. Destruction of these will cause severe disruption of fish breeding, and impact on the bird life of the area as a consequence. Kingsland Basin has become a site of serious nature significance to the area and remains one of the few less disturbed portions of the canal;

The application does not seek either the movement or expansion of houseboats. The Basin is already used by the Laburnum Boat Club who will benefit from the proposed landing stage at Norway Wharf. With the provision of the eco zone, and increased vegetation surrounding the Basin elsewhere, the proposals are considered to enhance rather than detract from the existing water habitat that is present.

6.5.14 Parking is inadequate, surrounding area already full with Mandarin Wharf to add further to the demand.

The proposed parking is in accordance with local, regional and national planning policy. The development is within a controlled parking zone, and with the addition of the forthcoming Haggerston station in close proximity of the site, the proposal is envisaged to not be of detriment to the current parking arrangements surrounding the site.

6.5.15 No provision for children or teenagers. There should be play parks and green spaces as part of this plan, the ecozone is too small for this purpose.

Green and Play space is provided at De Beauvoir Wharf. A section 106 contribution towards open space is sought.

6.5.16 Buses are already full at rush hour, what new and additional bus links will be provided, e.g. service to angel to alleviate pressure.

The application has been party to consultation with Transport for London (incorporating London Buses) who have raised no objection to the application.

6.5.17 Lack of green open space within the development, with green roofs not accessible to residents and only southernmost courtyard provided with green space. Courtyards should be provided with more soft landscaping, with paths rather than whole areas provided in hard standing.

All areas of open wharf are proposed to have a different role within the development and varied level of footfall is envisaged. Consequently, to ensure appropriate use of spaces and assist long term maintenance of these spaces, it is considered appropriate, as well as being in keeping with the wharf heritage of the site, that a number of areas are hard standing rather than grassed. In addition to the green nature of the roofs, it is sought that the roofs accommodate PVs also, and this would not be satisfactory for occupier use in this likelihood.

6.5.18 Inspiration of network narrow streets between converted warehouses (such as South of Shad Thames) inappropriate since the open spaces in this development are not streets and people should be able to relax there as they cannot do in narrow alleys. Better inspiration would be Bishops Square, where open space (formerly a street) surrounded by new buildings entirely comprises calming, mainly green surfaces, aside from necessary walkways around the outside of the space. Design of new courtyards could easily be adapted to make them much more visually appealing and more versatile. Some of the spaces between the paths are already shown as to be mounded up – which would effectively deter people from walking across, rather than around them; there is no need for further deterrence by covering these mounds with pebbled hard surfaces (as proposed for Norway Wharf) or growing prickly low box shrubbery all over them (such as the northernmost courtyard, intended for residents only) which simply prevents their being used at all, in non –destructive ways. Soft, green surfaces would make these mounded-up areas much more versatile: usable for sitting in summer or for children to play there. Inadequate provision of child play space when considering quantum of family housing.

The proposed development has an entirely different context to both that at Shad Thames and Bishops Square. The development has to take into consideration the slight topographical changes across the site, hence the provision of steps (with ramped access also) and certain points along the Basin, which will also be available as informal seating. Mounded areas of green grass at Downham and De Beauvoir Wharf are envisaged to be used privately by its surrounding occupiers and are not to be planted with deterrent shrubbery.

6.5.19 Prevalent hard landscaping contemplates the possibility of these spaces being used for art exhibitions or a farmers market, which is unrealistic. Catering for a remote possibility should not take precedence over the potential for everyday recreational use of the public courtyards in this development.

Norway wharf is proposed to anticipate a range of uses that could be accommodated. This is considered sensible given its context surrounded by uses with heavy footfall, Doctors surgery and café. Furthermore, this wharf is the first point along Hertford Road that provides public access to the Basin, and is envisaged to be the most used in that respect. Consequently, rather than being designed specifically for the anticipation of art exhibitions etc, it is considered that whilst there is the provision of some greening through tree and

shrub planting, the space is designed of the proposed degree of use yet anticipating and providing the opportunity for community activities that have no similar setting in the surrounding context.

6.5.20 If more soft landscaping were used at ground level, there would be no need for elaborate mechanism to provide for the run-off of ground water which would have no where natural to soak away under the current proposals.

Given the increased building coverage across the site drainage systems are required.

6.5.21 Proposed application fails to demonstrate the new office accommodation is needed in the area, and the provision of such significant amount of accommodation will have a further downward pressure on the commercial market in the area and poses significant crime and disorder risks.

Notwithstanding that the proposed quantum of office accommodation seeks to accord with policy, Invest In Hackney are supportive of the scheme, welcoming the scale and range of units proposed for a mixed market mindful of the type of accommodation increasingly in demand in the Borough.

6.5.22 Proposal includes new shop frontage to Kingsland Road. There are a number of empty shops along that stretch of Kingsland Road, both new and existing. The application fails to demonstrate that adding further to available shop frontage is needed.

The ground floor retail units at Ability Plaza to the east side of Kingsland Road opposite the site is occupied, and units to the north of the site are also occupied. Within the block, there are no retail units to the south between the site and the Canal Bridge.

6.5.23 The proposed application includes 65 affordable housing units and 139 one and two bed units. The application fails to demonstrate that such accommodation is needed in the area. Available demographic and socio-economic data would suggest that Hackney is polarised in its socio-demographic structure and that it desperately needs accommodation to attract middle income families. Further, there is significant development of one and two bedroom flats in the area.

Hackney has a high demand for affordable and family housing and is required to meet targets set down by the GLA. The application proposes a range of units and demonstrates an acceptable quantum of affordable housing as discussed above. Of the affordable element, a higher than presumed proportion is proposed for the intermediate market that seeks to address the presence of social housing stock to the west of the site.

6.5.24 There should be a greater number of shared ownership homes as opposed to socially rented properties, noting that there are substantial numbers of social rented properties on the De Beauvoir Estate and there is a great need for key worker accommodation in the area. A higher number of Shared Ownership properties would maintain a more balanced community locally and would facilitate an overall reduction in density on the site whilst maintaining the viability of the scheme.

As above, the application does propose a higher level of shared ownership accommodate with a tenure split of 67:33 social: shared ownership housing

compared with a presumption for a 70:30 split.

- 6.5.25 The application would result in a number of existing buildings along Hertford Road being lost. The demolition of the buildings would reduce further the local history in the area, replacing character, locally relevant buildings, with modern, characterless buildings that lack any relationship to the local context within which they sit.

Of the buildings along Hertford Road, it is only 12-14 Hertford Road that is to be demolished, considered to have neither a particular relevance to the conservation area or have sufficient architectural quality and interest to merit retention. Given the proposed layout, the replacement building at this part of the site, is physically separate but considered to enhance the character and setting to both the conservation area and the adjacent Listed Building.

- 6.5.26 The application does not include sufficient detail on quality of materials to be used. A number of recent developments in the area are of poor quality in terms of their finishes and materials, which does not enhance or improve the local area.

The application was accompanied with samples and a full set of annotated elevation. To ensure the details are brought forward, and incorporate the highest standards, all details are to be sought by way of condition.

- 6.5.27 The scale and layout of the buildings fail to preserve and enhance the setting of the listed buildings at 16 and 16A Hertford Road and the setting of the Conservation Area. The orientation of the buildings conflict with the historic grain.

This is discussed above at section 6.2. The proposed layout is mindful of the open wharf heritage of the site.

- 6.5.28 The buildings are designed to a uniform pattern without variation in typology such that the buildings lack individual identity and overall character. A more imaginative design should be employed for a site of such significance and character and that the design should take advantage of the historic buildings on the site rather than simply work around them as 'retained' buildings.

The retained buildings are to be refurbished and incorporate in some instances new uses. The acceptability of the design and variation has been discussed above at section 6.2.

- 6.5.29 16 and 16A Hertford Road have not been fully appreciated in the Building Gazetteer compiled by Doyle in Dec 2006. There are other buildings on the development site similarly been underestimated by the survey. There has not been sufficient and careful consideration so as to justify demolition of the following buildings which contribute to the conservation area on account of their character, function and group and townscape value e.g. 12-14 Hertford Road, circa 1905 and 1916 is categorised by Doyle as B/C only; the 1900/1920 timber warehouse at 24 Hertford Road which Doyle categorised only as B; 31 Downham Road is possibly of B category based upon its group value and underlying remnants of historic fabric; 27-29 Downham Road, circa 1900 with front elevations rebuilt in 1921, could increase its contribution to the conservation area by restoration of its group value.

The principle of demolition of these buildings were accepted by the Inspector of the appeal scheme. Unlike the buildings to be retained, The Regents Canal Conservation Area appraisal does not give attention to 12-14, 24 and the Downham Road properties. Conservation officers consider the buildings proposed for demolition are “*either, not of particular relevance to the special interest of the Conservation Area or are not of sufficient architectural quality and interest to merit retention*”.

- 6.5.30 Public access must be gated and be limited to residents and canal boat users only. There should be no through routes to the proposed scheme and no new links between the Basin and the canal tow path as incidents of crime is high on the latter

A condition to address the accessibility of the site, including appropriate times for resident only access, is recommended. British Waterways welcomes the connection proposed between the Basin and the Canal tow path. A controlled access is considered appropriate for the overall character of the site.

- 6.5.31 Impact on light levels for properties in Kings Wharf Block B, units 6-10 on each floor.

The impact on daylight etc has been discussed at paragraphs 6.3.2 to 6.3.9.

- 6.5.32 Density of certain buildings has merely been shifted around since the listing of certain older buildings to compensate for the loss of flats in these areas. Commercial Wharf will encroach on Kings Wharf walkway, has significantly increased in height and density from the previous proposal despite concerns voiced in consultation with the architects and previous applications. Large parts of the scheme at Commercial Wharf and west of Kingsland Basin are significantly higher than Kings Wharf, in addition it appears there will be paving on top of the penthouse flats at Commercial Wharf, thus facilitating rooftop use even higher than shown in the drawings. Risk that the freeholders of existing buildings such as Kings Wharf will seek to add further floors.

The original scheme went to a seventh storey at Commercial Wharf. The overall density across the development has reduced. The units around the site, such as at Kings Wharf, have minimal permitted development rights and additional floors would required the submission of planning permission where the surrounding context, adjacency to listed buildings and Conservation Area setting would need to be given consideration.

- 6.5.33 Plan PL207 and related plan PL208 overstate the height of Kings Wharf. This implies that the proposed development at Commercial Wharf will be higher relative to Kings Wharf than is shown on the drawings. Within the supporting planning statement it states that the “Kings Wharf development rises to nine storeys (21m) and the adjoining Benyon Wharf rises to 20m”. This may adversely effect TV reception for Kings Wharf. The communal aerial is located on the roof above the flat on the Kingsland Road side, closest to Commercial Wharf. It may also give rise to other issues reliant on using the correct height for Kings Wharf. Also, find no reference to height in the Devla Patman survey. They do not refer to the plans for Kings Wharf or Benyon Wharf in their list of source materials.

There is a variation in heights on the Kingsland road and Basin side of the

proposal given topographical changes across the site.

On Kingsland Road (from Plan PL207 at scale) Benyon Wharf is shown as 21.5 metres, and Kings Wharf as 20.6 metres. On the Basin side, Benyon Wharf is shown as 23.6 metres with Kings Wharf as 22 metres.

Sunlight and Daylight studies model from window positions rather than heights of buildings. The building line is set back from the roof line at Kings Wharf along the Kingsland Road elevation by 6.5 metres toward the seventh floor.

- 6.5.34 Loss of daylight/sunlight to Spice/Quebec Wharf. The relevant information for assessing impact under the BRE guidelines for calculating Annual Probable Sunlight Hours includes information about the flats layout as well as floor level because it is the adverse effect on the habitable rooms with windows within 90 degrees due south which is critical. Measures have been taken recently on Quebec Wharf building and it has been established that the building is substantially within the 90 degrees. Building has been ignored from the current calculation and therefore a separate reading should be taken.

The scope of the Delva Patman report is satisfactory. Quebec Wharf may be due south of the development, but there are no windows within 90 degrees with no windows on the south elevation of the building.

- 6.5.35 The Delva Patman report does not consider the reduction in daylight to the walkway windows of the flats at the northern end of the canal and Kingsland Road blocks of Kings Wharf. Currently, one photocell operates all walkway lighting. There will be a combination of loss of daylight and overshadowing of the walkways at the northern end of the walkways for the Canal and Kingsland Road Blocks. This will require separate photocell circuits as some of the walkway lighting will need to be left on all day during autumn and winter if the proposal is approved.

The orientation of the Kingsland Road block of Kings Wharf is such that it does not merit daylight and sunlight review with no impact envisaged in respect of guidance provided by the British Research Establishment. The study looked at both the west and north elevations to Kings Wharf, as discussed above at paragraph 6.3.2 to 6.3.9. The impact on the provision of artificial lighting to adjoining sites is not grounds for refusal.

- 6.5.36 Delva Patman drawing SHD/506 shows the courtyard of Commercial Wharf will be permanently overshadowed. The lower flats in the courtyard block of Kings Wharf will thus have no access to an area not in shade, this is unacceptable for a forward thinking development by a social housing provider.

The courtyard at Commercial Wharf is not proposed to be provided for access to Kings Wharf residents also at this time. The landscaping is so designed so that where sunlight reaches the space predominately, soft landscaping with seating is proposed with car parking, hard landscaping areas in those parts that shall be shaded. Under existing conditions, Commercial Wharf is predominately shaded by development at Kings Wharf and 305a Kingsland Road.

- 6.5.37 The shadowing report, which accompanied the previous application, included detailed analysis of the reduction in sunlight for the moorings. It is unsatisfactory that no similar test has been undertaken for this given the greater height of the current scheme. The Delval Patman report indicates that the

existing moorings will be overshadowed until 10am or later and will then be overshadowed from 2pm onwards. Any development of the waterside area of the two Travis Perkins yards would completely overshadow the eastern side of the basin for much of the day.

The proposals considered by the Inspector were considered to have no undue impact on the moorings. Development of either Travis Perkins sites is not for consideration under this application, nor are there any applications for these sites with the Council.

6.5.38 There is little opening for common ground in the form of allotments

The application site is not designated for the provision of allotments, nor is there considered to be the area for such provision.

6.5.39 No reference found to any application for permission in respect of the blue line plan that include residential moorings. The residents on the boats form an integral part of the basin. Greatly concerned that boat residents will have not appreciated that the propose moorings shown are not part of the application. Consequently, Boat residents will not have considered the severe loss of sunlight, privacy and security should the scheme be approved and their moorings remain in their current location, general paucity of information for CGUG community.

The application does not seek permission for alternative or new mooring areas. CHUG has written without objection in relation to overshadowing or loss of sunlight and envisage security may improve.

6.5.40 The sunlight and daylight report does not provide sufficient explanation or statistics to justify its conclusions.

The report came with an extensive appendix providing all figures, shadowing plans and modelling images.

6.5.41 Current indications are for a “more of Benyon Wharf” approach (referring to outward faces rather than successful internal courtyards). Architects must respect character of the existing buildings and work hard to produce something special to Kingsland Basin, not repeat what can be seen at many other new sites across London. Use of glass balcony fronts visible in some of the illustrations seem inappropriate producing a sleek and shiny corporate office face.

Varied treatments are proposed to illustrate both the range of heritage and uses across the site. Commercial Wharfs west elevation is the only predominantly glazed and balconied elevation that seeks to be sympathetic and in keeping with other contemporary developments along the east side of the Basin.

6.5.42 Proposal should provide more industrial space

The application includes a range of uses that includes both B1 and B2 uses that would be sympathetic to the re-accommodation of existing users of the site.

6.5.43 The proposals will turn the Canal into a residential cul-de-sac rather than a mixed area of homes, small businesses and wildlife.

The proposals are not solely residential, but include the provision of commercial floor space as well as an ecozone and other soft landscaping proposals against

the Basin edge to ensure variation and vitality to the Basin.

6.5.44 Passive solar heat system at Kings Wharf at risk with the south-west faced large windows for capturing sunlight and the exposed concrete ceilings for thermal mass storage.

It has previously been noted that Kings Wharf is orientated as to not be effected by potential loss to sunlight in accordance with the requirements of BRE. Similarly, it is therefore considered reasonable to judge that sunlight related issues to Kings Wharf will also not be unduly effected by the proposed development. Furthermore, there are no policies that protect passive heat systems for neighbouring sites.

6.5.45 Listed buildings should be retained and reused where possible rather than demolished as stated in the conclusion of the Regents Canal Conservation Area.

All the listed buildings within the site, with the exception of a single storey addition at 16A Hertford Road, are retained within the proposal.

6.5.46 Too many car parking spaces for area of good and improving public transport – 207 homes should mean no more than ten per cent for disabled users. As within a CPZ ban others from holding resident parking permits and require developer to pay first years membership of Hackney Car Club for all residents with a driving licence.

The proposal seeks to provide disabled car parking and a number of further spaces that would be provided for family units. A car club space is to be secured by way of condition and all residential occupiers will be unable to obtain a parking permit.

6.5.47 32 Hertford Road will be overlooked, especially upper two bedrooms, back garden will be overlooked and roof terrace as well as kitchen.

Notwithstanding that there are no planning records showing regularisation of residential accommodation, the building shall be retained, but proposed as commercial space. No overlooking concerns would arise from this non-habitable space. As such little weight can be given to this objection.

6.5.48 Proposal will destroy the historic character of the street. They are not going to build extensively in brick, they are not going to maintain the low rise nature of the buildings, various fixtures and fittings of this heritage as currently seen on the outside of the buildings, such as the warehouse winches,, painted murals etc. Any attempt to 'preserve' the character of the buildings is consonant with destroying them, as preservation within the context of a contemporary housing development is tantamount to reification.

With the exception of 12-14 and 24 to 30 Hertford Road, the existing frontages are retained, and elsewhere brick is the primary palette proposed, to be secured through condition. The overall scale of the scheme has been discussed above section 6.2 above.

6.5.49 The architecture designs seem to seek to continue the Benyon Wharf aesthetic which is disappointing. It would be good to see more variety and features. Not advocating that new buildings have to look like Kings Wharf: a mix of both styles

and materials is to be encouraged, but hope to see ground level and water level planting, not only to soften the exteriors but to support bird and other life and greater provision of upper level balconies to allow residents to install their own planting.

The acceptability of the design has been discussed above at section 6.2.

6.5.50 Proposed Commercial Wharf is taller than last scheme and in higher density.

The proposal is no higher than the appeal scheme, and the density is lower and in accordance with the London's Plan density matrix in relation to the accessibility of public transport.

6.5.51 Fourteen rooms in Kings Wharf reviewed in the Sunlight and Daylight study – which rooms are these?

The full details are provided in the technical appendix: North Face windows at First floor level and Ground and first floor level windows to West Face windows.

6.5.52 Kings Wharf absent from sunlight tests.

Sunlight tests are carried out on windows to habitable rooms which face within 90 degrees of due south. The development is north and west of the site in relation to Kings Wharf.

6.5.53 Mezzanine level at Kings Wharf (Basin side) receives very little light during day. As the work area of these live/work units have barely habitable room heights and therefore so low that it is very hard to fit central light fittings which don't obstruct movement around the space.

Sunlight and daylight safeguard is for habitable rooms only.

6.5.54 Construction waste and demolition materials have been allowed into the water, waste blows around. It is hard to see how much wildlife will remain when the proposed Kingsland Wharves development has been completed. Urge Council to make greater efforts and lay conditions on developer and his contractors to mitigate these problems.

Conditions are proposed.

6.5.55 No indication of what physical separation will be provided. It must be both effective and aesthetic. Urge Council to insist the developer allows and encourages his architect to consult with Kings Wharf residents on reasonable design details.

Details of boundary treatments are proposed to come forward by condition. The imposition of a condition to demonstrate prior consultation with Kings Wharfs residents association is applied.

6.6 Response to Greater London Authority

6.6.1 Resolving the requirement to provide PV as part of the renewable energy component.

This is recommended by way of condition for further exploration at paragraph 8.1.37.

- 6.6.2 Securing a condition to move demolition fill by canal.
This is recommended at paragraph 8.1.28.
- 6.6.3 Securing a condition for noise mitigation
This is recommended at paragraph 8.1.12.
- 6.6.4 Securing conditions to ensure the inclusion of the proposed Green Roofs and SUDS
This is recommended at paragraph 8.1.13 and 8.1.14.
- 6.6.5 Securing conditions or S106 requirements for a Travel Plan, Servicing Plan and Construction Plan
This is recommended at paragraphs 8.4.9 to 11.
- 6.6.6 Securing a financial contribution for off site play facilities or open space improvements
This is recommended at paragraph 8.4.6.
- 6.6.7 Securing a condition for the energy efficiency modelling
This is recommended at paragraph 8.1.36.
- 6.6.8 Securing a condition for the delivery of the energy strategy
This is recommended by way of a legal obligation at paragraph 8.4.4.

6.7 Planning Contributions

- 6.7.1 The proposal meets the trigger to provide contributions under the Planning Contributions Supplementary Planning Document (PCSPD).
- 6.7.2 In accordance with the SPD, the provision of open space and education financial contributions are sought. Furthermore, given the mixed uses proposed at the site, and the scale of development a phasing plan is sought. The application has submitted their initial proposals, however this is not considered appropriate, and does not go far enough to consider the reality of construction, with only two phases proposed without due consideration of the open spaces also.
- 6.7.3 Other heads of terms that are as standard are found within Recommendation D below, in addition to those sought by statutory consultees or as discussed above.

7. CONCLUSION

- 7.1 In summary, the proposed development is considered to be of an appropriate use and of a high quality of design, with no adverse impact on the amenity of neighbouring occupiers by way of loss of light, privacy, outlook, or raise traffic implications. The development will retain the heritage significance of the site, whilst enhancing the setting of the Listed Building and the character and appearance of the Conservation Area. The provision of public access to the Basin and the variety of open spaces, both public and private is especially

beneficial to the setting and retention of an open wharf character.

- 7.2 The proposal complies with pertinent policies in the Hackney UDP (1995) and the London Plan (2008) and the granting of permission, conservation area and listed building consent is therefore recommended subject to the completion of a section 106 agreement.

8. RECOMMENDATIONS

Recommendation A

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

8.1.1 **SCB1 - Commencement within three years**

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

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

8.1.2 **SMC6 – Materials to be approved**

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

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

8.1.3 **SCM7 – Details to be approved**

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

a. Windows, glazing bar profiles, and architraves;

b. Balconies and balustrade

c. screening to Roof terrace at Commercial Wharf

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

8.1.4 **SCM9 - No extraneous pipework**

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

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

8.1.5 SCD2 – Provision of access and facilities

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

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

8.1.6 SCH14 – Closure of existing access

The existing accesses to the site shall be closed permanently when the use of the new accesses shown on the plans hereby approved are provided and in use.

REASON: To confine access to the permitted points in order to ensure that the development does not prejudice the free flow of traffic and conditions of general safety along the neighbouring highway.

8.1.7 SH5 – Provision of parking, turning, unloading facilities

No part of the development hereby approved shall be occupied until the accommodation for car parking, turning and loading/unloading has been provided in accordance with the approved plans, and such accommodation shall be retained permanently for use by the occupiers and or users of, and/or persons calling at, the premises only and shall not be used for any other purposes.

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

8.1.8 SCT1 –Landscaping scheme to be approved.

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

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

8.1.9 SCT3 – Protection of Trees during site works

No demolition, site clearance or building operations shall commence until chestnut paling fencing of a height not less than 1.2 metres shall have been

erected around each tree or tree group to be retained on the site, at a radius from the trunk of not less than 4.5 metres. Such fencing is to be maintained during the course of development to the satisfaction of the Local Planning Authority.

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

8.1.10 SH10 – Provision for cycles

Internal lockable space shall be made available for the secure parking of cycles as shown on the plans hereby approved prior to the first occupation or use of the development in accordance with the phasing plan.

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

8.1.11 SCH11 – Adequate visibility to entrance

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

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

8.1.12 NSC - noise

The development hereby approved shall be built out in accordance with the Peter Brett Planning and Noise Assessment November 2008 except where details showing the following modifications to the scheme shall be submitted to and approved by the Local Planning Authority, in writing, before any work is commenced on site:

a. Details of a sound insulation scheme where the front elevation facing Kingsland Road shall be constructed so as to provide sound insulation against external noise, to achieve levels not exceeding 30dB LAeq and 45dB L_{Amax} (night) for bedrooms, 35dB LAeq (day) for other habitable rooms, with windows shut and other means of ventilation provided;

b. Full written details, including relevant drawings and specifications, of the proposed works of sound insulation against airborne noise to meet $D'_{nT,w} + C_{tr}$ dB of not less than 55 between the ground floor and first floor, where residential parties non domestic use, shall be submitted to and approved in writing by the local planning authority.

c. Details of noise emission from fixed plant, the rating level of the noise emitted from the fixed equipment (to include A/C units, air handling units etc) on site shall be 5dB below the existing background level at any time. The noise levels shall be determined at the facade of any noise sensitive property. The measurements and assessments shall be made according to BS4142:1997;

d. Detailed plans and a specification of the appearance of and the equipment comprising a ventilation system for the A3 use hereby approved, which shall include measures to alleviate noise, vibration, fumes and odours (and

incorporating active carbon filters, silencer(s), and anti-vibration mountings where necessary). After the system has been approved in writing by the authority, it shall be installed in accordance with the approved plans and specification before the development hereby approved first commences.

e. Details of a noise assessment and mitigation to the use of the basement car park.

The sound insulation and mitigation measures shall be retained permanently in accordance with the approved details.

REASON: To safeguard the amenities of the occupiers of proposed dwellings, amenity of adjoining premises and the area generally.

8.1.13 NSC – Non- standard condition

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

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

8.1.14 EA Condition

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) carried out by Peter Brett Associates LPP project Ref: 17007/103 dated October 2008 and the following mitigation measures detailed within it:

- a. Appendix C – landscape Master plan
- b. Appendix G – Proposed surface water drainage strategy layout, drawing no: 17007/C/SK601 dated 17/10/2008.
- c. Appendix H – Attenuation volume calculation

REASON: To reduce the risk of flooding to the proposed development and future occupants.

8.1.15 EA Condition

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risk associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

- a. A preliminary risk assessment which has identified:
 - i. all previous uses;
 - ii. potential contaminants associated with those uses;
 - iii. a conceptual model of the site indicating sources, pathways and receptors;
 - iv. potential unacceptable risks arising from contamination at the site.
- b. A site investigation scheme, based on (a.) to provide information for a

detailed assessment of the risk to all receptors that may be affected, including those off site;

- c. The site investigation results and the detailed risk assessment (b.) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken;
- d. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c.) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

REASON: Although (c.) and (d.) have been fulfilled, additional site investigation is required to allow for a full characterisation of the sit with respect to controlled waters. This should include an assessment of the risks to the quality of controlled waters.

8.1.16 EA Condition

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

REASON: This is to prevent pollution to controlled waters.

8.1.17 EA Condition

No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.

REASON: This is to prevent pollution to controlled waters.

8.1.18 EA Condition

Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

REASON: To avoid further exposing controlled waters to pollution.

8.1.19 EA Condition

Prior to commencement of development a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscaped areas including green roofs (except privately owned domestic gardens), shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved.

REASON: This condition is necessary to protect the natural features and character of the area and identify opportunities for enhancement of biodiversity

in line with national policy in PPS9.

8.1.20 EA Condition

All planting on green roofs and within five metres of the Kingsland Basin shall be of locally native plant species only, of UK genetic origin.

REASON: The use of locally native plants in landscaping is essential to benefit local wildlife and to help maintain the region's natural balance of flora. Native insects, birds and other animals cannot survive without the food and shelter that these plants provide. Introduced plants usually offer little to our native wildlife. Local plants are the essence of regional identity and preserve the character of the British landscape. Local plants are adapted to local soils and climate, so have low maintenance requirements. In addition, planting locally native plants helps to prevent the spread of invasive plants in the region.

8.1.21 EA Condition

There shall be no light spill from external artificial lighting into the watercourse or adjacent river corridor habitat. To achieve this specifications, location and direction of external artificial lights should be such that the lighting levels within five metres of the top bank of the watercourse are maintained at background levels (Lux Level of 0-2).

REASON: To minimise light spill from the new development into the watercourse or adjacent river corridor habitat. Artificial lighting disrupts the natural diurnal rhythms of a range of wildlife using and inhabiting the river and its corridor habitat, and in particular is inhibitive to bats utilising the river corridor.

8.1.22 EH Condition

No works shall take place until the applicant has secured the implementation of a programme of recording and historic analysis, which considers building structure, architectural detail and archaeological evidence. This shall be undertaken in accordance with a written scheme of investigation submitted by the applicant and approved by the Local Planning Authority (following consultation with English Heritage).

REASON: Important structural remains are present on the site. Accordingly the planning authority wishes to secure the provision of historic building recording prior to development, in accordance with the guidance and model condition set out in PPG15.

8.1.23 EH Condition

No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme for investigation which has been submitted by the applicant and approved by the Local Planning Authority. The development shall only take place in accordance with the detailed scheme pursuant to this condition. The archaeological works shall be carried out by a suitably qualified investigating body acceptable to the Local Planning Authority.

REASON: Significant archaeological remains may survive on the site. The planning authority wishes to secure the provision of historic building recording prior to development, in accordance with the guidance and model condition set out in PPG16.

8.1.24 BW Condition

Prior to the commencement of the development hereby permitted, full details of a proposed lighting scheme including individual courtyard areas, street and Basin lighting shall be submitted to and approved in writing by the Local Planning Authority in consultation with British Waterways. The approved lighting should be implemented prior to first occupation of the development and in accordance with the phasing plan required by agreement.

REASON: In the interest of crime prevention, ecology, visual amenity and the canal setting.

8.1.25 BW Condition

Prior to the commencement of development a Risk Assessment and Method Statement outlining all works to be carried out adjacent to the water must be submitted and approved in writing by the Local Planning Authority in consultation with British Waterways. The risk assessment shall also include details of the proposed safety equipment along the canal frontage which shall be installed prior to first occupation of the development hereby permitted.

REASON: In the interest of protecting the adjacent watercourse.

8.1.26 NSC– Non-standard condition

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

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

8.1.27 NSC – Non-standard Condition

A construction delivery feasibility strategy shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The recommendations of the strategy shall be implemented as from the start of the development.

REASON: In the interest of sustainability and the safeguarding of nuisance to the surrounding area.

8.1.28 NSC – Non-standard Condition

All materials from the demolition of the buildings, and hard surfaces, together with installations and equipment from the buildings shall, apart from any which can be reasonably re-used in the construction of the development hereby approved, be removed from the site in accordance with a clearance scheme to be agreed in writing with the local planning authority before the commencement of development.

REASON: In the interests of sustainability and to ensure appropriate use of the Blue Ribbon Network.

8.1.29 NSC – Non-standard Condition

During and after works of demolition the site shall be made secure by the erection of a suitable boundary enclosure, such as a hoarding, details of which shall be submitted to and approved in writing by the Local Planning Authority before the commencement of any works.

Reason: To ensure the site is kept in a secure and tidy condition so as to safeguard environmental and visual amenity in the Kingsland Conservation Area.

8.1.30 NSC – Non-standard Condition

Before the following uses commence provision of facilities for the disposal of litter and refuse by members of the public within the site shall be made in accordance with details to be submitted to and approved by the Local Planning Authority.

- a. A3 (café)
- b. D1 (Health centre)

Reason: In order to assist the proper disposal of waste and to protect the appearance of the area generally.

8.1.31 NSC – Non-standard Condition

Notwithstanding the details hereby approved, no roof plant, including all external enclosures, machinery and other installations shall be placed upon or attached to the roof or other external surfaces of the building.

Reason: In the interests of maintaining an acceptable appearance of the building

8.1.32 NSC – Non-standard Condition

No development shall take place on the site until details of the proposed bird boxes, the number to be agreed with the Local Planning Authority, are submitted for approval in writing, by the Local Planning Authority.

Reason: To protect the amenity value and structural integrity of the canal and to prevent pollution of this watercourse.

8.1.33 NSC – Non-standard Condition

No doors or gates shall be erected in a way that enables them to be opened over or across the adjoining footways, carriageways and rights of way.

Reason: In the interests of public safety and to prevent obstruction of the public highway.

8.1.34 NSC – Non-standard Condition

The retail unit(s) hereby approved shall be provided at all times with a window display.

Reason: to ensure that the external appearance of the building is satisfactory and that it contributes to the character and appearance of the Kingsland Conservation Area.

8.1.35 NSC – Non-standard Condition

Individual housing blocks shall not be occupied until refuse stores and recycling facilities have been provided for that block in accordance with Dwg no 0668 (PL)100 and these facilities shall be permanently maintained for use by the occupiers of the building.

Reason: In order to assist the proper disposal of waste and to protect the appearance of the area generally.

8.1.36 GLA Condition

Full details of Energy Efficient Design measures for the proposed development, or any part of the site development, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. These details shall include building regulations – compliant modelling work demonstrating that 2006 Building Regulations requirements in relation to energy efficiency are exceeded by 10% with the use of demand reduction and/or energy efficiency measures. This applies to both domestic and non-domestic elements of the Hertford Road development. These measures exclude the carbon dioxide savings achieved with the use of combined heat and power and/or renewable.

REASON: To ensure energy efficiency for prospective occupiers.

8.1.37 NSC – Non-standard Condition

Prior to the commencement of works, a detailed feasibility scheme for the provision of Photovoltaic panels across the site shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure energy efficiency for prospective occupiers.

8.1.38 Hours of opening

The A3 use hereby permitted may only be carried out between 0800 to 2230 hours Mondays to Saturdays and 0830 to 2200 hours Sundays and Public Holidays.

REASON: To ensure that the use operates in a satisfactory manner and does not unduly disturb adjoining occupiers or prejudice local amenity generally.

8.1.39 NSC – Non Standard Condition

All existing ornamental features, including tether rings, metal work, warehouse winches and the like, shall be retained in situ in accordance with details to be submitted to and approved in writing by the Local Planning Authority

REASON: To ensure the heritage of the existing buildings is retained in situ in the interests of the character and appearance of this part of the Kingsland Road and Regents Canal Conservation Area.

8.1.40 NSC – Non-standard Condition

Sample panels of brickwork, demonstrating the colour, texture, face bond and pointing are to be constructed on site and approved by the Council as Local Planning Authority before the relevant parts of the work are commenced.

Reason: To ensure that the appearance of the buildings are acceptable and in the interests of the Character and appearance of the Kingsland and Regents Canal Conservation Area and the setting of the Listed Buildings.

8.1.41 NSC – Non-standard condition

Site clearance should be undertaken outside of the bird nesting season (generally accepted as being between March and July). If this is not possible, all the trees, scrub and buildings should be searched for the presence of nesting birds. If any are found the nests should be protected until such time as the young have fledged and left the nest in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of ecology and the canal setting.

8.1.42 NSC – Non-standard condition

Reasonable endeavours shall be undertaken to locate street lights to the Kingsland Road frontage of the Commercial Wharf block hereby approved.

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

8.1.43 NSC – Non-standard Condition

Prior to the commencement of works, a detailed accessibility strategy, to include hours, routes, and boundary treatments demarcating the realm between public and private areas.

REASON: To ensure that the public access provision across the site is appropriate provided to safeguard the amenity of future occupiers whilst providing access for the benefit of the Borough as a whole.

RECOMENDATION B

8.2 That Conservation Area Consent be GRANTED subject to the following conditions:

8.2.1 SCB2 – Time period

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

Reason: In order to Comply with the provisions of Section 18(a) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

8.2.2 NSC1 – Works of demolition

The demolition works hereby permitted shall not be carried out otherwise than as part of the completion of development for which planning permission reference 2008/3131 and Listed Building Consent 2008/3167 is granted and such demolition and development shall be carried out without interruption and in complete accordance with the plans referred to in this consent and any subsequent approval of details.

Reason: As empowered by Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to maintain the appearance of the Kingsland and Regents Canal Conservation Areas.

RECOMMENDATION C

8.3 That Listed Building Consent be GRANTED subject to the following conditions

8.3.1 Time Limit

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

Reason: In order to Comply with the provisions of Section 18(a) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

8.3.2 NSC1 – Carrying out of works

The works hereby permitted shall not be carried out otherwise than as part of the completion of development for which planning permission reference 2008/3131 and Conservation Area Consent 2008/3166 is granted and such

works shall be carried out without interruption and in complete accordance with the plans referred to in this consent and any subsequent approval of details.
Reason: As empowered by Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to safeguard the setting of the Listed Building.

8.3.3 Details of structural protection

Detailed drawings showing the method by which the existing structure is to be supported and protected during building works so as to ensure the structural stability and integrity of all the elements which are to be retained shall be submitted to and approved by the Local Planning Authority before works commence on site.

Reason: To ensure the retention of those parts of the building which contribute to its special architectural and historic interest and to ensure they are not damaged during building works.

8.3.4 Cleaning to Brickwork

Full details of any proposed cleaning of the brickwork to retained buildings shall be submitted to and approved by the Local Planning Authority in writing prior to the commencement of any works on site. Works shall not commence until authorised in writing by the Local Planning Authority.

Reason: In order that the special architectural interest of the Kingsland Conservation Area is safeguarded.

8.3.5 Pointing treatment

Detailed drawings to show how the pointing treatment between the retained part of the development and the adjoining part of the proposed development shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the retention of those parts of the building which contribute to its special architectural and historic interest are not damaged during building works

8.3.6 Internal and external works

All new external and internal works and finishes and works of making good shall match the existing original work adjacent in respect of materials used, detailed execution and finished appearance, except where indicated otherwise on the drawings hereby approved or as required by any conditions attached to this consent.

Reason: To ensure that the special architectural or historic interest of this building is safeguarded and that the development contributes to the character and appearance of this part of the Kingsland Road and Regents Canal Conservation Area.

8.3.7 Windows

Detailed drawings and full particulars including samples of all window and door openings must be submitted to and approved by the Local Planning Authority, in writing, before any work is commenced. The development shall not be carried out otherwise than in accordance with the details thus approved.

Reason: To ensure that the special architectural or historic interest of this building is safeguarded and that the development contributes to the character

and appearance of this part of the Kingsland Road and Regents Canal Conservation Area.

8.3.8 Horse Ramp

Prior to the commencement of works full details of the proposed works, including detailed drawings (1:50) and a schedule of the manner of works to make good the structure shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the special architectural or historic interest of this ramp is safeguarded and that the development contributes to the character and appearance of this part of the Kingsland Road and Regents Canal Conservation Area.

8.3.9 Approved drawings

The works hereby approved are only those specifically indicated on the drawings hereby approved or as required by any conditions attached to this consent.

Reason: To ensure that the special architectural and historic interest of the building are safeguarded and that development contributes to the character and appearance of the Kingsland Road and Regents Canal Conservation Area.

Recommendation D

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

8.4.1 To secure the provision of 61 habitable units as affordable housing to be given over to an RSL as agreed by the Local Planning Authority. The dwelling mix comprising 2 x two bed, 16 x three bed and 23 x four bed units as the social rental element and 15x one bed and 9 x two comprising the intermediate units.

8.4.2 No more than 50% of the Open Market units to be used and/or occupied until the Affordable housing units have been transferred to an RSL as agreed by the Local Planning Authority.

8.4.3 The developer must have an active programme for recruiting and retaining adult improvers and as a minimum take on at least one adult improver per £5 million of construction contract value and provide the Council with written information documenting that programme within seven days of a written request from the Council.

8.4.4 The Developer will, through a environmental management system, provide monitoring information in relation to the Development to the Local Planning authority on the first anniversary of the occupation of the site with respect to:

- (a) energy consumption;
- (b) air quality;

- (c) waste generation and recycling;
- (d) water use;
- (e) biodiversity; and
- (f) percentage of energy requirements resourced from Renewable Energy.

- 8.4.5 Residential units to be built to Lifetime Home Standards and achieve Code for Sustainable Homes Level 3 with best endeavours to be demonstrated in detailed towards Level 4 and BREEAM for Offices Level Very Good.
- 8.4.6 A contribution of £ 14,027.54 towards open, child and play space within close proximity to the site, that could include a proposal towards works under the East London Train line to the north side of the Regents Canal, east of the site but in which instance should relate to the provision of providing a lighting and safe and secure space but should not be towards works to local parks.
- 8.4.7 The developer will provide a Public Open Space plan and Public Open Space management plan prior to implementation of the development. The Public Open Space to be completed prior to the occupation of the Open Market Units.
- 8.4.8 A considerate construction and neighbourhood co-ordination group to be set up, to meet bi-monthly, the members of which are to be agreed in advance with the Local Planning Authority and minutes to be circulated by the developer to all those involved.
- 8.4.9 The developer will provide a construction management plan including a construction logistics plan with details of vehicle types, movements and timings.
- 8.4.10 The developer will provide a servicing arrangements and hours of use plan of various elements that will be agreed, to be in use at the opening of the development, and modified in line with negotiated targets with Council Traffic Officers from time to time.
- 8.4.11 On occupation, the owner should provide the residents with a handbook detailing local public transport services and walking routes to schools in the area, to help achieve sustainable development.
- 8.4.12 The developer is required to provide one car club bay for use by residents of the development to be located in the basement car park at Hertford Road.
- 8.4.13 Prior to implementation, to submit and thereafter resubmit until approved, a phasing plan to include details of the phasing to the open spaces and public access along the Basin as well as the general construction across the site.
- 8.4.14 Contribution of £549,654.00 towards Education calculated in accordance with the approved formula in the Planning Contributions Supplementary Planning Document (2006) with child yield information based on the GLA 'DMAG Briefing Note' 2005/25 (updated in May 2006) using Wandsworth survey data as the best available proxy for inner London.

- 8.4.15 Contribution of £47,325.51 towards Dalston Library based on calculation within the Supplementary Planning Document.
- 8.4.16 Contribution of £450,529.39 towards environmental improvement works.
- 8.4.17 Contribution of £549,564.00 towards public art to include a program of engagement and commission for the Stable Yard or as otherwise agreed with the Council to bear close relationship with the proposal site.
- 8.4.18 Contribution of £25,000.00 towards contribute to the 'Cycle Route Implementation and Stakeholder Plan' (CRISP) proposals by a contribution towards these improvements, as well as two chicanes required to encourage safer cycling along the towpath, to and from the development
- 8.4.19 An appropriate percentage of residential units permitted by any subsequent planning permission are allocated as Affordable Housing such percentage to be applied to the aggregate total of the residential units permitted by both the Planning Permission and the Subsequent Planning Permission.
- 8.4.20 The applicant is to carry out all works in accordance with the National Considerate Constructors Scheme.
- 8.4.21 The development shall be 'car free'. The developer shall notify the occupants of the residential units that they shall not be able to obtain any residential parking permit, with the exception of blue badge holders.
- 8.4.22 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.
- 8.4.23 The signing of a Section 278 legal agreement under the Highways Act to pay the Council £103,760.98 to reinstate and improve the footway adjacent to the boundary of the site, and include if required, any access to the Highway, measures for street furniture relocation, carriageway markings, access and visibility safety requirements. Unavoidable works required to be undertaken by Statutory Services will not be included in London Borough of Hackney estimate or payment.

9. REASONS FOR APPROVAL

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

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

Habitats.

10. INFORMATIVES

The following Informatives should be added:

- SI.1 Building Control
- SI.2 Work Affecting Public Highway
- SI.3 Sanitary, Ventilation and Drainage Arrangements
- SI.6 Control of Pollution (Clean Air, Noise, etc.)
- SI.7 Hours of Building Works
- SI.24 Naming and Numbering
- SI.25 Disabled Person's Provisions
- SI.27 Fire Precautions Act 2005
- SI.28 Refuse Storage and Disposal Arrangements
- SI.33 Landscaping
- NSEHI The development of this site is likely to damage structural remains. The applicant should there submit detailed proposals in the form of a project design for building recording. The design should be in accordance with the appropriate English Heritage guidelines.
- NSBWI The applicant/developer is advised to contact one of the third party works engineers on 020 7985 7200 in order to ensure that any necessary consents are obtained and that the works comply with British Waterways: 'Code of Practice for Works affecting British Waterways'.
- NSBWI Any closures of the towpath during the construction must be agreed in writing with BW before development commences.
- NSBWI The applicant is advised that any discharge of surface water in to the Regents Canal via Kingsland Basin requires British Waterway's written permission before development commences.
- NSI The pontoons and moorings shown on the drawings submitted are not party to this consent. Only those provisions that relate to the existing pontoon to the west side of the Basin are subject of this permission.
- NSI Please note that the Highways department **must** be advised when payment has been made and a minimum of **six months** lead in to be given by the developer before highway works are expected to start on site. The street lighting team/department **must** also have **six months** lead in time prior to any works commencing on the development to enable them to carry out any required electrical works on the lighting columns etc.



Signed..... Date: 1 June 2009

Steve Douglas
CORPORATE DIRECTOR, NEIGHBOURHOODS & REGENERATION

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