

## MINUTES OF A MEETING OF THE PLANNING SUB-COMMITTEE

WEDNESDAY, 6TH MAY, 2009

- Councillors Present:** Councillor Vincent Stops in the Chair  
Cllr Barry Buitekant, Cllr Michael Desmond (Vice-Chair), Cllr Ian Sharer, Cllr Katie Hanson and Cllr Jessica Webb
- Apologies:** Cllr Linda Smith and Cllr Joseph Stauber
- Officers in Attendance** Ian Bailey (Senior Planning Officer), Rokos Frangos (Senior Planning Officer), Rosemary Lansdowne (Principal Solicitor), Graham Loveland (Interim Assistant Director, Planning), John McRory (Team Leader, Major Applications), Femi Nwanze (Head of Development Management), Fred Raphael (Senior Technical Engineer), Ray Rogers (Sustainability and Design Manager), Russell Smith (Senior Planning Officer), Anthony Traub (Senior Planner, Major Team), John Tsang (Interim Team Leader), Steve Fraser-Lim (Senior Planning Officer, Majors Team), Rebecca Anderson (Team Leader, Area Team), Gillian Nicks (Senior Planning Officer, Majors Team), Nick Jacobs (Landscape Officer), Emma Perry (Democratic Services Officer) and David Rees (Democratic Services Manager)
- Also in Attendance** Kevin Moore (Hackney Society)

### 1 **APOLOGIES FOR ABSENCE**

- 1.1 Apologies for absence were received from Councillors Smith and Stauber.

### 2 **MEMBERS TO AGREE THE ORDER OF BUSINESS**

- 2.1 The order of business remained as per the agenda.

### 3 **DECLARATIONS OF INTEREST**

- 3.1 There were no declarations of interest.

### 4 **MINUTES OF THE PREVIOUS MEETING**

- 4.1 **RESOLVED** – that the minutes of the meeting held on 1 April 2009 be APPROVED as a true and accurate record.

5 **6-20 (EVEN) GRAZEBROOK ROAD & 61 LORDSHIP ROAD, LONDON, N16**

- 5.1 The Planning Officer introduced the report, as set out in the agenda.
- 5.2 There being no questions from Members, the Chair moved to the vote.

**Unanimously RESOLVED that:-**

**The Interim Head of Legal Services be authorised to confirm the Tree Preservation Officer with the modification that the dead tree T8 is omitted. This confirmation will make the TPO permanent.**

6 **LAND WITHIN THE NORTH WESTERN PART OF OLYMPIC PARK PLANNING DELIVERY ZONE 5: EAST OF THE RIVER LEE NAVIGATION, SOUTH OF EASTWAY AND WEST OF THE FORMER ALIGNMENT OF WATERDEN ROAD**

Observations to the Olympic Delivery Authority (ODA) regarding the submission of Reserved Matters for the International Broadcast Centre (IBC) and Main Press Centre (MPC) and Multi-Storey Car Park (MSCP) to provide details of the layout, scale, appearance, materials and access during Games mode, together with supporting information and details of telecommunications provision pursuant to conditions OD.0.18 (Reserved Matters submissions), OD.5.1 (Multi Storey Car Park) and OD.0.24 (Telecommunications) of outline planning permission reference 07/90010/OUMODA.

(Councillor Desmond arrived before the start of the item and took part in the vote).

- 6.1 The Planning Officer introduced the report, as set out in the agenda. Reference was made to the addendum which set out the comments from the LBH Policy Team, Transportation, Design Review Panel, CABE and the ODA.
- 6.2 Councillor Desmond raised concern regarding the design of the building and felt that it should be a building of architectural significance and provide a significant legacy.
- 6.3 The Chair wished to clarify the issue of permeability and which sections of the building would be removed in legacy mode. The Planning Officer explained that he was still unsure on the East/West connection and had requested further information. The Chair requested that an informative be added to express the LBH's aspiration for greater permeability around the area. This was **AGREED**.
- 6.4 The Chair also asked whether the application included the provision of a green roof and the Planning Officer stated that little detail had been provided on sustainability and that he had requested further information. The Chair was keen to keep the sustainability credentials up and requested that an informative be added which listed what the Council expected in relation to BREEAM and sustainability. This was **AGREED**.

**Unanimously RESOLVED that:-**

**The London Borough of Hackney (LBH) supports the principle of the Media Centre (MSCP, IBC, MPC) in the location proposed and the provision of employment floor space in Legacy;**

**The London Borough of Hackney objects to the proposed design and appearance of the MPC. The proposed facade treatment is considered to create a long monotonous appearance, with particular concern relating to the long frontage facing Hackney Wick. Materials are unclear with a long run of 'corrugated metal' type composite panel cladding not considered to be acceptable with submitted imaging of this cladding within the application documents portraying it as poor in quality and appearance. Furthermore, massing information has not been supplied to support the current proposal and it is considered that the MPC does not relate well to the scale of the existing residential built form nor to the surrounding open spaces within the Olympic Park;**

**The LBH objects to the provision of a permanent commercial building (MPC) that does not meet the sustainability aspirations required by the s106 of the Outline Planning Permission, and those expected within the London Plan and LBH emerging Core Strategy with regard to sustainable design and construction. Submitted documentation mentions a 'Roadmap' towards a BREEAM 'Excellent' rating in Legacy. No information, documentation or agreement has been submitted to give evidence of this.**

**INFORMATIVES**

1. Further information is required regarding the massing of the proposed Media Centre complex (MSCP, IBC and MPC as a group of buildings). The submission of a massing study is requested for further comment by LBH on the proposal. It is suggested that the edges of the Media Centre complex evolve into a more refined urban form which could accommodate the specified uses but also provide a progressive transition between uses and urban forms;
2. Further information is requested regarding technical details outlining the technical feasibility to transform the two storey portion of the MPC into smaller commercial units;
3. The LBH objects to the provision of a permanent commercial building (MPC) that does not meet the sustainability aspirations required by the S106 of the Outline Planning Permission, and those expected within the London Plan and LBH emerging Core Strategy with regard to sustainable design and construction. Submitted documentation mentions a 'Roadmap' towards a BREEAM 'Excellent' rating in Legacy. No information, documentation or agreement has been submitted to give evidence of this. LBH expects the MPC to meet a rating of BREEAM 'Excellent' and a 20% reduction in carbon emissions through the use of renewable energy sources and use of low energy technology.
4. The LBH is concerned with the design quality, design lifespan, proposed materials and sustainability credentials of the IBC. This building has the

- potential to spark regeneration in accordance with LBH emerging policies. However, in its current configuration, it is difficult to perceive how the IBC will contribute to a meaningful Legacy aspiration.
5. Conditions LTD 1.28 and LTD 2 of the approved Outline Planning Permission relate to the removal of temporary buildings and timing of occupancy of permanent buildings post Games. If approval is granted to the IBC as a temporary structure, it would be assumed that the IBC would have to be removed relatively quickly post Games to appease these conditions adding to the likelihood that the IBC would not form part of any Legacy plan;
  6. The LBH would like to see the IBC designed and built with a longer lifespan and the flexibility in design to provide a high quality building and studio space. This should be undertaken on advice from potential end users to ensure a high quality and desirable building is left in Legacy;
  7. The future-proofing of the site should allow more flexibility and take on-board the themes and recommendations within the Hackney Wick and Fish Island masterplan with regards to connecting to Hackney Wick. East/West links should be designed to encourage their active use and provide direct access between Hackney Wick and the Media Centre site and through the Media Centre site. The Legacy configuration of the site and buildings will not be supported by the LBH if these themes compromise pedestrian and cyclist movements in these directions.
  8. The LBH believes it is paramount that the conversion strategy to the MSCP is produced now, prior to any decision being made on the Media Centre application. This document should include any new replacement development envisioned for the site;
  9. There is concern with how the Games time roads will be transformed into Legacy layouts (giving considerations to operational aspects such as servicing) especially with infrastructure that is unlikely to be changed during Legacy transformation (such as road pavements and utility corridors). It is considered that additional communication is required from the ODA at the current time for this purpose. This is needed to agree road layout, construction details and supervision of the construction;
  10. The submitted drawings refer only to the Games mode and it is unclear how the Legacy transformation access layout will appear. There are concerns that by approving this application it will be force the LBH into accepting this layout for Legacy when it may not have been appropriately designed for post Games use;
  11. Access to Eastway and A12 Lea Interchange - As this intersection is a key access point for the Legacy operation of the site it is assumed that the Legacy transformation road and junction layout is still being developed and will be reviewed in due course. It is noted that if previous layouts were to be adopted as part of the Olympic Legacy use, the applicant will need to submit a full Transport Assessment including a Transport Impact Assessment to the Council for approval. In its previous state, the layout was considered unacceptable and there is a fear that the proposed layout will cause serious adverse impacts to the surrounding area;

12. It is expected that the roads to be constructed within Hackney are to be built to Hackney specifications if they are likely to be proposed for adoption;
13. The Technical Report titled "*Accommodation for Loading and Unloading of Vehicles*" indicates that secure cycle parking will be provided at Victoria Park. The location and type of end of trip facility and pedestrian access route from Victoria Park to the Olympic Site is of interest to LBH.
14. The vehicular access route information provided indicates that both coaches and cars will exit the transit mall and the MSCP to Eastway and then return to the Olympic site's Northern access point via Eastway. LBH does not expect that MSCP vehicles will exit the IBC/MPC site to the left and head in a westerly direction via Eastway. If the application is approved, a condition to this effect is expected;
15. If Eastway is to be closed to public traffic, information should be provided as soon as possible to allow LBH to adequately plan for the road closure;
16. There are concerns about commenting on these proposals without a fuller understanding of the security overlay which could effectively undermine the basis of the application and our comments. The ODA needs to make every effort to ensure the security overlay is included within the application, even if this is indicative, with LBH requesting that this information be submitted prior to the application being considered;
17. When the final detailed design of all buildings on site is confirmed along with all noise mitigation measures, these should be made available to all statutory consultees for comment;
18. The application states that little information is available on the exact details of background (baseline) noise measurements made for Location 5a. The project provided a Baseline Noise and Vibration Monitoring Strategy which the results of should be used for this purpose. This would do away with any assumptions within the body of the submitted noise report (specifically Paragraph 3.22);
19. More certain proposals regarding noise associated with the temporary structures is also required. This would enable a more conclusive scenario to be built taking into consideration the cumulative impacts of all noise sources in order to provide any necessary mitigation measures;
20. Should the future strategy for building services in the MSCP require the use of mechanical plant, assessment for this should be done accordingly and made available to all statutory consultees for comment;
21. The LBH Pollution Team would like a report based on a BS 4142 assessment to be submitted when the final design details have been confirmed for all Legacy buildings and when all the plant equipment is in place;
22. Access arrangements and hours of the operation of the Loop Road are requested by LBH Pollution Team;
23. Connectivity is critical to the long term success of the Media Centre site.

- East/West links should be designed into any meaningful Legacy scheme. Any scheme that would compromise these east/west links would not be supported by the LBH;
24. The LBH expects the provision of playing fields on the Media Centre site in accordance with the s106 of the approved Olympic Planning Permission;
  25. The LBH would reiterate its stance that Olympic venues should be looking to reduce car parking numbers as much as possible. This is the view LBH has always taken;
  26. When approaching the site on the A12, the rear of the MSCP is the dominant view. Careful consideration of the transformation of this building in Legacy is paramount to providing an acceptable vista onto the Media Centre site. More detail on the transformation of this building is requested;
  27. The ODA has reconfigured the site several times with the most recent relocating the catering village and satellite farm within the site. Therefore, any amendment to the site layout to provide a quality development should be explored rather than dismissed;
  28. The LBH Design Team, Design Review Panel and CABE have all identified the external appearance of proposed buildings to be unacceptable. It is disappointing that the ODA's response to this requests that a condition be placed on a decision (should the ODA Committee be minded to grant planning permission) requiring further exploration of cladding types to improve the external quality of buildings in Legacy. The LBH expects that as a reserved matters application, details as fundamental as cladding are subject to any approval and therefore does not consider this alternative an acceptable solution or response to those design concerns raised;
  29. The Legacy reconfiguration of the MSCP needs to be seriously considered at this stage of the development. To say that a condition of the Outline Planning Permission only requires it at a later date does not reflect a desire to holistically address all site issues with anything approved at this stage potentially compromising any flexibility in Legacy;
  30. The draft LMF does not consider 'Higher Education Use' on-site as the longer term Legacy vision. LBH considers this response by the ODA as an appropriate use to undermine the Legacy aspirations of the Borough;
  31. The potential pillar free studio spaces within the IBC of 10,300 and 12,400 sq.ft would not meet modern studio requirements as they are rectangular in shape (not square) with ceiling heights required to be 12m and not the 9.5m as proposed.

**7 53A CARYSFORT ROAD, LONDON, N15**

**2007/0864** - Discharge of condition 4 (details of refuse storage) of planning permission 2002/1953 dated 20th February 2004.

**Wednesday, 6th May, 2009**

- 7.1 The Planning Officer introduced the report, as set out in the agenda and read out a letter of objection received from Councillor Alcock, on behalf of residents.
- 7.2 Mr Cutler spoke in objection to the scheme, his comments are summarised as follows:
- Circulated a copy of photos and a ground floor plan, illustrating his concerns, to Members at the meeting.
  - The bin storage proposed was noWsmaller than originally proposed – 660 litres.
  - The smell generated by the bins will be offensive to residents.
  - Raised the issue of leaseholders being sold the right to use the bin store, with no documentation to support this.
  - Concerned that the bins will be used by other people in the locality.
  - Seek compliance with the original approved plans, which included the provision of a bin enclosure.
  - Waste management had confirmed that the previously approved bin store area could still be used.
- 7.3 The Planning Officer explained that the recommended distance for bin collection was 10m maximum and that the original storage area was too far away to be collected. He added that the development had commenced without the conditions being adhered to and that the previously approved bin storage area was now private land.
- 7.4 Members felt that a resolution could not be made on this application until the outstanding bin storage issues had been resolved. It was therefore:

**RESOLVED that:**

**The application be DEFERRED, to allow the issues surrounding the bin storage to be resolved.**

**8 95-99 STAMFORD HILL, LONDON, N16 5DN**

**2008/2402** - Variation of condition 10 (hours of use) of planning permission reference 2007/0396 for the Synagogue between 09:00 hours and 23:00 hours to read between 07:00 hours and 23:00 hours on any day.

- 8.1 The Planning Officer introduced the report, as set out in the agenda. Reference was made to the addendum which detailed revised drawings and late representations from two local residents, traffic and transportation and also Transport for London. The responses to these representations were also set out within the addendum.
- 8.2 There being no questions from Members, the Chair moved to the vote.

**Unanimously RESOLVED that:-**

**A) Planning permission be GRANTED subject to the following conditions:**

**1. SCB1N - Commencement within 3 years**

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 the Town and Country Planning Act 1990 as amended.

**2. SCB0 - Development only in accordance with submitted plans**

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

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

**3. SCM9 - No extraneous pipe work  
SRM9**

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

**4. SCH10 - Provision for cycles  
SRH10**

Space shall be made available for the secure parking of 20 cycles within the site/development/ building before the use is first commenced.

**5. G1 - Restricted Hours of Use**

The Synagogue hereby permitted may only be carried out between 07:00 hours and 23.00 hours on any day.

**6. G1 - Restricted Hours of Use**

The Offices hereby permitted may only be carried out between 08:30 hours to 18:00 Monday to Friday.

**7. G1 - Restricted Hours of Use**

The Community Use hereby permitted may only be carried out between 09.00 hours to 23.00 hours on any day.

**8. SCM6 - Materials to be approved (General)**

Details, including samples, of materials to be used on the building, boundary walls and ground surfaces shall be submitted to and approved by the Local Planning Authority in writing before any work commences on site. The development shall not be carried out otherwise than in accordance with the details thus approved.

**9. 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.

Details of Windows and Doors (Including sections)

Details of Green Roof

Details of Front Railings



10. **SCM11 - Modification of Plans**  
Drawing number SH/PLO2 Rev A shall be amended to show a minimum access width of 1.2metres on both sides of each disabled parking bay.
11. **SCR4 - Residential Units Wheelchair Standards**  
The housing units proposed to be located on the ground floor must be designed to wheelchair standards and be in accordance with details to be submitted to and approved by the local Planning Authority.
12. **SCR2 - Dustbin Enclosures**  
Details of dustbin and recycling enclosures showing the design, location and external appearance, shall be submitted to and approved by the Local Planning Authority, in writing, before the use/development commences. The development shall not be carried out otherwise than in accordance with the details thus approved.
13. **T1 - Landscaping scheme**  
A landscaping scheme illustrated on detailed drawings shall be submitted to and approved by the Local Planning Authority, in writing, before any work commences on site, for the planting of trees and shrubs showing species, type of stock, numbers of trees and shrubs to be included and showing areas to be grass seeded or turfed; all landscaping in accordance with the scheme, when approved, shall be carried out within a period of twelve months from the date on which the development of the site commences or shall be carried out in the first planting (and seeding) season following completion of the development, and shall be maintained to the satisfaction of the Local Planning Authority for a period of ten years, such maintenance to include the replacement of any plants that die, or are severely damaged, seriously diseased, or removed.
14. **NS01 - Non-Standard**  
The applicant is to provide a detailed noise assessment of all potential noise sources, which may affect the proposed development. Daytime & night-time measurements should be taken during normal operation for each source. The report, (to include, but not limited to, a detailed sound insulation scheme) along with any proposed remedial measures, should be submitted for the approval of the Pollution Group prior to the commencement of any works.

REASON: To ensure the proposal is acceptable for the occupants.

**B) That the landowners and their mortgagees enter into a deed of planning obligation by means of a planning agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (As amended) with the Council as the Local Planning Authority in order to secure the following matters to the Interim Assistant Director (Planning) and the Interim Head of Legal Services:**

1. Education Contribution: The landowner/developer/mortgagee will contribute £48,610 for the purpose of providing education and/or training initiatives for the residents of the London Borough of Hackney.
2. Affordable housing: To secure the provision of 100% of habitable units as affordable housing with a tenure mix of 30 % shared ownership and 70 % socially rented.

3. Car Free Development: The owner for themselves and their successors in title to the residential units hereby waive all right and entitlement on the part of the owner and the successors in title to either of them to a Residents Parking Permit in respect of the property (unless the Resident concerned becomes entitled to a Disabled Person's Badge or unless the resident parking permit is for an electronically powered vehicle).

### **Section 278 – Highways Contribution**

1. The owner will be required to enter into agreement under Section 278 of the Highways Act to pay the Council costs to reinstate and improve the public footways adjoining the site at Colberg Place and include any measures for the relocation of street furniture and carriageway markings.

### **INFORMATIVES**

The following Informatives should be added:

- SI Reason 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, HO3 Other Sites for Housing, TR19 Planning Standards, CS2 Retention of Community Facilities as part of Development Schemes, CS7 [Sites and premises for Community and Voluntary Projects], CS8 [Places of Religious Worship], CS9 [Provision of Childcare Facilities], Policy 4B.1 [Design principles for a compact city], Policy 3A.3 [Maximising the potential of sites], 4B.8 Respect local context and communities London Plan 2008.

- SI.1 Building Control

Your attention is drawn to the provisions of the Building Act 1984 and other Building Control legislation, which must be complied with to the satisfaction of The Planning and Transportation Service, Dorothy Hodgkin House, 12 Reading Lane, London, E8 1HJ. Telephone No: 020 8356 5000. Before any building work (including improvements to means of escape and changes of use) is commenced on site, detailed plans, together with the appropriate application form must be submitted for approval and early consultation is advised.

- SI.2 Works affecting Public Highway

The Highways and Engineering Team, Environment Services Division, Dorothy Hodgkin House, 12 Reading Lane, London, E8 1HJ, Telephone 0208 356 5000, should be consulted regarding any works to, on or under the public highway, including vaults and thresholds, vehicle crossing, access, parking and sight lines. Any vehicle crossing works are to be carried out by the London Borough of Hackney ( concerning Colberg Place) and Transport for London (concerning Stamford Hill)

The developer/landowner will be responsible for all costs relating to the closure of existing vehicular and pedestrian accesses to the site, the construction of new accesses and the reinstatement and repair of public footways where they adjoin the site boundaries.

**S3 Hours of Building works**

Your attention is drawn to the provisions of Section 60 of the Control of Pollution Act 1974 which imposes requirements as to the way in which building works are implemented including the hours during which the work may be carried out. This Act is administered by the Councils Pollution Control Service, 205 Morning Lane, London, E9 6JX (Telephone: 020 7356 5000) and you are advised to consult that Division at an early stage.

**SI.3 Sanitary, Ventilation, and Drainage Arrangements**

Before any drainage works are commenced on site, detailed plans, giving notice of intention to build/permission to drain/construct/reconstruct or alter pipes and drains must be submitted for approval under the Building Regulations 1991 to the Planning and Transportation Service, Dorothy Hodgkin House, 12 Reading Lane, London, E8 1HJ, Telephone No: 020 8356 5000. Please note that it will be necessary to consult the Thames Water Utilities Ltd., Waste Water Connections, Kew Business Centre, Brentford, Middlesex, TW8 0EE. Telephone No: 020 7713 3865, Fax No: 020 7713 3875.

- 1) All information appertaining to the existing public sewerage system.
- 2) Requests for sewer connections. All works will be carried out by the London Borough of Hackney at the applicant expense. All new developments will be required to have new sewer connections.
- 3) Building over sewers.
- 4) System of drainage to be provided on site.
- 5) Adoption of sewers.

**Advisory Note:**

It should be noted that most sewers throughout the Borough flow full or surcharge during periods of heavy storm and conditions may be imposed restricting discharge to the system. The prime condition is that any large development shall not cause an increase in the rate of flow to the public sewerage system. This requirement is normally met in the case of new developments by separation on site and storage of surface water flows in tanks or oversized pipes on sites. Where sites adjoin a suitable watercourse or storm relief sewer into which surface water can be discharged by gravity then the policy is for sites to be separated and have their surface water discharged to the watercourse or storm relief sewer. In the case of developments/rehabilitation/ conversions etc., involving the use of basements these are likely to be particularly vulnerable to the effects of surcharge and applicants must therefore demonstrate that adequate drainage arrangements exist at all times.

9 **38-50 ARCOLA STREET, LONDON, E8 2DJ**

**2009/0469** - Section 73 application to vary condition 14 (alterations to roof finish) and vary condition 17 (to allow railings to be positioned at a distance of not less than 0.6 Metre from edge of building) of planning permission 2006/3061 dated 20/03/2007 for:- Construction of part 5 storey L- shaped Block containing 22 affordable residential units (4x 1 beds, 12 x 2 beds, and 1x3 beds 5 x 4 bed) and 320 square metres of B1 floor space on the ground floor together with the demolition of existing light industrial (B1) building.

**NB:** Members are requested to note that the matters under consideration are modifications to a previously approved planning application ref: 2006/3061, consisting of the following;

- Removal from the proposal of a 260sqm extensive 'Accessible Green Roof' and its substitution with a 86sq.m 'Sedum Roof' and an area of 'timber decking of 102sq.m which would be accessible 'roof terrace amenity area' for residents. This is contrary to the requirements of condition 14 which requested construction details of the extensive green roof.
- Re-positioning of the railing which surrounds the accessible roof so it is between 0.6m and 1.3m from the edge of the building. This is contrary to the requirements of condition 17 which required all railings to be at least 2.0m from the edge of the building.

**POST REVISION SUBMISSIONS:**

Additional information has been requested and received as part of the application process to include:

- Additional justification and clarification for the reason of the application (email dated 14 April 2009)
- Improvements and details of the 'roof terrace amenity area' (timber decking) to include provision of permanent planters and seating incorporated into the design
- Full design details of the railings, and cross-sections to aid analysis of the relationship with adjoining properties

9.1 The Planning Officer introduced the report, as set out in the agenda.

9.2 Reference was made to the modifications made to the previous application, in particular the removal of the 260sqm extensive 'Accessible Green Roof' and its substitution with a 86sq.m 'Sedum Roof'. It was explained that this had been removed as the Housing Association were not aware at the time that the building could not support a fully accessible green roof.

9.3 A question was also raised regarding the balconies and why galvanized steel was being proposed and whether glass could be used which would be less obtrusive. The applicant explained that this had been previously considered however, due to structural system issues, galvanized steel had been chosen as glass would have been too heavy. The Chair requested that best endeavours be made for glass to be used on the balconies. This was **AGREED**.

**Unanimously RESOLVED that:-**

**A) Planning permission be GRANTED, subject to the following conditions variation of Condition 14 and 17 of planning permission 2006/3061, as follows:**

1. (SCB1N) '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 the Town and Country Planning Act 1990 as amended.'

2. (SCD2) '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 that they make full use of the development.'

3. (SCI3) '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.'

4. (SCH10) 'Space shall be made available for the secure parking of 22 cycles and within the site/development/building before the use is first commenced.

REASON: To ensure that a 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.'

5. (SCM6) 'Details, including samples, of materials to be used on the building, boundary walls and ground surfaces shall be submitted to and approved by the Local Planning Authority in writing before any work commences on site. The development shall not be carried out otherwise than in accordance with the details thus approved.

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

6. (SCM9) 'No soil stacks, soil vent pipes, flues, ductwork or any other pipework shall be fixed to the (street) elevations of the building other than as shown on the drawings hereby approved.'

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

7. (SCM11) 'Detailed drawings showing the following modification(s) to the scheme shall be submitted to and approved by the Council before any work is commenced on site:

Revised details of the design and external appearance of the Arcola Street elevation, to reflect a better relationship between the corner articulation, the residential fenestration, the balance and composition of the façade, and any related alterations to floor plans;

Improvements to the composition and design of the ground floor elevations to create a stronger relationship with the upper storeys and a stronger corner presence;

Alternative cladding materials

This part of the development shall be completed only in accordance with the modification(s) thus approved.

REASON: The application is considered unsatisfactory in the form shown on the drawings submitted to date and this aspect of the scheme should be modified to ensure an acceptable form of development.'

8. (SCR2) 'Details of dustbin enclosures showing the design, location and external appearance, shall be submitted to and approved by the Local Planning Authority, in writing, before the use/development commences. The development shall not be carried out otherwise than in accordance with the details thus approved.

REASON: In order to provide for adequate bin enclosures in the interest of the appearance of the site and area.'

9. (SCS1) 'Details of the proposed shopfront on drawings of a suitable scale, together with materials used in construction, shall be submitted to and approved by the Local Planning Authority in writing before any work is commenced on this part of the development. The development shall not be carried out otherwise than in accordance with the details thus approved.

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

10. (SCS2) 'No roller shutters other than of the perforated grille type shall be installed on the premises. Details of any proposed perforated grille shutter on drawings of a suitable scale shall be submitted to and approved by the Local Planning Authority in writing; and no shutter shall be installed otherwise than in accordance with the details thus approved.

REASON: To ensure that the premises maintain an appropriate contribution to the streetscene, in order to safeguard visual interest, an attractive shopping environment, and on-street amenity generally.'

11. (SCT1) 'A landscaping scheme illustrated on detailed drawings shall be submitted to and approved by the Local Planning Authority, in writing, before any work commences on site, for the planting of trees and shrubs showing species, type of stock, numbers of trees and shrubs to be included and showing areas to be grass seeded or turfed; all landscaping in accordance with the scheme, when approved, shall be carried out within a period of twelve months

from the date on which the development of the site commences or shall be carried out in the first planting (and seeding) season following completion of the development, and shall be maintained to the satisfaction of the Local Planning Authority for a period of ten years, such maintenance to include the replacement of any plants that die, or are severely damaged, seriously diseased, or removed.

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

12. (SCT2) 'The landscaping scheme hereby approved as part of the development shall be carried out within a period of twelve months from the date at 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 damaged, seriously diseased, or removed.

REASON: To accord with the requirements of Section 197(a) of the Town and Country Planning Act 1990 and in the interests of the appearance of the site and of the area generally.'

13. (SCG10) 'No development shall take place until details and results of a soil contamination survey of the site and details of remedial measures proposed to treat/eradicate any contamination found have been submitted by the applicant and approved by the Local Planning Authority in writing. The survey shall be carried out by a suitably qualified person or body to be agreed by the Council. The development shall not take place otherwise than in accordance with the details so approved.

REASON: To ensure that the condition of the site is suitable for the development proposed and to ensure a reasonable quality of natural environment, in order to safeguard future occupiers and users of the site.'

14. (SCT3) 'No development will take place on site until full details of tree protection have been submitted to, and approved in writing by, the Council and until such approved protection has been erected on site.

Tree protection will be in accordance with BS5837:2005 (Trees in relation to construction - Recommendations) and will protect the root protection area calculated as described in Table 2 of that British Standard.

The protective fencing will be 2.4m high and conform to Figure 2 of BS5837:2005 i.e. a scaffold framework comprising a vertical and horizontal framework, well braced to resist impacts, with vertical tubes spaced at a maximum interval of 3m. On to this weldmesh panels should be securely fixed with wire or scaffold clamps.

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

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15. (NSC) The development shall not be occupied, until the sedum roof and accessible roof ('timber decking') as shown on the plans hereby approved have been provided, and the sedum roof and accessible roof shall be maintained as such unless otherwise agreed in writing with the Local Planning Authority.

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

16. (NSC) 'Full details of renewable energy provision as proposed shall be submitted and approved in writing by the Local Planning Authority before any building works commence. The development shall not be carried out otherwise than in accordance with the details thus approved.

REASON: To ensure that the development achieves the level of renewable energy provision on site as proposed.

17. (NSC) 'The B1 floorspace forming part of this development shall be used for B1 use only and for no other purpose.

REASON: To ensure that a sufficient level of B1 floorspace is provided and maintained in this development.'

18. (NSC) 'The development shall not be occupied, until the roof terrace balustrade as shown on the plans hereby approved have been provided, and the balustrade should be maintained as such unless otherwise agreed in writing with the Local Planning Authority.

REASON: To ensure the external appearance of the building is satisfactory and does not detract from the character and visual amenity of the area and to ensure that the positioning of the roof terrace balustrade does not facilitate overlooking of adjoining sites and premises'.

19. Notwithstanding the details hereby approved, prior to the occupation of the development, further details shall be submitted to and approved in writing by the Local Planning Authority of the materials to be used for the railings/balustrade of the roof terrace. Best endeavours should be used for the balustrade to be glazed instead of galvanised steel railings.

REASON: To ensure a good design quality for the development is achieved.

**B) 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 (Planning) and Interim Head of Legal Services:**

1. To secure the provision of 100% of habitable rooms as affordable housing with a tenure mix of 27% socially rented and 73% intermediate. The dwellings to comprise shared ownership; 4 x 1 bedroom, 12 x 2 bedroom and Socially Rented; 1 x 3 bedroom and 5 x 4 bedroom.



2. Contribution of £47,507.00 towards education.
3. The signing of a Section 278 legal agreement under the Highways Act to pay the Council 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.
4. 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.
5. No Residents' Parking Permits.
6. Best endeavours to provide local labour on site.
7. B1 to be fitted out to shell and prior to the occupation of the residential units.
8. 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.

#### **REASON FOR APPROVAL**

The following policies contained in the Hackney Unitary Development Plan 1995 are relevant to the approved development/use and were considered by this Council in reaching the decision to grant planning permission: EQ1 – Development Requirements; EQ48 – Designing out Crime; TR19 – Planning Standards.

The following policies contained in the London Plan 2008 (Consolidated with Alterations since 2004) are relevant to the approved development/use and were considered by this Council in reaching the decision to grant planning permission: 2A.1 – Sustainability Criteria; 4A.1 – Tackling Climate Change; 4A.3 – Sustainable Design and Construction; 4A.11 - Living Roofs and Walls; 4A.14 - Sustainable Drainage; 4B.1 – Design Principles for a Compact City.

#### **INFORMATIVES**

The following Informative should be added:

- (i) SI1 Building Control
- (ii) SI2 Works Affecting Public Highway
- (iii) SI3 Sanitary, Ventilation and Drainage Arrangements
- (iv) SI7 Hours of Building Works
- (v) SI8 Soundproofing
- (vi) SI19 Health, Safety and Welfare at Work
- (vii) SI24 Naming and Numbering
- (viii) SI27 Fire Precautions Act
- (ix) SI28 Refuse Storage and Disposal Arrangements

- (x) SI33 Removal of Asbestos
- (xiv) The applicant is reminded that due to the sensitive nature of the site the Council wish to see the general quality of the design maintained and the highest quality materials should be used throughout the scheme

**10 55 PITFIELD STREET, LONDON, N1 6BU**

**2009/0521** - Part-demolition of existing building (with façade retention) and erection of a new part-two, part-four-storey building (plus two basement levels) to provide a two-screen cinema and associated facilities, including café, event/presentation space, office accommodation and data-storage facility (modification of planning permission ref. 2005/2637).

(Councillor Sharer arrived during the discussion of the item and therefore did not take part in the vote).

- 10.1 Councillors Stops and Hanson both wished to note that they recognised the architect from the labour party group but did not feel it was necessary to declare a personal interest.
- 10.2 The Planning Officer introduced the report, as set out in the agenda.
- 10.3 Jasia Szerszynska and Janet Scott spoke in objection to the scheme, their comments are summarised as follows:
  - Felt that consultation took place too late in the process.
  - The proposed development was too bulky and in an inappropriate location.
  - The surrounding roads will also be adversely affected by the development.
  - Loss of sunlight and privacy to surrounding properties.
  - Noise pollution with the late night cinema and 24 hour air conditioning system.
  - The development will also adversely impact people that work from home in the neighbouring properties.
  - The area is not served well by public transport.
  - Extend an invitation for Members of the Sub-Committee to attend the site before making a decision on the application.
  - Increase in height in respect of the existing building, which contributes to loss of daylight, outlook and shadowing.
  - Two previous applications on the site had been refused on the grounds of bulk/mass.
- 10.4 Charles Moran (Shoreditch Trust) and Hugh Gorban (Architect) spoke in support of the scheme, their comments are summarised as follows:
  - The application had previously been approved in 2006 and the revised application incorporated a number of additional facilities.
  - The bulk/scale of the proposed development was unchanged from the previously approved application, which was now marginally smaller at the rear.
  - The objections received during the consultation stage had been taken into consideration.
  - The scheme formed a key element of the Shoreditch Trust Delivery Plan.

- 10.5 The main differences between the previously approved scheme and the new application were detailed on page 255 of the report.
- 10.6 In response to questions raised regarding the perceived use of the building and parking, the applicant stated that this was a commercial venture that met the needs of local communities and that it was a car free development, as it was viewed as a local facility.
- 10.7 Reference was made to the issue of rainwater harvesting and the Planning Officer explained that this was covered by way of a condition. The applicant stated that they were restricted by the size of the site and that they would make best endeavours for this to be provided.

**Unanimously RESOLVED that:-**

**A) Planning permission be GRANTED, subject to the following conditions:**

**1. SCB0 – Development in accordance with plans**

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

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

**2. SCB1 – Commencement within three years**

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

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

**3. SCM6 – Materials to be approved**

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

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

**4. SCM9 – No extraneous pipework**

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

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

**5. SCI3 – No roof plant**

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

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

**6. SCH10 – Secure bicycle parking**

Internal lockable space shall be made available within the development for the secure parking of eight bicycles, before use of the development first commences.

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

**7. SCN1 – Soundproofing (details to be approved)**

Full particulars and details of provisions for soundproofing between all external walls and an assessment of the noise levels likely to be produced between the office accommodation and the cinema, and between the cinema and the neighbouring residential accommodation, shall be submitted to and approved by the local planning authority, in writing, before the commencement of works on site, and subsequently installed in the building in a satisfactory manner, before the development is first occupied/use commenced.

REASON: In order to minimise the transmission of noise and vibration between and within units in the interests of providing satisfactory accommodation.

**8. SCL6B – Original features to be retained (general)**

All existing ornamental features including chimney pieces, plasterwork, architraves, panelling, doors and staircase balustrading shall remain undisturbed in their existing position and shall be fully protected during the course of works on site, unless specifically authorised otherwise on the drawings hereby approved.

REASON: To ensure that those features which contribute to the special architectural and historic interest of the building are retained.

**9. SCG10 – Soil contamination survey/treatment**

No development shall take place until details and results of a soil contamination survey of the site and details of remedial measures proposed to treat/eradicate any contamination found have been submitted by the applicant and approved by the local planning authority in writing. The survey shall be carried out by a suitably qualified person or body to be agreed by the Council. The development shall not take place otherwise than in accordance with the details so approved.

REASON: To ensure that the condition of the site is suitable for the development proposed and to ensure a reasonable quality of natural environment, in order to safeguard future occupiers and users of the site.

**10. SCR8 – Obscured glazing**

The large rectangular window on the south elevation at second floor level shall be permanently glazed in obscured glass and kept fixed shut.

REASON: To safeguard against overlooking of adjoining sites and premises.

**11. SCM10 – Erection of boundary fence/wall**

Before the commencement of the use of the building hereby permitted, a gate shall be constructed and permanently retained at the Buttesland Street entrance to the site together with the installation of security lighting, and details of the said gate and lighting shall be submitted to approved by the local planning authority, in writing, before its construction.

REASON: To ensure that the site is secured.

**12. NSC1 – Non-standard condition**

A biodiverse, substrate-based extensive green roof (100mm minimum depth) is to be established on the roof of the proposal. Full details thereof shall be submitted and approved in writing by the local planning authority, prior to occupation. The development shall not be carried out otherwise than in accordance with the details thus approved.

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

**13. NSC2 – Non-standard condition**

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

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

**14. NSC3 – Non-standard condition**

Full details of dustbin enclosures showing the design, location, waste separation, recycling facilities and external appearance, shall be submitted to and approved by the local planning authority, in writing, before the development commences. The development shall not be carried out otherwise than in accordance with the details thus approved.

REASON: In the interest of sustainable waste disposal.

**15. NSC4 – Non-standard condition**

Details of an environmental plan, shall be submitted to and approved by the local planning authority prior to development, which demonstrates how dust emissions from the site, traffic and plant during the construction phase will be controlled.

REASON: The site lies within the borough's air-quality management area, and in the interests of maintaining a reasonable natural environment.

**16. NSC5 – Non-standard condition**

Doors and windows to the cinema must be kept closed whilst films are being shown and amplified music is being played, and there shall be no noise audible from amplified audio recordings at the boundary of the premises at any time.

REASON: In the interests of residential amenity.

**17. NSC6 – Non-standard condition**

Full details of mechanical ventilation equipment and air conditioning units, shall be submitted to and approved by the local planning authority, showing how these units are positioned, designed and acoustically insulated so as not to cause noise disturbance or affect the amenity of neighbouring residents.

REASON: In the interests of residential amenity.

**18. NSC7 – Non-standard condition**

Details of how the first-floor space is to be demarcated between the four uses indicated on the proposed first-floor plan (drawing no. 1-340.P.101), comprising event space, a private cinema, terrace café and flexible workspace, shall be submitted to the local planning authority and approved in writing before use of the development hereby approved first commences. The development shall not be carried out otherwise than in accordance with the details thus approved.

REASON: In order to establish the distribution of uses on the first floor.

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

1. Payment by the landowner/developer of £1494.00 as a financial contribution towards Council library facilities. (This sum has been calculated in accordance with the approved formula in the Planning Contributions Supplementary Planning Document (SPD) (2006).)
2. Payment by the landowner/developer of £442.80 as a financial contribution towards open space in the borough. (This sum has been calculated in accordance with the approved formula in the Planning Contributions Supplementary Planning Document (SPD) (2006).)
3. Provision by the landowner/developer for the use of local labour on site during the construction phase.
4. Payment by the landowner/developer of all the Council's legal and other relevant fees, disbursements and Value Added Tax in respect of the proposed negotiations and completion of the proposed Section 106 Agreement.
5. The applicant is to carry out all works in accordance with the National Considerate Constructors Scheme.

6. For all contracts with a value in excess of £5 million, payment by the landowner/developer of £3750.00 towards the cost of NVQ training (to secure more skilled employment for the construction industry sector).

### **REASONS FOR APPROVAL**

1. The following policies contained in the Hackney Unitary Development Plan (1995) are relevant to the approved development/use and were considered by this Council in reaching the decision to grant planning permission: EQ1 - Development Requirements; ACE1 - New Arts, Culture and Entertainment Development; ACE2 - Promoting the Development of New Arts, Culture and Entertainment Facilities; ACE8 - Planning Standards; TR19 - Planning Standards.
2. The following policies in the London Plan (Consolidated with Alterations since 2004) are relevant to the approved development/use and were considered by this Council in reaching the decision to grant planning permission: 2A.1 - Sustainability criteria; 3C.2 - Matching development to transport capacity; 3C.17 - Tackling congestion and reducing traffic; 3C.23 - Parking strategy; 3D.4 - Development and promotion of arts and culture; 4A.1 - Tackling climate change; 4A.3 - Sustainable design and construction; 4A.4 - Energy assessment; 4A.6 - Decentralised energy: heating, cooling and power; 4A.7 - Renewable energy; 4A.11 - Living roofs and walls; 4A.14 - Sustainable drainage; 4A.16 - Water supplies and resources; 4B.1 - Design principles for a compact city; 4B.2 - Promoting world-class architecture and design; 4B.3 - Enhancing the quality of the public realm.

### **INFORMATIVES**

The following Informatives should be added:

- |       |   |
|-------|---|
| SI.1  | Building Control                                |
| SI.2  | Work Affecting Public Highway                   |
| SI.3  | Sanitary, Ventilation and Drainage Arrangements |
| SI.6  | Control of Pollution (Clean Air, Noise, etc.)   |
| SI.7  | Hours of Building Works                         |
| SI.25 | Disabled Person's Provisions                    |
| SI.27 | Regulatory Reform (Fire Safety) Order 2005      |
| SI.28 | Refuse Storage and Disposal Arrangements        |
| SI.34 | Landscaping                                     |
- 
- |       |  |
|-------|--|
| NSI.1 | All materials submitted pursuant to the discharge of condition 3 of this approval should be supplied and delivered at the same time in a container clearly marked with the address of the application site, reference to the application number 2009/0521, and accompanied by coloured copies of relevant elevational drawings, to which each material sample should be clearly referenced and labelled accordingly. Full specifications detailing each material's manufacturer and colour (as per manufacturer's description/name thereof) should also be submitted at the same time. |
|-------|--|

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

11 **10 SHACKLEWELL ROAD, LONDON, N16 7TA**

**2008/2628** - Demolition of existing buildings and erection of a six-storey building and a part-two-, part-three-, part-four-, part-five-storey building, containing a total of twenty-seven residential units (nine one-bedroom units, eleven two-bedroom units, two three-bedroom units and five four-bedroom units), together with associated access and landscaping works.

**POST-SUBMISSION REVISIONS:** Rear block set back further to the west to allow wider external corridor; revisions to room sizes; increase in carbon-dioxide-emissions reduction from ten per cent to twenty per cent.

11.1 The Planning Officer introduced the report, as set out in the agenda.

11.2 Niki D spoke in objection to the scheme, her comments are summarised as follows:

- Spends a large amount of time working from home and will be adversely affected by the noise generated by the construction works.
- Requested that the applicants pay for double glazing at her property to reduce the amount of noise.
- The proposed development is too excessive and represents overdevelopment.
- The proposed development will dominate the neighbouring buildings.
- Loss of daylight.
- Issue regarding the party wall and whether this was being protected.
- Requested that the development be reduced from 6 to 5 storeys high.

11.3 Alison Whalley (Agent) spoke in support of the scheme, her comments are summarised as follows:

- The existing buildings were of industrial use and were in a poor state and unviable for future business use. Residential use for the properties was deemed appropriate.
- The site was an awkward shape which proved to be a design challenge.
- The proposed design promoted permeability throughout the site and the buildings step back from the road, as a way of respecting the surrounding area.
- There was no adverse loss of daylight to any of windows within the development and the nearest building to the rear was a sufficient distance away not to be adversely affected.
- The construction work would take place during normal working hours and the Considerate Constructor Scheme would be adhered to. A screen would also be erected between the construction site and the local residential properties, during the construction phase.

11.4 It was clarified that the party wall issue was a matter to be discussed between the resident and the developers and it was confirmed that there was an existing walkway between the resident's property and the party wall.



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- 11.5 The Chair raised the issue of parking and the fact that the availability of on-street disabled parking spaces for use by residents of the site could not be guaranteed.
- 11.6 In response, the agent stated that this was not ideal but that the site was too constrained for off street parking to be provided and that this was the best solution possible.
- 11.7 The Chair requested that a survey be undertaken by the applicant to determine the demand for disabled parking and whether this had been satisfied. This was **AGREED**.
- 11.8 Councillor Webb raised concern regarding the blank brick flank wall proposed, which did not include the provision of any windows and requested details on how this was going to be articulated.
- 11.9 The agent and architect stated that they had looked into a number of options for this wall and had decided to not provide windows in order to not jeopardise any future development on the adjoining land, owned by the Council, by creating an issue of overlooking.
- 11.10 Members requested that a condition be added for discussions to take place between the Council's design team and the architects for some interesting articulation to be added to the flank wall. This was **AGREED**.

**Unanimously RESOLVED that:-**

**A) Planning permission be GRANTED, subject to the following conditions:**

**1. SCB0 – Development in accordance with plans**

The development hereby permitted shall only be carried out and completed strictly in accordance with the submitted plans hereby approved, except units B\_6 (drawing PL\_202 rev. P2) and B\_8 (drawing PL\_203 rev. P2), and any subsequent approval of details.

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

**2. SCB1 – Commencement within three years**

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

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

**3. SCM6 – Materials to be approved**

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

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

**4. SCM9 – No extraneous pipework**

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

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

**5. SCI3 – No roof plant**

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

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

**6. SCH10 – Secure bicycle parking**

Lockable space shall be made available within the site for the secure parking of thirty-two bicycles, before the first occupation of the development.

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

**7. SCH14 – Closure of existing access**

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

REASON: To confine access to the permitted point(s) 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. CLS1 – Main contaminated land condition**

With reference to paragraphs (1)-(5) below, work shall be completed and reporting produced by a competent person/company in line with CLR11 (published by the Environment Agency) and other current best practice guidance. All reporting must be provided in both a paper and electronic format. Both the Pollution Section and local planning authority must receive verbal and written notification at least five days before investigation, remediation and development works commence.

(1) Before any remediation work, enabling works or development commences at the site a desk study report including full details of Site reconnaissance, and a report containing full details of site investigation and risk assessment work shall be produced to the satisfaction of and approved in writing by the Pollution Section.

(2) Before any remediation work, enabling works or development commences at the site a remediation-strategy report shall be produced to the satisfaction of and approved in writing by the Pollution Section. The remediation-strategy

report shall incorporate an options appraisal, implementation and verification plans and include comprehensive details of groundworks and development works to be completed at the site. The remediation-strategy report shall clearly distinguish between remediation to be completed before development commences and remediation to be completed during and/or after development.

(3) Before any development commences a verification report for remedial works that shall take place pre-development shall be produced to the satisfaction of and approved in writing by the Pollution Section. The verification report must also include full details of a watching brief kept by the developer and their on-site agents including documented observations and photographs of the remediation.

(4) Before occupation/use commences a final verification report for remedial works that will take place during enabling works and development shall be produced to the satisfaction of and approved in writing by the Pollution Section. The verification report must also include full details of a watching brief kept by the developer and their on-site agents including documented observations and photographs of the remediation and groundworks phases of the enabling works and development.

(5) Any post-remedial monitoring reports shall be produced as specified within the remediation report, or as otherwise required by the Pollution Section.

Any additional, or unforeseen contamination encountered shall be immediately notified to the Pollution Section and local planning authority, and dealt with as agreed with the Pollution Section. Occupation/use of the development shall not commence until this condition has been discharged in writing by the local planning authority following the satisfactory supply of information in line with stages (1)-(5) and upon completion of any other works required by the Pollution Section and/or local planning authority. Subject to written approval by the Pollution Section and/or local planning authority, the condition may be varied, or discharged in agreed phases.

REASON: To protect the end users of the development, any adjacent land user(s) and the environment from contamination in line with Planning Policy Statement 23 (published by the Office of the Deputy Prime Minister).

**9. NSC1 – Non-standard condition**

A biodiverse, substrate-based extensive green roof (100mm minimum depth) is to be established on the roof of the proposal. Full details thereof shall be submitted and approved in writing by the local planning authority, prior to occupation. The development shall not be carried out otherwise than in accordance with the details thus approved.

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

**10. NSC2 – Non-standard condition**

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

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

**11. NSC3 – Non-standard condition**

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

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

**12. NSC4 – Non-standard condition**

Provision is to be made within the site for seven 1100-litre Euro bins (five for residual waste and two for co-mingled recycling), with details of the interior (configuration of receptacles) and exterior (detailed design and facing material) of the bin store to be submitted to the local planning authority and approved in writing prior to first occupation of the site.

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

**13. NSC5 – Non-standard condition**

Details of the internal reconfiguration of units B\_6 (drawing PL\_202 rev. P2) and B\_8 (drawing PL\_203 rev. P2) showing single bedrooms of a minimum width of 2.13 metres, with all other habitable rooms remaining compliant with the minimum standards set out in SPG1: New Residential Development, shall be submitted to the local planning authority and approved in writing before construction of the development hereby approved commences.

REASON: In the interests of providing an acceptable standard of living accommodation within these units.

**14.** Details of proposed treatment to improve the appearance of the flank wall of the six storey building hereby approved (facing 12-26 Shacklewell Road), shall be submitted to the local planning authority and approved in writing prior to the commencement of construction works on the six-storey element of the approved scheme.

REASON: In the interests of the visual amenity of occupiers of 12-26 Shacklewell Road.

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

1. Provision of forty-eight per cent affordable housing (on a per-unit basis), comprising one one-bedroom flat, one two-bedroom flat and one four-bedroom flat as intermediate units, and three one-bedroom flats, three two-bedroom flats, one three-bedroom flat and three four-bedroom flats for social rental.

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2. Payment by the landowner/developer of £4288.20 as a financial contribution towards Council library facilities. (This sum has been calculated in accordance with the approved formula in the Planning Contributions Supplementary Planning Document (SPD) (2006).)
3. Payment by the landowner/developer of £74,779.36 as a financial contribution towards education facilities in the borough. (This sum has been calculated in accordance with the approved formula in the Planning Contributions Supplementary Planning Document (SPD) (2006), with child yield information based on the GLA 'DMAG Briefing Note' 2005/25 (updated in May 2006), using Wandsworth survey data as the best available proxy for inner London.)
4. Payment by the landowner/developer of £1,300.73 as a financial contribution towards open space in the borough. (This sum has been calculated in accordance with the approved formula in the Planning Contributions Supplementary Planning Document (SPD) (2006).)
5. The developer is required to pay, under Section 278 of the Highways Act (1980), £54,041.00 to reinstate and improve the highway and footway adjacent to the boundary of the site.
6. Provision by the landowner/developer for the use of local labour on site during the construction phase.
7. Payment by the landowner/developer of all the Council's legal and other relevant fees, disbursements and Value Added Tax in respect of the proposed negotiations and completion of the proposed Section 106 Agreement.
8. Twenty-six of the twenty-seven residential units to be built to Lifetime Homes standard and to achieve Code for Sustainable Homes level 3, with all reasonable endeavours to achieve level 4.
9. Achievement of a twenty per-cent reduction minimum in carbon emissions through the use of renewable energy sources and use of low-energy technology.
10. The applicant is to carry out all works in accordance with the National Considerate Constructors Scheme.
11. Provision for all units to be adaptable for wheelchair-users.
12. For all contracts with a value in excess of £5 million, payment by the landowner/developer of £3750.00 towards the cost of NVQ training (to secure more skilled employment for the construction industry sector).
13. The developer is required to arrange with London Borough of Hackney Parking Service the provision of and payment for two on-street disabled parking spaces.
14. The developer is required to pay a contribution of an amount to be agreed with the Council's Traffic and Transport team towards sustainable transport initiatives in the area, to be put towards, but not restricted to, accessibility improvements schemes in the area (including footway improvements in

Shacklewell Road), street-lighting, improving links to the walking and cycle network in the area, public realm improvements, etc.

15. Provision for the right of future residents of this development to store bicycles within their flats to be safeguarded, and prevention of any future management company from prohibiting bicycles being brought into the building.

### **REASONS FOR APPROVAL**

1. The following policies contained in the Hackney Unitary Development Plan (1995) are relevant to the approved development/use and were considered by this Council in reaching the decision to grant planning permission: EQ1 - Development Requirements; HO3 - Other Sites for Housing; CS3 - Retention and Provision of Community Facilities; TR19 - Planning Standards.
2. The following policies in the London Plan (Consolidated with Alterations since 2004) are relevant to the approved development/use and were considered by this Council in reaching the decision to grant planning permission: 2A.1 - Sustainability criteria; 3A.1 - Increasing London's supply of housing; 3A.2 - Borough housing targets; 3A.3 - Maximising the potential of sites; 3A.5 - Housing choice; 3A.6 - Quality of new housing provision; 3A.9 - Affordable housing targets; 3A.10 - Negotiating affordable housing in individual private residential and mixed-use schemes; 3A.11 - Affordable housing thresholds; 3C.2 - Matching development to transport capacity; 3C.17 - Tackling congestion and reducing traffic; 3C.23 - Parking strategy; 4A.1 - Tackling climate change; 4A.3 - Sustainable design and construction; 4A.4 - Energy assessment; 4A.6 - Decentralised energy: heating, cooling and power; 4A.7 - Renewable energy; 4A.11 - Living roofs and walls; 4A.14 - Sustainable drainage; 4A.16 - Water supplies and resources; 4B.1 - Design principles for a compact city; 4B.2 - Promoting world-class architecture and design; 4B.3 - Enhancing the quality of the public realm.

### **INFORMATIVES**

The following Informatives should be added:

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

- NSI.1 All materials submitted pursuant to the discharge of condition 3 of this approval should be supplied and delivered at the same time in a container clearly marked with the address of the application site, reference to the application number 2008/2628, and accompanied by coloured copies of relevant elevational drawings, to which each material

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sample should be clearly referenced and labelled accordingly. Full specifications detailing each material's manufacturer and colour (as per manufacturer's description/name thereof) should also be submitted at the same time.

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

**12 CLAPTON GIRLS TECHNOLOGY COLLEGE, LAURA PLACE, LONDON, E5 0RB**

**2008/0830** - Variation of condition 6 (floodlighting hours) of Planning Inspectorate's decision notice dated 27 April 2005 (ref. APP/U5360/A/04/1166320), to allow floodlights to operate until 21.00 hrs during weekdays.

12.1 The Planning Officer introduced the report, as set out in the agenda.

12.2 The Chair raised the issue of maintenance and whether there was a maintenance plan in place. The Planning Officer stated that a maintenance plan had not yet been submitted and that he would pursue this matter with the applicant.

**Unanimously RESOLVED that:-**

**The application to vary condition 6 of the planning permission granted by the Planning Inspector under appeal reference APP/U5360/A/04/1166320 be GRANTED, so that it reads:**

'The floodlighting hereby permitted shall not be used outside the hours of 08.00 to 21.00 on Mondays to Fridays and 09.00 to 16.00 on Saturdays, and at no time on Sundays or Public Holidays'.

**REASONS FOR APPROVAL**

1. The following policy contained in the Hackney Unitary Development Plan (1995) is relevant to the approved development/use and was considered by this Council in reaching the decision to grant planning permission: EQ1 - Development Requirements.
2. The following policy in the London Plan (Consolidated with Alterations since 2004) is relevant to the approved development/use and was considered by this Council in reaching the decision to grant planning permission: 3A.24 - Education facilities.

**INFORMATIVES**

NSI For the avoidance of doubt, the applicant is reminded that all the other conditions of the original permission granted by the Planning Inspector under appeal reference APP/U5360/A/04/1166320 continue to apply.

13 **18-42 WHARF ROAD, LONDON, N1 6AD**

**2008/1753** - Demolition of existing buildings and erection of a part 6, 7, 8, 9 and 10 storey building with basement level to provide 327 residential units and 7,871sqm of business floorspace (class B1a, B1b and B1c) with associated car parking, access and landscaping. The application has been accompanied by an Environmental Statement (ES), as required by the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999.

**POST SUBMISSION REVISIONS:**

- The amount of proposed employment floorspace has increased from 6,521sqm to 7,871sqm
- The proposed employment floorspace has been made more flexible through provision of goods lifts which make the floorspace suitable for the full range of B1 users (class B1a office, B1b research and B1c light industry) rather than just offices (class B1a) as originally proposed.
- The application now formally seeks planning permission for this full range of B1 uses.
- The residential space has been altered slightly to ensure that all of the affordable family sized units now have access to balconies.
- The landscaping proposals have also been revised. Two of the piers which extended into the basin have been removed and more planting of native species are now proposed along the basin edge.
- Lighting over the basin has been omitted.

13.1 The Planning Officer introduced the report, as set out in the agenda. Reference was made to the addendum and a correction to paragraph 2.1 of the report. This should have stated that the site was located within the Regents Canal Conservation Area.

13.2 The addendum also stated that a further 10 objection letters had been received from local residents, which raised similar concerns to those set out in the report. The comments received from English Heritage were also highlighted within the addendum.

13.3 Piers Heron, Mr Aiton, Kevin Root and Nick Turner spoke in objection to the scheme, their comments are summarised as follows:

- The proposed development was too high and overbearing.
- Loss of daylight/sunlight to neighbouring properties, especially business units.
- Too bulky and requested that the height be reduced, in-line with neighbouring properties.
- Requested that the architects be retained throughout all the development stages.
- Some of the distances between the development and the neighbouring properties were less than the 30m guidance.
- Adverse impact on neighbouring properties during the construction phase of the development.
- The site was defined as an employment area within the UDP.
- Parking issues.

13.4 Steve Marshall (Architect) and Simon Dilly (Invest in Hackney) spoke in support of the scheme, their comments are summarised as follows:

- Providing highly flexible space, with employment opportunities.



- Affordable housing being provided, with balconies.
- Opening up the area around the canal.
- Car parking will be provided in the basement.
- Intend to be a good neighbour, which is reflected in the considerate design. Step back technique was proposed as a way of reducing massing and loss of daylight/sunlight.
- No existing trees would be removed and 20 new trees would be planted.
- Green roof being provided, as well as bat boxes.
- There will be no damage to the existing ecology on the site and improvements would be made.
- The daylight/sunlight figures conform to BRE guidelines.
- Sufficient community space being provided to meet with demand.

- 13.5 In response to a query regarding construction, it was confirmed that the developers had signed up to the considerate constructors scheme and that a demolition and methodology statement had also been submitted.
- 13.6 In response to a question regarding the proposed materials, it was explained that the oak timber cladding would be treated to ensure that it was inflammable and that a mix of different types and colours of bricks would be used.
- 13.7 Discussion took place surrounding sustainability and the Planning Officer confirmed that the information given in the report regarding BREEAM standards was contradictory. He explained that the 'very good' standard identified in paragraph 6.3.5 should have stated 'Excellent', as stated in paragraph 6.8.1, item 12. It was confirmed that the 'Excellent' rating was reflected within clause 12 of the S106 agreement.
- 13.8 Members also requested that the wording of clause 12 regarding the Code for Sustainable Homes level 3 with best endeavours for level 4 be strengthened, to state that level 4 be achieved. This was **AGREED**.
- 13.9 In response to objections received regarding the loss of daylight/sunlight, the applicant confirmed that the majority of units met with BRE guidelines.
- 13.10 Reference was also made to the education contribution under the S106 agreement and it was explained that this money would usually be paid prior to occupation and would be held put in a pool of money used by the Learning Trust. A formula was then applied to distribute the money.
- 13.11 Discussion took place surrounding access to the basin and the need to specify the times in which people can gain access to it. Members requested that the S106 agreement specify the right of way through the site and along the canal and that access to the basin be given during daylight hours. This was **AGREED**.
- 13.12 The Chair asked whether rain water harvesting was being provided and the applicant stated that rain water harvesting would only be used by the commercial and office units, however they would be willing to look at providing it across the development. The Chair requested that this be covered by way of condition. This was **AGREED**.
- 13.13 Members also requested that the street lamps be placed on the building and the applicant stated that they had no objection to this. This was **AGREED**.
- 13.14 In response to comments made by the objectors, Members requested that the same

architects be used throughout the development of the scheme and the applicant indicated that they had no objection to this. This was **AGREED**.

(Councillor Sharer abstained from the vote).

**RESOLVED that:-**

**A) Planning permission be GRANTED, subject to the following conditions:**

**1. SCB0 – Development in accordance with plans**

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

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

**2. SCB1 - Commencement within three years**

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

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

**3. SCM6 – Materials to be approved**

No development shall take place until full details, with samples, of the materials to be used in the construction of external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

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.

**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, unless otherwise agreed in writing by the Local Planning Authority.

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.

**5. SCH8 – Parking for people with disabilities**

No part of the development shall be occupied until 33 car parking spaces shall be marked out for use by persons with disabilities and retained permanently for use by the vehicles of people with disabilities.

REASON: In order to ensure that a reasonable number of parking spaces are located conveniently for use by people with disabilities.

**6. SCH10 – Secure bicycle parking**

Provision of secure cycle space shall be made available within the building for the secure parking of 352 cycles, as shown on the plans hereby approved, before the first occupation of the development. The secure parking as approved shall be permanently retained on the site.

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

**7. SCH11 - Adequate visibility**

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 both 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. SCH14 – Closure of existing accesses**

The existing access(es) to the site shall be closed permanently when the use of the new access(es) shown on the plans hereby approved is/are provided and in use.

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

**9. SCH15 – Access only as approved**

Vehicular access to the site shall be only via the permitted access.

REASON: In order to confine access to the permitted point(s) to ensure that the development does not prejudice the free flow of traffic and conditions of general safety along the neighbouring highway.

**10. NSC1 – Hard / soft landscaping and biodiversity measures**

A hard and soft landscape scheme illustrated on detailed drawings shall be submitted to and approved by the Local Planning Authority, in writing, before any work commences on site. The scheme shall include the planting of between 10 and 20 new trees, native hedges, shrubs, bird / bat boxes and loggeries. Plans shall show species, type of stock, numbers of trees and shrubs to be included and showing areas to be grass seeded or turfed, benches, lighting and topographical ground levels. 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.

**11. NSC2 – Details of green roofs**

A bio diverse, substrate-based extensive green roof (75mm minimum depth) should be established on the roof areas indicated on the hereby approved plans. 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.

**12. NSC3 – Drainage Strategy**

Development shall not commence until a drainage strategy incorporating sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, have been submitted to and approved by the local planning authority, in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.

REASON: The development may lead to sewerage flooding; to ensure that sufficient capacity is made available to cope with the new development and in order to avoid adverse environmental impact upon the community.

**13. SC4 – Development in accordance with Tree Protection Method Statement**

The development hereby permitted shall only be carried out and completed strictly in accordance with the Tree Protection Method Statement, submitted by Simon Pryce Arboriculture on the 8<sup>th</sup> January 2009, unless agreed otherwise in writing by the local planning authority.

REASON: In order to safeguard the existing trees on the site and the contribution they make to the amenity of the surrounding area.

**14. SC5 – Moving freight by water during the construction cycle**

Before development is commenced, a feasibility study shall be carried out to assess the potential for moving freight by water during the construction cycle (waste and bulk materials) and following the occupation of the development (waste and recyclates). The use of waterborne transport shall be maximised during construction of the development unless the above assessment demonstrates that such use of the canal is not physically or economically feasible.

REASON: To encourage the use of the canal for transporting waste and bulk materials in accordance with Blue Ribbon Network Policies 3C.25 & 4C.8

**15. NSC6 – Oil storage**

The construction of storage facilities for oils, fuels or chemicals shall be carried out in accordance with details submitted to and approved in writing by the Local

Planning Authority before development is commenced.

REASON: To prevent pollution of the water environment.

**16. NSC7 – No storage during construction on banks of the basin**

During construction no solid matter shall be stored within 10 metres of the banks of the Wenlock Basin and thereafter no storage of materials shall be permitted in this area.

REASON: to prevent solid materials from entering the Wenlock Basin and causing pollution.

**17. NSC8 – Contaminated land assessment**

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 risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- 1) A preliminary risk assessment which has identified:
  - all previous uses
  - potential contaminants associated with those uses
  - a conceptual model of the site indicating sources, pathways and receptors
  - potentially unacceptable risks arising from contamination at the site.
- 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 3) The site investigation results and the detailed risk assessment (2) 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.
- 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) 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: Following demolition, an intrusive site investigation should be carried out. This is in order to assess the true level of contamination at the site and thus the level of risk posed to controlled waters.

Based on the result of the investigation, a remediation strategy should be proposed. This is to mitigate the effect contamination could have on controlled waters.

**18. NSC9 – Site remediation verification**

Prior to commencement of development, a verification report demonstrating

completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

REASON: This is to demonstrate the effectiveness of the remediation strategy in mitigating the effects of contamination and to protect controlled waters.

**19. NSC10 – Site remediation**

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.

**20. NSC11 – Details of piling**

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: This because piling can create a pathway that could allow for contamination of controlled waters.

**21. NSC12 – Buffer zone on bank of basin**

A buffer zone of the dimensions shown in plan sk.61 must be provided for the whole extent of the site. In this zone there shall be no hardstanding, fences or structures, including overhanging development such as balconies, domestic gardens or formal landscaping. The buffer zone shall be planted with locally native shrubs and grasses of UK genetic provenance.

REASON: The value of wildlife corridors and networks is recognised in PPS9. Buffer zones have proved to be very effective in encouraging and facilitating the movement of wildlife between appropriate habitats.

**22. NS13 – No footpaths on the top of the basin**

Any footpath to be provided within the buffer zone shall be set back a minimum of 1 metre from the bank top of the Wenlock Basin.

REASON: This condition is necessary to maintain the ecological integrity of the Wenlock Basin as an undisturbed refuge for wildlife. Activity along the footpath, while serving a recreation objective, could have an adverse impact on the species benefiting from the corridor.

**23. NSC14 – Storage of materials on the basin**

There shall be no storage of materials related to the development within 3 metres of the Wenlock Basin on any part of the site. This area must be suitably marked and protected during development and there shall be no access, fires, dumping or movement of machinery within this area during development.

REASON: This condition is necessary to limit the impact of the proposed development on the river buffer zone and the movement of wildlife along the river corridor.

**24. NSC15 – No light spill onto the basin**

There shall be no light spill from external artificial lighting into the Wenlock Basin adjacent river corridor habitat. To achieve these specifications, location and direction of external artificial lights should be such that the lighting levels within 5 metres of the top of bank of the watercourse are maintained at background levels. The Environment Agency considers background levels to be a 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.

**25. NSC16 – Landscape Management plan**

Prior to the commencement of development a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscaped areas (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 planning policy in PPS9.

**26. NSC17 – Planting to be of native UK provenance**

All planting within 8 metres of the Wenlock Basin and of green roofs 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.

**27. NSC19 – Details of children's play areas**

Detailed plans of the rooftop children's play areas, including the number and type and play equipment shall be submitted and agreed by the local planning authority prior to the occupation of the development.

REASON: In order to safeguard the amenity of future occupiers and to accord with London Plan policies.

**28. NSC20 – Rainwater Harvesting System**

Details of the rainwater harvesting system including use of this water in the toilet flushing in the employment space and residential units shall be submitted and agreed by the local planning authority, prior to the commencement of the development. The rainwater harvesting system shall be retained and maintained in accordance with the approved details thereafter, unless otherwise agreed in writing by the local planning authority.

REASON: In order to mitigate surface water runoff and demonstrate an adequate response to climate change, in accordance with PPS1 and London Plan policies.

**29. NSC21 – Details of plant area**

Full details of all the roof plant enclosures (plans, sections, front and rear elevations, etc.) shall be submitted to and approved in writing by the Local Planning Authority before any building works commence. The development shall be carried out in accordance with the approved details.

REASON: In order to safeguard the appearance of the property.

**30. NSC22 – Noise emission from plant area**

- (i) The rating level of the noise emitted from fixed plant and from the premises on the site shall be 10dB below the existing background level at any time. The noise levels shall be determined at the façade of any noise sensitive property. The measurements and assessments shall be made by a suitably qualified acoustic consultant according to BS4142:1997.
- (ii) Development shall not commence until details of the scheme complying with paragraph (i) of this condition have been submitted to and approved in writing by the local planning authority.
- (iii) The development shall not be occupied until the scheme approved pursuant to paragraph (ii) of this condition has been implemented in its entirety. Thereafter, the scheme shall be maintained in perpetuity.

REASON: In order to minimise the transmission of noise and vibration between and within units in the interests of providing satisfactory accommodation.

**31. NSC23 – Demolition and Construction Method Statement**

A Demolition and Construction Method Statement (DCMS) specifying hours of working, construction traffic routeing and contact arrangements between residents and contractors shall be submitted and agreed by the Local Planning Authority Prior to the commencement of development. The DCMS should also include an Environmental Management Plan (EMP) which will present a list of mitigation measures with regard to air quality, and a monitoring programme. The demolition and construction should thereafter take place in accordance with the measures identified within the DCMS.

REASON: In order to ensure that the development does not prejudice the amenity of adjoining occupiers.



**B) 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 (Planning) and the Interim Head of Legal Services:**

1. Onsite provision of 95 affordable housing units, within the social rented element comprising 7x1 bed, 3x2 bed, 8x3 bed and 35x4 bed units. The intermediate element will comprise 23x1 bed and 19x2 bed units.
2. The parking provision for residents should be distributed across both tenures and should be for family sized units.
3. The use of car clubs is considered to be an effective measure in reducing dependency on the private car for travel and LBH Transportation recommends this a travel plan measure. Installation of parking bays for Car Club use on LBH adopted highways should be funded by the applicant. The cost of installing 2 no. car club bays on street is approx. £5,000 (£2,500/car club bay). The final cost of installing the car club bays to be agreed prior to installation.
4. The development trip generation associated with the proposal is expected to be non-car modes i.e. walking, cycling and public transport, given the high accessibility level of the site and that the site is located within a CPZ and close to the London Central Activities Zone. A s106 contribution of £70,000 towards sustainable travel/ walking and cycling improvements in the area is also sought, to be used primarily for footway improvements and new street tree planting.
5. The owner shall be required to enter into agreement under Section 278 of the Highways Act to pay the Council 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 the LBH Estimate or payment. The s278 Highway works are estimated at £91,016.43.
6. The owner must provide a Travel Plan (for the residential and employment use) to be agreed by the Council's Transportation Officer, towards achieving sustainable travel targets, including the services of a Travel Plan Coordinator. The Travel Plan must be in place by the first year of occupancy and the developer must monitor yearly for 5 years.
7. Transport for London has requested a contribution of £135,000.00 in order to mitigate the impact of the development on the bus network. A further £15,000.00 is requested for upgrading the nearby bus stops.
8. To ensure that prior to occupying any of the residential units (which for the avoidance of doubt includes the Car Capped Units) within the Development each new resident of such unit is informed by the Owner of the Council's policy that they shall not be entitled (unless they are the holder of a Disabled Persons Badge issued pursuant to Section 21 of the Chronically Sick and Disabled Persons Act 1970) to be granted a Residents Parking Permit and will not be able to buy a contract to park within any car park owned or controlled by the Council unless the Resident's Parking Permit is for an electrically powered vehicle.
9. The proposed development would require a contribution of £61,971 for Library Facilities.
10. Construction Industry and Removing Barriers to Work: Make provision for the use of local labour on site during the construction phase, specifically:

**Wednesday, 6th May, 2009**

- (a) The developer must agree to notify the Hackney Construction Recruitment Centre of all vacancies, arising from the contract (not exclusive) for employees, self employees, and sub contractors and any other form or type of development.
  - (b) The developer must supply Hackney Construction Recruitment Centre with a full labour plan for the lifetime of the development identifying what skills and employment are needed through the life of the programme.
  - (c) The developer must have an active programme for recruiting and retaining apprentices in various trades and as a minimum take on at least one apprentice place 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 Council.
  - (d) The developer must have an active programme for recruiting and retaining adult improvers and as a minimum take on at least 1 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 Council.
  - (e) The developer must provide the Council with a detailed monthly labour return for monitoring the employment and self employment profile of all workers employed on the development site.
  - (f) For all contracts with a value in excess of £5 million the developer must supply the Hackney Construction Recruitment Centre with a full procurement plan identifying the services and materials that will be sourced for the lifetime of the project and where they have been sourced from.
11. 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.
12. The employment floorspace, to be built to BREEAM standards and achieve an excellent rating. The Residential units shall achieve Code for Sustainable Homes level 4.
13. A contribution of £18,000.00 towards open space within close proximity to the site and for its maintenance and upkeep. This will be calculated under the formula in Appendix 1 (pages 68-70) of the SPD.
14. A contribution of £30,000.00 to the Shoreditch Trust to contribution towards a design framework for Shepherdess Walk Park and the surrounding area.
15. 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.
16. Education contributions of £577,576.44 are required to meet the additional pressure on Hackney schools as a result of the children generated by the development.
17. The developer to liaise with the Council to ensure that street lamps are sited on the building rather than within the street.
18. The architects who developed the application proposals are retained to oversee the completion of the development.
19. Public Right of Way along the basin is to be provided during daylight hours (to match public park opening hours).

## **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, EQ40 Noise Control, EQ41 Development Close to Existing Sources of Noise, EQ42 Air Pollution, EQ48 Designing Out Crime, H03 Other Sites for Housing, E12 Office Development, E14 Access and Facilities for People with Disabilities, E15 Training, E18 Planning Standards, TR19 Parking standards, ACE7 Hotel Development, ACE8 Planning Standards, SPG1 New Residential Development, SPG6 Hotels, SPG11 Access for People with Disabilities, SPD Planning Contributions.

The following policies contained in the London Plan (Consolidated with alterations since 2004) are relevant to the approved development/use and were considered by this Council in reaching the decision to grant planning permission: 2A.1 Sustainability Criteria, 2A.2 The spatial strategy for development, 2A.3 London's Sub-Regions, 2A.4 The Central Activities Zone, 2A.5 Opportunity Areas, 2A.6 Areas for Intensification, 3A.3 Maximising the Potential of Sites, 3A.5 Housing Choice, 3A.6 Quality of New Housing Provision, 3A.8 Definition of Affordable Housing, 3A.13 Special Needs and Specialist Housing, 3A.17 Addressing the needs of London's Diverse Population, 3A.25 Higher and Further Accommodation, 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.4 Land for Transport, 3C.9 Increasing the capacity, quality and integration of public transport to meet London's needs, 3C.11 Phasing of Transport Infrastructure Provision and Improvements, 3C.17 Tackling congestion and reducing traffic, 3C.18 Allocation of street space, 3C.19 Local transport and public realm enhancements, 3C.20 Improving Conditions for Buses, 3C.21 Improving Conditions for Walking, 3C.22 Improving Conditions for Cycling, 3C.23 Parking strategy, 3D.7 Visitor Accommodation and Facilities, 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.8 Hydrogen Economy, 4A.9 Adaptation to Climate Change, 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.33 Bringing contaminated land into beneficial use, 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.5 Creating an inclusive environment, 4B.8 Respect Local Context and Communities, 4B.9 Tall Buildings – Location, 4B.10 Large scale buildings – design and impact, 4B.16 London View Management Framework, 4B.18 Assessing Development Impact on Designated Views, 5A.1 Sub-Regional Implementation Frameworks, 5C.1 The Strategic Priorities for North East London, 5C.3 Opportunity Areas in North East London, 5G.1 The Indicative

CAZ Boundary, 5G.2 Strategic Priorities for the Central Activities Zone, 5G.3 Central Activities: Offices, 5G.5 Predominantly Local Activities in the Central Activities Zone, SPG Industrial Capacity, SPG View Management Framework, SPG Accessible London: achieving an inclusive environment, SPG Land for Transport Functions, SPG Sustainable Design and Construction, SPG Planning for Equality and Diversity in London, BPG Wheelchair Accessible Housing, Mayor's Economic Development Strategy, Mayor's Transport Strategy, Sub-Regional Development Framework – East London.

### **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
- SI.28 Refuse Storage and Disposal Arrangements
- SI.32 Consultation with Thames Water
- SI.34 Landscaping
- SI.45 The Construction (Design & Management) Regulations 1994
- SI.48 Soundproofing
- SI.50 S106 Agreement
- NSI1 Thames Water informative on minimum water pressure to customers

#### **14 10 EAST ROAD, LONDON, N1 6AD**

**2008/1991** - Demolition of existing three buildings and redevelopment of the site to erect a part 8, part 14 and part 17 storey building and a part 11, part 12 storey building to provide for student accommodation (661 rooms), Class C1 hotel (230 rooms), Class B1 use (6.916 sq m GEA), along with disabled car parking, access, landscaping and associated works.

- 14.1 The Planning Officer introduced the report, as set out within the agenda. A model of the proposed development was displayed for Members' information.
- 14.2 The Planning Officer referred to the addendum which set out additional information regarding TfL contributions, sustainability, roof plant, community policing facilities, policy comments and Invest in Hackney.
- 14.3 Concern was raised regarding the loss of employment space and wished to clarify whether this was a departure from the London Plan. The Planning Officer explained that the Plan encouraged a varied mix of employment space and that the proposed development provided flexible, high quality work space, which supported local businesses.
- 14.4 Concern was also raised regarding the student element of the proposal, especially around the Hoxton area and also the issues surrounding sewerage and the water

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supply, highlighted on pages 534/535 of the agenda. In response, the Planning Officer stated that they had consulted with Thames Water and that the issues raised were covered by condition.

- 14.5 In response to a query regarding the perceived rents charges for the student accommodation, it was explained that the rental side of the development would be managed by a separate provider and so the figures were unknown at present.
- 14.6 The Sub-Committee requested that the same architect be used throughout the scheme and that this be added as an additional clause to the S106 agreement. This was **AGREED**.
- 14.7 The Chair asked whether grey water recycling was included within the scheme and the applicant stated that he would be happy to work through the technical issues so that this could be provided. The Chair requested that this be added as an additional condition. This was **AGREED**.
- 14.8 The Planning Officer referred to the residents parking and explained that the residents parking permit clause would be amended to exclude the reference to owners of electrical vehicles. This was **AGREED**.
- 14.9 Discussion took place regarding the issue surrounding the suggested contribution towards public realm improvements at Old Street roundabout from TfL, in which the Council did not approve of. It was explained that the planning department were in discussions with TfL regarding the proposed improvement plans and that details were yet to be finalised. The various options were discussed.
- 14.10 Following discussion, Members requested that the resolution TFL contribution issue be delegated to the Head of Development, Chair and Vice-Chair of the Sub-Committee, to negotiate the clause under the S106 agreement with the developer. This was **AGREED**.
- 14.11 The Planning Officer referred to the community policing facilities at the ground floor, which were being provided at a peppercorn rent for a period of 25 years. He added that the developer had stated that it was their intention to provide the policing facilities through the deal with the Shoreditch Trust and that consequently, the duration of the rent should be reduced to 10 years, in line with this deal. The Principal Solicitor explained that the revised condition should also reflect the fact that the facility should be a useable workspace and connected to all of the amenities of the building. This was **AGREED**.

**Unanimously RESOLVED that:-**

**A) Planning permission be GRANTED, subject to the following conditions:**

**1. SCB0 – Development in accordance with plans**

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

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

**2. SCB1 - Commencement within three years**

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

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

**3. NSC – Materials as approved**

All external finishes, including ground surface treatment, shall be completed as detailed in the materials schedule and drawings contained within the following document: *Planning Application Supplementary Information (proposed materials) Issue 1b* which is dated 06.03.09, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To secure the satisfactory development of the site in terms of visual appearance.

**4. NSC – Landscaping details to be approved**

A hard and soft landscaping scheme illustrated on detailed drawings shall be submitted to and approved by the Local Planning Authority, in writing, before any work commences on site, 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 damaged, seriously diseased, or removed.

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

**5. NSC – Green roofs**

A bio diverse, substrate-based extensive green roof (75mm minimum depth) should be established on the roof of the proposal as shown on the approved plans. 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, to provide undisturbed refuges for wildlife, to promote sustainable urban drainage and to enhance the performance and efficiency of the proposed building.

**6. NCS – Lighting Strategy**

A detailed lighting strategy shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development. All lighting to be affixed to the building to be in accordance with the approved lighting strategy unless otherwise agreed in writing by the Local Planning Authority.

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.

**7. 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. SCI4 – Roof plant (Details to be approved)**

Full details of all the roof plant enclosures (plans, sections, front and rear elevations, etc.) shall be submitted to and approved in writing by the Local Planning Authority prior to the installation of any roof plant. The development shall not be carried out otherwise than in accordance with the details thus approved.

REASON: To safeguard the appearance of the property.

**9. SCI5 – No Open Storage**

No good, merchandise, material and no boxes, crates, drums, refuse or other waste matter shall be placed or stored on the site otherwise than within a building.

REASON: To safeguard the appearance of the area.

**10. SCD1 - Level access**

A level access shall be provided before the use is first commenced.

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

**11. 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.

**12. SCH8 – Parking for people with disabilities**

No part of the development shall be occupied until six (6) car parking spaces shall be marked out for use by persons with disabilities and retained permanently for use by the vehicles of people with disabilities.

REASON: In order to ensure that a reasonable number of parking spaces are located conveniently for use by people with disabilities.

**13. NSC – Additional bicycle parking**

Development shall not commence until details of the location and design of 6 additional bicycle parking stands have been submitted to and approved in writing by the Local Planning Authority. The bicycle stands as approved shall be provided prior to the occupation of the development and permanently

retained on the site, unless otherwise agreed in writing by the Local Planning Authority.

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

**14. SCH10 – Secure bicycle parking**

The provision of secure cycle space shall be made available within the building for the secure parking of 379 bicycles, as shown on the plans hereby approved, before the first occupation of the development. The secure parking as approved shall be permanently retained on the site.

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

**15. SCH11 - Adequate visibility**

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 both 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.

**16. SCH14 – Closure of existing accesses**

The existing access(es) to the site shall be closed permanently when the use of the new access(es) shown on the plans hereby approved is/are provided and in use.

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

**17. SCH15 – Access only as approved**

Vehicular access to the site shall be only via the permitted access.

REASON: In order to confine access to the permitted point(s) to ensure that the development does not prejudice the free flow of traffic and conditions of general safety along the neighbouring highway.

**18. NSC – Sound insulation**

(i) The building shall be constructed so as to provide sound insulation (for student accommodation) against external noise, to achieve levels not exceeding 30dB LAeq (night) and 45dB LAmx (measured with F time-weighting) for bedrooms, 35dB LAeq (day) for other habitable rooms, with windows shut and other means of ventilation provided. Details of ventilation to be approved by the local planning authority before installation.

(ii) Development shall not commence until details of a sound insulation



scheme complying with paragraph (i) of this condition have been submitted to and approved in writing by the local planning authority.

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

REASON: In order to minimise the transmission of noise and vibration between and within units in the interests of providing satisfactory accommodation.

**19. NSC – Plant noise**

- (i) The rating level of the noise emitted from fixed plant and from the premises on the site shall be 10dB below the existing background level at any time. The noise levels shall be determined at the façade of any noise sensitive property. The measurements and assessments shall be made by a suitably qualified acoustic consultant according to BS4142:1997.
- (ii) Development shall not commence until details of the scheme complying with paragraph (i) of this condition have been submitted to and approved in writing by the local planning authority.
- (iii) The development shall not be occupied until the scheme approved pursuant to paragraph (ii) of this condition has been implemented in its entirety. Thereafter, the scheme shall be maintained in perpetuity.

REASON: In order to minimise the transmission of noise and vibration between and within units in the interests of providing satisfactory accommodation.

**20. NSC – Sound insulation between residential and commercial uses**

Development shall not commence until 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. The use hereby permitted shall not commence until the sound insulation works have been implemented in accordance with the approved details. The sound insulation shall be retained permanently with the approved details.

REASON: In order to minimise the transmission of noise and vibration between and within units in the interests of providing satisfactory accommodation.

**21. NSC – Drainage strategy**

Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority, in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.

REASON: The development may lead to sewerage flooding; to ensure that sufficient capacity is made available to cope with the new development and in order to avoid adverse environmental impact upon the community.

**22. NSC – Water supply**

Development should not be commenced until: Impact studies of the existing water supply infrastructure have been submitted to and approved in writing by the local planning authority (in consultation with Thames Water). The studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point.

REASON: To ensure that the water supply infrastructure has sufficient capacity to cope with the/this additional demand.

**23. NSC – Water efficiency**

Prior to the commencement of development, details shall be submitted to, and approved in writing by the Local Planning Authority, to show how all residential units in the development will meet water efficiency standards. Development shall proceed in accordance with the approved water efficiency plan.

REASON: The development is located in an area of serious water stress as designated by Department for Environment, Food and Rural Affairs. This condition is required to ensure water is used wisely and no additional burden is placed on the existing resources. This condition is supported by the London Plan, Policy 4A.11 Water Supplies. A maximum water target of 105 litres per person per day should be applied in line with Level 3 in the Code for Sustainable Homes.

**24. Photovoltaic Panels**

Prior to the commencement of the development, detailed drawings showing a minimum of 75sqm of photovoltaic panels shall be submitted to and approved by the Local Planning Authority and the development completed in accordance with the approved plans.

REASON: To ensure that the development contributes towards the mitigation of climate change and complies with London Plan Policy 4A.7.

**25. NSC – CHP Plant**

Prior to the occupation of any part of the development to provide the environmental sustainability features outlined in the Environmental Performance Statement and Assessment of Energy Demand and Carbon Emissions. This shall include the installation of CHP plant of at least 290kWE capacity.

REASON: To ensure that the development contributes towards the mitigation of climate change and complies with London Plan Policy 4A.7.

**26. Grey water recycling**

Details of a grey water recycling system to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development to be carried out in accordance with the approved details.

REASON: To ensure that the development contributes towards the mitigation of climate change and complies with London Plan Policy 4A.7.

**B) 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 to the satisfaction of the Interim Assistant Director (Planning) and the Interim Head of Legal Services:**

1. Leasing of the ground floor office space (excluding any floorspace required to provide community policing facilities see section 8.2.11) to the Shoreditch Trust or other affordable workspace provider as agreed in writing by the LPA for ten years at £1 pound per sq ft per annum as affordable workspace accommodation.
2. The provision of three floors of the commercial floorspace (approximately 12,000 sq ft) to be leased to a Business Space Provider or other business space provider as agreed in writing by the LPA to lease the space to various end users. This would allow flexibility to provide units in a range of sizes to suit various needs. This offer is for a period of 10 years.
3. Affordable workspace to be built to shell and core and fitted out prior to the occupation of the hotel and student accommodation and prior to the remaining commercial element being let, leased or sold.
4. Provision for the employment within the hotel, once it has commenced operations, of persons within a defined and ongoing training scheme to be carried out in perpetuity and reserved for residents of the borough, to number no fewer than ten new starters annually.
5. Commercial element to be built to shell and core in advance of the occupation of the student units and hotel to bring forward the strategic priorities of the site within the context of its designation within a Defined Employment Area.
6. The student accommodation is to be used at all times as a single planning unit and no part of the student accommodation shall at any time be used as separate, independent self-contained dwelling units; and no part of the student accommodation shall be sold, leased, licensed or otherwise disposed of in any form as a separate unit of use or occupation.
7. The living accommodation shall be used and occupied solely in association with and by full-time students of the following institutions: the University of London, University of East London, University of Westminster, London Guildhall University, City University, South Bank University, University of the Arts London or any alternative establishment to be agreed by the Council.
8. Provision of emergency and twenty four hour contact details for members of the public to address any issues arising from anti-social behaviour.
9. Student Accommodation Management Plan.
10. Secure adoption of the ANUK Code of Standards for Larger Developments for student accommodation not managed or controlled by educational establishments.

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11. Appropriate policing facilities, to be agreed with the Metropolitan Police Authority (MPA) prior to the commencement of development. Floorspace will be required to shell and core fitting and at a peppercorn rent for a period of 10 years or otherwise as agreed with the MPA and be located at ground floor. Policing facilities as agreed with the MPA to be provided prior to the occupation of the development.
12. Best endeavours to achieve 'Secured by Design' certification.
13. The disabled car spaces are managed so that they are only available for disabled persons.
14. The owner shall be required to enter into agreement under Section 278 of the Highways Act to pay the Council 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 LBH Estimate or Payment. The s278 Highway works are estimated at £116,200 (refer to attachment).
15. The owner must provide a Travel Plan (for the residential, hotel and employment use) to be agreed by the Council's Transportation Officer, towards achieving sustainable travel targets, including the services of a Travel Plan Coordinator. The Travel Plan must be in place by the first year of occupancy and the developer must monitor yearly for 5 years.
16. The use of car clubs is considered to be an effective measure in reduce dependence on the private car for travel and LBH Transportation recommends this a travel plan measure. Installation of parking bays for Car Club use on LBH adopted highways should be funded by the applicant. The cost of installing 2 no. car club bays on street is approx. £18,000 (£9,000/car club bay). The final cost of installing the car club bays to be agreed prior to installation.
17. The development trip generation associated with the proposal is expected to be non-car modes i.e. walking, cycling and public transport, given the high accessibility level of the site and that the site is located within a CPZ and close to the London CCZ. An s.106 contribution towards sustainable transport initiatives in the area is required on the basis that the site will generate a considerable increase in walking and cycling trips in the surrounding streets. The s.106 sustainable transport contributions will be put towards, but not restricted to, accessibility improvements schemes in the area [including much needed footway improvements in Corsham Street], street-lighting, improving links to the walking and cycle network in the area, increased cycle parking on the public highway for visitors, public realm improvements, installation of on-street car club bays, etc. An s106 contribution of £58,750 towards sustainable travel/ walking and cycling improvements in the area is sought.
18. To ensure that prior to occupying any of the residential units (which for the avoidance of doubt includes the Car Capped Units) within the Development each new resident of such unit is informed by the Owner of the Council's policy that they shall not be entitled (unless they are the holder of a Disabled Persons Badge issued pursuant to Section 21 of the Chronically Sick and Disabled Persons Act 1970) to be granted a Residents Parking Permit and will not be

- able to buy a contract to park within any car park owned or controlled by the Council.
19. A contribution of £270,000.00 towards public realm and transport infrastructure improvements to benefit pedestrians, cyclists and public transport users within the areas indicated on the plan, to be paid to the LBH prior to the commencement of development.
  20. A contribution of £135,000.00 towards mitigation of the impact of the development on the bus network to be paid to the LBH prior to the commencement of development.
  21. Demolition and Construction Management Plan to be submitted at least 6 weeks prior to the commencement of works on site. The Demolition and Construction Management Plan shall include the following: Demolition Method Statement; Construction Method Statement; Construction Traffic Management Plan; Environmental Management Plan; and Site Waste Management Plan.
  22. Delivery and Servicing Plan.
  23. The proposed development would therefore require a contribution of £22,708.80 for Library Facilities.
  24. Construction Industry and Removing Barriers to Work: Appendix 1 (page 65) includes the relevant section 106 agreement clauses with regard to Local Labour in Construction while the Local Training in Construction formula can be found on page 66.
  25. Removing Barriers to Work: provision for the use of local labour for construction of the development in the form of 25% on-site employment, including the facilitation of apprentices and adult improvers for a defined period.
  26. The Developer will, through an 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.
  27. The employment floorspace, hotel and student accommodation to be built to BREEAM standards and achieve a 'very good' rating.
  28. A contribution of £6,730.56 towards open space within close proximity to the site and for its maintenance and upkeep. This has been calculated under the formula in Appendix 1 (pages 68-70) of the SPD.
  29. 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.

30. Lifschutz Davidson Sandilands shall be retained as the project architect throughout the implementation of the planning permission.

### **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, EQ40 Noise Control, EQ41 Development Close to Existing Sources of Noise, EQ42 Air Pollution, EQ48 Designing Out Crime, H03 Other Sites for Housing, E12 Office Development, E14 Access and Facilities for People with Disabilities, E15 Training, E18 Planning Standards, TR19 Parking standards, ACE7 Hotel Development, ACE8 Planning Standards, SPG1 New Residential Development, SPG6 Hotels, SPG11 Access for People with Disabilities, SPD Planning Contributions.

The following policies contained in the London Plan (Consolidated with alterations since 2004) are relevant to the approved development/use and were considered by this Council in reaching the decision to grant planning permission: 2A.1 Sustainability Criteria, 2A.2 The spatial strategy for development, 2A.3 London's Sub-Regions, 2A.4 The Central Activities Zone, 2A.5 Opportunity Areas, 2A.6 Areas for Intensification, 3A.3 Maximising the Potential of Sites, 3A.5 Housing Choice, 3A.6 Quality of New Housing Provision, 3A.8 Definition of Affordable Housing, 3A.13 Special Needs and Specialist Housing, 3A.17 Addressing the needs of London's Diverse Population, 3A.25 Higher and Further Accommodation, 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.4 Land for Transport, 3C.9 Increasing the capacity, quality and integration of public transport to meet London's needs, 3C.11 Phasing of Transport Infrastructure Provision and Improvements, 3C.17 Tackling congestion and reducing traffic, 3C.18 Allocation of street space, 3C.19 Local transport and public realm enhancements, 3C.20 Improving Conditions for Buses, 3C.21 Improving Conditions for Walking, 3C.22 Improving Conditions for Cycling, 3C.23 Parking strategy, 3D.7 Visitor Accommodation and Facilities, 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.8 Hydrogen Economy, 4A.9 Adaptation to Climate Change, 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.33 Bringing contaminated land into beneficial use, 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.5 Creating an inclusive environment, 4B.8 Respect Local Context and Communities, 4B.9 Tall Buildings – Location, 4B.10 Large scale buildings – design and impact, 4B.16 London View Management Framework, 4B.18 Assessing Development Impact on Designated Views, 5A.1 Sub-Regional

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Implementation Frameworks, 5C.1 The Strategic Priorities for North East London, 5C.3 Opportunity Areas in North East London, 5G.1 The Indicative CAZ Boundary, 5G.2 Strategic Priorities for the Central Activities Zone, 5G.3 Central Activities: Offices, 5G.5 Predominantly Local Activities in the Central Activities Zone, SPG Industrial Capacity, SPG View Management Framework, SPG Accessible London: achieving an inclusive environment, SPG Land for Transport Functions, SPG Sustainable Design and Construction, SPG Planning for Equality and Diversity in London, BPG Wheelchair Accessible Housing, Mayor's Economic Development Strategy, Mayor's Transport Strategy, Sub-Regional Development Framework – East London.

### **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
- SI.28 Refuse Storage and Disposal Arrangements
- SI.32 Consultation with Thames Water
- SI.34 Landscaping
- SI.45 The Construction (Design & Management) Regulations 1994
- SI.48 Soundproofing
- SI.50 S106 Agreement

#### **15 273-277 WICK ROAD, LONDON, E9 5DG**

**2007/2330** – Erection of a part 3, part 4, part 5 storey building to provide 545.5sqm of Class B1 (Office/Light Industry) and 34 residential units, comprising 9 x 1 bed, 12 x 2 bed, 9 x 3 bed and 4 x 4 bed units together with 7 car parking spaces and associated landscaping.

**NB:** Members are requested to note that this scheme was previously resolved for approval at Committee on the 16 April 2008 subject to the signing of a s106 agreement. This report seeks to make amendments to the wording within recommendation B resolved at that time.

- 15.1 The Planning Officer introduced the report, as set out in the agenda.
- 15.2 There being no questions from Members, the Chair moved to the vote.

**Unanimously RESOLVED that:-**

**A) Planning permission be GRANTED, subject to the following conditions:**

**1. SCBO – In accordance with plans**

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

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

**2. SCB1N - 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.

**3. SCM2 - Materials to be approved (entire site)**

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

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

**4. SCM3 - Brickwork to be approved**

Full details of the facing bricks to be used for the external surfaces of the buildings shall be submitted to and approved by the Local Planning Authority, in writing, before any work on the site is commenced. The development shall not be carried out otherwise than in accordance with the details thus approved.

**5. SCM5 – Boundary walls to be approved**

Full details, including materials, of all boundary walls and enclosures shall be submitted to and approved by the Local Planning Authority, in writing, before any work commences on site. The development shall not be carried out otherwise than in accordance with the details thus approved – (SRM5).

**6. SCM7 – Reserved matters 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. Further detailing of the entrance gates and railings;
- b. Entrance doors to flats and commercial unit;
- c. Fenestration and balcony sizes.

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.

**7. SCM9 - No extraneous pipework**



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

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

**8. SCI3 – No roof plant**

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

**9. SCN1 – Soundproofing**

Full particulars and details of provisions for soundproofing between the B1 use and residential units shall be submitted to an approved by the Local Planning Authority, in writing, before the commencement of works on site, and subsequently installed in the building in a satisfactory manner, before the development is first occupied/use commences.

REASON: In order to minimise the transmission of noise and vibration between and within units in the interests of providing satisfactory accommodation.

**10. SCD1 - Level access**

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

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

**11. 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.

**12. SCT1 - Landscaping**

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

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

**13. SCR3 - Mobility standards**

Ten-percent of all housing units proposed must be designed to mobility standards and be in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

REASON: In the interest in providing satisfactory and convenient housing accommodation for persons with disabilities.

**14. SCS5 - Waste**

Except on day(s) of collection, all refuse and waste shall be stored in sealed containers in the refuse area shown on the plans hereby approved.

REASON: To ensure refuse is not left in the street in the interests of visual amenity and to reduce the likelihood of infestation.

**15. SCH2 - Delivery of goods**

No loading or unloading of goods, including fuel, by vehicles arriving at or departing from the premises shall take place otherwise than within the curtilage of the building/within the building.

REASON: To assist in ensuring that the Public Highway is available for the safe and convenient passage of vehicles and pedestrians.

**16. SCH4 - Forward vehicle ingress/egress only**

All vehicles shall enter and leave the site only in a forward direction.

REASON: In the interests of road safety generally and avoidance of obstruction of the highway.

**17. SCH3 - Parking**

No parking of vehicles arriving at or departing from the premises shall take place otherwise than within the curtilage of the premises.

REASON: To assist in ensuring that the Public Highway is available for the safe and convenient passage of vehicles and pedestrians.

**18. SCH5 - Car parking, turning and loading/unloading**

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.

**19. SCH8 - Parking for people with disabilities**

Before the use hereby permitted first commences, at least 4 car parking spaces shall be marked and retained permanently for use by the vehicles of people with disabilities at locations close to the entrances to the building(s).

REASON: In order to ensure that a reasonable minimum of parking spaces are located conveniently for use by people with disabilities.

**20. SCH9 - Marking parking areas**

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

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

**21. SCH10 - Cycle spaces**

Provision for 24 cycles (23 for residential component and 1 for commercial). The commercial space is to be located separate to the residential cycle parking spaces). The spaces are to be secure and to be provided as shown on the plans hereby approved before the first occupation of the development.

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

**22. NSC - Wheel washing facilities**

Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed in accordance with details approved by the Local Planning Authority prior to the commencement of works on site.

REASON: In the interest of highway safety.

**23. NSC - Ground contamination**

Prior to the commencement of works, details of site contamination and the appropriate of remedial measures shall be submitted to and agreed by the Local Planning Authority in writing and implemented.

REASON: To ensure that the development is not prejudicial to the health of the environment, surrounding and prospective occupiers.

**24. NSC - Contamination Desk Top Study**

Should the phase 1 Desk Top Study indicate that there is a potential for contamination, a detailed conceptual site model, which conforms to BS 10175:2001: Investigation of potentially contaminated land - Code of practice, must be submitted to the Local Planning Authority for consideration prior to implementation.

REASON: To ensure that the development is not prejudicial to the health of the environment, surrounding and prospective occupiers.

**25. NSC - Hours of Delivery**

Deliveries and dispatches to the site may only occur between the hours of 08:00 and 18:00 on weekdays and not at all on weekends or 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.

**26. NSC - Hours of Operation**

The B1 use hereby approved shall only operate between the hours of 07:00 and 20:00 on weekdays, 08:00 and 18:00 on Saturdays and not at all on Sundays or 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.

**27. NSC - External ventilation**

Full details of mechanical ventilation equipment from the kitchen area and any air conditioning units must be submitted for approval by the Local Planning Authority, in writing, before the commencement of works on site, and subsequently installed in the building in a satisfactory manner, before the development is first occupied/use commences. Mechanical ventilation equipment from the kitchen area and any air conditioning units must be so positioned, designed and acoustically insulated so as not to cause noise disturbance or affect the amenity of residents as a result of fume or odorous discharge.

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

**28. NSC - External Extract Ducts**

Any air conditioning units or extract fans must be so positioned, designed and acoustically insulated so as not to cause noise disturbance or affect the amenity of residents. As such they shall be designed to operate at a level of 10dB(A) below the background noise level to render them inaudible whilst they are operating.

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

**29. NSC - Noise Levels**

Upon completion of the development, internal noise levels must comply with BS 8233:1999. A validation noise report demonstrating that this has been achieved must be submitted for approval by the Local Planning Authority prior to occupation of the residential units.

REASON: To ensure that the amenity of the future occupants of the residential units is protected.

**30. NSC - Screening**

Full details of obscure screening, a minimum of 1.7 metres from ground level, to the first floor communal garden area shall be submitted to and approved by the Local Planning Authority, in writing, before the development commences.

Screening mechanisms to be screened to be agreed with the Local Planning Authority.

REASON: To safeguard against overlooking of adjoining sites and premises.

**31. NSC - Dust emissions**

An environmental plan demonstrating how dust emissions from the site, traffic and plant during the construction phase will be controlled shall be submitted to and agreed by the Local Planning Authority in writing, and implemented, prior to any works commencing on site.

REASON: To ensure that the development is not prejudicial to the health of environment and prospective occupiers.

**32. NSC - Energy**

Before the development hereby permitted commences at the site, a scheme shall be submitted to and approved in writing by the Local Planning Authority describing the energy strategy for this development, embracing energy demand, as well as the feasibility and implementation wherever possible of energy efficient and renewable energy technologies. The development shall be carried out and completed in accordance with this scheme.

REASON: In order to ensure that the development is efficient in its resource use.

**33. NSC - Highway works**

The development hereby permitted will not be implemented until/unless the owner of the site has entered into a legal agreement with TfL for works to Wick Road pursuant to a Section 278 Highways Act 1980 and provided a copy of the same to the Local Planning Authority.

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

1. To secure the provision of 100% of units as affordable housing, with a split of 65:35 socially rented/intermediate housing.
2. Payment of an education contribution of £10,380 through s106 with respect to anticipated child yield from the additional residential housing units being provided in accordance with the DFES cost of providing a school place.
3. Payment of the landowner/developer of £30,000 towards environmental improvements or community facilities, including the improved links between the site and nearby open spaces.
4. The applicant is advised that they will be required to enter into a highways Section 278 legal agreement with TfL.
5. The submission of a Green Travel Plan covering both residential and business use, including servicing of the site. The contents to be included to be agreed with the Council.
6. B1 to shell and core prior to occupation of residential units.

7. All residential units to be built to lifetime home standards (except parking requirement).
8. Considerate Contractor Scheme – the applicant to carry out all works in keeping with the National Considerate Contractor Scheme.
9. Parking spaces to be prioritised for the 4 bedroom accessible units.
10. Submission of a legal agreement between the developer and the Registered Social Landlord agreeing that the development will be car free for the non-family units. The agreement must contain the number of family units that will not be entitled to a residents' permit as some of the proposed onsite parking relates to the family units.
11. A contribution of £1000 towards monitoring the level of on-street parking in the adjacent roads, subsequent to the commencement of the use of the building.
12. Best endeavours to use local labour on site.
13. 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.
14. Achievement of a level 4 Very Good rating under the proposed Code for Sustainable Homes.
15. 10% reduction in carbon emissions through the use of renewable energy sources and use of low energy technology.

### **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, EQ7 – External works and landscape, EQ40 - Noise Control, EQ46 – Recycling Facilities, EQ48 - Designing Out Crime, HO3-Sites for Housing, E3 – Development outside Defined Employment Areas, E14 – Access and facilities for people with disabilities, E18 – Planning Standards, TR19 – Planning Standards, CS2 – Provision of Community Facilities as part of Development Schemes

### **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.8 Soundproofing
- SI.19 Health, Safety and Welfare at Work
- SI.24 Naming and Numbering
- SI.25 Disabled Person's Provisions
- SI.27 Fire Precautions Act 1971
- SI.28 Refuse Storage and Disposal Arrangements
- SI.32 Consultations with TWU
- SI.33 Landscaping

NSI.1 The hours of construction work on site that are audible at the nearest noise sensitive premises shall be restricted to 08:00 to 18:00 Monday to Friday

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and 08:00 to 13:00 Saturday and at no time on Sundays & public holidays except by written permission of the Council or where the works are approved under section 61 Control of Pollution Act 1974.

NSI.2 The best practice detailed within the Building Research pollution control guides Parts 1 to 5 for controlling particles, vapour and noise pollution from construction sites must be followed throughout the enabling works, demolition and construction phase of the development.

NSI.3 The applicant is advised that they will be required to enter into a Section 61 agreement under the Control of Pollution Act 1974 with the Pollution Section before commencing work on site in order to control noise and vibration from the demolition/construction work.

NSI.4 Your attention is drawn to the need to comply with the provisions of the Regulatory Reform (Fire Safety) Order 2005 where applicable. The provision of satisfactory means of escape in the event of a fire is the concern of the London Fire and Emergency Planning Authority as fire authority, and information relating thereto may be obtained from the Fire Safety Department, 210 High Street, East Ham, E6 3RS.

**16 UNIT L, EAST CROSS CENTRE, WATERDEN ROAD, LONDON, E15**

**2007/2974** - Section 17 Certificate of Alternative Appropriate Development for A1, A2, A3, B1, C1, C3, D1 and D2 uses.

16.1 The Planning Officer introduced the report, as set out in the agenda.

16.2 There being no questions from Members, the Chair moved to the vote.

**Unanimously RESOLVED that:-**

**A) That a positive certificate be GRANTED, subject to the following:**

1. No building work shall be started until details, and where relevant these to include plans/sections and elevations showing the following details in respect of the development have been submitted to and approved by the Local Planning Authority and the relevant part of the development shall in all respects be carried out in accordance with the approved plans:

- (a) Siting of the buildings
- (b) design of the buildings including floor areas, height, massing,
- (c) external appearance,
- (d) means of access, including car parking and servicing arrangements
- (e) refuse including recycling provision
- (f) landscaping
- (g) Archaeological survey

REASON: In order that the Council is satisfied with the details of the proposed development and to ensure compliance with Policies EQ1, ST1 and ST2 of the Hackney Unitary Development Plan.

2. An application for the approval of the reserved matters pursuant to condition 2 shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

REASON: To comply with Section 92 of the Town and Country Planning Act 1990

3. The development to which this permission relates shall begin not later than whichever is the later of the following dates:- a) the expiration of three years from the date of this outline planning permission; or b) the expiration of two years from the final approval of reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.

REASON: To comply with Section 92 of the Town and Country Planning Act 1990

4. A Design Code shall be submitted to and approved by the Local Planning Authority prior to the submission of any reserved matters application. Any reserved matters applications shall demonstrate compliance with the Design Code or subsequent variation approved pursuant to this condition.

REASON: In order to ensure the highest quality redevelopment of the site based on specific urban design guidelines and to ensure compliance with Policy EQ1 of the Unitary Development Plan.

5. Suitable and sufficient historical search and site investigations to determine the presence of contaminants, including ground exhaled gases, shall be carried out to the satisfaction of the Local Planning Authority. The **Full** results of the investigation and details of proposed remedial measures shall be submitted to and approved by the Council and implemented prior to the start of the development. Such details are to include an assessment of potential for the pollution of the water environment, measures to prevent the migration of contaminants, prevent pollution of ground water and surface water, including measures for monitoring, to protect future maintenance personnel.

REASON: In order to safeguard the amenities of neighbouring properties and the area generally and ensure compliance with policy EQ43 of the Hackney Unitary Development Plan.

**B) 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 (Planning) and the Interim Head of Legal Services:**

- a. Green Travel plan;
- b. Code of construction charter;
- c. Sustainability framework – Breeam (Office);
- d. Commitment, participation and financial contribution towards local employment and training ;
- e. Financial contribution to any highway works.;



- f. Provision of refuse and recycling bins.;
- g. Flood risk assessment;
- h. Council's Legal Costs.

**17 CONTAMINATED LAND PLANNING CONDITIONS**

17.1 The Planning Officer introduced the report, as set out within the agenda.

**Unanimously RESOLVED:-**

- |   |
|---|
| <ol style="list-style-type: none"><li>1. To authorise the use by the Planning Authority of the contaminated land conditions, set out in Appendix 1 to the report.</li><li>2. To authorise the removal of all other contaminated land conditions currently in use by the Planning Authority from data systems in order to prevent their further use.</li></ol> |
|---|

**Duration of the meeting: 18:30 – 22:00**

**Signed**

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**Chair of the Planning Sub-Committee**

**Contact:**

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