

ADDRESS: 10 Shacklewell Road, London, N16 7TA	
WARD: Stoke Newington Central	REPORT AUTHOR: Rokos Frangos
APPLICATION NUMBER: 2008/2628	VALID DATE: 04/11/2008
DRAWING NUMBERS: PL_000 to 002, 010, 020, 021, PL_290 rev. P1, PL_2B1 PL_200 to 204 (all rev. 2), 205 rev. P1, 206, 210 rev. P01, 220 rev. P1, 221 rev. P01, PL_222, 223	SUPPORTING DOCUMENTS: Design and Access Statement, Daylight and Sunlight Study, Planning Supporting Statement, Statement on Energy Efficiency and Renewable Energy, Structural Inspection of Premises, Environmental Desk Study, Code for Sustainable Homes Assessment, Transport Statement, [Report] Future Potential for Commercial Use.
APPLICANT: Almaren PLC c/o agent	AGENT: Indigo Planning Ltd Swan Court 11 Worple Road London SW19 4JS
PROPOSAL: 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.	
NOTE TO MEMBERS: This proposal was approved by Planning Sub-Committee at the 6 May 2009 meeting. However, although the report referred to the development as being car-free, a Section 106 head of terms to that effect was mistakenly omitted both from Recommendation B and from the addendum. This report is being brought back to members specifically so that the car-free clause can legally be included in the Section 106 agreement. Accordingly, the car-free head of terms is now listed with the others in this report, at paragraph 8.2.16. The proposed development is unchanged from that approved in May, and this report is in every other regard the same as previously.	
RECOMMENDATION SUMMARY: Grant conditional planning permission, subject to Section 106 agreement.	

ANALYSIS INFORMATION
ZONING DESIGNATION: (Yes) (No)

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

LAND USE DETAILS:	Use Class	Use Description	Floorspace
Existing	B2	General Industrial	764 sqm
Proposed	C3	Residential	2028 sqm

RESIDENTIAL USE DETAILS:	Residential Type	No of Bedrooms per Unit				
		1	2	3	4	5+
Existing	N/A	0	0	0	0	0
Proposed	Market flats	5	7	1	1	0
	Social Rented flats	3	3	1	3	0
	Intermediate flats	1	1	0	1	0
Totals	(Total = 27)					

PARKING DETAILS:	Parking Spaces (General)	Parking Spaces (Disabled)	Bicycle storage
Existing	0	0	0
Proposed	0	0	32

CASE OFFICER'S REPORT

1. SITE DESCRIPTION

- 1.1 The application site is located in a largely residential area east of Dalston in the centre of the borough. The immediate vicinity consists mainly of two-storey Victorian and post-war terraces to the west and south, and blocks of post-war council flats ranging between three and five storeys in height to the north and east.
- 1.2 The site itself consists of a collection of vacant small-industrial buildings of various heights (up to three storeys but equivalent to four due to tall storey-heights), shape and appearance, historically used as a goldsmiths and silversmiths.
- 1.3 The site has a Public Transport Accessibility Level (PTAL) of 3, which is classified as 'moderate'. Five bus routes are within five minutes walk of the application site. Rectory Road is the nearest train station, approximately 850

kilometres to the north. Hackney Downs train station is approximately one kilometre away on a different line, although this is outside the PTAL calculation catchment, as will be Dalston Junction station on the London Overground when it opens in 2010.

1.4 There are no pertinent UDP designations for the site.

2. CONSERVATION IMPLICATIONS

2.1 No statutorily listed or locally listed buildings are affected by the application. The site is not situated in a conservation area.

3. HISTORY

3.1 There are no previous planning applications for this site.

4. CONSULTATIONS

4.1 Date statutory consultation period started: 06/11/2009

4.2 Date statutory consultation period ended: 08/12/2009

4.3 Site notice: Yes

4.4 Press advert: Yes

4.5 Neighbours

137 surrounding occupiers have been consulted by personal letter. Seven letters of objection and one neutral letter have been received.

The objections are on the following basis:

- New building is 'massive, oppressive... ugly'
- Fails BRE daylight and sunlight tests
- 'High risks. Health and safety (dust, pollution etc.) Dangers and disturbance for my kids (school days). Wife and kids are asthmatic'.
- 'This may affect me... by losing my flat and no assurance of rehousing. That sucks'.
- Large and over-dominant 'eyesore'
- Area is already over-crowded
- 'Noise factor of yet more residents in the area would seriously compromise my children's sleep'; 'noise will wake up my kids' etc.
- Noise from building works
- Invasion on privacy
- Will exacerbate existing parking difficulties

- 'There will be dust'
- 'There will be road block' (*sic*)
- Devaluation of property.

4.6 Statutory Consultees

4.6.1 Thames Water: No objection.

4.7 Local Consultees

4.7.1 Metropolitan Police (Secured by Design Officer): No response received.

4.7.2 London Fire and Emergency Planning Authority: The Brigade is satisfied with the proposals, subject to compliance with the relevant provisions contained in the Approved Document B, 2006 edition.

4.7.3 Invest in Hackney: No response received.

4.8 Other Council Departments

4.8.1 Sustainability and Design: In principle, we agree with the arrangement of the massing and external layout. The street-facing six-storey building helps to reinstate the street frontage without introducing an over-dominant volume in the context of the adjacent buildings. The rear block, which is stepped down from five storeys to two storeys, successfully relates to the adjacent two-storey terraces in the back and provides a proper scale as a backland building.

The elevations successfully present simple brick façades with some projected balconies and corridors and some interesting and subtle brick variations. The prominent eastern solid flank wall on the street-facing building also creates a feature of a vertical glazed element at the double-folded corner in the middle of the elevation. It successfully avoids a blank expression on this key façade.

In terms of external layout, whilst the cramped 'courtyard' is regarded as unusable, the narrow, unpleasant outdoor 1.5-metre-wide passage serving the four maisonettes at the rear (with a boundary wall on the other side) has been improved, with an increased two-metre width during the application period. However, some further detailed design is needed to clarify the appearance of the bin-storage enclosure in the courtyard, and a more detailed landscape drawing is required to show the drainage strategy, since there is no level change to avoid rainwater flowing from the outdoor space into the covered area.

In addition, there are some security issues regarding the entrance gate, mailbox, and the unprotected cycle storage. The mailbox is placed inside the

entrance gate, and there will be a security issue if the gate cannot be kept closed.

The internal layout is generally satisfactory. All the units are double-aspect with decent sizes and proper arrangements, although there are some strange-shaped lounges due to the angled corners. Balcony/outdoor-amenity space and storage space are also provided for each unit.

In conclusion, we have no objection to this scheme; the design quality of the scheme is satisfactory in terms of massing, elevations and internal layout. As for some of the minor issues mentioned above, we suggest that they are addressed under the relevant conditions.

4.8.2 Highways: The estimated cost of highway works under Section 278 is £54,041.00.

4.8.3 Traffic and Transport: I have previously explained to the transport consultant that the required disabled parking provision should be provided on-site, and the reasons why. Firstly, parking on the public highway cannot be 'dedicated' for exclusive use by residents of the site. The availability of on-street disabled parking spaces for use by residents of the site therefore cannot be guaranteed. Once disabled spaces are provided on-street, they are available for use by any member of the public who is in possession of a blue badge – visitors and residents of adjoining properties alike. This could potentially result in frequent interruptions to residents' (of the development) use of these disabled spaces. If the disabled parking places were occupied when needed by a disabled resident of the development, where would he/she park?

Furthermore, the Council cannot guarantee the continuous availability of on-street disabled parking as there is the possibility (albeit slight) that from time to time on-street parking provision may be changed when the Council reviews CPZs; it isn't likely, but in theory the Council could remove on-street disabled parking if there is a good reason to do so.

However, I do not think there is a strong enough policy basis to refuse the planning application on these grounds. If you feel strongly that the site constraints justify the provision of on-street disabled parking instead, we simply need to put this across convincingly for the committee's consideration. However, approval of the on-street disabled parking spaces will not form part of the planning permission for this application.

Because the site is within a CPZ, the applicant will have to contact LBH Parking Services post-planning permission to gain their approval for the two on-street disabled parking spaces and will be expected to cover the cost of providing these spaces – modifying the existing traffic management order in the street, signage, etc.

4.8.4 Waste Management: Seven 1100-litre Euro bins are needed; five for residual waste and two for co-mingled recycling.

4.8.5 Pollution Control: Given the previous use, a contaminated land condition would need to be attached to the decision notice.

4.8.6 Policy: No response received.

5. POLICIES

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

- EQ1 - Development Requirements
- HO3 - Other Sites for Housing
- CS3 - Retention and Provision of Community Facilities
- TR19 - Planning Standards

5.2 Supplementary Planning Guidance (SPG)

- SPG1 - New Residential Development
- SPG11 - Access For People With Disabilities

5.3 Local Development Framework (LDF): Supplementary Planning Document

- SPD - Planning Contributions (2006)

5.4 London Plan (Consolidated with Alterations since 2004)

- 2A.1 - Sustainability criteria
- 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

5.5 National Planning Policies

PPS1 - Delivering Sustainable Development
PPS3 - Housing
PPG13 - Transport

6. COMMENT

Planning permission is sought for the 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, together with associated access and landscaping works, to be constructed on the site of former small-industrial premises on Shacklewell Road. The units will comprise nine one-bedroom flats, eleven two-bedroom flats, two three-bedroom flats and five four-bedroom flats.

The proposal has evolved over a lengthy pre-application process. The original proposal for forty units in two blocks of seven and four storeys respectively was reduced at the behest of Planning officers to thirty-two units in two blocks of six and four storeys respectively. Two further series of revisions were subsequently made, incorporating changes to siting and massing and a further reduction in the number of units.

Considerations

The main considerations relevant to this application are:

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

Each of these considerations is discussed in turn below.

6.1 The principle of the development

- 6.1.1 The proposal entails the loss of space that falls within an employment-generating use class (B2) and the erection of residential units (use class C3) in its place. The Council traditionally resists the loss of employment-generating floorspace (primarily within use classes B1, B2 and B8) and in Defined Employment Areas (DEAs) and Priority Employment Areas (PEAs) will normally seek the re-provision of employment-generating floorspace of an equivalent amount being redeveloped.
- 6.1.2 However, the application site is not situated in a DEA or a PEA. The applicant has argued that the site's location (remote from the borough's main employment areas and in a mostly residential area) makes it unsuitable for retained employment use, a case accepted by officers at the pre-application stage and supported by the viability report submitted with the planning application. The applicant's chartered surveyors have demonstrated to officers' satisfaction that neither a restoration of the existing buildings for employment use nor the replacement of the building with new employment-generating space would be economically viable. Local analysis of supply and demand indicates that demand is weak in this part of the borough and the condition, shape, configuration and physical accessibility of the application site all support its release from employment use.
- 6.1.3 Furthermore, although the existing buildings on site are not wholly without architectural and historic merit, they enjoy no statutory protection; therefore there is no objection in principle to their demolition.
- 6.1.4 The proposed building will be solely for residential use and in this regard will correspond with the prevailing use in the surrounding area, which is almost entirely residential.
- 6.1.5 Overall, therefore, it is considered that there is no policy basis sufficient to preclude the erection of the proposed development on this site in principle, and it is considered that the proposal is acceptable in this regard.

6.2 Design, appearance and sustainability of the proposed development

- 6.2.1 The six-storey building in the proposal faces onto Shacklewell Road, with the sixth storey set back from the main elevation, whilst the other building steps down from five to two storeys towards Perch Street to reflect the scale of that street's two-storey terraced houses. The two buildings are oriented at a ninety-degree angle, with the stepped building tapering westwards and the space between them comprising a courtyard. Both buildings have balconies on the street-facing elevations and balustraded deck access on the courtyard-facing elevations.
- 6.2.2 It is considered that the surrounding buildings provide a height range within which the proposed new buildings sit comfortably and that a height that exceeds that of the existing buildings does not constitute an unacceptable increase or an excessive height such as would have an overbearing impact on the street scene. The massing of the buildings are acceptable, the

precedent for the rectilinear form of the six-storey building established by the post-war blocks of flats adjacent to the site.

- 6.2.3 The buildings are contemporary in style, with a materials palette that comprises a 'rough and hearty' (according to the Design and Access Statement) London stock brick for the main body of the building, (with different bonding between the ground floor and the floors above) and a smooth white semi-glazed brick for areas of the building that are recessed from the façade (e.g. window reveals and the double-height entrance space). The sixth storey and projecting lift cores are clad in satin anodised aluminium panels (in medium blue/grey). The deck access balustrades and balconies are in dark-grey anodised aluminium, as are the windows. The staggered windows are concurrent with contemporary architectural style, whilst the buildings' restrained materials palette and relative simplicity give them a discreet appearance that fits in comfortably in their surroundings. The detailed design is therefore considered acceptable, given its context.
- 6.2.4 In terms of internal living accommodation, twenty-six out of the twenty-seven units comply with Lifetime Homes standards. All units have private outdoor amenity space in the form of balconies, or gardens for the ground-floor units, with a communal courtyard provided. All units comply with the Council's minimum floorspace standards, as set out in SPG1: New Residential Development (1998), with the exception of the two units labelled B_6 (second floor) and B_8 (third floor). These units have single bedrooms of widths that fall beneath the 2.13-metre minimum. This issue has been raised with the architects who have confirmed that the room sizes within these units can be readjusted so that the single rooms meet the minimum width, without compromising the other rooms' compliance with the minimum standards. It is recommended that a condition be attached to secure these changes.
- 6.2.5 The proposal's renewable energy measures consist of solar thermal heating systems and ground- or air-source heat pumps, which, in combination with passive energy efficiency measures, will result in a twenty per-cent reduction in carbon dioxide emissions, thereby meeting the London Plan's reduction target. It is intended that the proposed development attains Code for Sustainable Homes level 3. The proposed building includes green roofs and provision for rainwater harvesting.
- 6.2.6 Overall, it is considered that the proposed design is of sufficient quality to warrant support and comply with local, regional and national policies.

6.3 Potential impact on the amenity of nearby residents

- 6.3.1 The application site is surrounded by residential properties on all sides. However, the orientation of the proposed buildings and the arrangement of windows on their elevations help to avoid overlooking to neighbouring properties' habitable rooms.
- 6.3.2 The distance between 1-20 Shacklewel House and the south-east elevation of the stepped, rear building is thirty metres. A similar distance separates the front

elevation of the six-storey element of the proposal from the block of flats opposite (9-15 Wellington Mansions). 21-30 Shacklewell House faces the courtyard of the proposed development (and the flank wall of the six-storey building) rather than habitable rooms. The rears of 10-12 Perch Street face a blank wall and are not overlooked.

- 6.3.3 The closest distance between a directly facing elevation of the proposed development and that of a neighbouring building is between bedrooms B_4, B_6, B_8 and B_10 in the stepped building and 12-26 Shacklewell Road, which are separated by sixteen metres. This is a standard front-to-front distance in an urban setting and will not, in officers' view, unduly prejudice the privacy of occupants.
- 6.3.4 Furthermore, the daylight and sunlight report submitted as part of the application measures the impact of the proposed development on neighbouring windows using BRE (Building Research Establishment) guidelines. The report demonstrates that the proposed development will have a 'noticeable but not harmful impact' on the daylight and sunlight receivable by the windows at neighbouring properties, and that the proposed development will not have an unacceptable impact on the light available to adjoining properties.
- 6.3.5 Therefore, for the reasons set out above and having due regard to the siting, location and orientation of the proposed development, it is considered that the proposal will not result in any significant risk to the amenity of adjoining occupiers by way of loss of daylight, sunlight, overshadowing or an increased sense of enclosure. Overall, the proposed development is considered to be acceptable with regard to amenity and complies with the relevant policy in the Hackney UDP (1995).

6.4 Acceptability of dwelling mix and affordable housing provision

- 6.4.1 The proposal's twenty-seven residential units comprise nine one-bedroom flats, eleven two-bedroom flats, two three-bedroom flats and five four-bedroom flats.
- 6.4.2 Forty-eight per cent of the proposed units are allocated as affordable housing (fifty-three per cent on a habitable-rooms basis), which achieves the London Plan fifty-per-cent affordable housing target. The tenure split of seventy-five (social rent) to twenty-five (intermediate) is considered acceptable.
- 6.4.3 The London Plan SPG on Housing provides housing mix proportions based on an assessment of the London-wide net housing requirement, comprising thirty-two per cent one-bedroom households, thirty-eight per cent two- and three-bedroom households and thirty per cent four-bedroom (or more) households. The proposed development provides a corresponding level of one-bedroom households but also a surfeit of two- and three-bedroom households at the expense of four-bedroom households. Furthermore, the sum total of two- and three-bedroom units is mostly comprised of the former.

- 6.4.4 However, these proportions are not intended to be applied strictly to individual developments. Furthermore, although Hackney's 2003 Housing Needs study confirms the need for family-sized accommodation that had previously formed the basis for now-deleted policy HO9 in the Hackney UDP, the London Plan SPG states that 'local housing needs requirements should not be the single determinant of housing mix sought on individual developments'.
- 6.4.5 Having due regard to the above considerations, whilst it would be desirable for the proposed development's dwelling mix to include a greater number of three- and four-bedroom dwellings, there is no policy basis to refuse the application on these grounds alone. Furthermore, it is accepted that the site's awkward shape and limited size constitute constraints that make the site unsuitable for a larger proportion of family-sized dwellings, for which the space needed for outdoor amenity space isn't available. The proposed development is therefore considered to be acceptable in this regard.

6.5 Traffic and transport considerations and car parking provision

- 6.5.1 The proposed development is in a Controlled Parking Zone (CPZ) and is, accordingly, car-free. Having due regard to the area's moderate PTAL rating and the Council's aspirations for discouraging car use in favour of alternative means of transport, a car-free proposal in this location is considered to be acceptable.
- 6.5.2 The majority of 'car-free' developments approved by the Council make an exception for off-street parking spaces for disabled-badge-holders. Although the Council's Traffic and Transport officers have requested off-street disabled parking provision on this site and set out why they believe on-street disabled parking provision is not an acceptable substitute, due regard must be given to the constraints of the site owing to its size and shape. Due regard must also be given to Annex 4 (Parking Standards) of the London Plan, which states that: 'Boroughs should take a flexible approach, but developments should have at least one accessible on- or off-street car parking bay designated for use by disabled people, even if no general parking is provided.'
- 6.5.3 Therefore the lack of off-street disabled parking spaces is not considered sufficient to warrant the refusal of the application on that basis. However, a Section 106 clause should be included requiring that the developer contact the Council's Parking Services team to arrange (and pay for) the two on-street disabled parking spaces the developer has suggested in lieu of the off-street provision.
- 6.5.4 Thirty-two cycle-parking spaces are provided within the development's courtyard. On the basis that one cycle parking space per unit is required, this is considered to be a generous level of cycle parking provision.

6.5.5 Aside from the aforementioned matter, the Council's Traffic and Transport team have raised no objection to the proposed development, and have indicated that overall they do not consider that the proposed development will have a detrimental impact upon circulation and parking in the vicinity. Overall, therefore, there are no traffic and transport issues with the proposed development that constitute grounds for concern or refusal.

6.6 Consideration of objections

6.6.1 Large and over-dominant 'eyesore'

This issue is addressed in paragraph 6.2.2 of this report. It is considered that the proposed development is of an acceptable height and scale, and will not, as a result of its size and massing, negatively impact upon the appearance of the street scene or the amenity of adjoining occupiers.

6.6.2 New building is 'massive, oppressive... ugly'

This issue is addressed in paragraphs 6.2.2 and 6.2.3 of this report. The building is in a contemporary architectural language that accords with other recent approvals as well as with Council expectations of new buildings in general; furthermore, it is considered that its rectilinear appearance integrates satisfactorily with the neighbouring buildings.

6.6.3 Fails BRE daylight and sunlight tests; invasion of privacy

This issue is discussed at length in section 6.3 of this report. It is considered that the proposed development will not result in overlooking, loss of privacy or excessive loss of sunlight and daylight to adjoining buildings' habitable rooms.

6.6.4 Will exacerbate existing parking difficulties

This is addressed in section 6.5 of this report. The area has sufficiently good public transport accessibility for the proposed development to uphold the Council's objective of encouraging alternatives to car use.

6.6.5 'Noise factor of yet more residents in the area would seriously compromise my children's sleep'

The relevant objector has not elaborated upon – and the Planning Service does not concur that – a twenty-seven-unit residential development is an inherently noisy use such as would disturb children or anyone else.

6.6.6 The following are not considered to be material planning considerations, although some of the concerns below are covered by separate (non-Planning) regulations, of which applicants are routinely notified by informatives attached to decision notices:

- 'High risks. Health and safety (dust, pollution etc.) Dangers and disturbance for my kids (school days). Wife and kids are asthmatic'.
- 'This may affect me... by losing my flat and no assurance of rehousing. That sucks'.
- Area is already over-crowded
- Noise from building works
- 'There will be dust'
- 'There will be road block'
- Devaluation of property.

7. CONCLUSION

- 7.1 In summary, it is considered that the proposed development is of an appropriate use and of an acceptable standard of design, and will not have a materially adverse impact on the amenity of neighbouring occupiers by way of loss of light, privacy, outlook, increased traffic generation, nor on the character and appearance of the surrounding area.
- 7.2 Having regard to the above considerations, it is considered that the proposal complies with all pertinent policies in the Hackney UDP (1995) and the London Plan (Consolidated with Alterations since 2004), and on that basis the granting of planning permission is recommended.

8. RECOMMENDATION

RECOMMENDATION A:

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

8.1.1 **SCB0 – Development in accordance with plans**

The development hereby permitted shall only be carried out and completed strictly in accordance with the submitted plans hereby approved, 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.

8.1.2 **SCB1 – Commencement within three years**

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

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

8.1.3 **SCM6 – Materials to be approved**

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

(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.

8.1.4 SCM9 – No extraneous pipework

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

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

8.1.5 SCI3 – No roof plant

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

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

8.1.6 SCH10 – Secure bicycle parking

Lockable space shall be made available within the site for the secure parking of 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.

8.1.7 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.

8.1.8 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).

8.1.9 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.

8.1.10 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.

8.1.11 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.

8.1.12 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.

8.1.13 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.

RECOMMENDATION B:

- 8.2 That the above recommendation be subject to the applicant, the landowners and their mortgagees entering into a deed of planning obligation by means of a Section 106 Agreement of the Town and Country Planning Act 1990 (as amended), in order to secure the following matters to the satisfaction of the Assistant Director of Regeneration and Planning and the Interim Head of Legal Services:**
- 8.2.1 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.
- 8.2.2 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).)
- 8.2.3 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.)
- 8.2.4 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).)
- 8.2.5 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.
- 8.2.6 Provision by the landowner/developer for the use of local labour on site during the construction phase.
- 8.2.7 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.
- 8.2.8 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.

- 8.2.9 Achievement of a twenty per-cent reduction minimum in carbon emissions through the use of renewable energy sources and use of low-energy technology.
- 8.2.10 The applicant is to carry out all works in accordance with the National Considerate Constructors Scheme.
- 8.2.11 Provision for all units to be adaptable for wheelchair-users.
- 8.2.12 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).
- 8.2.13 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.
- 8.2.14 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.
- 8.2.15 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.
- 8.2.16 No entitlement (unless the holder of a disabled person's badge) to a resident's parking permit.

9. REASONS FOR APPROVAL

- 9.1 The following policies contained in the Hackney Unitary Development Plan (1995) are relevant to the approved development/use and were considered by this Council in reaching the decision to grant planning permission: EQ1 - Development Requirements; HO3 - Other Sites for Housing; CS3 - Retention and Provision of Community Facilities; TR19 - Planning Standards.
- 9.2 The following policies in the London Plan (Consolidated with Alterations since 2004) are relevant to the approved development/use and were considered by this Council in reaching the decision to grant planning permission: 2A.1 - Sustainability criteria; 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.

10. INFORMATIVES

The following Informatives should be added:

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

NSI.1 All materials submitted pursuant to the discharge of condition 3 of this approval should be supplied and delivered at the same time in a container clearly marked with the address of the application site, reference to the application number 2008/2628, 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.



Signed..... Date: 22 June 2009

Steve Douglas
INTERIM CORPORATE DIRECTOR, NEIGHBOURHOODS &
REGENERATION DIRECTORATE

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