

| | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|
| ADDRESS: 87-95 Hertford Road London N1 5AG | |
| WARD: De Beauvoir | REPORT AUTHOR: Nick Bovaird |
| APPLICATION NUMBERS: 2009/2842 and 2020/0684 (Listed Building Consent) | VALID DATE: 30/12/09 |
| <p>DRAWING NUMBERS: 2719.P.00 Location Plan, 7406/S/001, 87/17/01 Rev F, 02 Rev D, 03 Rev F, 04 Rev D, 05 Rev E, 06 Rev F, 07 Rev F, 08 Rev D, 09 Rev C, 10, Rear Elevation</p> <p>Design and Access Statement; Arboriculture Report by Arbtech 17 May 2019; Heritage statement by CGMS Heritage November 2018; Transport Statement Final P1.01 25 October 2019; Daylight and sunlight report 7932/IM/LAT 5 June 2019; Energy Statement by Base Energy 07 January 2019; Energy Statement Rev 2 by Sustania 23 June 2019; BREEAM Pre-Assessment Report 06 June 2019; Structural Report by RWA 12 November 2018; Noise Impact Assessment by Venta Acoustics 7 November 2018.</p> | |
| APPLICANT: Serdenol Properties Limited, c/o Boris Handbags Limited, 430 Hackney Road, London, E2 6QL | AGENT: Steven Freeman Architectural Services, 40 Dawlish Drive, HA5 5LN |
| <p>PROPOSAL: Demolition of two single storey buildings at the rear of the site and demolition of sub station to front of building, works of refurbishment, alteration and extension to two existing buildings on the Hertford Road frontage in association with their use as light or general industrial (B1/B2 Use Class) at basement to second floor levels, erection of a three-storey terrace of six 3-bed houses at the rear of the site, erection of a three storey commercial (B1/B2 Use Class) building around a courtyard, provision of B8 storage at basement alongside associated landscaping and cycle parking.</p> <p>Listed Building Consent: Works to curtilage listed boundary wall with properties of De Beauvoir Square [works in relation to planning application 2009/2842]</p> | |
| <p>POST SUBMISSION REVISIONS: This application has undergone numerous revisions since initially being made valid in December 2009. Notwithstanding this, the following (headline) revisions have been</p> | |

secured since the proposal was presented to Members of Planning sub-committee in September 2010, where conditional planning permission was granted, subject to completion of the legal agreement:

- Removal of 9 car parking spaces and landscaping of central courtyard;
- Reduction from 9 (6x3b, 3x4b) residential units to 6 (6x3b);
- Increase of 762sqm B1/B2 use employment floorspace;

RECOMMENDATION SUMMARY:

Grant planning permission subject to conditions and completion of a legal agreement in relation to S106 of the Town and Country Planning Act 1990 (as amended).

NOTE TO MEMBERS:

This application is presented to the Planning Sub-Committee as it constitutes a 'Major development'.

ANALYSIS INFORMATION

ZONING DESIGNATION: (Yes) (No)

| | | |
|-----------------------------|-------------------|---------------------------------------------------------------------------|
| CPZ | Yes (De Beauvoir) | |
| Conservation Area | Yes (De Beauvoir) | |
| Listed Building (Statutory) | | No (within setting of Grade II buildings Nos.21-30 De Beauvoir Square) |
| Listed Building (Local) | Yes | |
| Priority Employment Area | | No |

| PARKING DETAILS: | Parking Spaces (General) | Parking Spaces (Disabled) | Bicycle storage |
|-------------------------|--------------------------|---------------------------|-----------------------------------------------|
| Existing | 0 | 0 | 0 |
| Proposed | 0 | 0 | 14 Residential 42 Commercial 12 Visitor |

| LAND USE DETAILS: | Use Class | Use Description | Floorspace Sqm |
|--------------------------|-----------|-----------------------------------|----------------|
| Existing | B1 | Light Industrial | 174 |
| | B2 | General Industrial | 886 |
| | B8 | Storage/Distribution | 1203 |
| Proposed | B1/B2 | Flexible Light/General Industrial | 2104 |
| | B8 | Storage/Distribution | 353 |
| | C3 | Residential | 762 |

CASE OFFICER'S REPORT

1. SITE CONTEXT

- 1.1 The site currently comprises four conjoined Victorian light-industrial and warehouse buildings. The two that face the street are the 'Boris' building (as denoted by the letters on its frontage) which is a two-storey general industrial building, and the St Peter's Mission Chapel (last used for general industrial purposes), which is perpendicular to the Boris building and has its front gable facing the street.
- 1.2 The surrounding area is almost entirely residential, with two and three-storey Victorian villas to the north and west, and more recent residential buildings (including the conversion of a former London School Board building) to the south and east. These are of mixed tenures and heights that range between two and five storeys.
- 1.3 The application site has a PTAL (Public Transport Accessibility Level) of 4, in a range of 1 (low) and 6 (high). Frequent bus transit to other parts of the borough, as well as the City, the South Bank and the West End operate from the A10 (Kingsland Road). The application site is 300 metres away from Haggerston station on the London Overground (East London Line extension).

2 CONSERVATION IMPLICATIONS

- 2.1 The application site is located behind 21-30 De Beauvoir Square, a Grade II listed terrace of early-mid-nineteenth-century dwellinghouses in Tudor/ Jacobean style. No other statutorily listed or locally listed buildings are affected by the application. The site falls within the De Beauvoir conservation area and is Locally Listed.

3 HISTORY

- 3.1 The following relevant applications are noted:
- 3.2 2005/1828 - Planning permission for part demolition of existing buildings and erection of a part-three, part-four, part-five-storey (plus basement) buildings to provide 613 square metres of use class B8 (storage and distribution) floorspace, 62 residential units comprising one one-bedroom house, one two-bedroom house, four four-bedroom houses; twenty-five one bedroom flats; seventeen two-bedroom flats and fourteen three-bedroom flats, together with a landscaped courtyard and seventeen basement-level car parking spaces was refused on the following grounds. The decision was consequently dismissed on appeal by the Planning Inspectorate.
 - 1) The proposed development fails to provide a sufficient proportion of employment generating floorspace and would result in the loss of a significant amount of site and floorspace used for employment generating land uses (Class B1-B8). As such the proposal would be contrary to policies HO3, E3 and E6 of the Hackney Unitary development Plan.

- 2) The proposed development by reason of its height, scale, bulk and design would create an intrusive form of development which would fail to preserve or enhance the character and setting of the nearby Listed Buildings and Locally Listed Buildings contrary to Policies ST1, ST2, ST8, HO3, EQ1, EQ18 and EQ20 of the Hackney Unitary Development Plan 1995, Policies 4B.10, 4B.11 and 4B.12 of the London Plan 2004, and Planning Policy Guidance 15: Planning and the Historic Environment.
- 3) The proposed development fails to provide for at least 10% of its dwellings at ground floor level designed to wheelchair mobility standards, and it would thereby be contrary to Policies ST1, ST29, HO3, H09 and EQ1 of the Adopted Hackney Unitary Development Plan, 1995 and Policies 3A.4 of the London Plan 2004
- 4) The proposed residential units fail to provide for at least 33% of its dwellings having 3 or more bedrooms suitable for occupation by 4 or more persons and it would thereby be contrary to Policies HO3 and H09 of the Hackney Unitary Development Plan, 1995.

3.3 2007/2137 - Planning application for conversion of two existing buildings and erection of two two-storey buildings to provide nine houses (three four bedroom units and six three-bedroom units), including balconies/outdoor amenity space, together with 1567.9 square metres of use class B1 space and 286 square metres of use class B8 space, with communal courtyard and nine parking spaces withdrawn (ref. 2007/2137).

4 CONSULTATIONS

4.1 Date Statutory Consultation Period started: The full application had an original consultation start date of 30/12/09. The latest re-consultation start date (relating to this current iteration of the development) is 18/07/19. With regard to the Listed Building Consent, the site notice was erected on 04/03/20, with the press notice inserted on 13/04/20.

4.2 Date Statutory Consultation Period ended: 08/09/19 (full planning application). The Listed Building Consent consultation period ended 05/04/2020.

4.3 Site Notice: Yes (both).

4.4 Press Advert: Yes (both).

4.5 Neighbours

4.5.1 Letters were sent to 292 neighbouring occupiers for the full planning application. In total 44 letters of objection have been received throughout the application process. Since the latest re-consultation, no letters of objection have been received. The objections are summarised accordingly below:

4.5.2 Responses to these objections are addressed in the assessment section of the report.

Two petitions and 19 objections were received by the time of the 2009 committee report. A letter of support was also received:

The support was on the following grounds:

- The development consists of houses rather than flats;
- Derelict building will be developed and the existing style retained.

The objections were on the following grounds:

- Proposed design relates poorly to existing houses and is out of keeping with the general character of the neighbourhood; no architectural merit; mundane, devoid of character;
- The residential element of the scheme is cramped at the rear of the site; “squeezed” interior layout;
- Adverse impact on the daylight and sunlight to existing rear gardens and rear habitable rooms;
- Invasion of privacy; overlooking to existing houses and neighbouring gardens;
- Proximity to neighbouring properties; proposed houses are between fourteen and sixteen metres from neighbouring houses, in breach of the Council policies;
- Commercial servicing from Hertford Road will lead to increased traffic noise in a largely residential area;
- Given that the commercial units are going to be sold off under leases, the tenants could further subdivide the units by subletting parts (so long as the leases allow this) and this will lead to increased traffic, greater service vehicle movements and greater noise in the area;
- Commercial uses within B2 use class could in themselves be noise generating
- Increased security risk along the new passageway and to gardens in De Beauvoir Square and Mortimer Road;
- Reduction to garden wall of ground-floor flat, 83 Hertford Road, would result in health and safety issue to residents’ children;
- Lower garden walls will result in noise disturbance and loss of privacy;
- Proximity of commercial refuse storage to habitable-room windows.

12 objections (including 5 objectors from the previous consultation) and two comments were received in response to the 2010 reconsultation. The objections were as above, while the comments were as follows:

- One in support on the basis that only the demolition of the two warehouses at the rear is proposed so that it does not affect the heritage of De Beauvoir;
- One that neither supports nor objects to the proposal but which states that new buildings should be no more than 2 storeys and be neat and tidy. Also that the industrial uses should not include hazardous substances and should not increase staff parking or business traffic in Hertford Road.

19 objections (including 4 objectors from previous consultations) were received in response to the 2018 reconsultation. The following additional points were raised:

- No vehicular provision for the commercial occupants;
- Proposed excavations for basements in the three houses in the north of the site poses a risk to the foundations of the listed buildings on De Beauvoir Square;
- Communal courtyard is actually a car park rather than a real community space with

landscaped play areas; lack of shared landscaping; small gardens;

- Proposed building is too big; higher than the present building.
- Health and safety risk arising from the level of asbestos currently at the proposed site;

No additional objections have been received in response to the latest reconsultation from 2019.

4.6 Statutory Consultees

4.6.1 Thames Water:

No objection. The proposed development is located within 15 metres of a strategic sewer and a piling method statement condition should be used. Standard informatives should also be added.

4.6.2 London Fire and Emergency Planning Authority:

No response.

Officer's Note: No response has been received in relation to the scheme in any of its latest iterations but the depth of the site is noted and a condition requiring a dry riser within the courtyard has been recommended.

4.6.3 Historic England:

On the basis of this information, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation advisers, as relevant.

4.6.4 Historic England GLAAS:

No objection.

4.6.2 Crossrail 2:

No response.

4.7 Local Groups/Consultees

4.7.1 Metropolitan Police (Secured by Design Officer):

No objection, subject to a condition requiring Secure by Design accreditation for the scheme.

Officer's Note: The proposed condition has been recommended.

4.7.2 The Hackney Society:

There is concern for the way in which this proposal has evolved since its submission in 2009. In light of the extent and nature of the amendments from the original submission it is requested that the application is withdrawn and a new application submitted so that clear and consistent information is made available for public scrutiny. The design of the new buildings is not sufficiently high quality to respect the character and quality of the setting, the adjacent listed and locally listed buildings.

4.7.3 Kingsland Conservation Area Advisory Committee (CAAC):

No objection. However we are concerned that any demolition is carried out according to current environmental procedures. We are aware that there is asbestos on site.

4.7.4 Pollution Group:

No objection, subject to conditions regarding an air quality neutral assessment and a construction management plan.

4.7.5 Hackney Swifts Society:

This application does not include an ecological survey and has made an assumption that there are no priority species present, despite the very likely presence of roosting bats, and nesting house sparrows which are a red-listed species, and potentially swifts, given the type and condition of the building. Can it be ensured that a bat survey and methodology for protection of nesting birds be included in the planning conditions, in addition to appropriate measures to enhance biodiversity such as integrated bricks for swifts & bats.

Officer's Note: Separate legislation exists to ensure that roosting species are not disturbed by the development process. The proposed conditions include bird/bat boxes and invertebrate boxes, as detailed in the biodiversity section below.

4.8 Council Departments

4.8.1 Transportation: No objection, subject to the provision of conditions in relation to a Delivery and Servicing Plan, cycle parking spaces, a Construction Management Plan, along with legal agreement Heads of Terms in relation to the removal of resident parking permits, a Travel Plan, car club membership for future residents, an on-street blue badge space, electric vehicle charging points and the charge for the relevant highways works.

4.8.2 Pollution Noise:

No objection to the principle of the development but we identify the necessity for extensive soundproofing of the units because of the intensification of the B2 use:

Extra sound insulation treatment is required in the fit-out of the commercial units in order to protect the amenity of the residential premises. Such treatments may include additional acoustic ceilings, wall liners and lobbied entrance doors and to significantly increase the sound insulation of the shell construction via the adoption of the following treatments:

- Adding independent wall linings for all perimeter walls of the commercial units;
- Boxing in concrete columns within the unit;

Two conditions are also required to ensure that doors to the commercial units should be closed after 21.00hrs and that vehicle deliveries should be restricted between Monday – Saturday from the hours of 08.00 to 22.00hrs, with no deliveries or collections on Sundays and Bank holidays.

4.8.3 Pollution Land:

Associated with a site of potential concern. The current/recent past use of the site has the potential to have resulted in significant contamination which could continue to have impacts

off site. We would recommend that prior to the decision being made a desk study and site investigation is provided in order to identify the severity and extent of contamination at the site. The decision should not be made until this information is available as it is possible that the development will not be economically viable in this instance as a result of the cost of remediation required to ensure that the site is suitable for use and will not impact off site uses.

Officer's Response: The majority of the floorspace of the proposal is dedicated to commercial uses that are not particularly sensitive to the presence of land contamination. The areas that are considered more sensitive- the residential use and the courtyard area- are considered unlikely to significantly impact the viability of the scheme in an unpredictable manner, given that the areas are not particularly large. As such, it would be considered unreasonable to require a desk study and site investigation prior to any approval. Nevertheless, the presence of contamination is likely at this site so both pre and post commencement conditions are recommended to ensure that any contaminated land is appropriately dealt with prior to the occupation of the site.

4.8.4 Pollution Air:

No objection, subject to a condition requiring an *air quality assessment in line with best practice guidance*.

Officers' Note: The proposed condition has been recommended.

4.8.5 Waste:

Additional space should be made available for the storage of bulky residential waste prior to collection.

Officer's Note: The drawings have been amended to show a larger residential waste store sufficient to meet the needs of occupants in this regard.

4.8.6 Drainage:

The site is shown to have a 'medium' risk of surface water flooding and an increased potential for elevated groundwater. No objection, subject to the recommendation of two conditions in respect of flood resistant construction details and SUDS.

5.0 POLICIES

5.1 Hackney Core Strategy 2010

- CS6 Transport and land use
- CS16 Employment Opportunities
- CS17 Economic Development
- CS18 Promoting Employment Land
- CS19 Housing Growth
- CS24 Design
- CS25 Historic Environment
- CS27 Biodiversity
- CS29 Resource efficiency and reducing carbon dioxide emissions

- CS30 Low carbon energy renewable technologies and district heating
- CS31 Flood Risk
- CS32 Waste
- CS33 Promoting sustainable transport

5.2 Development Management Local Plan (DMLP) (adopted 2015)

- DM1 High Quality Design
- DM2 Development and Amenity
- DM3 Promoting Health and Wellbeing
- DM4 Communities Infrastructure Levy and Planning Contributions
- DM14 Retention of Employment Land and Floorspace
- DM15 New Business Floorspace
- DM16 Affordable Workspace
- DM17 Development Proposals in Priority Employment Areas
- DM28 Managing the Historic Environment
- DM31 Open Space and Living Roofs
- DM37 Performance Targets for Residential Development
- DM38 Sustainability Standards for Non-Residential Development
- DM40 Heating and Cooling
- DM41 Contaminated Land
- DM42 Pollution and Water and Air Quality
- DM43 Flooding and Flood Risk
- DM44 Movement Hierarchy
- DM45 Development and Transport
- DM46 Walking and Cycling
- DM47 Parking, Car Free and Car Capped Development

5.3 London Plan (2016)

- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 3.8 Housing Choice
- 3.9 Mixed and Balanced Communities
- 3.13 Affordable Housing Thresholds
- 3.16 Protection and Enhancement of Social Infrastructure
- 4.1 Developing London's Economy
- 4.2 Offices
- 4.3 Mixed use development and offices
- 5.1 Climate Change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.7 Renewable energy
- 5.8 Innovative energy technologies
- 5.9 Overheating and cooling
- 5.10 Urban Greening
- 5.13 Sustainable drainage
- 5.11 Green roofs and development site environs

- 5.14 Water quality and wastewater infrastructure
- 5.15 Water use and Supplies
- 5.17 Waste capacity
- 5.18 Construction, excavation and demolition waste
- 5.21 Contaminated Land
- 6.1 Strategic approach
- 6.3 Assessing effects of development upon transport capacity
- 6.7 Better streets and surface transport
- 6.9 Cycling
- 6.10 Walking
- 6.13 Parking
- 7.1 Lifetime neighbourhoods
- 7.2 Inclusive environment
- 7.3 Designing out crime
- 7.4 Local character
- 7.5 Public realm
- 7.6 Architecture
- 7.8 Heritage assets and archaeology
- 7.13 Safety, security and resilience to emergency
- 7.14 Improving air quality
- 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes
- 7.19 Biodiversity and access to nature
- 8.2 Planning obligations
- 8.3 Community infrastructure levy

5.4 Supplementary Planning Guidance / Documents (SPG):

Sustainable Design and Construction SPD (2014)
Hackney Planning Contributions SPD (2015)

5.5 National Planning Policies

National Planning Policy Framework (NPPF)
National Planning Policy Guidance (PPG)
National Technical Housing Standards

5.6 Legislation

Sections 66 and 72 of Town and Country Planning Act (as amended) 1990.

5.7 Emerging Policy

- 5.7.1 The GLA is producing a new London Plan, which was subject to Examination in Public between January 2019 and May 2019. The Inspectors' Panel report was published on 08 October 2019. This contained a series of recommendations on amendments to the Plan, some of which the Mayor chose to accept and some which he chose to reject. The reasons for his rejections accompany the London Plan "Intend to Publish" version was sent to the Secretary of State (SoS) on the 9th December 2019. Subsequently, on the 13th March the

SoS raised significant concerns with Intend to Publish London Plan. The Mayor of London responded to the SoS on 24th April to commence discussions regarding the SoS's directions. The adoption of the new Plan is not imminent.

- 5.7.2 The Hackney Local Plan 2033 was submitted to the Planning Inspectorate on 23 January 2019 for Examination in Public. Following the examination hearings in June 2019, consultation on the main modifications was carried out from 25 September 2019 to 6 November. All representations received were sent to the Inspector in November 2019 for consideration in concluding on the soundness of Plan. The Inspector's final report on the new borough-wide Local Plan (LP33) is anticipated shortly, and adoption of LP33 is scheduled for July 2020.
- 5.7.3 The NPPF sets out that decision takers may also give weight to relevant policies in emerging plans according to their stage in preparation, the extent of unresolved objections and degree of consistency with the NPPF. Both emerging plans are material planning considerations and carry some weight in decision making at this stage.
- 5.7.4 Where relevant, and it would give rise to different assessment of the proposals, emerging content within these documents is discussed in the body of this report.

6.0 COMMENT

6.1 Background

- 6.1.1 This application, which was originally validated in December 2009, has a long and complex history where various amendments and changes in adopted planning policy have occurred during the application's lifespan.
- 6.1.2 The original submission sought planning permission and conservation area consent for the refurbishment, alteration and extension to two existing buildings on the Hertford Road frontage with B1 use at ground to second floor levels, B8 use basement storage and at the rear of the site the erection of a three-storey terrace of six (3-bed) houses and a three storey terrace of three (4-bed) houses buildings located around a communal courtyard with nine parking spaces. This iteration was presented to Members of Planning Sub-Committee on 01/09/10 and Members resolved to grant conditional permission, subject to completion of a legal agreement. A copy of the 2010 Committee report is included as an Appendix to this report.
- 6.1.3 Despite a resolution to grant permission, delays in completing the legal agreement resulted in no planning permission ever being issued for the 2010 iteration of the scheme. Since this point in time, adopted policy, guidance and legislation from national to local level (e.g. the Plan-Led system) has changed, which consequently has resulted in different requirements being sought from prospective development proposals. This current iteration of the scheme seeks to meet the requirements set within currently adopted planning policy, guidance and legislation, which are listed within section 5 of this report.
- 6.1.4 This proposal seeks planning permission for the demolition of two single storey buildings at the rear of the site and demolition of a substation to the front of building, works of

refurbishment, alteration and extension to two existing buildings on the Hertford Road frontage in association with their use as light or general industrial (B1/B2 Use Class) at basement to second floor levels, erection of a three-storey terrace of six 3-bed houses at the rear of the site, erection of a three storey commercial (B1/B2 Use Class) building around a courtyard, provision of B8 storage at basement alongside associated landscaping and cycle parking.

- 6.1.5 The development, in its entirety, would comprise the refurbishment or creation of the following four buildings arranged around a landscaped courtyard.

The 'Boris' Building

- 6.1.6 The Boris building (so called due to the letters spelling out 'Boris Limited' on its frontage) is a two-storey warehouse whose front elevation faces Hertford Road. Various external refurbishment works would be undertaken, which are explained in detail in the design section of this report.
- 6.1.7 The proposed layout will comprise 271sqm of B1/B2 floorspace, split either side of the main access route from Hertford Road. Residential and commercial refuse areas are located at the centre of the floorplan, along with a commercial entrance, disabled w/c and lift at the southern end. The proposed first and second floors provide a further 261sqm and 284sqm of B1/B2 floorspace respectively, with stairwell access provided at the northern and southern ends. No basement level accommodation is provided.

St Peter's Mission Chapel

- 6.1.8 The Mission Chapel is located perpendicular to the Boris building, occupying the southern end of the site, with its front gable facing the street (Hertford Road). Various refurbishment works are proposed to the building and the existing substation to the front of the building would be demolished, as explained in detail in the design section of the report. At ground level, this building would house 229sqm B1/B2 use, along with a lobby and atrium at the Hertford Road end and two stairwells to the upper floors. The first floor provides 230sqm B1/B2 floorspace and the basement 334sqm of B8 storage.
- 6.1.9 Accessed from this building but located solely at basement level, beneath the central courtyard, would be a further 254sqm of B8 storage space.

New Residential Building

- 6.1.10 A new-build 3 storey residential building is proposed to the west of the communal courtyard, parallel to 74-80 Mortimer Road, containing six three-bedroom dwellinghouses. Each dwellinghouse has a ground floor layout comprising a living/dining and segregated kitchen area, rear garden, w/c and private front door leading to the courtyard area. Stairwell access is provided, along with future proof space to accommodate a wheelchair lift, should the need arise. The first and second floors would house three bedrooms. Each house would have a rear garden of between 23 and 30 square metres in size.

New Commercial Building

6.1.11 A new-build 3 storey B1/B2 building is proposed to the north of the communal courtyard, parallel to 26-28 De Beauvoir Square. It would have an open-plan layout with 183sqm of floorspace at basement level, 178sqm at ground floor, 172 sqm at first floor and 133sqm at second floor. Lift access is provided, along with two stair cores, the easternmost of which would also link the new building to the 'Boris' building.

6.1.12 The proposal raises the following planning considerations:

- Principle of Development
- Quality of Accommodation
- Conservation and Design
- Impact to Amenity
- Transportation
- Sustainability
- Waste Storage and Collection
- Biodiversity/ Landscaping
- Trees
- Listed Building Consent
- Consultee Responses
- Community Infrastructure Levy

6.2 Principle of Development

6.2.1 Retention and Reprovision of Employment (B1/B2/B8) uses

6.2.2 DMLP Policy DM14 requires applications on existing employment sites to maximise the employment element of any development and consider the potential of sites to be redeveloped for a different employment use. Core Strategy Policy 18 also provides protection for employment land and states redevelopment may be allowed when it would contribute to addressing worklessness; enhancing the specification of business premises, business function and attractiveness.

6.2.3 The existing premises is a former bag manufacturing and storage plant which, in land use terms, occupied B1 use (174sqm), B2 use (886sqm) and B8 use (1203sqm). The proposal seeks to provide flexible B1/B2 use (2104sqm) and B8 (353sqm) which is an overall uplift of 194sqm of B class floorspace and 1044sqm increase in B1/B2 uses, which generate the highest employment yield.

6.2.4 The proposed increase in employment generating floorspace is deemed acceptable in principle and accords with DMLP Policy DM14 and Core Strategy Policy 18.

6.2.5 Employment Training and Affordable Workspace

6.2.6 Development Management Policy Local Plan policy DM16 states the Council will seek 10% of the new floorspace within major commercial and mixed use schemes in the borough to be affordable workspace, subject to scheme viability.

- 6.2.7 In line with DM16 requirement, the applicant has agreed to the provision of 10% affordable workspace (233sqm), which would be leased at 80% market rate and captured within the s106 legal agreement.
- 6.2.8 In addition to affordable workspace provision, Ways into Work s106 contributions of £16,475.45 towards Construction and Demolition and £117,252.63 towards End Use have been secured which will provide employment support to residents, through job brokerage, work placements, local labour programmes, supply chain management and programmes aimed at assisting SMEs.
- 6.2.9 The proposed development provides significant employment enabling and generation public benefit and is consequently deemed to accord with DMLP Policy 16 and the Hackney Planning Contributions SPD.
- 6.2.10 Residential Use
- 6.2.11 In terms of housing need, London Plan Policy 3.3 seeks to maximise the provision of additional housing and Policy 3.4 requires boroughs to ensure developments optimise the potential of sites. The London Plan sets a housing supply target for Hackney of 1,599 dwellings per annum. The proposal will help deliver 6 additional residential units and contribute towards meeting the housing delivery objectives set in the aforementioned policies.
- 6.2.12 Housing Mix / Tenure
- 6.2.13 Core Strategy Policy 19 and DMLP Policy DM19 set out Hackney's general approach to housing growth. Key aims of this policy are to resist the loss of family accommodation, promote the provision of new family accommodation, provide a mix of housing to meet identified needs.
- 6.2.14 The proposal seeks to provide 6 x 3 bed family sized units. Whilst the development does not provide a mix of units, the provision of purely family sized accommodation is deemed acceptable as it represents the greatest need in the borough, as set out by DMLP Policy DM19 which is carried through into emerging policy LP14 (Dwelling Size Mix). The provision of only market sale housing is also accepted, as the number of units falls short of the current affordable housing thresholds.

6.3 Standard of Accommodation:

- 6.3.1 Residential Floorspace
- 6.3.2 New residential development is expected to provide a good standard of amenity for future occupiers. New residential units are expected to comply with the minimum floorspace standards of London Plan policy 3.5 and the requirements of the Nationally Prescribed Space Standards (DCLG).
- 6.3.3 New residential developments are expected to provide a good standard of amenity for future occupiers. New residential units are expected to comply with the minimum floorspace

standards of London Plan policy 3.5 and the requirements of the Nationally Prescribed Space Standards (DCLG).

6.3.4 In terms of overall unit size, the proposed dwelling houses meet minimum standards for three storey 3 bed (108sqm) and all bedrooms meet floorspace requirements. All units also have floor to ceiling heights of 2.5m. The proposed level of floorspace will therefore provide acceptable living conditions for future residents.

6.3.5 Sunlight/Daylight

6.3.6 London Plan policy 3.5 requires residential units to provide a good standard of internal amenity with appropriate levels of light, ventilation and outlook. In terms of residential layout, all habitable rooms are served by at least one window and all units are dual aspect. The applicant has submitted Average Daylight Factor (ADF) and Annual Probable Sunlight Hours (APSH) figures which assess the levels of daylight and sunlight within the proposed residential development.

6.3.7 The results show all habitable rooms tested meet the ADF BRE guidance for living rooms (1.5%) and bedrooms (1%). All of the kitchens would meet the guidance (2%), save one which would attain 1.94%, such a marginal difference as to be effectively unnoticeable. Dual aspect accommodation is provided for all residential units. Each unit being over three floors, with front and rear facing rooms, sunlight is available to each in line with the guidance. As such, the daylighting and sunlighting of the residential units is concluded to be acceptable.

6.3.8 Outlook

6.3.9 In terms of outlook, all of the proposed units are dual aspect and each habitable room within would be served by a minimum of 1 window. All units will have a relatively unimpeded view to the north and west. The proposed level of outlook is considered acceptable.

6.3.10 Accessibility

6.3.11 London Plan policy 7.2 seeks to achieve the highest standards of accessible and inclusive design. To ensure a fully accessible environment, Local Planning Authorities have an optional requirement to secure 90% of all new housing to be built to nationally described housing standard Building Regulations M4 (2), which essentially replaces Lifetime Homes. The remaining 10% of the residential units should be wheelchair user dwellings, either Building Regulations M4 (3)(a) wheelchair adaptable and/or M4 (3)(b) wheelchair accessible.

6.3.12 The submitted drawings show that a Building Regs M4(3) adaptable unit could be provided within the general layout shown, with all other units meeting M4(2) standards. A condition has been recommended in this regard. The proposed development therefore accords with the accessibility requirements of London Plan policy 7.2.

6.3.13 Playspace/External Amenity Areas

6.3.14 London Plan policy 3.6 seeks development to provide play and informal recreational space. The adopted SPG 'Shaping Neighbourhoods: Play and Informal Recreation' recommends 10sqm of dedicated playspace per child for future provision. The child yield for the development is 3 children based on GLA calculations, which results in a requirement to provide 30.6sqm of designated play space to meet GLA requirements. The calculator envisages the development will also house a child under the age of 5, which results in a requirement to provide doorstep playable space.

6.3.15 In terms of private amenity space provision, each dwellinghouse will have a back garden, ranging from 23sqm to 30sqm in size. This provision will assist in providing doorstep playspace and is beyond the Mayor's Housing SPG requirement of 5sqm outdoor space for 1-2 person dwellings and extra 1sqm per additional occupant. The central courtyard section of the site also provides communal amenity space and landscaping, which could be used as doorstep playspace.

6.3.16 Notwithstanding the generous private provision and new public realm mentioned above, the application site is fortunate in that it is located adjacent to De Beauvoir Square, which has a playground as well as open space. These local facilities are deemed to provide sufficient local amenity provision for prospective children.

6.3.17 Conclusion

6.3.18 The proposed development is deemed to provide a high standard of residential accommodation for prospective future residents and is subsequently deemed to meet the requirements of Core Strategy policy 19, London Plan policies 3.5, 3.8, 7.2, emerging plan policy and the Mayor's Housing SPG.

6.3.19 Commercial Floorspace and Layout

6.3.20 In accordance with Development Management policy 15, the Council will require the provision of well designed, high quality buildings and floorspace incorporating a range of unit sizes and types that are flexible, suitable for sub-division and configuration for new uses and activities, including for occupation by small or independent commercial enterprises. All applications incorporating new business floorspace should include a marketing strategy which demonstrates the design and layout of the proposed floorspace is of a high quality, is flexible and meets the needs of likely end users.

6.3.21 In this instance, the proposed floorspace is considered to be well designed and will meet a wider range of flexible office, or general industrial needs with an appropriate floor to ceiling height and admission of natural light.

6.4 Urban Design, Conservation and Heritage Impacts

6.4.1 Core Strategy policy 24 seeks to adopt a rigorous design approach and ensuring a good and optimum arrangement of the site in terms of form, mass and scale. London Plan policy 7.4 requires new development to respect its context, and London Plan policy 7.6 seeks to ensure that buildings and structures are of the highest architectural quality. Policy DM1 also

seeks to ensure that all new development achieves a high standard of design and layout, in which buildings and their contexts are respected.

6.4.2 Significance of Area and Buildings

6.4.3 The building is not statutory listed, but is locally listed. The list description states “The two buildings front Hertford Road and comprise an early-20th century light-industrial works today generally known as the 'Boris' building, after the large blue lettering, put up by the current owners on the front of the premises. It is a two-storey warehouse-style structure. Adjoining to the south, is the earlier former St Peter's Mission Hall, with a wide gable to the street. Both buildings form part of the industrial premises of Boris Bags Ltd.

6.4.4 The main red and yellow brick two-storey building was originally erected in 1913 for the Exeter-based engineering company called Willey's, which was Britain's largest manufacturer of gas meters. It has an imposing façade for what was little more than a manufacturing works, with wide multi-pane windows to the ground and first-floors, with shallow arched openings. The legend 'Willey & Co Engineers' appears modestly above the left-hand door. This is in contrast to the large 'Boris Limited' sign now emblazoned across the second storey. The wide main entrance is in the centre of the building and has a metal shutter. Inside were light engineering workshops for gas meters, and to the left-hand side of the building offices. To the rear is a double-height workshop with a saw tooth roof of glass and tile, which allowed for plenty of natural light to enter the interior of the building. The saw tooth roof, with its glass panels facing north, is designed to provide uniform, natural light over a large area, without the problems of direct sunlight and heat. It was particularly useful in factories and manufacturing buildings.

6.4.5 Adjacent at No. 85, is the former mission hall for St Peter's Church. The hall, with a strong gable end facing the street, could accommodate 400 people. Originally the building was entered via a wide porch that covered the whole width of the gable end, with two doorways. The building is simple and built in yellow and red brick, but it is nicely proportioned, and has a picturesque appearance, with three windows rising over the lean-to porch. The fine gable has stone carvings, including faces of creatures on the sides.

6.4.6 Architecture and Materiality

6.4.7 The current buildings on the site are architecturally interesting but in poor condition. The application proposes to demolish the warehouses located to the rear of the site. A substation to the front of the Mission Hall building would also be demolished. The demolition will enable the conservation of the two Locally Listed Buildings and is considered acceptable.

6.4.8 Following amendments to the scheme during the course of this application, the proposals for the main building largely retain historic fabric and are considered to result in an enhancement of the main elevation and the Conservation Area. Replacement of the roof would be in slate and the retention and repair of the 'Boris Limited' sign is also proposed. The new ground floor entryway is considered acceptable. Conditions have been recommended that would require more details of the architectural approach at the next stage.

- 6.4.9 The existing Mission Hall is void of (non structural) architectural features, having been converted in the mid 20th century to a factory. This resulted in a number of unsympathetic alterations, such as the insertion of a crane. The proposed alterations to this building have undergone considerable improvements throughout the application process. The mezzanine floor within the Mission Hall is considered acceptable as it is set back from the front of the building to ensure that the original height and cavernous nature of the former Mission Hall can be appreciated. The windows are proposed to be replaced, but are in a notably poor condition and so the replacement is considered acceptable subject to detail. The original entrance lobby is being reinstated, which results in a more historically accurate front elevation and enhances the Locally Listed Building and the Conservation Area. The proposed conditions require further detail at the next stage.
- 6.4.10 The design of the proposed residential buildings has also undergone numerous iterations over the course of the past year. This has resulted in a reduction in overall massing and an overall improved design. Although the residential terrace has a lower level of design development than is usually seen, new buildings are sufficiently set back from the street to ensure they will be hidden from the public realm and will be an enhancement over the semi-derelict warehouse. It is recommended that full materials are conditioned and brick choice is revisited at a later date as a condition of any approval. This is to ensure that the materiality of the proposal contributes to an enhancement of the conservation area.
- 6.4.11 At the northern boundary of the site, the relationship of the proposed commercial building to the listed terraces, which are located 6.2m away at its closest, is an important consideration. In its current form the proposal is taller than the existing structure, which tapers in height to the listed buildings. The increase in height of the proposed buildings almost directly on the edge of the site is considered to be harmful to the setting of the Grade II listed buildings. Notwithstanding this concern, the public benefit of bringing the buildings back into use and the considerable heritage gains from the restoration of the facade is considered to balance the harm caused and would result in the public benefit of an enhancement to the Conservation Area.
- 6.4.12 For these reasons, subject to the future submission and approval of suitable details, it is considered that the architecture of the proposal would achieve an acceptable standard of design and would achieve the design aspirations of policies 7.4, 7.6, 7.8 of the London Plan, policies 24 and 25 of the Hackney Core Strategy and policy DM1 of the Hackney Development Management Local Plan.
- 6.4.13 Landscaping
- 6.4.14 The general layout of the landscaping is considered acceptable, functioning as shared space for the commercial and residential elements of the scheme within a central courtyard. It would also provide planting and defensible space in front of the proposed residential windows. The details of the design, including the proposed lighting scheme, have not been submitted and so conditions have been recommended in this regard.
- 6.4.15 Conservation
- 6.4.16 Section 72 of the Town & Country Planning (*Listed Buildings & Conservation Areas*) Act, 1990 requires the Council to give special attention to the desirability of preserving or

enhancing the character and appearance of its conservation areas. In this instance, the site is located within the De Beauvoir Conservation Area.

6.4.17 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires development which affects a listed building or its setting to “have special regard to the desirability of preserving the building or its setting”.

6.4.18 The property borders the Statutorily Listed houses of De Beauvoir Square, with the lean-to warehouse adbutting the site. The proposed alteration to this wall requires Listed Building Consent, as considered in the relevant section of this report, below.

6.4.19 As detailed above, while there is deemed to be less than significant harm to the setting of neighbouring listed buildings, this is considered to be outweighed by the public benefit of the repair and bringing into use of the site’s locally listed buildings and the general enhancement of the conservation area that the development would bring.

6.4.20 The proposed development is therefore deemed to meet the requirements of Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

6.4.21 Conclusion

6.4.22 Subject to the recommended details, it is considered that the proposal would achieve an acceptable standard of design that would enhance the surrounding conservation area and thereby achieve the design aspirations of policies 7.4, 7.6, 7.8 of the London Plan, policies 24 and 25 of the Hackney Core Strategy, policy DM1 of the Hackney Development Management Local Plan, and emerging planning policy.

6.5 Impact to Amenity

6.5.1 London Plan policy 7.4 states development should have regard to the form, character and function of an area and the scale, mass and orientation of surrounding buildings.

6.5.2 In terms of immediate amenity impacts, it is considered the following properties of 68-80 Mortimer Road, 21-30 De Beauvoir Square, 31-37 Enfield Road, 81-83 Hertford Road and 50-64 Hertford Road have the potential to be impacted upon. It is considered that no other properties have the potential to be impacted by a development of this scale due to either separation distance or the visual screening provided by existing surrounding properties.

6.5.3 Outlook / Sense of Enclosure

6.5.4 The Council has no specific policy guidance on acceptable separation distances for outlook. This is due to the differing established grain and density of the borough, the potential to limit the variety of urban space and unnecessarily restrict density.

6.5.5 It is considered the proposal will present minimal impacts in regards to outlook and sense of enclosure.

6.5.6 In relation to the properties of Mortimer Road, to the rear of the proposed residential units,

the difference in height between the set-back flat roof of the new buildings and the roof ridge of the existing industrial building would be 1.1m. The existing wall sits directly on the boundary with the Mortimer Road properties and so this relatively small increase in height is adequately mitigated by the 5.3m set back of the new building from the rear boundary and the further 3.2m set back of the second floor from the main rear building line. A further comparison can be made between the 6.0m height of the main rear elevation and the 3.75m height of the existing rear elevation and, again, the increase in height is considered adequately offset by the set back from the boundary.

- 6.5.7 With regard to the properties of De Beauvoir Square, to the rear of the proposed new three storey commercial building on the eastern boundary, it is noted that the proposed building has a higher main rear elevation than the existing building. The closest part of the existing wall is shown as 3.6m on the submitted drawings, whereas the closest part of the proposed wall would be 6.8m. However, the impact of this difference in height is mitigated by the design of the new building in relation to the building it would replace. Firstly, the proposed wall is set back from the boundary by 2.9m to form a lightwell, whereas the existing wall sits directly on the boundary. Secondly, the massing of the existing building rises in several stages to a saw-tooth roof that is only 0.5m lower than the proposed building. Given the separation distances involved between the proposal and the rear facing windows of De Beauvoir Square, it is considered that the impact from this development on the occupants' outlook and sense of enclosure would not be significant.
- 6.5.8 With respect to other surrounding properties, it is considered that the increase in massing of the site is sufficiently distant from their windows that it would have no significant impact in terms of outlook or an increased sense of enclosure for residents.
- 6.5.9 As such, the proposed development is deemed acceptable in terms of its impact on prospective outlook and sense of enclosure and subsequently meets London Plan policy 7.4 and DMLP Policy DM1.
- 6.5.10 Daylight / Sunlight
- 6.5.11 The British Research Establishment (BRE) has produced guidance on assessing the impact of proposals on the daylight and sunlight received from adjoining properties. The daylight / sunlight report submitted with the application all refer to the BRE guidance as a point of reference, and this guidance will be used to assess the impacts of the proposals.
- 6.5.12 BRE guidance needs to be applied with regard to the site context. Sunlight and daylight target criteria as found in the BRE guidance have been developed with lower density suburban situations in mind. In denser inner urban contexts, sunlight and daylight levels may struggle to meet these target criteria in both existing and proposed situations. The target criteria cannot therefore be required for dwellings in denser inner urban locations as a matter of course.
- 6.5.13 The applicant has submitted a daylight and sunlight assessment prepared by Malcolm Hollis LLP dated June 2019 which addresses the impacts of the proposed building on surrounding properties. The assessment adopts the relevant BRE guidelines and has appropriately modelled and assessed all the relevant surrounding residential properties being 25-30 De Beauvoir Square, 72-68 Mortimer Road and 80-83 Hertford Road.

- 6.5.14 With regard to Vertical Sunlight Component (VSC), the submitted results of the assessment show that the impact is unlikely to be noticeable at any of the surrounding properties, well within the bounds suggested by the BRE guidance.
- 6.5.15 In respect of No -SkyLine (NSL) the results are good, with very marginal reductions or improvements to the level of daylight at most of the tested rooms. The results show that two rooms at the lower ground floor of two properties of De Beauvoir Square would be more significantly impacted but that these rooms would retain a good level of daylighting. The impact on the daylighting of surrounding properties is considered acceptable.
- 6.5.16 In respect of Annual Probable Sunlight Hours (APSH), good levels of sunlight would be available to the windows of surrounding properties, exceeding the expectations of the BRE guidance. The impact of the development in respect of the available sunlight to surrounding properties is also considered acceptable.
- 6.5.17 With regard to the overshadowing of neighbouring gardens the impacts are generally negligible. The three adjacent properties at Nos.27-29 De Beauvoir Road would be more impacted but in each case the impact is considered acceptable, with even the worst affected garden (at No.28) receiving two hours of sunshine over 26m² of its surface on the March equinox.
- 6.5.18 Summary
- 6.5.19 A high proportion of daylight/sunlight will be retained within adjoining properties and their gardens. The proposed development is deemed acceptable with regard to its daylight sunlight impact and is deemed to meet the requirements of the Council's Core Strategy policy 24, Development Management Local Plan policy DM2 and London Plan policy 7.4.
- 6.5.20 Privacy and Overlooking
- 6.5.21 It is considered the proposal will present minimal impacts in regards to overlooking and privacy impacts.
- 6.5.22 Upper floor windows to the rear of the proposed residential units would be Oriel windows, angled away from the rear elevations of Mortimer Road and allowing no direct, proximate views of neighbouring windows. Other upper floor windows would be obscure glazed and it is recommended that they be conditioned to remain so in perpetuity. Ground floor windows would not be obscure glazed and given that they would only afford indirect views upwards of the properties of Mortimer Road, at a distance of approximately 16m, the impact of these windows is considered acceptable in respect of overlooking. For these reasons, the proposed arrangement is considered acceptable in relation to the properties of Mortimer Road.
- 6.5.23 No.83 Hertford Road has a blank elevation facing the majority of the side elevation of the Mission Hall building. Its rear facing windows are therefore perpendicular to the rearmost side elevation windows of the Mission Hall and would be visible only at an angle and from

ground floor level. Roof lights at basement level would have an even more indirect view. As such, any overlooking of No.87 Hertford Road is considered to be within acceptable bounds.

6.5.24 Windows facing the properties of De Beauvoir Square would be obscure glazed, save those at ground and basement floors below the level of the boundary wall. This arrangement would ensure that no significant additional overlooking would occur in relation to the existing properties at this boundary.

6.5.25 In respect of the properties across De Beauvoir Road, new and replacement openings facing these properties would generally replicate the views from existing openings and are considered acceptable.

6.5.26 As such, the proposed development is deemed acceptable in terms of prospective outlook, privacy, overlooking and subsequently meets London Plan policy 7.4 and DMLP Policy DM1.

6.5.27 Construction Impacts

6.5.28 In terms of the construction activity, the short-term nature of the proposed works and ambit of temporary impacts are rarely so significant that planning permission should be refused. In addition, the working hours of construction activity are controlled by separate legislation to which the applicant's contractors would need to comply. In addition to the considerate constructors' code of conduct required by the legal agreement, a construction management and logistics plan would be required by condition to ensure that the construction programme does not have an unacceptable impact on the amenities of neighbouring occupiers or on the highway network.

6.5.29 Noise

6.5.30 The existing site is in industrial use so the proposed B2 use is accepted for this location. Nevertheless, there is a considerable intensification of the use proposed, given that the amount of B2 floorspace could potentially increase by 1044sqm. A detailed Acoustic Report has been submitted in support of the application but is of little use, since it considers the impact only of additional B1 accommodation, rather than the heavy industry allowed within the B2 use class.

6.5.31 Hackney's Environmental Protection Team state that the proposed development should be considered acceptable, subject to a number of conditions that would ensure the amenity of neighbouring premises. In this regard a condition has been recommended that requires the submission of soundproofing details prior to construction, particularly in respect of the insulation of the outer walls of the commercial buildings. A further condition requires that the use of the proposed commercial buildings shall remain inaudible within neighbouring residential buildings. These two conditions are considered reasonable, given the intensification of the use of this site and its overwhelmingly residential context. Two further conditions require that external doors are not opened after 9pm and deliveries are not carried out in the most noise sensitive periods.

6.5.32 The submitted application form suggests opening times for the commercial uses of 08:00-18:00 on Monday to Friday and 08:00-13:00 on Saturday. It is considered unnecessary in this instance, given the safeguards provided by other conditions, to condition the opening hours of the B1 and B8 uses but a condition has been recommended to restrict any B2 use to the hours applied for.

6.5.33 Subject to the recommended conditions, the proposal is considered acceptable in this regard.

6.5.34 Conclusion on Amenity Impacts

6.5.35 On balance, the proposal is not anticipated to detract unduly from the amenity of neighbouring occupiers and would comply with policies 7.4, 7.6, 7.12 of the London Plan, Policy 24 of the Hackney Core Strategy, policies DM1 and DM2 and emerging planning policy.

6.6 Transportation

6.6.1 Site Context

6.6.2 The development lies on the Western side of Hertford Road, and is located primarily in a residential area. The site is within the boroughs Controlled Parking Zone H where parking is restricted from Mon-Fri 8.30am-6.30pm. A number of local bus services are accessible from Kingsland Road (A10). The nearest train station, Haggerston Overground Station, is within a 10 minute walk and Dalston Junction Overground Station is within a 15 minute walk from the site.

6.6.3 The site is well located for access to both Cycle Superhighway 1 (CS1) and Quietway 2 (Q2), which is within 10 minutes to the site.

6.6.4 Although the site falls under PTAL 4 (on a scale of 1a - 6b, where 6b is the most accessible), it is located within walking distance to PTAL 6. As a result, the site is considered to be highly accessible with numerous buses and amenities within walking distances.

6.6.5 Traffic Impact / Trip Generation

6.6.6 The submitted trip generation assessment which forms part of the Transport Statement predicts a considerable increase in the overall trips to and from the application site as the previous site was vacant for a number of years. The residential use is likely to generate 66 (two way) total trips, including 6 (two way) vehicle trips. The commercial use is likely to generate 654 (two way) trips, including 124 (two way) vehicle trips, which is likely to have a negative impact on the local public highway. However, these figures do not account for a car free development. As a result, the overall vehicle trips are likely to be lower as a result of the proposed car-free development.

6.6.7 Nevertheless, the trip generation is expected to have considerable impact on the transport

and highways network but can be supported owing to the applicant agreeing to the recommended mitigation.

- 6.6.8 Given the above, the proposal is therefore considered to be in a sustainable location in transport terms in accordance with LBH and Core Strategy policy 33, DM policy DM45 and London Plan policy 6.1.
- 6.6.9 Servicing
- 6.6.10 An estimated two delivery vehicles a day for the C3 use has been proposed. Although this seems reasonable, given the increase in online retail and food shopping and associated deliveries, the delivery and servicing estimate may be higher.
- 6.6.11 For the B1/B2 use, 22 trips (one way) are predicted per day, which is likely to have a negative impact on the public highway. Deliveries are likely to be carried out in light goods vehicles and smaller rigid lorries with a weight no greater than 7.5T.
- 6.6.12 Therefore, a delivery and servicing Plan (DSP) is recommended to be conditioned. Details of the lorry deliveries will be required in the condition. Deliveries that can be managed would be avoided during the peak morning and afternoon hours of 0800-1000 and 1600 to 1800 on weekdays, as part of the DSP.
- 6.6.13 Car Parking
- 6.6.14 London Plan policy 6.13 requires an appropriate balance to be struck between promoting new development and preventing excessive car parking that can undermine sustainable modes of transport. In locations with high public transport accessibility, car free developments should be promoted, while still providing for disabled people.
- 6.6.15 On balance it is considered that the car free nature of the development is appropriate, subject to the proposed clauses in the legal agreement that would remove parking permits from the residential occupiers and require provision of a disabled/ blue badge on-street parking space to the front. The proposed car club contribution clause in the legal agreement would require credit equalling a minimum monetary value of £60 of credit to be made available to the first occupant of each new residential unit. With these provisions, it is considered that the proposal would not give rise to significant additional parking stress in the area, given the level of public transport accessibility.
- 6.6.16 Cycle Parking
- 6.6.17 London Plan policy 6.9, Core Strategy policy 33, Development Management Local Plan policies DM45 and DM47 require good levels of well designed, secure and convenient cycle parking will encourage many of the local trips generated by the proposed development to be made by bicycle.
- 6.6.18 Fourteen residential cycle spaces would be placed in the courtyard adjacent to the proposed houses. Ten visitor spaces are proposed outside the main entrance and these would be shared between the residential and commercial uses. This provision exceeds London Plan standards and the level advocated by the Hackney Transport Strategy SPD.

- 6.6.19 Space is shown on the ground floor plan for 42 single-tier staff cycle spaces for the various commercial uses within the courtyard. With regard to the Hackney Transport Strategy a solely B1 use would require 42 spaces for a development of the proposed 2104sqm but, conversely a solely B2 use would require only 8 spaces. An additional couple of spaces are required for the B8 space. As such, given the flexible use of each of the commercial buildings, the available space for single-tier staff cycle parking is considered acceptable. The submitted application form suggests that the spaces will be two-tiered but given the issues with accessibility of two-tier cycle spaces, a condition is recommended to ensure details are provided at the next stage. A mix of single, two-tier and larger spaces may be sought at that time, along with details of a range of changing and locker facilities.
- 6.6.20 Since the space available for cycle parking is considered acceptable for this mix of uses, and further details are recommended by way of condition, the proposal is considered acceptable with regard to cycle parking.
- 6.6.21 Travel Plan
- 6.6.22 A travel plan aims to promote sustainable travel choices (for example, cycling) as an alternative to single occupancy car journeys that may impact negatively on the environment, congestion and road safety. A full Travel Plan will be required for the B1 use to be produced and implemented on occupation of the development. This will be secured through the s106 legal agreement inclusive of £4000 contribution towards the monitoring of the Travel Plan.
- 6.6.23 Urban Realm & S278
- 6.6.24 The NPPF Paragraph 61 highlights the importance of connections between people and places and the integration of new development into the built environment. In accordance with DMLP policies DM1, DM44, DM45 and DM46 all developments are expected to integrate the proposed development into the public realm and or provide contributions to urban realm improvements in the vicinity of the site.
- 6.6.25 The urban environment directly in front of the development has narrow discontinuous footways (no footway on the development side) interrupted by numerous historical vehicle access points and a narrow vehicle carriageway. S278 highway works have been secured to reinstate the footway along the front of the site on Hertford Road using new ASP slabs and new kerb. The crossover at the southern end of the site will be reconstructed or converted to footway as necessary. The scope of highway works is deemed acceptable.
- 6.6.26 Since deliveries to the site are necessary, two new EV charge points, along with other local sustainable travel measures are proposed around the site vicinity. The EV charge points can be used by delivery vehicles to top up while they load/unload and visitors coming to the site. This is also likely to encourage the applicants to use electric delivery vehicles.
- 6.6.27 Demolition and Construction Management
- 6.6.28 Given the nature of the proposed development, which is surrounded by residential buildings

and the existing locally listed buildings of the site, a demolition and construction plan is required and should be conditioned to mitigate negative impact on neighbours and the surrounding highway network.

6.6.29 Conclusions

6.6.30 The proposal is considered acceptable, subject to the provision of conditions in relation to a Delivery and Servicing Plan, cycle parking spaces, a Construction Management Plan, along with legal agreement Heads of Terms in relation to the removal of resident parking permits, a Travel Plan, car club membership for future residents, an on-street blue badge space, electric vehicle charging points and the charge for the relevant highways works.

6.7 **Sustainability**

6.7.1 London Plan policy 7.6 seeks to ensure that developments incorporate best practice in resource management and climate change mitigation and adaptation. Chapter 5 of the London Plan sets out a comprehensive range of policies aimed at achieving climate change mitigation. Key policies include Policy 5.2 which sets out the following energy hierarchy: be lean: use less energy; be clean: supply energy efficiently; is green: use renewable energy. London Plan policy 5.4 encourages retrofitting measures for existing buildings to improve their fabric energy efficiency.

6.7.2 The applicant has set out within the energy assessment how the development will aspire to achieve a BREEAM excellent rating. The applicant is proposing a range of energy efficiency measures and the use of solar photovoltaics to achieve a 37% reduction in baseline carbon emissions. A range of conditions relating to air quality neutral assessment, green roof details, solar panels and a post completion BREEAM Excellent certificate are proposed. The proposed legal agreement contains a payment in lieu with respect to the necessary carbon offsetting for the scheme.

6.7.3 The Council's Sustainability Officer raises no objection to the proposal, subject to the aforementioned conditions and legal agreement.

6.8 **Waste Storage and Collection**

6.8.1 Core Strategy policy 32 seeks to ensure new development in Hackney supports the objectives of sustainable waste management.

6.8.2 Following amendments by the applicant in the course of this application, the proposal is considered acceptable in this regard. Separate residential and commercial stores are proposed and it has been confirmed by Council's Waste specialist that they would have sufficient waste storage capacity. The location of the refuse stores is within the entryway to be carved through the ground floor level of the Boris Building and is close enough that the development can be adequately serviced from the public highway, subject to the submission of a refuse strategy by condition, that would detail the arrangements on bin days, the development is deemed to meet Core Strategy Policy 32.

6.9 Biodiversity

- 6.9.1 London Plan policy 5.10 states proposals should integrate green infrastructure from the beginning of the design process to contribute to urban greening and increase biodiversity. A variety of planting and green roof areas are proposed to the courtyard and roofs, with specific details to be secured by condition. A further condition is recommended in relation to the inclusion of bird and invertebrate boxes.
- 6.9.2 The development is deemed to meet London Plan policy 5.10 along with Development Management policy DM35.

6.10 Trees

- 6.10.1 The site is surrounded by trees of varying degrees of amenity value. The applicant has therefore provided a Tree Survey, which has been considered by the Borough's Tree Officer along with the evidence of the site visit. It is concluded that the proposal should be considered acceptable with regard to its impact on neighbouring trees, subject to the proposed condition, which requires the necessary tree protection for the duration of the construction period.

6.11 Consultee Responses

The following consultee responses raise issues that have not been covered in the report above:

- Proximity to neighbouring properties; proposed houses are between fourteen and sixteen metres from neighbouring houses, in breach of the Council policies.
Officer's Response: The appropriate distance between new and existing development must be interpreted from the existing site context and the proposed massing/window placement. As such, policy does not prescribe specific distances. The amenity impacts of the proposal are considered above.
- Given that the commercial units are going to be sold off under leases, the tenants could further subdivide the units by subletting parts (so long as the leases allow this) and this will lead to increased traffic, greater service vehicle movements and greater noise in the area
Officer's Response: The scenario raised does not involve any increase in floorspace so there is no reason to conclude that there would be an increased yield in the number of workers.
- Increased security risk along the new passageway and to gardens in De Beauvoir Square and Mortimer Road.
Officer's Response: The proposed design does not appear to create any fundamental security issues but a condition has been recommended requiring Secure by Design accreditation and implementation, which will ensure that this is the case.

- Reduction to height of the garden wall of the ground-floor flat, 83 Hertford Road, would result in health and safety issues to residents' children because of level changes in the rear garden of that property.

Officer's Response: The submitted drawings do not suggest that the wall is to be lowered; in any case party wall matters are regulated under separate legislation (the Party Wall Act 1996) and a civil matter.

- The industrial uses should not include hazardous substances..

Officer's Response: The disposal of hazardous waste in a safe manner is a legal requirement for companies that produce it. As such, a condition in this regard would be unreasonable.

- No vehicular provision for the commercial occupants.

Officer's Response: As above, the proposal is considered acceptable in respect of its likely impact on local traffic and parking.

- Proposed excavations for basements in the houses in the north of the site poses a risk to the foundations of the listed buildings on De Beauvoir Square

Officer's Response: The proposal has been amended and basements are no longer proposed. In any case, the matter of structural engineering is not a material planning consideration but a Building Regulations matter and would be administered under separate legislation (the Building Act).

- Communal courtyard is actually a car park rather than a real community space with landscaped play areas; lack of shared landscaping; small gardens.

Officer's Response: This is one of the aspects of the scheme that has been amended since the time of the first consultation. The courtyard is now landscaped and contains only cycle parking.

- Health and safety risk arising from the level of asbestos currently at the proposed site

Officer's Response: Removal of asbestos is considered under separate legislation and so does not need to be duplicated within the recommended conditions.

- Proximity of commercial refuse storage to habitable-room windows.

Officer's Response: The proposed refuse store adjacent to No.83 Hertford Road is on the other side of the party wall and would be roofed. Its use would be restricted to the hours of use of the commercial premises. The same store was approved by committee earlier in this application's lifespan and is still considered acceptable.

6.12 Listed Building Consent

- 6.12.1 The site visit for this application has indicated that part of the wall to the existing building at the northern boundary with De Beauvoir Square (specifically Nos.24 and 25), appears to have been built on the old boundary wall to those properties. Given that they are statutorily

listed at Grade II, the proposed works to this wall require listed building consent as a result of the wall's curtilage listing. It is considered that the proposal does no harm to the setting of the listed building and that listed building consent should be granted.

- 6.12.2 There remains a question as to the ownership of the wall and it is noted that the applicant has signed Certificate A. However this is a civil matter and, given that the full planning application has been consulted with these neighbours on four occasions, it should be considered that they have been notified, even though the applicant has not done so.

6.13 Community Infrastructure Levy

- 6.13.1 The development would be liable for Mayoral CIL 2 (£60 per sqm of all floorspace) and Hackney Zone A CIL (£190 per sqm of residential floorspace). The existing floorspace at the site has not been occupied for any of the last thirty six months and so is not discounted from the calculations.

- 6.13.2 Mayoral CIL 2: 3219sqm x £60 = £193,140
Hackney Zone A CIL: 762sqm (residential only) x £190 = £144,780

- 6.13.3 This total of £337,920.00 is subject to indexation and may be revised at the point of implementation.

7. CONCLUSION

- 7.1 The proposal, on balance, is considered to successfully optimise the use of the site whilst taking into account the character and appearance of the surrounding area, the amenities of neighbouring occupiers and residents, and taking into account all other relevant considerations. The scheme is considered to represent a high quality, employment led commercial development that delivers an appropriate uplift in employment space within a sustainable area of high demand.
- 7.2 The proposal, on balance, is deemed to comply with pertinent policies in the Hackney Core Strategy (2010), London Plan (2016), Development Management Local Plan (2015) and NPPF, along with the emerging policy context, for the reasons set out above. Accordingly, the granting of full planning permission is recommended, subject to conditions and the completion of a legal agreement.

8. RECOMMENDATIONS

Recommendation A (Full Planning application 2009/2842)

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

8.1.1 SCB0 – Development in accordance with plans

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

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

8.1.2 SCB1 – Commencement within three years

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

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

8.1.3 Materials to be approved

Notwithstanding the details shown on the drawings hereby approved, full details of the materials to be used on the external surfaces of the building, including glazing and sample panels of brickwork indicating the colour, texture, facebond and pointing, shall be submitted to and approved by the Local Planning Authority, in writing, prior to commencement of the relevant part of the approved development. 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 Details to be approved

Prior to commencement of the relevant part of the approved development, detailed drawings / full particulars showing the matters set out below shall be submitted to and approved by the Local Planning Authority, in writing. The development shall not be carried out otherwise than in accordance with the details thus approved.

1. Window schedule, outlining which windows are proposed to be replaced, 1:20 elevations and cross sections, and 1:5 of glazing bars of new windows.
2. Doors, profiles and architraves
3. Design and appearance of gates
4. Signage
5. Rooflights (Conservation style)
6. Planters

7. Method statement on proposed repair for the architectural motif on the Mission Hall
8. Pediment design (Mission Hall)
9. Bin Store (Mission Hall)

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 Materials to match

All new external finishes relating to the works hereby approved to the existing buildings on the site (and any other incidental works carried out in connection with the approved works) shall match the existing building in respect of materials used, detailed execution and finished appearance, unless authorised 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.

8.1.6 Obscure Glazing

All windows shown as obscure glazed on the drawings hereby approved shall be installed with obscure glazing and shall be non-opening. They shall be maintained as such for the lifetime of the development.

REASON: To ensure that the development does not lead to an unacceptable level of overlooking of neighbouring properties.

8.1.7 Brick Slips

No panelised brick slip systems requiring vertical or horizontal expansion joints shall be used on any of the building facades.

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.

8.1.8 No extraneous pipework

No soil stacks, soil vent pipes, flues, ductwork or any other pipework shall be fixed to the street elevations of the building, 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.

8.1.9 B1/B2 Fit out and further actions strategy

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 the relevant part of works is commenced. Full details of a fit out, marketing and further actions strategy for the uptake of the B1/B2 premises. The strategy shall include, but not be

limited to, details of the elevational treatment, entrances, wall, ceiling and floor finishes, plumbing, wiring and broadband connectivity details etc, details of the minimum general scheme of marketing, details of the maximum rates, tenures and durations to be offered, flexibility of the space/s offered, any contributions towards the start-up costs of businesses that lease the space, etc. and shall include a defined duration for the marketing exercise. The further actions strategy shall include, but not be limited to, details of further fit out, subdivision, flexibility for tenants, management arrangements, etc. shall include defined timescales for further actions to be undertaken.

The B1/B2 space shall be fitted out in full accordance with the details approved prior to the first occupation of the residential properties hereby approved and will not be marketed otherwise than in accordance with the details approved unless otherwise agreed in writing by the local planning authority. In the event that the approved fit out and marketing are unsuccessful in finding occupier/s the further actions will be undertaken in full, unless otherwise agreed in writing by the local planning authority.

REASON: To ensure that the employment floorspace hereby approved is of an adequate standard which meets local business needs and is adequately marketed and provided to meet local business needs.

8.1.10 Non CHP boilers

Any non-CHP space and hot water fossil fuel (or equivalent hydrocarbon based fuel) boilers must achieve dry NOx emission levels equivalent to or less than 30 mg/kWh.

REASON: To protect air quality and people's health by ensuring that the production of air pollutants, such as nitrogen dioxide and particulate matter, are kept to a minimum during the course of building works and during the lifetime of the development. To contribute towards the maintenance or to prevent further exceedances of National Air Quality Objectives.

8.1.11 Sustainability- BREEAM

Within 12 weeks of occupation of the development hereby approved, BREEAM post-construction assessments (or any assessment scheme that may replace it) for the commercial buildings hereby approved confirming that 'Excellent' ratings (or another scheme target of equivalent or better environmental performance) have been achieved shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that the as built development achieves the reduction in baseline regulated carbon emissions proposed within the original application.

8.1.12 Air Quality Assessment

No development will commence until an air quality assessment, including an air quality neutral assessment, produced in line with any guidance provided by the Council and best practice guidance, has been provided to the satisfaction of and approved in writing by the Planning Authority.

REASON: To ensure the site provides acceptable air quality for future users, in line with the requirements of local and regional policy.

8.1.13 Dust Control

No development shall take place until a finalised dust management plan is submitted in writing to the Local Planning Authority. Once approved, the plan shall be implemented to the satisfaction of the Local Planning Authority.

REASON: To maintain air quality during the construction phase.

8.1.14 Demolition and Construction Management Plan

Prior to the commencement of development hereby permitted, a detailed demolition and construction management plan which contains details of the construction programme, access arrangements, the size, frequency of HGVs, location where delivery to and from the site will be carried out, and any footway/ road closures shall be submitted to and approved in writing by the Local Planning Authority prior to any construction work taking place on the site. The plan shall set out confirmation that the applicant has considered demolition and construction management and logistics in consultation with all relevant parties, including the Crossrail 2 Safeguarding Team. The development should thereafter take place completely in accordance with the measures identified within the approved plan unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that the development does not disrupt the free flow of traffic or adversely affect highway safety.

8.1.15 Extent of Demolition

Demolition of existing structures will not exceed the extent shown on drawing number 87/17/10 hereby approved, unless authorised 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.

8.1.16 Flood Resilience and Resistance

Prior to the commencement of development, a scheme for the provision and implementation of flood resilient and resistance construction details and measures for the site and in the basement against surface water flood risk shall be submitted to and agreed, in writing with the LPA. The scheme shall be carried out in its entirety before the basement is occupied and; constructed and completed in accordance with the approved plans in line with BS 8102:2009 code of practice for "protection of below ground structures against water from the ground" and BS 8582:2013 code of practice for "surface water management for development sites".

REASON: To ensure the suitability of the development with regard to surface water flood risk.

8.1.17 Urban Drainage, Maintenance and Ownership

Prior to the commencement of work, detailed specification and a drainage layout of at least one suitable sustainable drainage system (i.e. water butt, raingarden, bioretention planter box, living roof (substrate depth of 80-150mm excluding the vegetative mat), permeable paving etc.) shall be submitted to, and approved by the LPA, in consultation with the SuDS officer. If soakaways i.e. plastic modules and soakaway rings are used, an infiltration test must be carried out to ensure that the capacity of the soil is suitable for infiltration. The SuDS shall aim to achieve the greenfield runoff rates (if infiltration is not feasible) and should reduce both the volume and rate of existing runoff from the site by at least 50%. It must be demonstrated that there will be no increase in surface water flow being discharged offsite and an overall reduction in peak flow rate and volume for all return periods up to the 1 in 100 year storm events plus an allowance for climate change.

REASON: To ensure that the development will provide a sustainable drainage system.

8.1.18 Biodiverse living roof/ Solar Panels

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, prior to occupation. The development shall not be carried out otherwise than in accordance with the details thus approved, which shall be implemented in full prior to the first occupation of the residential accommodation hereby approved.

- a) a biodiverse, substrate-based extensive living roof (with a minimum substrate depth of 80mm, not including the proposed vegetative mat), including a detailed maintenance plan;
- b) Location and design of photovoltaic panels, including how they will integrate with the living roof. This will be accompanied by certification by an accredited PV installer confirming that the array will have an overall capacity of at least 11.12kWp, that generates at least 12,565 kWh of electricity per year.

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 ensure that the development assists in the meeting the Local Development Framework Core Strategy objective of reducing carbon emissions.

8.1.19 Non Road Mobile Machinery

Only Non Road Mobile Machinery which complies with 'chapter 7 of the Cleaner Construction Machinery for London: A Low Emission Zone for Non-Road Mobile Machinery' will be present on or used at the development site during the demolition and construction process. All NRMM must be entered on the Non Road Mobile Machinery online register at <https://nrmm.london/user-nrmm/register> before being operated. Where Non-Road Mobile Machinery, which does not comply with 'chapter 7 of the Cleaner Construction Machinery for London: A Low Emission Zone for Non-Road Mobile Machinery', is present on site all development work will stop until it has been removed from site.

REASON: To maintain air quality during the construction phase.

8.1.20 Refuse Storage

Details of refuse enclosures, including facilities for the storage of materials for recycling, showing the design, location and external appearance, shall be submitted to and approved by the Local Planning Authority, in writing, before occupation of the premises. Details of the management arrangements and proposed collection points for residential and commercial waste to be presented on bin days shall also be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the premises. Such details as approved shall be implemented prior to the occupation of the development and shall thereafter be retained, unless otherwise agreed in writing with the Local Planning Authority.

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

8.1.21 Works in Proximity to Sewage Infrastructure

No piling shall take place until a Piling Method Statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

REASON: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure.

8.1.22 Contaminated land (pre-development)

Development will not commence until desk study and site reconnaissance research and any physical site investigation work has been undertaken and fully reported on; with a plan being produced all to the satisfaction of and approved in writing by the Planning Authority. Where physical site investigation work has not been agreed at a pre-application stage further physical investigation work must be agreed with the contaminated land officer before being undertaken. Moreover, development will not commence until all pre-development remedial actions, set out within the remedial action plan, are complete and a corresponding pre-development remediation report has been produced to the satisfaction of and approved in writing by the Planning Authority. Work shall be completed and reported by a competent person/company in line with current best practice guidance, including the Council's contaminated land planning guidance. The Planning Authority and Contaminated Land Officer must receive verbal and written notification at least five days before investigation and remediation works commence. Subject to written approval by the Planning Authority, this condition may be varied, or discharged in agreed phases.

REASON: To ensure that potential contamination risks are identified and suitable remediation is agreed.

8.1.23 Contaminated land (pre-occupation):

Before occupation/use of the development a post-development verification report will be produced to the satisfaction of and approved in writing by the Local Planning Authority. The verification report must fully set out any restrictions on the future use of a development and demonstrate that arrangements have been made to inform future site users of the restrictions. Work shall be completed and a report produced by a competent person/company in line with current best practice guidance, including the Council's contaminated land planning guidance. The Contaminated Land Officer must receive verbal and written notification at least five days before development and remedial works commence. Subject to written approval by the Planning Authority, this condition may be varied, or discharged in agreed phases. Any additional, or unforeseen contamination encountered during the course of development shall be immediately notified to the Local Planning Authority and Contaminated Land Officer. All development shall cease in the affected area. Any additional or unforeseen contamination shall be dealt with as agreed with the Contaminated Land Officer. Where development has ceased in the affected area, it shall recommence upon written notification of the Local Planning Authority or Contaminated Land Officer.

REASON: To ensure that the application site and all potential contaminated land has been remediated to ensure contamination risks at the site are suitably dealt with.

8.1.24 Mechanical Plant

The total noise level from fixed plant (external or internal) shall not cause adverse or significant adverse impact onto the nearest residential premises at any time. Therefore the rating noise level (specific sound corrected for any acoustic features) of the plant should be 5dB(A) below the representative background noise level (L_{90}) at 1 meter from the nearest noise sensitive receptor. The method of assessment shall be carried out in accordance with BS4142:2014 'Methods for rating and assessing industrial and commercial sound'. After all mechanical plant and equipment has been fully installed in place, and before the premises is occupied, a test shall be carried out to show above criterion shall be met and the results submitted to the Community Safety Team for approval.

REASON: To ensure that occupiers of residential premises do not suffer a loss of amenity by reason of noise nuisance from equipment.

8.1.25 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.

8.1.26 Accessibility

One of the residential units hereby approved shall be completed in compliance with Building Regulations Optional Requirement Part M4 (3) 'wheelchair user dwellings' (or any subsequent replacement) prior to first occupation and shall be retained as such thereafter. All other dwellings within the development hereby approved shall be completed in compliance with Building Regulations Optional Requirement Part M4 (2) 'accessible and adaptable dwellings' (or any subsequent replacement) prior to first occupation and shall be retained as such thereafter.

REASON: To assist in meeting the Local Development Framework Core Strategy objective of reducing carbon emissions.

8.1.27 Details of Soundproofing

Prior to the commencement of above ground works, a scheme of sound insulation shall be submitted to and approved by the Local Planning Authority. Such treatments may include additional acoustic ceilings, wall liners and lobbied entrance doors and to significantly increase the sound insulation of the shell construction via the adoption of the following treatments. The scheme shall include but not be limited to:

- Adding independent wall linings for all perimeter walls of the commercial units;
- Boxing in concrete columns within the unit.

REASON: To ensure that occupiers of residential premises do not suffer a loss of amenity by reason of noise nuisance.

8.1.28 Noise Breakout- Commercial Premises

All sound emitted from the B1/B2 premises, excluding plant noise, associated with this application, shall be inaudible at any residential receptor during the permitted hours of use.

REASON: To ensure that occupiers of neighbouring residential premises do not suffer a loss of amenity by reason of noise nuisance.

8.1.29 Openable doors

Openable doors to the commercial units shall be closed after 21.00hrs and no staff shall be allowed outside after 22.00hrs in the courtyard areas.

REASON: To ensure that the amenities of occupiers of residential properties in the vicinity are protected.

8.1.30 Cycle Spaces

Prior to occupation of the development, details of secure and waterproof cycle storage, lockers and staff shower facilities shall have been submitted to and approved by the Local Planning Authority. The cycle parking spaces and associated facilities thereby approved shall be installed before the first occupation of the development 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 interest of relieving congestion in surrounding streets and improving highway conditions in general.

8.1.31 Bird and Invertebrate Boxes

Prior to occupation, a minimum of three (3) bird or bat boxes or bricks and two (2) Invertebrate boxes will be included in the Proposed Development, with a variety of box/brick types suitable for use by different species.

REASON: To ensure that suitable replacement habitats are provided for existing wildlife.

8.1.32 Delivery Service Management Plan

Prior to the occupation of the development hereby approved, a Delivery and Service Management Plan (DSMP) regarding the whole of the site shall be submitted to and approved in writing by the Local Planning Authority. The Delivery and Service Management Plan (DSMP) shall describe the means by which servicing of the building(s) is to be provided including means provision for servicing/delivery vehicles. The DSMP should identify exactly how and what types of vehicles are anticipated to service the building(s) for the specific uses. The number of spaces available for servicing vehicles and their delivery times should also be detailed to demonstrate that the proposed system would work within the available space. Vehicle deliveries to and collections from the commercial premises' shall be restricted between Monday – Saturday from the hours of 08.00 to 22.00hrs, with no deliveries or collections on Sundays and Bank holidays. Any measures described in the DSMP shall be implemented within the time period identified.

REASON: In order to ensure that delivery and servicing does not impact the amenity of neighbouring occupiers and the safe and efficient operation of the highway.

8.1.33 Landscaping Details

Prior to the commencement of development, a hard and soft landscaping scheme illustrated on detailed drawings shall be submitted to and approved in writing by the Local Planning Authority. Details shall include: lighting to the public areas, all planting showing location, species, numbers of plants, and areas to be seeded or turfed. All landscaping in accordance with the scheme, when approved, shall be carried out within a period of six 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 maintained in perpetuity.

REASON: To enhance the character, appearance and ecology of the development and contribution to green infrastructure.

8.1.34 Storage of refuse within the premises

Except on days of collection, all refuse and waste shall be stored in sealed containers in the approved refuse storage areas, except for bulky residential waste, which shall be stored within the approved residential refuse storage area.

REASON: In the interests of the appearance of the street and the amenity of adjoining occupiers.

8.1.35 Tree Protection

Tree protection shall be undertaken in full accordance with the details contained within the Arbtech Tree Survey and supporting documents hereby approved and with BS5837:2012 (Trees in relation to construction - Recommendations) and will protect the root protection area calculated as described in Table 2 of that British Standard. Protective fencing will be 2.4m high and conform to Figure 2 of BS5837:2012 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: To safeguard trees of amenity value.

8.1.36 Secure by Design

Prior to the first use of the development hereby approved, a full and detailed application for the Secured by Design award scheme shall be submitted to the Local Planning Authority for approval in writing. The submitted details shall have been prepared in consultation with the Metropolitan Police NE Designing Out Crime Office, setting out how the principles and practices of the Secured by Design scheme are to be incorporated. The development shall be carried out in accordance with the agreed details and maintained permanently thereafter. The commercial aspects of the development must achieve Secured by Design certification (Commercial) at the final fitting stage, prior to the commencement of business.

REASON: In the interests of the safety and security of the site and neighbouring residential premises.

8.1.37 Dry Riser

Prior to the occupation of the development a dry riser shall be installed adjacent to the central courtyard hereby approved. It shall be maintained so that it is fully operational thenceforth

REASON: To ensure that the buildings of the site are adequately protected in the event of a fire.

8.1.38 Hours of B2 Use

The B2 use hereby permitted shall not operate outside the following hours:

08:00-18:00 on Monday to Friday

08:00-13:00 on Saturday

12:00-22:00 on Sunday

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

Recommendation A (Listed Building Consent 2020/2684)

8.2 That planning permission be GRANTED, subject to the following conditions:

8.2.1 SCB0 – Development in accordance with plans

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

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

8.2.2 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 consent.

REASON: In order to comply with the provisions of Section 18(a) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.

8.2 Recommendation B

That the above recommendation be subject to the applicant, the landowners and their mortgagees entering into a Legal Agreement in order to secure the following matters to the satisfaction of Head of Planning and the Director of Legal Services and Governance:

1. The owner shall be required to enter into agreement under Section 278 of the Highways Act (if and where appropriate, and subject to later agreement), of the Highways Act to pay the Council for works to the Highway. The cost of the works will be included within the addendum. The cost of the works will be:
 - i. £47,788.26 for rebuilding of pavement, reconstruction/conversion of crossovers and creation of on-street blue badge space.
 - ii. £15,000: Provision of two new EV charge points.
2. A contribution of £16,475.45 towards employment and training (removing barriers) construction phase.
3. A contribution of £117,252.63 towards employment and training (removing barriers) operational phase.
4. Commitment to Council's local labour and construction initiatives including: 30% of local labour throughout construction phase (best endeavours) and commitment to work

with local procurement / supply chain.

5. Apprenticeship Placements (1 apprentice per £2 million contract value and support fee £1,500 per placement).
6. Car free Agreement.(Residents)
7. £60 car club credit for new residents
8. Carbon Offsetting payment in lieu: £12,150.
9. Travel Plan for the B1 Use prior to occupation and Travel Plan Monitoring Fee 4,000.00
10. Considerate Contractors Scheme – the application to carry out all works in keeping with the National Considerate Contractor Scheme.
11. 10% (233sqm) of B1 floorspace to be Affordable workspace (80% market rent, in perpetuity)
12. Contribution towards monitoring of S106 agreement.
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 prior to completion.

Recommendation C

- 8.3** That the Sub-Committee grants delegated authority to the Director of Public Realm and Head of Planning (or in their absence either the Growth Team Manager or DM and Enforcement Manager) to make any minor alterations, additions or deletions to the recommended heads of terms and recommended conditions as set out in this report provided this authority shall be exercised after consultation with the Chair (or in their absence the Vice-Chair) of the Sub-Committee (who may request that such alterations, additions or deletions be first approved by the Sub-Committee).

9. INFORMATIVES

It is recommended that the following informatives should be added to the full planning permission:

- 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.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
- SI47 CIL
- NSI Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames

Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

- NSI A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures they will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water’s Risk Management Team by telephoning 02035779483 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality.
- NSI The best practical means available in accordance with British Standard Code of Practice B.S. 5228:1997 shall be employed at all times to minimise the emission of noise from the site;
- NSI The operation of the site equipment generating noise and other nuisance causing activities, audible at the site boundaries or in nearby residential properties shall only be carried out between the hours of 0800 – 1800 Mondays - Fridays, 0800 - 1300 Saturdays and at no time on Sundays or Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- NSI No waste or other material shall be burnt on the application site.
- NSI A barrier shall be constructed around the site, to be erected prior to demolition.
- NSI A suitable and sufficient means of suppressing dust must be provided and maintained.
- NSI Please note that the Highways department must be advised when payment of the section 278 monies has been made and a minimum of six months' notice is to be given by the developer before highway works are expected to start on site.
- NSI The back edge of the footway will remain at its current level (height). It is the developer’s responsibility to incorporate this into their design as this is essential in ensuring the thresholds to the premises are level and DDA compliant and that surface water falling on the public footway can drain onto the carriageway.
- NSI In aiming to satisfy the relevant SBD condition, the applicant should seek the advice of the Police Designing Out Crime Officers (DOCOs). The services of the Police DOCOs are available free of charge and can be contacted via: DOCOMailbox.NE@met.police.uk or telephone 0208 217 3813.

Signed..... **Date**.....

Aled Richards
Director, Public Realm

| NO. | BACKGROUND PAPERS | NAME/DESIGNATION AND TELEPHONE EXTENSION OF ORIGINAL COPY | LOCATION OFFICER | CONTACT |
|-----|-----------------------------------------------------------------|-------------------------------------------------------------------|---------------------------------|---------|
| 1. | Hackney Development Plan (2010 & 2015) and the London Plan 2016 | Nick Bovaird (Senior Planning Officer – Major Applications) x8291 | 2 Hillman Street, London E8 1FB | |

APPENDIX A – Site photos



Looking north:



Boundary with No.83 Hertford Road:



Ground floor “Boris Ltd” building (to be retained):



First floor “Boris Ltd” building (to be retained):



Ground floor Mission Hall building, looking west:



Ground floor Mission Hall building, looking east (towards street):



Floorspace to rear of “Boris Ltd” building (to be demolished and form courtyard):



Floorspace to be demolished on northern boundary of site (Site of proposed Building C):



Rear Building (to be demolished). Site of houses and gardens.

Appendix B

2010 Committee report:

| | |
|--------------------------------------------------------------------------------------------------------------------|-------------------------------------|
| ADDRESS: 87-95 Hertford Road and 80a Mortimer Road, London N1 5AG | |
| WARD: De Beauvoir | REPORT AUTHOR: Rokos Frangos |
| APPLICATION NUMBER: 2009/2842 (Full planning permission), 2009/2848 (Conservation area consent) | VALID DATE: 21/12/2009 |

| | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>DRAWING NUMBERS: 7406/S/001 2719/S/00 2719.D.130 to 133 2719.P.00, 29 rev. B, 198, 200, 201, 202 rev. A, 203 rev. A, 204 rev. A, 205 rev. A, 216, 217, 218 rev. A, 219 rev. A, 220, 225 to 227, 229 rev. A</p> | <p>SUPPORTING DOCUMENTS: Conservation Area Statement; Daylight and Sunlight Report; Documented Report on the Negotiations with Hackney Council on Application Ref 2007/2137; Design and Access Statement; Energy Statement; Feasibility Report to Consider the Viability of Creating Basements Beneath Both the Main Building and the Chapel; Noise Impact Assessment; Planning Statement; Sustainability Statement; Toolkit Viability Report; Transport Statement</p> |
| <p>APPLICANT: Serdenol Properties Ltd c/o Borris Handbags Ltd 430 Hackney Road London E2 6QL</p> | <p>AGENT: MGL Architects 4th Floor 138-148 Cambridge Heath Road London E1 5QJ</p> |
| <p>PROPOSAL: Conversion of two existing buildings and erection of two two-storey buildings to provide nine houses (three four-bedroom units and six three-bedroom units), including balconies/outdoor amenity space, together with 1568 square meters of use-class B1 space and 286 square metres of use-class B8 space, with communal courtyard and nine parking spaces.</p> | |
| <p>POST-SUBMISSION REVISIONS: Chamfering of rear-elevation windows to newbuild elements facing properties on Mortimer Road and De Beauvoir Square; reduction in overhang; removal of the first-floor windows on the flank wall of house no. 9; removal of B2 use from description.</p> | |
| <p>RECOMMENDATION SUMMARY: A) Grant conditional planning permission subject to Section 106 agreement; B) Grant conservation area consent.</p> | |

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 | B1 | Office/commercial | 174 sq.m. |
| | B2 | General industrial | 886 sq.m. |
| | B8 | Storage/distribution | 1203 sq.m. |
| Proposed | C3 | Residential | 1185 sq.m. |
| | B1 | Office/commercial | 1568 sq.m. |
| | B8 | Storage/distribution | 286 sq.m. |

| 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 units | 0 | 0 | 6 | 3 | 0 |
| | Social Rented units | 0 | 0 | 0 | 0 | 0 |
| | Intermediate units | 0 | 0 | 0 | 0 | 0 |

| | | |
|---------------|--------------------|--|
| Totals | (Total = 9) | |
|---------------|--------------------|--|

| PARKING DETAILS: | Parking Spaces (General) | Parking Spaces (Disabled) | Bicycle storage |
|-------------------------|---------------------------------|----------------------------------|------------------------|
| Existing | 0 | 0 | 0 |
| Proposed | 7 | 2 | 10 |

CASE OFFICER'S REPORT

1. SITE DESCRIPTION

1.1 The site currently comprises four conjoined Victorian light-industrial buildings. The two that face the street are the 'Boris' building (as denoted by the letters on its frontage) which is a two-storey warehouse, and the St Peter's Mission Chapel, which is perpendicular to the Boris building and has its front gable facing the street. These two buildings are to be retained, restored and converted. The other two warehouse buildings set inside the site and concealed from public view, are to be demolished.

1.2 The surrounding area is almost entirely residential, with two- and three-storey Victorian villas to the north and west, and more recent residential buildings (including the conversion of a former London School Board building) to the south and east. These are of mixed tenures and heights that range between two and five storeys.

1.3 The application site has a PTAL (Public Transport Accessibility Level) of 4, in a range of 1 (low) and 6 (high). Frequent bus transit to other parts of the borough, as well as the City, the South Bank and the West End operate from the A10 (Kingsland Road). The application site is 300 metres away from the new Haggerston station on the London Overground (East London Line extension) which will open in July 2010.

2. CONSERVATION IMPLICATIONS

2.1 The application site is located behind 21-30 De Beauvoir Square, a Grade II listed terrace of early-mid-nineteenth-century dwellinghouses in Tudor-cum-Jacobean style. No other statutorily listed or locally listed buildings are affected by the application. The site falls within the De Beauvoir conservation area.

3. HISTORY

3.1 17/12/2009: Planning application for conversion of two existing buildings and erection of two two-storey buildings to provide nine houses (three four-bedroom units and six three-bedroom units), including balconies/outdoor amenity space, together with 1567.9 square metres of use class B1 space and 286 square metres of use class B8 space, with communal courtyard and nine parking spaces withdrawn (ref. 2007/2137).

3.2 20/03/2006: Planning permission refused for part demolition of existing buildings and erection of a part-three, part-four, part-five-storey (plus basement) buildings to provide 613 square metres of use class B8 (storage and distribution) floorspace, 62 residential units comprising one one-bedroom house, one two-bedroom house, four four-bedroom houses; twenty-five one-bedroom flats; seventeen two-bedroom flats and fourteen three-bedroom flats, together with a landscaped courtyard and seventeen basement-level car parking spaces. Decision appealed; appeal dismissed (ref. 2005/1828).

4. CONSULTATIONS

4.1 Date statutory consultation period started: 30/12/2009

4.2 Date statutory consultation period ended: 01/02/2010

4.3 Site notices: Yes

4.4 Press advert: Yes

4.5 Neighbours

105 surrounding occupiers have been consulted by personal letter. Two petitions objecting to the scheme have been received; one petition signed by ten residents of De Beauvoir Square and the other signed by ten residents of Mortimer Road. Some of the petitioners also sent in individual letters of objection, of which there are nineteen in total. A letter of support has also been received.

The support is on the following grounds:

- The development consists of houses rather than flats
- Derelict building will be developed and the existing style retained.

The objections are on the following grounds:

- Proposed design relates poorly to existing houses and is out of keeping with the general character of the neighbourhood; no architectural merit; mundane, devoid of character

- The residential element of the scheme is cramped at the rear of the site; “squeezed” interior layout
- Adverse impact on the daylight and sunlight to existing rear gardens and rear habitable rooms
- Invasion of privacy; overlooking to existing houses and neighbouring gardens
- Proximity to neighbouring properties; proposed houses are between fourteen and sixteen metres from neighbouring houses, in breach of the Council’s SPG1
- Commercial servicing from Hertford Road will lead to increased traffic noise in a largely residential area
- Given that the commercial units are going to be sold off under leases, the tenants could further subdivide the units by subletting parts (so long as the leases allow this) and this will lead to increased traffic, greater servicevehicle movements and greater noise in the area;
- Commercial uses within B2 use class could in themselves be noisegenerating
- Increased security risk along the new passageway and to gardens in De Beauvoir Square and Mortimer Road
- Reduction to garden wall of ground-floor flat, 83 Hertford Road, would result in health and safety issue to residents’ children
- Lower garden walls will result in noise disturbance and loss of privacy
- No vehicular provision for the commercial occupants
- Proposed excavations for basements in the three houses in the north of the site poses a risk to the foundations of the listed buildings on De Beauvoir Square
- Communal courtyard is actually a car park rather than a real community space with landscaped play areas; lack of shared landscaping; small gardens
- Proposed building is too big; higher than the present building
- Health and safety risk arising from the level of asbestos currently at the proposed site
- Proximity of commercial refuse storage to habitable-room windows.

4.6 Statutory Consultees

4.6.1 Thames Water: No objection.

4.6.2 London Fire and Emergency Planning Authority: The Brigade is satisfied with the proposals.

4.6.3 English Heritage: No comment. This application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

4.7 Local Consultees

4.7.1 Metropolitan Police (Secured by Design Officer): Cycle storage must be fully secure and enclosed. The soft landscaping surrounding the proposed car parking area should have plants that do not grow to more than one metre in height, enabling good natural surveillance from the residential units to the parked cars. Crime (especially burglary) in the local area is quite high and there have been issues with drugs and prostitution in nearby housing estates. The scheme should aim to achieve Secured by Design accreditation, which would not be too difficult for this scheme.

4.7.2 Invest in Hackney: No response received.

4.7.3 The Hackney Society: No response received.

4.7.4 Kingsland Conservation Area Advisory Committee (CAAC): The CAAC is encouraged to see that at long last a potentially viable proposal for the Boris site has been put forward and is pleased that the existing factory and the mission hall are to be retained and restored. However, there are some concerns regarding the choice of new-build materials and the overlooking of houses in De Beauvoir Square and Mortimer Road, and the CAAC believes that overlooking windows should be glazed in obscured glass. Concerns also that the courtyard is dedicated to car parking rather than becoming a landscaped amenity space. The Boris works sign should be retained.

4.8 Other Council Departments

4.8.1 Sustainability and Design: The general arrangement and massing approach are acceptable. The conversion of the two front buildings for commercial use, together with the nine new houses and courtyard to the rear, provide a comfortable separation between commercial and residential uses.

Based on a) the comparison with the height of the existing buildings on the site, b) the four-metre setback from the boundary, compared to the existing building, and c) the fact that the overlooking issues are resolved through chamfered windows and opaque glazing, the massing approach is considered acceptable.

However, the quality of the courtyard space is disappointing, as it is overly dominated by parking spaces and fails to provide proper and usable communal courtyard space. It should work as a communal space with appropriate landscaping where the future residents can relax and socialise with neighbours and/or guests. Furthermore, there is no separation between the driveway and the pedestrian route from the street to the residential units. The landscape strategy, including paving, plinth, outdoor furniture and vegetation for the courtyard, should be revisited.

With regard to the elevations, further details should be provided to clarify a number of different matters, such as the glazed stairwells, steel Crittall windows, entrance doors to the two commercial buildings, steel frames to the front of the houses, dormer windows and roof windows. Further details/information regarding the

proposed materials, residential entrance gate, window sections, dormers, balcony/balustrade sections, and roof soffit should also be provided in due course.

The internal layout is generally acceptable, although it is questionable whether the poor outlook (i.e. the views to the car park from the nine residential units) and the daylight/sunlight provision for the basement rooms will be satisfactory. It is appreciated that the nine houses will provide Lifetime Homes-standard arrangements.

In conclusion, as the refurbishment of the two principal buildings fronting Hertford Road is welcome and the massing approach is generally acceptable, there is no objection to this scheme in principle – subject to the detail quality of the elevations, the quality of the proposed materials, and the rearrangement of courtyard landscaping. It is suggested that the remaining design issues are dealt with by of attaching appropriate conditions to any approval.

4.8.2 Highways: A financial contribution of £39,700.00 is required towards highway works as a result of this development.

4.8.3 Traffic and Transport: The Traffic and Transport team does not object to the scheme on transport grounds. The trip generation is not expected to have a significant impact on the surrounding road network. The proposed parking provision does not exceed the maximum provision for dwellinghouses as set out in Annex 4 of the London Plan and in Hackney Council policy. However, there are concerns that the courtyard is dominated by car parking places and therefore not acceptable in urban design terms. The Traffic and Transport team is prepared to take a flexible approach to the car parking provision and would not object to a reduction in car-parking provision in order to achieve a more acceptable layout in design terms.

The cycle-parking is acceptable, providing that there is adequate cycle storage space for residential use. The Traffic and Transport team is not opposed to cycles being stored in individual dwellings. Servicing and delivery will be carried out on-street. A dedicated service bay is not approved as part of the considerations of the planning application. Approval by the Council's Parking Services team is required but it might be possible for servicing/delivery to be carried out on the existing single-yellow/doubleyellow lines outside the site.

Providing that the layout of the car park is acceptable in design terms and that the recommended planning conditions are secured, the Traffic and Transport team considers that the scheme is satisfactory in transport terms.

4.8.4 Waste Management: No response received.

4.8.5 Policy: No response received.

4.8.6 Pollution Control: No objection. The noise report is satisfactory and shows there will be no adverse impact on nearby sensitive receptors.

5. POLICIES

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

- EQ1 - Development Requirements
- EQ12 - Protection of Conservation Areas
- EQ13 - Demolition in Conservation Areas
- HO3 - Other Sites for Housing
- TR19 - Planning Standards

5.2 Supplementary Planning Guidance (SPG)

- SPG1 - New Residential Development
- SPG11 - Access For People With Disabilities
- SPG12 - Conservation

5.3 London Plan 2008 (Consolidated with Alterations since 2004)

- 2A.1 Sustainability criteria
- 3A.1 Increasing London's supply of housing
- 3A.2 Borough housing targets
- 3A.5 Housing choice
- 3A.6 Quality of new housing provision

- 3B.1 Developing London's economy
- 3B.2 Office demand and supply
- 3B.3 Mixed use development
- 3B.4 Strategic Industrial Locations
- 3C.1 Integrating transport and development
- 3C.2 Matching development to transport capacity
- 3C.3 Sustainable transport in London
- 3C.23 Parking strategy
- 4A.1 Tackling climate change
- 4A.3 Sustainable design and construction
- 4A.4 Energy assessment
- 4A.6 Decentralised energy: Heating, cooling and power
- 4A.7 Renewable Energy
- 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
- 5C.1 The strategic priorities for North East London

5.4 National Planning Policies

- PPS1 - Delivering Sustainable Development
- PPS3 - Housing

- PPG13 - Transport
- PPS5 - Planning for the Historic Environment

6. COMMENT

Conservation area consent is sought to demolish two of the four existing buildings on the site and planning permission sought to construct in their place nine singlefamily dwellinghouses. Planning permission is also sought to convert the remaining two existing buildings into up-to-date employment-generating accommodation within the B1 use class (office/light industrial) and the B8 use class (storage/distribution).

Once completed, the development would comprise four buildings arranged around a courtyard containing nine parking spaces. These buildings would be:

- 1) The Boris building (so called due to the letters spelling out 'Boris Limited' on its frontage), a two-storey warehouse whose front elevation faces Hertford Road. The building appears to be disused, although neighbours report that the owner accesses the building intermittently for storage purposes. This building would be converted to use-class B1 commercial floorspace. The ground-floor space would be contained in two separate halves of 159.7 square metres and 143.4 square metres respectively, divided by the existing vehicular access into the site. The first floor would contain 374.7 square metres of use-class B1 space and the second floor (created in the pitched roof, together with a second-floor rear extension) 333 square metres. The total amount of use-class B1 space within the Boris building is 1010.8 square metres.
- 2) St Peter's Mission Chapel, which is perpendicular to the Boris building and has its front gable facing the street, would also be converted to B-class commercial floorspace: 286 square metres of use-class B8 floorspace in a newly created basement, 284.5 square metres of use-class B1 floorspace on the ground floor and 272.6 square metres of B1 floorspace on the first floor; in total, 843.1 square metres. The building currently appears to be disused and in poor repair.
- 3) A new-build residential building to the west of the communal courtyard, parallel to 74-80 Mortimer Road, containing six three-bedroom dwellinghouses, each with rear gardens of between 26 and 30 square metres in size.
- 4) A new-build residential building to the north of the communal courtyard, parallel to 26-28 De Beauvoir Square, to include a newly excavated basement and containing three four-bedroom dwellinghouses, each with rear gardens of between 22 and 62 square metres in size.

Considerations

The main considerations relevant to this application are:

- 6.1 The principle of the development
- 6.2 Design and appearance
- 6.3 Sustainability measures
- 6.4 Potential impact on the amenity of nearby residents
- 6.5 Acceptability of the dwelling mix
- 6.6 Traffic and transport considerations
- 6.7 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 replacement of approximately 2263 square metres of vacant and derelict B-class (commercial) floorspace with 1853.9 square metres of B-class space – a reduction of over 400 square metres – and 1184.53 of use-class C3 (residential) space.
- 6.1.2 The Council has traditionally resisted the loss of employment-generating floorspace, and in Defined Employment Areas (DEAs) has endeavoured to seek the re-provision of employment-generating floorspace of an equivalent amount being redeveloped. However, the application site is not situated in a DEA and there are no adopted policies that would preclude the loss of employment-generating space on this site.
- 6.1.3 Furthermore, despite the quantitative loss of floorspace, due regard must be given to the qualitative improvement that the proposal represents. The current structures have lain vacant for a number of years. The proposed development would provide up-to-date employment-generating space, replacing a facility in an advanced stage of dilapidation and disrepair. It is considered that this higher standard of employment-generating space would do more to uphold the Council's employment objectives than the space currently provided.
- 6.1.4 There is no policy basis that precludes the introduction of residential accommodation on this site, and in this regard the proposed development will correspond with the prevailing use in the surrounding area, which is almost entirely residential.
- 6.1.5 The acceptability of allowing residential use on the application site is reinforced in this case by the fact that the employment-generating space proposed is in the form of flexible sub-dividable class-B1 space aimed at SMEs (small and medium enterprises), in accordance with advice from Invest In Hackney obtained separately

by the applicant. This type of floorspace can by its nature be situated alongside residential use without detriment to the latter. Although the original buildings were classified for B2 use (general industrial) when the site was purchased in 1982, the applicant has conceded that the uplift in residential accommodation in the surrounding area since then has made the immediate vicinity wholly residential in character to an extent that renders the use of the proposed development for B2 purposes inappropriate on amenity grounds. On that understanding, a mixed-use development on the application site is considered appropriate.

6.1.6 Overall, therefore, it is considered that the proposed development is acceptable in principle, such acceptability subject to the additional considerations set out below.

6.2 Design and appearance

6.2.1 Before commencing consideration of the design and appearance of the proposed development, the application site's designation as part of a conservation area requires the local planning authority to assess proposals to demolish any building in the conservation area against the criteria set out in Planning Policy Statement 5 Planning for the Historic Environment, which indicates that the general presumption should be in favour of retaining significant heritage assets, which includes buildings that make a positive contribution to the character and appearance of a conservation area.

6.2.2 It is considered that the existing structures on the application site that the applicant is proposing to demolish are not significant heritage assets and do not make a positive contribution to the character and appearance of the conservation area. This is because their lack of frontage means they are not visible from the public realm, and they lack architectural merit and period detail. They are also in a poor state of repair. The demolition of these buildings is therefore considered acceptable. On the other hand, the two frontage buildings are significant heritage assets and the proposed scheme includes their retention, refurbishment and return to employment use.

6.2.3 The height and massing of the two proposed new buildings is considered to be acceptable. The two new buildings are 9.6 metres-high, which is less than the height of the existing building on the western side of the site (which is 11 metres in height) but two metres more than the existing building on the northern side of the site (7.7 metres in height). It is considered that a height which exceeds that of the existing buildings by a maximum of 1.9 metres constitutes neither an unacceptable increase nor an excessive height such as would have an overbearing impact on the street scene. Furthermore, a height of 9.6 metres is less than the heights of surrounding dwellinghouses.

6.2.4 The detailed design of the new buildings is simple, coherent and unornamented, as befitting a pair of new buildings concealed from public view that seek to complement – rather than compete with – the two streetfacing buildings that will

provide the main architectural interest in the scheme: the Boris building and St Peter's Mission Chapel. The materials palette is appropriate to their conservation area context, and the window apertures are adequately proportioned.

6.2.5 The conversion of the Boris building and the St Peter's Mission Chapel involves some alterations to both these buildings; these alterations are broadly acceptable and have the potential to restore these buildings' character and appearance – with the exception of the bricking up of the Mission Hall's rear windows, which is considered to be a crude solution that detracts from the architectural integrity of the building. A condition is recommended requiring the proposal of an alternative solution. Furthermore, there is a lack of clarity regarding whether the lettering spelling out 'Boris Limited' will be retained; on the CGIs (computer-generated images), the Boris building is shown with its letters intact, whilst the submitted drawings shown the letters removed. It is considered that the letters make an important contribution towards upholding the historic interest and character of the building. Accordingly, a condition is recommended, requiring the retention of these letters.

6.2.6 The four buildings that comprise the proposed development are arranged in a quadrangle, with approximately half of the courtyard in the middle occupied by nine car-parking spaces. The proposed parking provision does not exceed the maximum provision for dwellinghouses as set out in Annex 4 of the London Plan and in Hackney Council policy and the Council's own Traffic and Transport team have not objected to the level of car parking. A scheme where car-dominance negatively impacted upon the streetscene would contravene Council policy, but this cannot be said to be the case when the car parking is entirely off-street and largely concealed from public view. However, notwithstanding the above provisos, it is considered that there are elements of the communal space that are unsuccessfully resolved. In the event that the applications are approved, a condition is recommended requiring details of how the parking spaces can more successfully be integrated into an improved courtyard landscaping design.

6.2.7 In terms of density, the proposed development has a density of 39 units per hectare, which falls well below the 100-150 units-per-hectare range set out by the Greater London Authority for developments in a central urban location such as this. In light of the application site's proximity to neighbouring residential buildings, its conservation-area location and the corresponding imperative to ensure that new development on this site is of an appropriate scale to its context, this lower-than-average density is acceptable.

6.2.8 Internally, the proposed development's room sizes comply with the minimum standards set out in SPG1: New Residential Development. All the units have their own outdoor amenity space. The basement-level kitchens and dining rooms in the three proposed four-bedroom dwellinghouses have generously proportioned lightwells. All the dwellinghouses are Lifetime Homes-compliant and include provision for the future installation of platform lifts for wheelchairusers, if needed.

6.2.9 Overall, the proposed development is considered acceptable in design terms and

complies with local, regional and national policies. In terms of the impact on the conservation area the development is considered to preserve the character and enhance the appearance of the area.

6.3 Sustainability measures

6.3.1 It is intended that the building will attain Code for Sustainable Homes level 4, which can be secured by way of Section 106 legal agreement. The proposed development includes provision for rainwater harvesting. There are no brown or green roofs, due to the pitched roofs on all four of the proposed development's buildings.

6.3.2 The proposed development complies with the London Plan's energy hierarchy, and a selection of low-carbon and renewable energy options have been considered. The use of ground-source heat pumps and the installation of roof-mounted photovoltaic (PV) panels have been identified as the most appropriate low-carbon and renewable energy systems for the proposed scheme, with alternatives such as CHP (combined heat and power), biomass and wind turbines ruled out due to various constraints explained in the consulting engineer's report.

6.3.3 The PV panels and heat pumps, combined with passive energy-efficiency measures, will achieve a seventeen per-cent reduction in carbon emissions. Although this falls short of the twenty per-cent target set out in the London Plan, it is considered on balance that sufficient attention has been given to the proposed development's sustainability offer and that the restoration and conversion of two historic buildings of notable architectural and local interest is a mitigating factor that justifies some flexibility regarding the missing of the London Plan target by three per cent.

6.4 Potential impact on the amenity of nearby residents

6.4.1 The application site is surrounded on all sides by residential properties. To the north of the site are single-family dwellinghouses at 25-30 De Beauvoir Square. No. 25 is adjacent to the gable end of the new terrace of three-bedroom dwellinghouses on the west side of the application site, from which it is separated by twenty-two metres. Nos. 29 and 30 are adjacent to the gable end of the Boris building, from which they are separated by between nineteen and twenty metres. Nos. 26-28 are parallel to the three new four-bedroom dwellinghouses on the north side of the application site, from which they are separated by between fourteen and sixteen metres. The Council has a policy of discouraging any distance of less than twenty-one metres between facing habitable-room windows, but this policy applies only to windows that are directly opposite each other; twelve metres is the permissible minimum distance between habitable windows and non-habitable windows. The north elevation of the three new four-bedroom houses does contain windows from bathrooms and bedrooms at first-floor level that face onto the rear elevations of 26-28 De Beauvoir Square.

However, these are fitted with obscured glazing to prevent overlooking. Additional, non-obscured, chamfered (angled) windows are available to the aforementioned bedrooms, in the interests of providing some outlook. There are no windows at second-floor level that face the De Beauvoir Square properties.

- 6.4.2 The closest residential property to the south of the site is 83 Hertford Road, whose gable end faces the southern elevation of the St Peter's Mission Chapel building.
- 6.4.3 Across the street from the Boris building is a recently constructed three-storey block of apartments at 64-50 Hertford Road. The distance between them is 21 metres, which is a generous and perfectly acceptable face-to-face distance between properties in an urban setting.
- 6.4.4 To the west of the application site are single-family dwellinghouses at 70-80 Mortimer Road. The rears of nos. 70 and 72 face onto the gable end of St Peter's Mission Chapel, which is between twenty-one and twenty-seven metres away. Nos. 74-80 are parallel with the six proposed three-bedroom dwellinghouses; the distance between their respective rear elevations is between 15.5 and 16.5 metres. The same measures deployed to prevent overlooking to 26-28 De Beauvoir Square, as set out in paragraph 6.4.1 of this report, are applicable here with these new dwellinghouses, however, there is only one window to each first-floor bedroom and it is non-obscured and chamfered, restricting the use of opaque glazing to bathrooms only.
- 6.4.5 Whilst the chamfered windows may result in some overlooking of adjacent gardens, it is considered that overlooking to gardens is a not-uncommon (and often unavoidable) characteristic of residential development in an urban context and would not have a sufficiently detrimental impact on a neighbour's amenity to warrant the refusal of an application solely on that basis.
- 6.4.6 The submitted Daylight and Sunlight Report measures the potential impact of overshadowing and the availability of natural light to neighbouring properties' affected windows and confirms compliance with the BRE (Building Research Establishment) guidelines.
- 6.4.7 In terms of noise disturbance, residential use is not an intrinsically noisegenerating use. Individual exceptional incidents post-occupation fall within the remit of the Council's Pollution Control team, to whom such incidents can and should be reported. With regard to the commercial use, whilst the upgraded facilities are likely to lead to an intensification of the use (from a current level of zero), the restriction of the use to daylight hours will limit any adverse impact on the amenity of neighbouring residents to a materially insignificant level.
- 6.4.8 Therefore, for the reasons set out above and having due regard to the nature and discreet scale 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 noise disturbance, 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).

6.5 Acceptability of the dwelling mix

6.5.1 The proposal's nine residential units comprise six three-bedroom dwellinghouses and three four-bedroom dwellinghouses.

6.5.2 All of the units are open-market housing; no affordable housing units are provided, as the proposed number of units falls under the affordable-housing threshold (which is ten units).

6.5.3 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. Although the proposed development's dwelling mix is broken down along different lines (six three-bedroom dwellinghouses and three four-bedroom dwellinghouses; no one- or two-bedroom houses), it must be borne in mind that the SPG's proportions are not intended to be applied strictly to individual developments.

6.5.4 However, Hackney's 2003 Housing Needs study confirms the need for family-sized accommodation within the borough, and this previously formed the basis for now-deleted policy HO9 in the Hackney UDP. In view of the current policy position, the proposed dwelling mix is acceptable.

6.6 Traffic and transport considerations

6.6.1 The proposed development contains nine car-parking spaces, of which two are for disabled-badge-holders. Although the Council aspires to encourage the use of alternative means of transport, officers accept that there is scope for flexibility in this approach when dealing with proposals containing a number of large family-sized housing units, which the borough remains short of.

6.6.2 Ten cycle-parking spaces are provided for use by future occupiers of the commercial space. The Transport Statement submitted with the planning application states that the cycle-parking for residential use can take place inside individual dwellings, for which there is room both internally and within individual gardens.

6.6.3 With regard to servicing, due to the retention of the existing buildings and the narrow width of the existing entrance, on-site servicing provision isn't possible and needs to take place from the street. The Council's Traffic and Transport team has raised no objection to this or indeed to the proposed development as a whole; overall, the team does not consider that the proposed development will have a detrimental impact upon traffic levels, circulation or parking in the vicinity. Accordingly, the proposed development is considered acceptable in this regard.

6.7 Consideration of objections

6.7.1 Design out-of-keeping with the general character of the neighbourhood; lack of architectural merit

This objection is addressed in paragraph 6.2.5 of this report.

6.7.2 The residential element of the scheme is cramped at the rear of the site; “squeezed” interior layout

This objection is addressed in paragraph 6.2.9 of this report.

6.7.3 Adverse impact on the daylight and sunlight to existing rear gardens and rear habitable rooms

This objection is addressed in paragraph 6.4.6 of this report.

6.7.4 Invasion of privacy; overlooking to existing houses and neighbouring gardens

This objection is addressed in paragraphs 6.4.1 to 6.4.5 of this report.

6.7.5 Increased noise disturbance from commercial uses and traffic

This objection is addressed in paragraphs 6.1.5, 6.4.7 and 6.6.3 of this report. It should be noted that since objections on these grounds were received, the applicant has agreed to restrict the proposed employment-generating uses to the B1 and B8 use classes, omitting the B2 use class (general industrial) that was originally proposed alongside them.

6.7.6 Increased security risk along the new passageway and to gardens in De Beauvoir Square and Mortimer Road

The objector has not elaborated upon why they consider that a development populated night and day and accessed only through security gates is more of a security risk than a vacant and derelict site whose existing-building roofs immediately adjoin neighbouring gardens.

6.7.7 Lower garden walls will result in noise disturbance and loss of privacy, health and safety issue

The proposed boundary walls are two metres high, which is an acceptable fence/garden-wall height and would in isolation qualify as permitted development (anything higher, though, would need planning permission). With regard specifically to the party wall of the ground-floor flat, 83 Hertford Road, the architect has clarified that this wall is not proposed to be lowered; in any case, party wall matters are regulated under separate legislation (the Party Wall Act 1996) and are not a matter for the Planning Sub-Committee.

6.7.8 No vehicular provision for the commercial occupants

The Council has a policy of discouraging car use and this is particularly the case in locations with high levels of public transport accessibility. The application site is one such location and benefits from close proximity not just to the soon-to-be-expanded London Overground but to numerous bus routes to other parts of the borough as well as to the West End, the City and the South Bank.

6.7.9 Proposed houses are between fourteen and sixteen metres from neighbouring houses, in breach of the Council's SPG1

This objection is addressed in paragraph 6.4.1 of this report.

6.7.10 Proposed excavations for basements in the three houses in the north of the site poses a risk to the foundations of the listed buildings on De Beauvoir Square

The matter of structural engineering is not a material Planning consideration. This is a Building Regulations matter, administered by the Council's Building Control Service, under separate legislation (the Building Act).

6.7.11 Communal courtyard dominated by car parking; lack of shared landscaping

This objection is addressed in paragraph 6.2.7 of this report.

6.7.12 Proposed building is too big; higher than the present building

This objection is addressed in paragraph 6.2.4 of this report.

6.7.13 Health and safety risk arising from the level of asbestos currently at the proposed site

A condition requiring the safe removal of asbestos is recommended below (see paragraph 8.2.2).

6.7.14 Proximity of commercial refuse storage to habitable-room windows.

The commercial refuse storage is on the other side of the party wall separating the application site from the front garden of 83 Hertford Road. It is considered that there is sufficient separation between the bedroom at the front of this property and the refuse storage, which would not be visible from the bedroom's window and the use of which would be restricted to daytime hours. It is therefore considered that there would be no undue impact on the amenity of these occupiers arising from the location of the commercial bin storage.

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 2008 (Consolidated with Alterations since 2004), and on that basis the granting of planning permission and conservation area consent are recommended.

8. RECOMMENDATION

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

8.1.1 SCB0 – Development in accordance with plans

The development hereby permitted shall only be carried out and completed strictly in accordance with the submitted plans hereby approved and any subsequent approval of details. REASON: To ensure that the development hereby permitted is carried out in full accordance with the plans hereby approved.

8.1.2 SCB1 – Commencement within three years

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

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

8.1.3 SCM6 – Materials to be approved

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

8.1.4 CM7 – Details to be approved

Detailed drawings/full particulars of the proposed development showing the matters set out below (at a scale of 1:20) 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.

- Glazed stairwell and infill between Boris building and St Peter's Mission Chapel
- Second-floor rear roof extension to Boris building
- Front entrance doors to Boris building and St Peter's Mission Chapel
- Crittall windows where proposed
- Steel frames to dwellinghouse frontages
- Dormers and rooflights
- Window sections
- Balcony/balustrade sections • Residential entrance gate
- Roof soffit.

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

8.1.5 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.

8.1.6 SCM11 – Modifications to be approved

Detailed drawings showing the following modification to the scheme shall be submitted to and approved by the Council before any work is commenced on site:

- Retention of window openings on west elevation (gable end) of St Peter's Mission Chapel and proposal of alternative treatment thereto, to include eye-level opaque glazing

This part of the development shall be completed only in accordance with the modification thus approved and retained in perpetuity.

REASON: The bricking up of the window openings is considered aesthetically unsatisfactory and this aspect of the scheme should be modified to ensure an acceptable form of development.

8.1.7 SCI3 – No roof plant

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

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

8.1.8 SCH6 – Provision of Residential Parking Facilities

The whole of the car parking accommodation hereby approved shall be provided before the occupation of any of the approved units, and retained permanently for the accommodation of vehicles for purposes incidental to the enjoyment of the residential accommodation.

REASON: To ensure that the proposed development does not prejudice the free flow of traffic or public safety along the adjoining highway, to ensure the permanent retention of the car parking accommodation and to safeguard the environment of the area.

8.1.9 SCH8 – Parking for people with disabilities

Before the use hereby permitted first commences, at least two car parking spaces shall be marked and retained permanently for use by the vehicle of people with a disability.

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

8.1.10 SCH10 – Secure bicycle parking

Enclosed lockable space shall be made available within the site for the secure parking of ten bicycles and retained in perpetuity; details of such enclosure in terms of elevations, detailed design and materials to be submitted to the local planning authority and approved in writing before occupation 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.

8.1.11 SCT1 – Submission of landscaping scheme

A full-colour plan at a scale of 1:200 showing details of hard and soft landscaping shall be submitted to and approved by the local planning authority, in writing, before any landscaping work commences on site, to show how the parking spaces are integrated into the landscaping design, improved pedestrian access into and out of the site, and (as applicable) species of tree, type of stock and level of maturity, numbers of shrubs to be included, and 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 (including any existing trees or plants that die or are damaged during, or as a result of, construction work).

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

8.1.12 NSC1 – Non-standard condition

The letters spelling out the words ‘Boris Limited’ on the front elevation of the retained warehouse building fronting Hertford Road shall be repaired, repainted and retained in perpetuity.

REASON: In order to uphold the architectural and historic interest of the retained building and secure its contribution to the character and appearance of the conservation area.

8.1.13 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.

8.1.14 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.

8.1.15 NSC4 – Non-standard condition

No development shall commence on site until a scheme to minimise the threat of dust pollution during site clearance and construction works (including any works of demolition of existing buildings or breaking out or crushing of concrete) have been submitted to and approved in writing by the local planning authority. The approved scheme shall include a watering regime in the event of dry weather, dust screens, etc., as appropriate, and shall be implemented in its entirety once development has commenced.

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

8.1.16 NSC5 – Non-standard condition

Any tree(s) in adjoining properties (within five metres of the building hereby approved) that

die, are severely damaged or become seriously diseased as a result of the proposed development, within five years of the commencement of its construction, shall be replaced by the landowner/developer; such replacement(s) to comprise trees of the same species at a minimum of two metres in height, to be planted during the first planting season following the identification of death, damage or disease.

REASON: In the interests of safeguarding the character and appearance of adjoining properties' gardens.

RECOMMENDATION B:

8.2 That conservation area consent be GRANTED, subject to the following condition:

8.2.1 SCL8B – Demolition as part of Redevelopment

The demolition works hereby permitted shall not be carried out otherwise than as part of the completion of development for which planning permission was granted under reference 2009/2842 and such demolition and development shall be carried out without interruption and in complete accordance with the plans referred to in this consent and any subsequent approval of details.

REASON: As empowered by Section 74(3) of the Planning (Listed Buildings and Conservation Areas Act 1990 and to maintain the character and appearance of the Town Hall Square conservation area.

8.2.2 NSC1 – Non-standard condition

A survey is to be carried out to establish if there is asbestos in the buildings and/or within the curtilage of the site, including details of its quantity and type, in accordance with the Removal of Asbestos at Work Regulations 2002. A method for the safe removal and disposal of any asbestos material should be provided to the Council's Pollution Control team before any demolition of any part of the buildings on site takes place.

REASON: In the interests of the health and safety of adjoining occupiers.

RECOMMENDATION C:

8.3 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 Interim Assistant Director of Regeneration and Planning and the Interim Head of Legal Services:

- 8.3.1 Payment by the landowner/developer of £1,425.39 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).)
- 8.3.2 Payment by the landowner/developer of £422.51 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).)
- 8.3.3 Payment by the landowner/developer of £44,967.00 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.)
- 8.3.4 Payment by the landowner/developer of a financial contribution (to be confirmed) towards s278 works for making good the highway following construction. (This sum to be calculated by the Council's Streetscene directorate.)
- 8.3.5 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.
- 8.3.6 Provision by the landowner/developer for the use of local labour on site during the construction phase.
- 8.3.7 Achievement of a seventeen per-cent reduction (minimum) in carbon dioxide emissions compared to an equivalent building constructed to 2002 regulations.
- 8.3.8 Residential units to be built to Lifetime Homes standard and to achieve Code for Sustainable Homes level 4 and a BREEAM rating of 'very good' for the use-class B1 and B8 elements.
- 8.3.9 The applicant is to carry out all works in accordance with the National Considerate Constructors Scheme.
- 8.3.10 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). (This sum has been calculated in accordance with the approved formula in the Planning Contributions Supplementary Planning Document (SPD) (2006).)
- 8.3.11 At least ten per cent of units to be wheelchair accessible.
- 8.3.12 No parking permits are to be issued to occupiers of the development other than to disabled badge-holders.

8.3.13 Achieve ‘Secured by Design’ certification

9. REASONS FOR APPROVAL

9.1 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. It is considered that the proposal complies with all pertinent policies in the Hackney UDP (1995) and the London Plan 2008 (Consolidated with Alterations since 2004)

9.2 The following policies contained in the Hackney Unitary Development Plan (1995) are relevant to the approved development/use and were considered by this Council in reaching the decision to grant planning permission: EQ1 (Development Requirements); EQ12 (Protection of Conservation Areas); EQ13 (Demolition in Conservation Areas); HO3 (Other Sites for Housing); TR19 (Planning Standards).

9.2 The following policies 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); 3A.1 (Increasing London’s supply of housing); 3A.2 (Borough housing targets); 3A.5 (Housing choice); 3A.6 (Quality of new housing provision); 3C.1 (Integrating transport and development); 3C.2 (Matching development to transport capacity); 3C.3 (Sustainable transport in London); 3C.23 (Parking strategy); 4A.1 (Tackling climate change); 4A.3 (Sustainable design and construction); 4A.4 (Energy assessment); 4A.6 (Decentralised energy: Heating, cooling and power); 4A.7 (Renewable Energy); 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); 5C.1 (The strategic priorities for North East London).

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.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 2009/2842, 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.

Signed.....

Date: 27 May 2010

Steve Douglas INTERIM CORPORATE DIRECTOR, NEIGHBOURHOODS & REGENERATION DIRECTORATE

| | BACKGROUND PAPERS | NAME/EXTENSION OF OFFICER | LOCATION |
|--|--------------------------|----------------------------------|-------------------------------------|
| | Hackney UDP | Rokos Frangos 8095 | 2 Hillman Street, E8 1FB |
| | The London Plan | Rokos Frangos 8095 | 2 Hillman Street, E8 1FB |