

<p>ADDRESS: Land at Leaside Road Clapton E5 9ND</p>	
<p>WARD: Lea Bridge Ward</p>	<p>REPORT AUTHOR: Yvette Ralston</p>
<p>APPLICATION NUMBER: 2019/1670</p> <p>DRAWING NUMBERS: Existing drawings: 0042-DR-0010 Rev P03; 0011 Rev P03; 0109 Rev P03; 0012 Rev P03; 0013 Rev P03; 0020 Rev P03; 0021 Rev P03; 0022 Rev P03; 0023 Rev P03; 0030 Rev P03; 0031 Rev P03; 0032 Rev P03;</p> <p>Proposed drawings: 0042-DR-0100 Rev P04; 101 Rev P04; 102 Rev P04; 103 Rev P04; 104 Rev P04; 105 Rev P04; 106 Rev P04; 107 Rev P04; 108 Rev P04; 200 Rev P04; 201 Rev P04; 202 Rev P04; 203 Rev P04; 300 Rev P04; 301 Rev P04; 302 Rev P04.</p> <p>Design and Access Statement, KL Architects, August 2019; Planning Statement, MRPP, April 2019; Energy Statement, Consolux, April 2019; Sustainability Statement, Consolux, April 2019; BREEAM Pre-Assessment, Consolux, April 2019; Financial Viability Appraisal, Bespoke Property Consultants, April 2019; Noise and Vibration Impact Assessment, KP Acoustics Ltd, February 2019; Flood Risk Assessment, Canham Consulting, March 2019; Air Quality Assessment, Aether, February 2019; Daylight and Sunlight Assessment, Herrington Consulting Ltd, April 2019; Townscape and Visual Assessment, Bridges Associates, May 2019; Transport Statement, GTA Civils, May 2019; Travel Plan, GTA Civils, May 2019; Delivery and Servicing Management Plan, GTA Civils, February 2019; Preliminary Ecological Appraisal, Middlemarch, March 2019; Bat Roost Assessment, Middlemarch, March 2019.</p>	<p>VALID DATE: 15/05/2019</p>
<p>APPLICANT: Archeater Ltd.</p>	<p>AGENT: Luke Raistrick, Centro Planning Consultancy, 55 St John Street London EC1M 4AN</p>

PROPOSAL: Demolition of existing car park (sui generis) to provide a seven-storey building comprising 22 residential units (use class C3) and commercial floorspace (use class B1) at ground, first, and part second floors.

POST SUBMISSION REVISIONS:

- Provision of 100% affordable workspace at 60% of market rent.
- Moving the position of the balcony for flat 10 and alterations to the shape and size of the balconies for flats 5 and 15.
- Alterations to cycle storage to provide separate cycle parking facilities for residential and commercial users, as well as the inclusion of showers and lockers for the B1 space
- Alterations to refuse storage to provide separate refuse stores for the residential and commercial space.

The changes are minor in nature and do not materially change the appearance, character, scale or scope of the proposal as originally consulted on so reconsultation was not considered necessary.

RECOMMENDATION SUMMARY:

Grant conditional planning permission subject to a Legal Agreement.

NOTE TO MEMBERS: This application is referred to members as it is a major application.

ANALYSIS INFORMATION

ZONING DESIGNATION: (Yes) (No)

CPZ	Zone U	
Conservation Area	-	No
Listed Building (Statutory)	-	No
Listed Building (Local)	-	No
Priority Employment Area (PEA)	Theydon Road	-

LAND USE DETAILS:	Use Class	Use Description	Floorspace
Existing	Sui generis	Car park	704sqm
Proposed	C3 B1	Residential Office	1,789sqm 969sqm

RESIDENTIAL USE DETAILS:	Residential Type	No of Bedrooms per Unit				
		1	2	3	4	5+
Existing	0	0	0	0	0	0
Proposed	Flats	1	14	7	0	0

Totals	Total = 22	
---------------	-------------------	--

PARKING DETAILS:	Parking Spaces (General)	Parking Spaces (Disabled)	Bicycle storage
Existing	21 (used for storage of cars for sale)	0	0
Proposed	0	1	86

1. **SITE CONTEXT**

- 1.1 The site lies on the southern side of Leaside Road, immediately to the west of the railway line which is elevated along this stretch. The River Lea, which forms the boundary with Waltham Forest, is to the west. The site comprises a single storey concrete framed structure currently used as a car park with some informal open storage space on the ground floor. The site slopes downwards with access to the lower level being via Leaside Road, and access to the upper level being via Grosvenor Way from the south.
- 1.2 The immediate context is predominantly industrial and commercial in nature given the location of the site within the Theydon Road Priority Employment Area (PEA). Directly adjacent to the site to the south east is an electrical substation. There are also mixed use residential and commercial schemes within the PEA, such as at the Zaim Trading Estate adjacent and the Dehavilland Studios on Theydon Road to the south east. There are residential uses surrounding the PEA including the Lathams Yard development to the west and terrace style housing to the east. The overall massing of buildings within the PEA is between 2 and 5 storeys. On the opposite side of the road to the site to the north east is a mix of residential blocks ranging from 4 to 6 storeys and a self storage facility.
- 1.3 The PTAL rating of the application site is 2. The nearest train station to the site is Clapton, which is located approximately 700m to the south on Upper Clapton Road. There are bus routes which immediately pass the site and in the vicinity. The site falls within Flood Zone 1.

2. **CONSERVATION IMPLICATIONS**

- 2.1 The property is not listed and does not lie within a conservation area.

3. **RELEVANT HISTORY**

- 3.1 None

4. **CONSULTATIONS**

- 4.1 Date Statutory Consultation Period Started: 22/05/2019
4.2 Date Statutory Consultation Period Ended: 04/07/2019
4.3 Site Notice: Yes.
4.4 Press Advert: Yes

- 4.5 Consultation letters were sent to 101 neighbouring occupiers.
- 4.6 The post-submission revisions were minor in nature, comprising separating the bin and bike stores for the commercial and residential space and minor shifts to the balconies for flats 5, 10 and 15 which face the railway line. These changes do not materially change the appearance, character, scale or scope of the proposal as originally consulted on so reconsultation was not considered necessary.
- 4.7 1 letter of objection was received stating that a seven storey building was too high for building as there are no buildings of that height in the vicinity; the building will not allow for a decent pavement; and the lack of private car parking will be an issue for residents.
- 4.8 Five letters of support from residents were received welcoming the provision of much needed new housing in the area.
- 4.6 The above objection, plus all material planning considerations are addressed in the relevant sections of the report.

Statutory Consultees:

English Heritage (Archaeology)

- 4.7 The site lies within the extent of early nineteenth century brickfields shown on the Cruchley map of 1820 and in view of this and past impacts from the railway and industrial works, I do not advise significant archaeological potential. Having considered the proposals with reference to information held in the Greater London Historic Environment Record and/or made available in connection with this application, I conclude that the proposal is unlikely to have a significant effect on heritage assets of archaeological interest. No further assessment or conditions are therefore necessary.

Secure by Design

- 4.8 Owing to high levels of theft and burglary related crime within the Leabridge Ward I have highlighted a number of site specific concerns and recommendations. We request that should this application be approved, that it is subject to a condition to require the proposed development to achieve secured by design accreditation.
- 4.9 Specific points related to the residential element include:
- Access Control: A SMART access control system and video control panel is required
 - Residential Doors: All residential doorsets allowing direct entry to a home shall be certified to a minimum of PAS 24:2016.
 - Residential Windows: All residential windows shall be a minimum standard of PAS 24:2016, particularly where windows are easily accessible.
 - Bin store: Doors shall be single leaf. Doors and louvres shall be a minimum of LPS 1175 SR2 from the public domain. Bin store access shall be by proximity reader on a registered and managed scheme.

- Cycle storage: The store door shall be single leaf and of a minimum standard of LPS 1175 SR1. Proximity reader access shall only be provided to residents who own bikes and are registered by the building management to access the storage facility.
- Lighting: The lighting strategy must compliment any onsite CCTV system and ensure glare from lumens does not cause obstruction. A lux plan for the site will be required by a current, qualified Engineer to ensure the development achieves an overall uniformity rating that does not fall below 0.25Uo.
- Further discussion is required with a Designing Out Crime Officer regarding the rooftop access and perimeter treatments such as the gate height to the east and west boundaries at Leabridge Road and the perimeter treatments to the southern boundary at Grosvenor Way.
- Safeguarding residents and access control to the childrens' play area on the second floor requires further discussion.

4.10 These technical points will all be addressed as part of a Secure by Design condition.

Thames Water

Waste Comments

4.11 With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.

4.12 We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.

4.13 The proposed development is located within 15m of a strategic sewer. A piling condition is suggested. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide to working near or diverting our pipes.

4.14 Thames Water would advise that with regard to waste water network and waste water process infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

Water Comments

4.15 If you are planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at thameswater.co.uk/buildingwater. There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near

our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read our guide to working near or diverting our pipes.

- 4.16 On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning application.

TFL

- 4.17 Responded to state they had no comment.

Network Rail

- 4.18 Due to the proposed development being adjacent to Network Rail land Network Rail strongly recommends the developer contacts AssetProtectionAnglia@networkrail.co.uk prior to any works commencing on site, and also to agree an Asset Protection Agreement with us to enable approval of detailed works. The development is located close to the overhead electrical lines, Network Rails Asset Protection Team also recommend that the applicant should assess whether an EMC (Electromagnetic Current) study should be undertaken.
- 4.19 The site and proposed development is located directly adjacent to Network Rails operational railway and embankment. As a result the proposed demolition and subsequent redevelopment of the site poses potential risks to the safety of the operational railway. For instance the foundation for the new development has the potential to affect the stability of the embankment. A condition is recommended to ensure the safety of the railway.
- 4.20 The developer must ensure that their proposal, both during construction and after completion of works on site, does not:
- encroach onto Network Rail land
 - affect the safety, operation or integrity of the company's railway and its infrastructure
 - undermine its support zone
 - damage the company's infrastructure
 - place additional load on cuttings
 - adversely affect any railway land or structure
 - over-sail or encroach upon the air-space of any Network Rail land
 - cause to obstruct or interfere with any works or proposed works or Network Rail development both now and in the future
- 4.21 A series of conditions are included regarding future maintenance, drainage, plant and materials, scaffolding, piling, fencing, lighting, noise and vibration, and landscaping in order to protect the operation of the railway.

Other Council Departments

Transport

- 4.22 No objection subject to a Travel Plan, Delivery and Service Plan, car club contribution, Construction and Demolition Plan and S278 highways contributions.

Drainage

- 4.23 The site is shown to have a 'high' risk of surface water flooding. We have reviewed the Flood Risk Assessment (ref: 207221 REV P3 by Canham Consulting Ltd) and have the following comments. It is noted that the ground floor will be designed to flood in various return period, so flood resilience materials will be implemented. The plant room, however, will be designed using flood resistance technique and prevent the ingress of water. It is noted that 510sqm of green roof will be incorporated as part of the development and that discharge rate will be limited to 2 l/s (a 95% flow reduction of the existing flows). An area of 125sqm of permeable paving will also be implemented. Conditions are recommended.

Environmental Protection (Noise)

- 4.24 No objection subject to conditions requiring submission of a demolition and construction method statement, sound insulation between commercial and residential use, and control of plant noise.

Local Groups

Hackney Swifts

- 4.25 We support the implementation of the Middlemarch ecology report to enhance biodiversity in accordance with the Hackney BAP, and would like to see its implementation in the planning conditions.

5 POLICIES

5.1 Local Development Framework (LDF)

Core Strategy (2010)

- Policy 6 – Transport and Land Use
- Policy 16 - Employment Opportunities
- Policy 17 - Economic Development
- Policy 18 - Promoting Employment Land
- Policy 19 – Housing Growth
- Policy 20 – Affordable Housing
- Policy 22 – Housing Density
- Policy 24 – Design
- Policy 29 – Resource Efficiency and Reducing Carbon Dioxide Emissions
- Policy 30 – Low Carbon Energy, Renewable Technologies and District Heating
- Policy 33 – Promoting Sustainable Transport

Development Management Local Plan (2015)

- Policy DM1 – High Quality Design
- Policy DM2 – Development and Amenity
- Policy DM4 – Community Infrastructure Levy and Planning Contributions
- Policy DM14 - Retention of Employment Land and Floorspace
- Policy DM15 - New Business Floorspace
- Policy DM16 - Affordable Workspace
- Policy DM17 - Development Proposals in Priority Employment Areas (PEAs)
- Policy DM19 – General Approach to New Housing Development
- Policy DM20 – Loss of Housing
- Policy DM21 – Affordable Housing Delivery
- Policy DM22 – Homes of Different Sizes
- Policy DM31 – Open Space and Living Roofs
- Policy DM35 - Landscaping and tree management
- Policy DM37 – Sustainability Standards for Residential Development
- Policy DM38 - Sustainability Standards for Non-residential Development
- Policy DM39 - Offsetting
- Policy DM44 – Movement Hierarchy
- Policy DM45 – Development and Transport
- Policy DM46 - Walking and Cycling
- Policy DM47 – Parking, Car Free and Car Capped Development

5.3 London Plan (2016)

- Policy 3.3 – Increasing Housing Supply
- Policy 3.4 – Optimising Housing Potential
- Policy 3.5 – Quality and Design of Housing Developments
- Policy 3.6 – Children’s and Young People’s Play and Recreational Facilities
- Policy 3.8 – Housing Choice
- Policy 3.9 - Mixed and balanced communities
- Policy 3.12 – Negotiating affordable housing on individual private residential and mixed use schemes
- Policy 4.2 - Offices
- Policy 4.3 - Mixed use developments and offices
- Policy 5.1 – Climate Change Mitigation
- Policy 5.2 – Minimising Carbon Dioxide Emissions
- Policy 5.3 – Sustainable Design and Construction
- Policy 5.9 - Overheating and cooling
- Policy 5.10 - Urban greening
- Policy 5.11 - Green roofs and development site environs
- Policy 5.12 - Flood risk management
- Policy 5.13 - Sustainable drainage
- Policy 6.3 – Assessing Effects of Development on Transport Capacity
- Policy 6.9 – Cycling
- Policy 6.13 – Parking
- Policy 7.1 – Lifetime Neighbourhoods
- Policy 7.2 – An Inclusive Environment
- Policy 7.3 - Designing out crime
- Policy 7.4 – Local Character
- Policy 7.5 – Public Realm
- Policy 7.6 – Architecture
- Policy 8.2 – Planning Obligations

- Policy 8.3 – Community Infrastructure Levy

5.4 SPD/SPG/Other

- Hackney Planning Contributions SPD
- Hackney Sustainable Design and Construction SPD
- GLA Housing SPG
- GLA Affordable Housing and Viability SPG

5.5 National Planning Policies

- National Planning Policy Framework 2019
- Planning Practice Guidance

5.6 Legislation

- Town and Country Planning Act 1990 (as amended)

5.7 Emerging Planning 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. COMMENT

6.1 Background

- 6.1.1 The site is located on the south east side of Leaside Road. It currently comprises a single storey concrete framed structure used as a vehicular car park at ground floor and roof level with some associated storage use at ground floor level. There is a change in levels on the site, with the front of the site on Leaside Road being 2 storeys lower (approximately 5.5m) than the rear which adjoins Grosvenor Way. The site lies immediately to the south of the railway line linking Clapton and Walthamstow, which is elevated along this stretch with a raised embankment. The River Lea Navigation is to the east of the site. The adjacent building to the south is a 4 storey light industrial style office building and electrical substation, and similarly to the rear (west) the adjacent buildings are light industrial / commercial in nature.
- 6.1.2 On the opposite side of Leaside Road are a mix of commercial, residential and mixed use developments ranging from 4 to 6 storeys. These developments front the River Lea. The proposal site does not have direct access to the canal path.
- 6.1.3 The application site is located within the Theydon Road Priority Employment Area (PEA), which will be redefined as a Priority Industrial Area (PIA) in the emerging Local Plan (LP33). The surrounding context is predominantly industrial/commercial in character, having historically been an industrialised area, however there is an emerging context of mixed and wholly residential development in the area. In townscape terms, the overall massing of buildings in the locality is between 2 and 6 storeys.
- 6.1.4 The nearest area of local amenities and shops is Upper Clapton High Street which is approximately 10-15 minutes uphill walk away via Leaside Road and Mount Pleasant Lane. There is a bus stop close to the site. The site is also located within an Archaeological priority area.

The Proposal

- 6.1.4 The proposal seeks to demolish the existing structures on the site and erect a 7 storey building to provide a mixed use development comprising commercial and residential floorspace. The new building is proposed to occupy the entire footprint of the site. A total of 969sqm of commercial floorspace is proposed on the ground, first and rear part of the second floor, aimed towards local SMEs and small businesses. 22 residential units are proposed across the second to seventh floor. There are two residential units on the second floor and five on each of the third to sixth floors. The housing is aimed predominantly at the Orthodox Jewish community. There is communal amenity space for residents at roof level along with indoor and outdoor children's play space on the second floor. Residential cycle parking and buggy storage is provided on the ground floor.
- 6.1.5 Access to the residential areas is via Leaside Road. The main access to the commercial areas is via the entrance on Grosvenor Way (rear) which provides access at the second floor, which is possible due to the changes in level on the site. There is a secondary commercial entrance on Leaside Road providing access to the ground floor commercial space. There is separate cycle parking and refuse storage for the commercial areas located on the ground floor.

6.2 Land use

Employment use

- 6.2.1 The site is located within the Theydon Road PEA on a site where no formal employment land currently exists. Core Strategy Policy 17 states that in Priority Employment Areas (PEAs) Business (B1), Hotels (C1) and Non-residential (D1) Institutions will be the preferred uses. DMLP Policy DM17 expands on this stating that B1, B2 and B8 uses are appropriate uses within PEAs and that A Class, C1, C3 and D1 uses are acceptable provided any C1/C3 is part of an employment-led mixed use development where commercial is the predominant use, and that the development is appropriate to the characteristics and functioning of the site and will not compromise the on-going operations of businesses in the PEA. Proposals must also comply with policy DM14 which states that the maximum economically feasible amount of employment floorspace should be provided.
- 6.2.2 Emerging policy LP26 states that 'New development in the designated employment areas should maximise employment floorspace in line with policy LP27 Protecting and Promoting Office floorspace in the borough and policy LP28 Protecting and Promoting Industrial land and floorspace in the borough and should incorporate other priority uses such as conventional affordable housing and have active frontages at ground floor level, where appropriate'. Emerging policy LP28 states that 'New development or redevelopment of sites within Priority Industrial Areas will only be permitted if they:
- i. maximise the delivery of employment floorspace by maintaining or re-providing the same amount of industrial floorspace (as either B1c, B2, B8); and
 - ii. include the maximum viable amount of employment floor space; and
 - iii. in the case of mixed use development schemes, are designed to ensure that there are no environmental impacts or conflicts between uses, applying the agent of change principle.'
- 6.2.3 The existing site is a split-level car park (sui generis) and there is some open storage space and shipping containers located on the lower level associated with the use of the space as a storage area for cars. The site is not considered to offer any formal B class floorspace. Therefore the proposal to provide 969sqm of B1a floorspace on the site is acceptable in principle.
- 6.2.4 The 969sqm of employment floorspace to be provided represents 29% of the total floorspace. This is therefore not an employment led scheme, however the development viability report submitted by the applicant has been assessed and subsequent discussions (see below) have resulted in the best possible outcome for this site in terms of employment floorspace. It also represents a significant uplift in the quantum of employment land on this site, as previously there was none.
- 6.2.5 The quantum of employment floorspace is comparable to other schemes in the vicinity, as shown in the table below:

Date	Site	Commercial	Residential
TBC	Leaside Road (2019/1670)	969sqm B1 (29%)	1,789sqm
Committee approval Oct 2019	Harvest House (2018/2802)	1073sqm B1 (33%)	2223sqm
November 2016	Zaim Trading Estate / Hunts Wharf (2014/2552)	668sqm B1 (25%)	2063sqm
October 2006 & June 2016	Riverside House (2006/2800 & 2012/3874)	0	5,728sqm

- 6.2.6 The viability report has been assessed by the Council's viability consultant. A surplus was identified and negotiations have taken place to secure a more policy compliant scheme. Rather than seeking an increase in the pure quantum of employment floorspace to secure an employment-led scheme, the Council has sought an enhanced affordable workspace. The outcome is that 100% of the employment floorspace will be provided as affordable workspace, which is considered to be a good outcome in this PEA location. The affordable workspace is discussed in greater detail below.
- 6.2.7 The location of the employment space at the lower levels provides an active commercial frontage which assists in preserving the commercial character and supporting the ongoing successful operation of the PEA.
- 6.2.8 Therefore, given the specific circumstances of this site, it is considered that the most appropriate quantum of workspace on this particular site is being provided, satisfying the requirements of DMLP policy DM17 and emerging policy LP28.
- 6.2.8 In line with policy DM15, which requires new employment floorspace to be well designed and high quality space, the proposed scheme would provide modern facilities and allow for long-term provision of employment floorspace on the site. The large windows at the front will provide natural light and there are amenity spaces on a terrace at the rear of the first floor for employees to access. The space is designed for occupation by small businesses and the arrangement of the space allows for appropriate sub-division and reconfiguration as required. Appropriate access arrangements are provided with access from both Leaside Road and from Grosvenor Way at the rear, separate from the residential access. There are lifts internally with cycle storage facilities at ground floor level.
- 6.2.9 Conditions will be imposed on any planning permission granted to ensure that appropriate fit out, flexibility, leasing and marketing is provided to maximise the employment potential of the site.

Affordable workspace

6.2.10 Policy DM16 and emerging policy LP29 (Affordable Workspace and Low Cost Workspace) require at least 10% of the employment floorspace within major schemes to be provided as affordable workspace in perpetuity, subject to scheme viability. Policy DM16 requires the affordable workspace to be provided at no more than 80% of local market rates. Following the Council's review of the viability assessment, where a surplus was identified, it has been agreed that all of the commercial floorspace (969sqm) will be provided as affordable workspace and that the discount will be greater than the 80% sought by policy. Workspace will be provided at no more than 60% of local market rents. This was considered to be the most effective use of the surplus on this particular site and the discount corresponds with emerging policy LP29 which requires provision at no more than 60% of the locality's market rates.

6.2.11 This compares to other schemes in the vicinity, as shown in the table below:

Date	Site	Commercial / residential	Affordable housing (AH) / Affordable Workspace (AW)
TBC	Leaside Road (2019/1670)	969sqm B1 (29%) / 1,789sqm C3	0% AH 100% AW @ 60% market rent
Committee approval Oct 2019	Harvest House (2018/2802)	1073sqm B1 (33%) / 2223sqm C3	22% AH 14% AW @ 80% market rent
November 2016	Zaim Trading Estate (2014/2552)	668sqm B1 (25%) / 2063sqm C3	27% AH 10% AW @ 80% market rent
October 2006 & June 2016	Riverside House (2006/2800 & 2012/3874)	0 B1 / 5,728sqm C3	41% AH 0 AW

6.2.12 The affordable workspace will be provided and managed by the developer (Archester) who will lease the space directly to end users at 60% of comparable market rates. Archester is not on the Council's Approved Workspace Providers List but they have submitted an Affordable Workspace Statement and are engaging with the Council's Economic Regeneration Team to ensure the workspace meets the Council's standards. The space will be leased as small office units and fixed desk-spaces to local SMEs, start-ups and freelance workers at an affordable rate to be agreed in writing by the council. This will be secured as part of the legal agreement. This approach is welcomed in this PEA location.

6.2.13 In addition, a monetary contribution for construction training, employment support and local procurement of £16,174.75 will be secured through the Council's Ways

into Work scheme to enhance the prospects of the use of local employment in the construction phase of development.

Residential use

- 6.2.14 Policy at the local, regional and national level sets out a general presumption in favour of housing, particularly affordable housing. Core Strategy Policy 19 seeks to ensure that proposals for new residential development incorporate a mix of dwelling types and sizes that reflect and respond to Hackney's current and future housing needs, and positively contribute to the creation of mixed, sustainable communities and neighbourhoods. DMLP Policy DM19 seeks to meet identified housing need in the borough and states that proposals for new housing development will be permitted provided they would not adversely conflict with other Local Plan policies, particularly in relation to design quality, amenity, environmental sustainability and employment land and floorspace. This approach is carried through into emerging policy LP12 (Housing Supply).
- 6.2.15 With regards to the development of residential within a PEA, policy DM17 states that C3 uses are acceptable in a PEA as part of an employment-led mixed use development where commercial use is the primary use, and where the scheme is appropriate to the characteristics and functioning of the site and will not compromise the on-going operations of businesses in the PEA.
- 6.2.15 Notwithstanding the requirements of policy DM17 which have been discussed above, the principle of residential accommodation is deemed acceptable in this location. The proposal is to develop 22 residential units on the site with residential located across floors 2 to 7. The scheme is not employment-led, however, this has been deemed acceptable on this particular site and it is not considered that the development will compromise the on-going operations of businesses in the PEA.

Size mix and tenure

Unit size mix

- 6.2.16 Core Strategy Policy 19 requires that housing provision incorporates a mix of dwelling types and sizes that reflect and respond to Hackney's current and future housing needs, supports mixed and balanced local communities and promotes the provision of new family accommodation (3 bed or larger). DMLP Policy DM22 sets out the Council's preferred dwelling size mix, seeking to ensure a mix of homes of different sizes are secured. For market housing, we seek 33% family sized accommodation (3 or more bed units) and a greater percentage of two-bed units than one-bed units. This is carried through into emerging policy LP14 (Dwelling Size Mix).
- 6.2.17 This particular scheme is aimed predominantly at the Orthodox Jewish community and it is known that there is demand for family sized homes amongst this community and it is therefore particularly important that sufficient larger family sized units are provided in this scheme. The proposed dwelling size mix is as follows:

Size	No of units	%
1B2P	1	4%
2B3P	7	64%
2B4P	7	
3B5P	4	32%
3B6P	3	
Total	22	100%

6.2.18 The provision of 32% of the units as 3-bed family sized accommodation is welcomed, and the proportion of 2 bed units is greater than one bed units, so the unit size mix is policy compliant.

Tenure

6.2.19 Core Strategy Policy 20 and DMLP Policy DM21 set out a borough wide affordable housing target of 50% of all units subject to site characteristics, location and overall scheme viability. The proposal is for 22 residential units, none of which are proposed to be affordable. The viability assessment concludes that it is not viable to provide affordable housing on the site in addition to the commercial space and affordable workspace. The site is located in a PEA and, as noted above, 100% of the 969sqm of workspace is to be provided as affordable workspace at no more than 60% of local market rents, which is well beyond the minimum policy requirement for affordable workspace and is considered to be a good outcome on this site.

6.2.20 The site's location within a PEA is of primary importance and therefore on sites such as this the council would give priority to the provision of the optimal amount of employment floorspace before considering the feasibility of affordable housing. The Council has accepted that it is not viable to provide the maximum economically feasible amount of employment floorspace as well as policy compliant levels of both affordable housing and affordable workspace on this particular site and has therefore sought to secure the maximum amount of affordable workspace. On balance, the lack of affordable housing is considered to be acceptable.

Adaptable Homes

6.2.21 Five fully DDA-compliant 'wheelchair user dwellings' will be provided in line with Building Regulations Optional Requirement Part M4 (3). These are the large 3B5P corner flats on the north west corner of the site fronting Leaside Road and also with outlook towards the railway. There is one on each floor (flats 2, 4, 9, 14, and 15). The remaining flats are 'accessible and adaptable' units in line with Building Regulations Optional Requirement Part M4 (2).

6.3 Design

- 6.3.1 Core Strategy policy 24 sets out that development should enhance Hackney's built environment by ensuring an optimum arrangement of the site in terms of form, mass and scale, adopting a rigorous approach to assessing the height and bulk of buildings in relation to surrounding character, and enhancing boundary treatments and public realm. DMLP policy DM1 and emerging policy LP1 (Design Quality and Local Character) set out the criteria that should be addressed to ensure high quality design.

Form, Height and Massing

- 6.3.2 The proposal is located within an area of industrial character but with a number of new and emerging mixed use residential and commercial developments. The building heights in the area ranges from 2 storey industrial buildings to 6 storey mixed use residential and commercial schemes.
- 6.3.3 The proposed building is 7 storeys in height, comprising 2 storeys of commercial space at the ground, first and half of the second floor, and 5 storeys of residential space above. The building sits on the valley side which rises from the River Lee Navigation up to Clapton. As such, the 7 storey building sits slightly higher than the residential buildings on the opposite side of the road closer to the river. The height is acceptable, being in the upper range of the emerging height profile of the area, and similar in height to other residential blocks which are prominent in views from Leyton Marshes. The well considered upper storeys are likely to compliment the skyline of the area where they are glimpsed in longer views.
- 6.3.4 The building occupies the full footprint of the site. The front facade of the building aligns with the existing wall that runs to the west of the site in front of the embankment and under the railway bridge. The full width of the existing pavement is retained. The 2 storey commercial base is defined by double height brick arches. This base is responsive to the street scale and is detailed to provide interest adjacent to the public realm. Above this, the residential middle of the building is defined by informally arranged windows and projecting balconies; a design nod to the family life within. The top storey is defined by a row of highly structured, regular, large windows with recessed loggia on each corner. The recessed loggia reduce the bulk at the top of the building, allow light through the mass and create sculptural interest.
- 6.3.5 Vertically, the width of the building is broken down by recessed brick slots and slight cranking of the facade to respond to the curve of the street, into slimmer vertical elements. On the side elevations a vertical column of glazing define the circulation core and on the other facades vertical division has also been included to continue the use of verticals in reducing the perceived width and scale.
- 6.3.6 Overall the building represents an interesting and dynamic massing which will add a memorable new form to this gateway to Hackney.

Layout

- 6.3.7 There are separate commercial and residential entrances from Leaside Road. Office accommodation faces the street and will be adequately lit given the full

glazing of the ground floor. There are no windows at the rear of the ground floor because of the elevation changes, however this area is occupied by bike storage and showering facilities for employees, which is considered to be a good use of this space.

- 6.3.8 The commercial space at the first floor is well lit from the front, and lit from the rear by windows facing a light well / accessible terrace, and by a skylight facing north. These spaces are likely to be adequate as workspaces. We will seek details of the terrace as a condition of any approval. We suggest measures are taken to maximise natural light penetration here.
- 6.3.9 Above, further commercial space is located on the western half (rear) of the second floor. This space can be accessed either from the main entrance at the front on Leaside Road or from Grosvenor Way at the rear which is at second floor level due to the elevational changes. There is residential accommodation on the eastern half of the second floor comprising 2 dual aspect flats with residential circulation, a children's play room and outdoor play space on this level. There is no rear residential access at the rear at this level as the street is heavily commercial / industrial and so it is sensible that residential access is not encouraged here. Residential access is from the front only.
- 6.3.10 The flats on the levels above have been arranged to ensure dual aspect outlook as far as possible. Large flats are located on corners to broaden outlook, while some smaller flats are located in concave corners and as such have windows which face different directions.
- 6.3.11 The circulation spaces of the building are naturally lit by windows from lit stair wells. A condition will be included to ensure that windows to stairwells and onwards to shared hallways can be opened to allow natural ventilation.
- 6.3.12 Internally, the building will offer a good standard of accommodation and is acceptable in design terms.

Architecture and Materials

- 6.3.13 The proposals are likely to raise the bar for design in the locality and will introduce a building of landmark character to the site. Each level of the proposal has architectural interest, and as a composed whole, its concept has been well-considered and explained in the Design and Access Statement.
- 6.3.14 The seemingly informal middle of the building, which has windows of various sizes and positions as well as apparently randomly placed balconies, is a response to the community for which the building is designed. The balconies are positioned so that they have an uninterrupted vertical view of the sky in line with Jewish tradition.
- 6.3.15 Materiality, a brick building with some areas of cladding system is acceptable in principle. More detail of the materials will be required by condition. The enclosure around the rooftop garden will be visible in longer views. It is proposed to be 2.2m high consisting of galvanised mesh and post fencing obscured by climbing plants and with holes to allow views out. A long distance view from Walthamstow

Marshes has been provided. More detailed information of its appearance will be required by condition

Conservation and Heritage Assets

- 6.3.16 The site is not within a conservation area. There is a historic, hexagonal WW2 fortification on the nearby railway embankment. This type of defensive structure was built in isolation and has value which is not related to any specific context. As such the proposed building has a neutral effect on heritage assets.

Conclusion

- 6.3.17 Overall, the proposal is acceptable in design terms.

6.4 Quality of accommodation

Residential Floorspace

- 6.4.1 New residential units are expected to comply with the minimum floorspace standards of London Plan policy 3.5 and the requirements of the Mayor's Housing SPG. In terms of overall unit size, all prospective flats meet the relevant minimum standards.
- 6.4.2 There are 5 flats on each floor and the majority of flats (18 out of 22 units) are dual aspect. The smaller 2B3P flats on floors 3 to 6 (4 units) are not truly dual aspect, however care has been taken to place windows facing both directions on the bend in the building, ensuring that views are achieved in 2 directions. This is acceptable.
- 6.4.3 The units are designed specifically to meet the needs of the Orthodox Jewish community living in the area. This includes features such as the dual kitchen and specific positioning of balconies (discussed below). In addition, there is generous indoor and outdoor children's play space (discussed below).
- 6.4.4 The proposed layout of residential floorspace will provide acceptable living conditions for future residents.

Private amenity space

- 6.4.5 The GLA Housing SPG states that a minimum of 5sqm of private outdoor space should be provided for 1-2 person dwellings and an extra 1sqm should be provided for each additional occupant.
- 6.4.6 21 of the 22 flats have private balconies or terraces. The positioning of the balconies is such that each one has an uninterrupted view of the sky overhead for the purposes of the religious festival Sukkot, which means that no flat has a balcony directly beneath another.
- 6.4.7 Some amendments were made to the positioning of balconies during the assessment of the application to ensure that all balconies are accessed via the living room (rather than via a bedroom). The positioning of the balcony for flat 10 was altered for this reason, and alterations to the shape and size of the balconies

for flats 5 and 15 (above and below) were also made to ensure the balconies meet both religious requirements and policy requirements. Balconies are all acceptable.

- 6.4.8 One flat (Flat 20 - 2B3P) does not have access to a private balcony. This is justified as it is located immediately below the large roof top communal space and has a substantial ceiling window over the kitchen.

Communal Amenity space and children's play space

- 6.4.9 Policy DM31 seeks provision of 10sqm of communal open space per person in new developments. A 172sqm accessible rooftop area is proposed. This is in addition to the private amenity spaces and is considered to be a welcome addition to the scheme. The daylight and sunlight assessment demonstrates that this roof space will be well sunlit throughout the year. The BRE guidelines state that for an amenity space to appear adequately sunlit throughout the year, at least half of this area should receive at least two hours of sunlight on 21st March. 99% of this space will receive in excess of 2 hours of direct sunlight on 21st March.
- 6.4.10 The River Lee Navigation is nearby (c.85m away) with a path alongside it which leads to open spaces such as Springfield Park to the north, Millfields Park to the South and Walthamstow Marshes on the opposite side of the river to the east. This site would be the first in this area to be developed in a new cluster which does not directly face or have immediate access to the canal and tow path, however, Mountside Walk opposite is subject to a s106 obligation requiring the pedestrian access between the towpath and Leaside Road to have unrestricted open access to the public between 6am and 9pm each day (planning ref. 2003/1557). This means that residents of the proposed scheme will have easy access to the river and other nearby open spaces during these times.
- 6.4.11 The Mayor of London's Play and Informal Recreation SPG sets out that all developments with an estimated child occupancy of ten children or more should seek to make appropriate play provision to meet the needs arising from the development. According to the GLA's Population Yield Calculator, the development would generate an estimated child yield of approximately 6.5 children based on the proposed tenure and location, which equates to a requirement for 65sqm of children's play space. Dedicated playspace is provided in the form of an 86sqm children's playground on the second floor and an internal children's playroom of 34sqm, which is in excess of the policy requirement. It is known that the Orthodox Jewish population tend to have larger families, so it is anticipated that there will be many more than 6.5 children living here so the additional play space is welcomed.
- 6.4.12 The combination of the rooftop terrace, the dedicated children's playspace and the access to the river and open space in the vicinity means that communal amenity and playspace space provision is considered acceptable overall.

Internal Sunlight/Daylight

- 6.4.13 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 81%

of units are dual aspect, with the remaining 4 units positioned on the bend of the building with windows facing in 2 directions.

- 6.4.14 The applicant has submitted a daylight and sunlight assessment for the development including an assessment of the Average Daylight Factor (ADF) which looks at the levels of daylight within the proposed residential development. The analysis shows all habitable rooms tested meet the ADF BRE guidance for kitchens (2%), living rooms (1.5%) and bedrooms (1%), meaning that these habitable spaces will be well lit throughout the year, providing a suitable standard of accommodation for prospective residents and reducing the need for supplementary electric lighting.

6.5 Impact on amenity of adjoining occupiers

Daylight and sunlight

- 6.5.1 London Plan policy 7.4 states that development should have regard to the form, character and function of an area and the scale, mass and orientation of surrounding buildings. A daylight and sunlight assessment has been submitted to assess the impacts of the proposal on the daylight and sunlight received by neighbouring buildings.
- 6.5.2 With regards to daylight, various methods have been used to assess the daylight impacts on surrounding properties. In the first instance, the Vertical Sky Component (VSC) method has been used to measure the amount of skylight reaching windows of neighbouring properties. VSC is a measure of the daylight available at the centre point to the external pane of a window. BRE guidelines state that daylighting of an existing building may be adversely affected if the VSC measured at the centre of an existing main window is less than 27% and less than 0.8 times its former value.
- 6.5.3 The No Sky Line (NSL) test has also been used to measure the area of the room which can receive a direct view of the sky. BRE Guidelines state that if the area within a room receiving direct skylight is reduced by less than 0.8 following the construction of a new development, the impact will be noticeable to the occupants.
- 6.5.4 And finally, the Average Daylight Factor (ADF) method has also been used in some cases. This is a more detailed measure of quantifying the availability of daylight within a room and has been considered where breaches of VSC and/or NSL are identified. This has been applied in some rooms in Hunts Wharf where exact room dimensions are known.
- 6.5.5 With regards to sunlight, the Annual Probable Sunlight Hours (APSH) method has been used to assess the amount of sunlight available within a room. BRE guidelines is for rooms to receive 25% of Annual Probable Sunlight Hours (APSH) in total, including 5% in winter
- 6.5.6 It should be noted that BRE guidance is 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 the target criteria in

both existing and proposed situations. so the target criteria cannot always be required for dwellings in denser inner urban locations as a matter of course.

6.5.7 Daylight and sunlight impacts to various properties were tested. Those to the west of the site on the opposite side of the railway line will be unaffected. These properties include:

- 34-38 Leaside Road which is a row of 3 storey terrace properties. The rear windows of these properties face the site so were tested for daylight sunlight impacts. All windows tested in these three properties meet the BRE guidelines for VSC and APSH so daylight and sunlight impacts on these dwellings are acceptable.
- 29 Leaside Road which is a 4 storey block of flats. There are 4 small side windows to this block which face the site so were tested for daylight sunlight impacts. All 4 windows meet the BRE guidelines for VSC and APSH so daylight and sunlight impacts on this block is acceptable.

6.5.8 Properties directly opposite the site to the north (overlooking the river) were tested for daylight and sunlight impacts including:

- Hunts Wharf
- 1-20 Mountside Walk and 21-32 Mountside Walk

6.5.9 There are some relatively minor daylight and sunlight impacts on these blocks of flats which are discussed below.

Hunts Wharf

6.5.10 Hunts Wharf is a new build mixed use development comprising ground floor commercial space and 4 floors of residential above. In terms of VSC, 20 windows were tested and there are 2 bedroom windows on the first floor and 2 bedroom windows on the second floor which will see reductions in daylight beyond the VSC guideline, receiving between 58 and 67% of their former skylight. These reductions in daylight will be noticeable to occupiers, however it is bedrooms which are affected rather than the LKDs for which daylight levels remain compliant with the guidance.

6.5.11 When the NSL test is carried out there is a bedroom on the first, second and third floors which will fail, but the impacts will be negligible. There are therefore a total of 5 bedrooms which fail the VSC and / or the NSL test. The 5 affected bedrooms have been further assessed using the ADF (average daylight factor) test which is an additional method providing a more quantitative daylight assessment considering details such as room size, layout, window size, etc and all 5 bedrooms meet the BRE guidelines for this test.

6.5.12 All relevant windows meet the APSH guidance for sunlight.

6.5.13 Overall, impacts on daylight and sunlight levels at Hunts Wharf are acceptable.

1-20 Mountside Walk

- 6.5.14 1-20 Mountside Walk is a 5 storey block comprising ground floor commercial space and 4 storeys of residential above. In terms of VSC, there are 4 windows on the first floor and one window on the second floor which will experience minor reductions in daylight levels, only marginally beyond the BRE guidelines for VSC, retaining between 70% and 79% of their former daylight levels. The 4 affected windows on the first floor are the 4 windows to the LKD which is located on the corner of the building with windows facing both west and south. The transgressions are very minor. The affected window on the second floor is one of the LKD windows on the west facing side of the building, but the other 2 south facing LKD windows remain within the guidelines so impacts will be negligible. The NSL test shows that daylight distribution in these 2 affected rooms remains high. These impacts are acceptable.
- 6.5.15 All relevant windows meet the APSH guidance for sunlight.
- 6.5.16 Overall, impacts on daylight and sunlight levels at 1-20 Mountside Walk are acceptable.

21-32 Mountside Walk

- 6.5.17 21-32 Mountside Walk is the next block along to the east. It is a four storey block comprising ground floor commercial and 3 storeys of residential above. All windows comply with the VSC and the APSH guidelines so daylight and sunlight impacts are acceptable.

Summary

- 6.5.18 Daylight and sunlight impacts are considered to be acceptable. Impacts have been identified on 5 bedroom windows within Hunts Wharf and 2 living room/kitchen windows within 1-20 Mountside Walk but overall daylight and sunlight levels remain adequate.

Overshadowing

- 6.5.19 The rear gardens of 32-28 Leaside Road (4 properties) have been tested for overshadowing impacts using the sun on the ground analysis. BRE guidelines recommend that at least half of a garden or amenity area should receive at least 2 hours of sunlight on March 21st or the area which receives 2 hours of direct sunlight should not be reduced to less than 0.8 times its former value. The results show that the sunlight reaching these gardens will be unaffected so there are no overshadowing impacts as a result of the proposed development.

Outlook, Privacy and Overlooking

- 6.6.20 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 that such guidance would have to limit the variety of urban space and unnecessarily restrict density.
- 6.2.21 The closest facing residential units are within the Zaim Trading Estate / Hunts Wharf on the opposite side of the road. These are approximately 15m away which

is not considered to raise any concerns in terms of privacy or overlooking. To the east, is the industrial building / substation on the corner of Leaside Road and Theydon Road which has some small windows facing the site. There are no windows from the site facing the substation at the ground or first floor but the children's playground on the outdoor terrace on the second floor is located close to the building. Details of a screening enclosure around the playground will be sought by condition. To the south, there is a 2 storey industrial building with small windows facing the site, but the distance is around 20m away which is acceptable. The railway line is to the west.

6.6 Transport

Surrounding Highways & Accessibility of the Site

- 6.6.1 The site is in an area with a PTAL accessibility rating of 2 (on a scale of 1a - 6) which is low, but located close to many amenities and services. The site falls within Controlled Parking Zone U which restricts parking Monday to Saturday 0830 - 1830. Clapton rail station is within a 10 minute walk. The site also benefits from access to Rectory Road, Lea Bridge and Stoke Newington Rail stations within an average 20 minute walk time or a short bus journey.

Trip Generation

- 6.6.2 The applicant has submitted a Transport Statement (TS) in support of the application which has been reviewed. At the time of submitting the application, the site was outside of a CPZ, so the submitted trip generation assessment which forms part of the TS predicts a considerable increase in the overall trips to and from the application site. A new CPZ has recently been designated in this area and residents and business occupiers will be restricted from applying for parking permits, so trip generation will be lower than predicted.

Cycle Parking

- 6.6.3 Separate cycle parking facilities are provided for the residential and commercial elements of the scheme which is supported (and an improvement on the cycle parking originally proposed).
- 6.6.4 Cycle parking for the residential is located at the ground floor level where there is space for 60 bicycles accessible through the main residential entrance lobby. Cycle parking for the commercial space is split between ground floor and second floor with space for 20 cycles in total, accessible through the commercial entrances at the ground floor and rear second floor, with shower facilities on ground and first floor.
- 6.6.5 Visitor cycle parking for the commercial space is located both on the ground floor lobby (2 spaces) and at the second floor rear entrance (2 spaces) and visitor cycle parking for the residential (2 spaces) is provided within the residential lobby area at the ground floor. The number of cycle parking spaces for each use is sufficient. Final details will be secured by condition.

Car Parking

- 6.6.6 The application proposes car free development which is supported. For the avoidance of doubt, the parking spaces shown on the ground floor plan are existing customer car parking used by the industrial unit next door. The site is located in a CPZ so new residents and business operators will be restricted from applying for parking permits through the legal agreement. One blue badge space will be located on the public highway.
- 6.6.7 To encourage occupants to travel by sustainable modes, a contribution towards Car club membership for and driving credit (equivalent of £60) should be offered to all residents of the development for 3 years to discourage the use of private vehicles. This will be sought through the legal agreement under s278 of the Highways Act.

Travel Plan Statement

- 6.6.8 A full Travel Plan will be required to be produced and implemented on occupation of the development. This will be secured through the legal agreement inclusive of £3,800 contribution towards the monitoring of the Travel Plan.

Urban Realm & Highway works

- 6.6.9 In accordance with Core Strategy and DMLP policies DM1, DM3, DM4, DM44, DM45 and DM46 all developments are expected to integrate into the public realm and/or provide contributions to urban realm improvements in the vicinity of the site. The development represents an opportunity to make improvements to the urban realm to encourage more pedestrian and cycle trips. The applicant is required to reconstruct the footway on Leaside Road adjacent to the development including kerb renewal, base course renewal, surface course renewal, adjustment to service covers as required, installation of 3no trees, upgrade to 2no Lamp Columns to LED, drainage as required and kerb dressing. This will be secured through a S278 agreement.

Delivery and Servicing

- 6.6.10 The delivery and servicing plan does not indicate the frequency and size of delivery vehicles associated with both uses. Given the increase in online retail and food shopping and the associated deliveries, a delivery and servicing Plan (DSP) will be required by condition. Delivery can be accommodated on the public highway but deliveries that can be managed should be avoided during the peak morning and afternoon hours of 0800-1000 and 1600 to 1800 on weekdays.

Construction

- 6.6.11 Given the nature of the proposed development, a construction and demolition plan will be required by condition to mitigate negative impact on the surrounding highway network. This should include details of the construction programme; vehicle type, routing and trip generation; effects on the highway network and all other relevant provisions.

6.8 Biodiversity and Landscaping

Biodiversity

- 6.8.1 An ecological appraisal and bat roost assessment have been submitted. Both have been reviewed by the Council's Landscape Officer. The ecological appraisal identifies that the site is located in proximity to Walthamstow Marshes SSSI which is 90m to the north east on the other side of the River Lea, so the site falls within the SSSI Impact Risk Zone. The development has the potential impact directly or indirectly on the marshes so a condition will be included to ensure the Local Planning Authority ecologist and / or Natural England is consulted prior to any works commencing to minimise impacts on this nature conservation site. Recommendations are also made regarding biodiversity enhancement on the site, protected species and invasive plants (buddleia) which will be included as conditions/informatives. The ecology report does not raise any concerns.
- 6.8.2 The bat report concludes that no bat roosts were identified on the site and there is no significant risk to bats as a result of the proposed development. Conditions will be included to ensure minimal light disturbance to bats in the vicinity and to require the inclusion of bat boxes on the new development to provide roosting habitat for bats.

Landscape

- 6.8.3 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. DMLP Policy DM35 states that landscaping plans should include environmentally appropriate planting for the specific location, demonstrate appropriate sustainable irrigation plans and should ensure that planting design does not impact negatively on the structure of nearby buildings or hinder accessibility.
- 6.8.4 Greening has been integrated into the proposed development. The landscaping comprises the 172sqm communal roof space and the 85sqm second floor children's playground. Trees are proposed in the playground but there is limited information at this stage on tree species or tree pits, so this will be required by condition. The site is considered to have optimised the provision of formal landscaping. A detailed landscaping plan and play space plan for these spaces will be required by condition.
- 6.8.5 As discussed above under the 'communal amenity space' section. access to the canalside will be provided through Mountside Walk to enable access to Springfield Park and Walthamstow Marshes.
- 6.8.6 The proposed development is considered to be acceptable in terms of proposed landscaping and impacts on biodiversity.

6.9 Sustainability

Carbon emissions

- 6.9.1 Policy 5.2 of the current London plan (2016) requires dwellings to be zero carbon. By definition, a 'zero carbon' development must achieve at least 35% reduction in regulated carbon dioxide emissions beyond Building Regulations Part L 2013 on-site. The remaining regulated carbon emissions to 100% are to be off-set off-site or through a cash-in-lieu contribution. In a similar manner, non-domestic developments must target 35% reductions in regulated carbon dioxide emissions beyond Building Regulations Part L 2013 on-site. Any shortfall also should be subject to a cash-in-lieu contribution.
- 6.9.2 The Energy Statement indicates that the development targets a high energy efficiency and this is welcome. However, there are some points that remain to be addressed by condition including a detailed breakdown of the estimated regulated carbon emission emissions for the residential and commercial areas for each stage of the energy hierarchy in line with GLA guidance. An updated Energy Assessment will be required by condition.

Decentralised energy

- 6.9.3 The selection of the energy system should follow the system hierarchy. Evidence that there are no existing district connections nearby (e.g. assessment with the London heat map) and why the development is not adopting a centralised energy system should be made. Also with the decarbonisation of the grid other low energy system solutions such as heat pumps may be seen as more energy efficient and less air polluting than individual condensing boilers. The development should be future-proofed to allow a connection to a district heat network if one becomes available in the future. This detail will need to be provided in the updated energy statement.

PV panels

- 6.9.4 The energy report indicates that it would be possible to adopt PV panels but the roof plan does not represent any PV layout. Opportunities to increase generation of clean energy, promoting renewable sources onsite or in the local area should be pursued, so PV panels should be further explored in the updated energy statement.

Carbon Offset Payment

- 6.9.5 As mentioned above the energy report should provide clarity on the shortfall to the 100 and 35% regulated carbon emissions for domestic and non-domestic, respectively. The Carbon Offset Contribution in Hackney is calculated at £60 per Tonne of CO₂ per annum, for a period of 30 years. An estimated calculation based on the data provided indicates that the total Carbon Offset contribution for the whole development is around £46,514. This comprises around £11,110 from the non-domestic element and £35,404 from the domestic element.

Overheating

- 6.9.6 London Plan Policy 5.9 Overheating and cooling states that development proposals should reduce potential overheating and reliance on air conditioning systems and demonstrate this in accordance with the cooling hierarchy. The risk of overheating should be assessed with dynamic simulation based on CIBSE publications TM59 (2017) and TM52 (2013), for domestic and non-domestic, respectively, and adopting London climate files as indicated in CIBSE TM49 (2014). This assessment should pay particular attention to findings from the noise

impact assessment associated with the proximity of the railway line or noise from outside.

BREEAM

- 6.9.7 The non-domestic development targets BREEAM excellent and satisfies the sustainability requirements. A sustainability statement should be provided for the domestic development including information about water and waste efficiency, details about materials, adaptation to climate change, as well as ventilation strategy and thermal comfort. These should have regard to the energy, flood and biodiversity studies already submitted. This will be required by condition.

6.10 Waste

- 6.10.1 Separate refuse stores are provided for commercial waste and residential waste. There is a requirement for 2 x 1,100 litre containers for the residential units (one for refuse and one for recycling) and a 240 litre food waste container. The commercial waste store requires 2 x 1,100 litre containers (one for refuse and one for recycling). Sufficient waste storage is proposed.

6.11 Community Infrastructure Levy (CIL)

- 6.11.1 The proposal is liable for a Community Infrastructure Levy (CIL) as it involves new build floor space of over 100m² as well as one or more new dwellings. The application is liable under both the London Mayoral CIL and Hackney CIL Charging Schedules. The proposal involves new dwellings totalling 1,789sqm of net additional residential (C3) floor space, 969sqm of B1 floorspace and 577sqm of additional floorspace for cycle parking, circulation space etc. As there are no existing buildings on the site, no credit is received for any existing floor space.
- 6.11.2 The London Mayoral CIL Charging Schedule 2 (MCIL2) sets a rate of £60 per sqm of floorspace for all developments in Hackney. Based on the total net additional floor space of 3,335sqm the development is liable for a CIL of £200,100 under the London Mayoral CIL Charging Schedule.
- 6.11.3 The Hackney CIL Charging Schedule is separated into zones. The site falls within Zone B which has a rate of £25 per square metre of floor space for residential and £0 for offices. Based on the total net additional floor space of 3,335sqm, of which only the 1,789sqm of residential is chargeable, the development is liable for a CIL of £57,676.25 under the Hackney CIL Charging Schedule.

7 CONCLUSION

- 7.1 The proposal complies with pertinent policies in the Hackney Local Development Framework Core Strategy (2010), Development Management Local Plan (July 2015) and the London Plan (2016), and with emerging policies in the New London Plan and LP33. The granting of full planning permission is recommended subject to conditions and the completion of a legal agreement.

8 RECOMMENDATIONS

Recommendation A

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.

Pre-commencement conditions:

8.1.3 Details to be approved

Detailed drawings at the scale of 1:20 of the following shall be submitted to and be approved in writing by the Local Planning Authority before the relevant part of work is begun. Works shall be carried out in accordance with detail thereby approved.

- A. all external materials including brick, special brick detailing, cladding, glazing, soffits, galvanized mesh, glazed brick tiles.
- B. sample panels of brick with grout, glazing, soffit material, balcony metalwork/glazing, cladding.
- C. specification of doors and windows including roof lights, service entrances, bin and bike store doors, utility doors.
- D. sections through indicative window and door
- E. specification of any external details such as drainage water removal, extraction of air
- F. specification of doors and windows including roof lights, service entrances, bin and bike store doors, utility doors, any external grilles or louvres.
- G. specification of paving materials
- H. details of interface between brick and spandrels on ground/first floor arches and the interface between any other materials.

REASON: In the interests of visual amenity and the character of the area and to ensure a high quality visual finish.

8.1.4 Energy Assessment

Prior to the commencement of construction, the energy assessment based on the GLA Energy Assessment Guidance Greater London Authority guidance on preparing the energy assessments (2018) shall be re-submitted to and approved in writing by the Local Planning Authority. It shall include:

- Clear indication of the zero carbon target for the domestic development;
- Justification of the energy strategy according to the system hierarchy as indicated in the GLA guidance;

- Indication that any energy system to be adopted shall be future proof to be able to connect to nearby networks if that is not possible in the near future;
- Estimation of any shortfall to the carbon emission domestic and non-domestic targets and indication if it is to be off-set off-site or what is the cash-in-lieu contribution to be made to the Carbon Offset Fund of the Council.

Reason: To ensure the development meets the sustainability requirements of the London Plan

8.1.5 Overheating

Prior to the commencement of construction of the development hereby approved an assessment of the risk of overheating should be undertaken with dynamic simulation, following indications of policy 5.9: Overheating and cooling, of the London plan and GLA Energy Assessment Guidance: Greater London Authority guidance on preparing the energy assessments (2018). The assessment should be based on CIBSE TM59:2019 and TM52:2013 for the domestic and non-domestic development, respectively, and adopting weather files as indicated in CIBSE TM49:2014, or any other methodology that may replace it. If overheating is present on the assessment, strategies proposed to mitigate the problem shall be submitted to and approved in writing by the Local Planning Authority.

REASON: to mitigate the risk of overheating with passive strategies avoiding reliance on active cooling systems.

8.1.6 Piling

1. 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.

2. Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Network Rail's Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.infrastructure.

REASON: To protect the underground sewerage utility and the railway

8.1.7 Contaminated Land: Pre-development

Part A: The development hereby approved shall not commence until a detailed remedial action plan has been produced to the satisfaction of the Local Planning Authority.

Part B: The development shall not commence until all pre-development remedial actions, set out in the remedial action plan, are complete and a corresponding pre-development verification report has been produced to the satisfaction of the Local Planning Authority. Work shall be completed and reporting produced by a competent person/company in line with current best practice guidance, including the Council's contaminated land planning guidance. The Local Planning Authority must receive notification at least 5 days before investigation and remedial works commence.

REASON: To protect the end user(s) of the development, any adjacent land user(s) and the environment from contamination.

8.1.8 Demolition Method Statement

No demolition of buildings or other structures near to the operational railway infrastructure shall commence until a demolition method statement has been approved by Network Rail's Outside Parties Engineer

REASON: To protect the operation of the railway

8.1.9 Demolition and Construction Management Plan

No development shall take place until a detailed Demolition and Construction Management Plan covering the matters set out below has been submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the details and measures approved as part of the demolition and construction management plan, which shall be maintained throughout the entire construction period.

- A demolition and construction method statement covering all phases of the development to include details of noise control measures and measures to preserve air quality (including a risk assessment of the demolition and construction phase);
- 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 08:00 – 18:00 Mondays-Fridays, 08:00 -13:00 Saturdays and at no time on Sundays or Bank Holidays unless otherwise agreed in writing by the Local Planning Authority;
- The best practical means available in accordance with British Standard Code of Practice BS5228-1:2009 shall be employed at all times to minimise the emission of noise and vibration from the site;
- A demolition and construction waste management plan setting out how resources will be managed and waste controlled at all stages during a construction project, including, but not limited to, details of dust mitigation measures during site clearance and construction works (including any works of demolition of existing buildings or breaking out or crushing of concrete), the location of any mobile plant machinery, details of measures to be employed to mitigate against noise and vibration arising out of the construction process demonstrating best practical means
- Details of the location where deliveries will be undertaken; the size and number of lorries expected to access the site daily; the access arrangements (including turning provision if applicable); construction traffic routing and trip generation and effects on the highway network; details of parking suspensions (if required) and the duration of construction
- A dust management plan to include details of how dust from construction activity will be controlled / mitigated / suppressed following best practice guidance. This should include monitoring of particulate matter at the application site boundary in the direction of sensitive receptors following the SPG Mayor of London Control of Dust and Emissions Guidance. Upon demand a monthly monitoring report should be sent to the council for review.
- A barrier shall be constructed around the site, to be erected prior to demolition;
- A wheel washing facility shall be installed and operated to ensure that dust/debris is not carried onto the road by vehicles exiting the site.

REASON: In the interests of public safety and amenity and to ensure noise and production of air pollutants such as nitrogen dioxide and particulate matter are kept to a minimum during the course of building works.

8.1.10 Cycle Parking

Prior to the commencement of above ground works, details of the secure bicycle storage facilities for 86 bicycles shown on the drawings hereby approved, including layout, stand type and spacing, shall be submitted to and approved in writing by the Local Planning Authority. Such details as are 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: To ensure that adequate provision for the safe and secure storage of bicycles is made for occupants and visitors.

8.1.11 Sustainable Drainage

1. No development shall commence, other than works of demolition until full detailed specification of the sustainable drainage system supported by appropriate calculations, construction details, drainage layout and a site-specific management and maintenance plan of the sustainable drainage system including the green roof (with substrate depth of at least 80mm not including vegetative mats), permeable paving and the flow control system have been submitted and approved by the LPA in consultation with the LLFA. No discharge of surface water from the site shall be allowed until the drainage design referred to in the Flood Risk Assessment (ref: 207221 REV P3 by Canham Consulting Ltd) have been implemented and the surface water discharge rate limited to 2 l/s.

2. A scheme for the provision and implementation of flood resilient and resistant construction details and measures for the site against surface water flood risk shall be submitted to and agreed, in writing with the LPA in consultation with the LLFA prior to the construction of the measures. The scheme shall be carried out in its entirety before the site 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".

3. Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains except by agreement with Network Rail. Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property. Proper provision must be made to accept and continue drainage discharging from Network Rail's property; full details to be submitted for approval to the Network Rail Asset Protection Engineer. Suitable foul drainage must be provided separate from Network Rail's existing drainage. Soakaways, as a means of storm/surface water disposal must not be constructed near/within 10 – 20 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property. After the completion and occupation of the development, any new or exacerbated problems attributable to the new development shall be investigated and remedied at the applicants' expense.

REASON: To mitigate surface run off and flood risk and protect the operation of the railway

8.1.12 Secured by Design

1. Prior to carrying out above grade works of each building or part of a building, details shall be submitted to and approved, in writing, by the Local Planning Authority to demonstrate that such building or such part of a building can achieve full Secured by Design Accreditation. The development shall only be carried out in accordance with the approved details and thereafter shall be fully retained and maintained as such for the lifetime of the development.

2. The development shall achieve a Certificate of Compliance to the relevant Secure by Design Guide or alternatively achieve Crime Prevention Standards to the satisfaction of the Metropolitan Police and the Local Planning Authority. Details of these shall be provided in writing to the Local Planning Authority and therefore built in accordance with.

REASON: To ensure community safety

8.1.13 Landscaping and play

Prior to commencement of the landscaping works, a detailed 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:

- Trees and other planting, including location, species, type of stock, numbers of trees/plants, details of tree pits and areas to be seeded or turfed.
- Details of the rooftop enclosure including long views from Walthamstow Marshes.
- Details of play equipment on the second floor children's playground and details of the screening enclosure around the playspace.
- Details of the first floor commercial terrace.

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

REASON: To enhance the character, appearance and ecology of the development, to contribute to green infrastructure and to provide adequate playspace.

8.1.14 Biodiverse roof

Prior to commencement of the relevant part of the work, the applicant shall submit, and have approved in writing by the Local Planning Authority, a detailed drawing, full specifications and a detailed maintenance plan of the biodiverse roofs as shown on the approved drawings with a minimum substrate depth of 80mm, not including the vegetative mat. The development shall not be carried out otherwise than in accordance with the details thus approved and shall be fully implemented before the premises are first occupied.

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

8.1.15 Planting

Trees/shrubs adjacent to the railway must be positioned at a minimum distance greater than their predicted mature height from the boundary. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing. Details of any landscaping adjacent to the railway must be approved by Network Rail to ensure it does not impact upon the railway infrastructure. Lists of trees that are permitted and those that are not permitted are provided below:

- Permitted: Birch (Betula), Crab Apple (Malus Sylvestris), Field Maple (Acer Campestre), Bird Cherry (Prunus Padus), Wild Pear (Pyrus Communis), Fir Trees – Pines (Pinus), Hawthorne (Cretaeagus), Mountain Ash – Whitebeams (Sorbus), False

- Acacia (Robinia), Willow Shrubs (Shrubby Salix), Thuja Plicatata “Zebrina”
- Not Permitted: Alder (Alnus Glutinosa), Aspen – Poplar (Populus), Beech (Fagus Sylvatica), Wild Cherry (Prunus Avium), Hornbeam (Carpinus Betulus), Small-leaved Lime (Tilia Cordata), Oak (Quercus), Willows (Salix Willow), Sycamore – Norway Maple (Acer), Horse Chestnut (Aesculus Hippocastanum), Sweet Chestnut (Castanea Sativa), London Plane (Platanus Hispanica).

REASON: To protect the safety and operation of the railway

8.1.16 Walthamstow Marshes SSSI Impact assessment

Prior to commencement of works an assessment must be undertaken detailing any potential direct or indirect impacts on the Walthamstow Marshes SSSI. This assessment must be submitted and approved by the Local Planning Authority and Natural England.

REASON: To minimise impacts on the SSSI

Prior to occupation:

8.1.17 Contaminated Land: Pre-occupation

Part A: Prior to the occupation of the development, a post-development verification report must 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 the development and demonstrate that arrangements have been made to inform future site users of the restrictions. Work shall be completed and reporting produced by a competent person/company in line with current best practice guidance, including the Council’s contaminated land planning guidance.

Part B: Any additional, or unforeseen contamination encountered during the course of development shall be notified to the Local Planning within 2 working days. All development shall cease in the affected area. Any additional or unforeseen contamination shall be dealt with as agreed with the Local Planning Authority. Where development has ceased in the affected area, it shall recommence upon written notification of the Local Planning Authority.

REASON: To protect the end user(s) of the development, any adjacent land user(s) and the environment from contamination.

8.1.18 Air Quality Monitoring

All measures included within the approved air quality assessment shall be fully implemented. No occupation will take place until a report demonstrating that each measure is fully implemented has been provided to the satisfaction of and approved in writing by the Planning Authority. This should include details of building emissions considering the type of energy system which will be used in the development and show that the specified energy system will meet standards set out in the air quality neutral planning support document. Air quality monitoring should be undertaken in line with the methodology set out in Local Air Quality Management (LAQM) Technical Guidance (TG.16) to determine if any mitigation measures are required.

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 lifetime of the development. To contribute towards the maintenance or to prevent further exceedances of National Air Quality Objectives.

8.1.19 Noise from plant and equipment

The total noise level from fixed plants (external or internal) shall not cause adverse or significant adverse impact on the nearest residential premises at any time. The rating noise level (specific sound corrected for any acoustic features) of the plant should be 10dB 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). A test shall be carried out after all the mechanical plants and equipment have been fully installed and before the use commences. The result of the test is to be submitted to the Environmental Protection Team for approval.

REASON: To ensure that occupiers of residential premises do not suffer a loss of amenity by reason of noise from the kitchen extraction system.

8.1.20 Residential/Commercial Soundproofing

Sound insulation at R_w 60dB is required for the building elements separating the commercial and residential components of the development. A test report will be submitted to the Environmental Protection Team for approval prior to the commencement of use of the residential units to demonstrate this level has been achieved.

REASON: To ensure that the occupiers and users of the proposed development do not suffer a loss of amenity by reason of excess noise from neighbouring uses

8.1.21 Delivery and Servicing Plan

Prior to the occupation of the development a Delivery and Servicing Plan shall be submitted to and approved by the Local Planning Authority setting out:

- Frequency of deliveries per day/week
- size of vehicles
- How vehicles would be accommodated on the public highway

Thereafter deliveries and servicing shall be carried out in accordance with the approved plan.

REASON: To ensure that the proposed development does not prejudice the free flow of traffic or public safety along the neighbouring highway(s).

8.1.22 Air Permeability Testing

Prior to occupation of the development hereby approved, a full air permeability test report confirming the domestic and non-domestic parts of the development have achieved an average air permeability of 3 and 5 $m^3/hr/m^2$ at 50pa, respectively, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development meets the sustainability requirements of the London Plan

8.1.23 Bird and Bat Box Provision

Details of Bird and Bat Box provision, including swift bricks, shall be submitted to and approved in writing by the local planning authority, prior to the completion of the relevant part of the development hereby approved. The approved details shall have been fully implemented prior to first occupation of the development.

REASON: To provide potential habitat for local wildlife.

8.1.24 Waste and recycling facilities

Prior to the first occupation of the development hereby approved, waste and recycling facilities shall be provided in accordance with the details contained within the approved drawings.

REASON: To ensure adequate provision is made for the storage of refuse and recycling in the interests of amenity.

8.1.25 Surface water

No properties shall be occupied until confirmation has been provided that either:- all combined water network upgrades required to accommodate the additional flows from the development have been completed; or - a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.

REASON: The development may lead to sewage flooding and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional flows anticipated from the new development. Any necessary reinforcement works will be necessary in order to avoid sewer flooding and/or potential pollution incidents.

8.1.26 Fit out and marketing of commercial space

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 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 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 and is adequately marketed and provided to meet local business need.

8.1.27 BREEAM Assessment

Within 12 weeks of occupation of the development hereby approved, BREEAM post-construction new build assessments (or any assessment scheme that may replace it)

confirming an 'Excellent' rating (or another scheme target of equivalent or better environmental performance) has been achieved for both hotel and office areas, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development meets the sustainability requirements of the London Plan

Compliance conditions:

8.1.28 No new pipes and plumbing

No new plumbing, pipes, soil stacks, flues, vents grilles, security alarms or ductwork shall be fixed on the external faces of the building unless as otherwise 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.

8.1.29 Building Regs M4

Five dwellings within the development 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. The remaining dwellings should also be built and maintained to a minimum of M4 (2) standard 'accessible and adaptable dwellings'.

REASON: To ensure that the development is adequately accessible for future occupiers.

8.1.30 Installation of plant and machinery

No plant or machinery shall be installed on the external surfaces of the building without the submission to and agreement by the local planning authority.

REASON: In order to safeguard the appearance of building and the amenity of future and surrounding occupiers.

8.1.31 Ultra-low NOx Boilers

Where applicable, all non-CHP space and hot water fossil fuel (or equivalent hydrocarbon based fuel) boilers installed as part of the development 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.

8.1.32 Future maintenance

Any future maintenance must be conducted solely on the applicant's land. The applicant must ensure that any construction and any subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land and air-space, and therefore all/any building should be situated at least 2 metres (3m for overhead lines and third rail) from Network Rail's boundary to ensure access and maintenance of the building can take place without requiring access to the operational railway environment.

REASON: To protect the operation of the railway

8.1.33 Plant & Materials

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no plant or materials are capable of falling within 3.0m of the boundary with Network Rail.

REASON: To protect the operation of the railway

8.1.34 Scaffolding

Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed. The applicant/applicant's contractor must consider if they can undertake the works and associated scaffold/access for working at height within the footprint of their property boundary.

REASON: To protect the operation of the railway

8.1.35 Fencing

The developer will provide (at their own expense) and thereafter maintain a substantial, trespass proof fence along the development side of the existing boundary fence, to a minimum height of 1.8 metres. The 1.8m fencing should be adjacent to the railway boundary and the developer/applicant should make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rail's existing fencing / wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein, be damaged, undermined or compromised in any way. Any vegetation on Network Rail land and within Network Rail's boundary must also not be disturbed. Any fencing installed by the applicant must not prevent Network Rail from maintaining its own fencing/boundary treatment.

REASON: To protect the operation of the railway

8.1.36 Lighting (affecting the railway)

Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. The developers should obtain Network Rail's Asset Protection Engineer's approval of any external lighting proposed.

REASON: To protect the operation of the railway

8.1.37 Lighting (affecting bats)

The development should limit the impact of light pollution on bats through the careful use of lighting. Any lighting, either temporary or permanent, along the site boundaries (in particular near the railway corridor along the north-west boundary of the site) should be kept to a minimum and directed away from the boundary features to maintain dark areas and corridors to minimise light spillage.

REASON: To protect commuting bats

8.1.38 Noise and Vibration

The potential for any noise/vibration impacts caused by the proximity between the proposed development and any existing railway must be assessed in the context of the National Planning Policy Framework. The current level of usage may be subject to change at any time without notification including increased frequency of trains, night time train running and heavy freight trains.

REASON: To protect the operation of the railway

Recommendation B

- 8.2 That the above recommendation be subject to the applicant, the landowners and their mortgagees enter into a legal agreement in order to secure the following matters to the satisfaction to the satisfaction of the Council:
1. The owner shall be required to enter into agreement under Section 278 of the Highways Act to pay the Council to undertake public realm improvements including the reconstruction of the footway on Leaside Road adjacent to the development comprising kerb renewal, base course renewal, surface course renewal, adjustment to service covers and drainage as required. The installation of 3no trees and upgrade to 2no Lamp Columns to LED is also required. The estimated cost of works is £26,300.
 2. Provision of 100% of the B1 floorspace (equating to 969sqm GIA) will be provided as affordable workspace at no more than 60% of market rent and will be retained as such in perpetuity.
 3. Hackney Works Employment and Training contribution (construction phase) of £16,174.75.
 4. Apprenticeships – apprentices (residents of Hackney) in the various building trades such as brick laying, carpentry, electrical, plumbing and plastering and the new methods of construction. At least one full framework apprentice is to be employed per £2 million of construction contract value.
 5. Commitment to the Council's local labour and construction initiatives including Employment & Skills Plan.
 6. Considerate Constructors Scheme – the applicant to carry out all works in keeping with the National Considerate Constructors Scheme.
 7. Adoption and compliance with Travel Plan (residential) and Travel Plan Monitoring fee of £3,800.
 8. Car Club Membership - To provide three years' free car club membership for one new resident of each residential unit, on first occupation of the each residential unit (22 x £60 = £1,320).

9. Car Free - Residential and business occupiers to be ineligible to apply for residents parking permits for the local Controlled Parking Zone (CPZ) (with the exception of disabled residents).
10. Carbon Offset Contribution of £46,514.
11. 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 Legal Agreement.
12. S106 Monitoring costs payable prior to completion of the Legal Agreement.

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 & Enforcement Manager) to make any minor alterations, additions or deletions to the recommended conditions or legal agreement 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

- 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 Fire Precautions Act
- SI.28 Refuse Storage and Disposal Arrangements
- SI.34 Landscaping
- SI.45 The Construction (Design & Management) Regulations 1994
- SI.48 Soundproofing
- 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 he 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 wwriskmanagement@thameswater.co.uk. Application forms should be completed online via www.thameswater.co.uk/wastewaterquality."
- 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 - Any demolition or refurbishment works must not be carried out on the development site that may endanger the safe operation of the railway, or the stability

of the adjoining Network Rail structures.

- NSI - The works must not cause Buddleia to spread into the wild. It must be removed with care during vegetation clearance.

Signed..... Date.....
Aled Richards – Director, Public Realm

	BACKGROUND PAPERS	NAME/DESIGNATION AND TELEPHONE EXTENSION OF ORIGINAL COPY	LOCATION CONTACT OFFICER
1.	Hackney Development Plan (2010 & 2015) and the London Plan (2016)	Yvette Ralston Planning Officer (Major applications) 020 8356 1208	2 Hillman Street, London E8 1FB