



Planning Sub-Committee – 01/07/2020

ADDRESSES: New Era Estate (Land Bound by Orsman Road Halcombe Street Phillip Street and Whitmore Road), London N1	
APPLICATION NUMBERS: 2019/2458	REPORT AUTHOR: Steve Fraser-Lim
DRAWING NUMBERS: 18048_07_001 Rev P1; 18048_07_002 Rev P1; 18048_07_003 Rev P1; 18048_07_010 Rev P1; 18048_07_011 Rev P1; 18048_07_012 Rev P1; 18048_07_020 Rev P1; 18048_07_021 Rev P1; 18048_07_022 Rev P1; 18048_07_023 Rev P1; 18048_07_030 Rev P1; 18048_07_100 Rev P1; 18048_07_101 Rev P1; 18048_07_102 Rev P1; 18048_07_103 Rev P1; 18048_07_104 Rev P1; 18048_07_105 Rev P1; 18048_07_106 Rev P1; 18048_07_107 Rev P1; 18048_07_108 Rev P1; 18048_07_109 Rev P1; 18048_07_114 Rev P1; 18048_07_115 Rev P1; 18048_07_200 Rev P1; 18048_07_201 Rev P1; 18048_07_202 Rev P1; 18048_07_203 Rev P1; 18048_07_204 Rev P1; 18048_07_205 Rev P1; 18048_07_206 Rev P1; 18048_07_207 Rev P1; 18048_07_500 Rev P1; 18048_07_501 Rev P1; 18048_07_502 Rev P1; 18048_07_503 Rev P1; 11753_TG_P_001; 11753_TG_P_002; 11753_TG_P_010; 11753_TG_P_100; 11753_TG_P_101; 11753_TG_P_300; 11753_TG_P_301; 11753_TG_P_302	VALID DATE: 05/08/2019
SUPPORTING DOCUMENTS: Air Quality Assessment by SLR Consulting Ltd dated May 2019 (ref:427.08824.00001); Arboricultural Method Statement by Tyler Grange dated May 2019 (11753_R02a_JP); Outline Construction Management Plan by WPS dated April 2019 (V.1); Design and Access Statement by Allies and Morrison (rev P.1 dated June 2019); Daylight Sunlight Report by Point 2 Surveyors dated May 2019 (Rev V1); Energy and Sustainability Report by Mendrick Waring Ltd dated April 2019 (ref: J2373 rev1.0); Housing Statement by Dolphin Living, GL Hearn and CMA Planning dated June 2019; Noise Impact Assessment by Mach Residential dated June 2019 (ref: NE3401-MACH-XX-ZZ-RP-J-9000); Overheating Analysis Report by Mendrick Waring Ltd dated April 2019 (Ref: J2373 Rev 1.0); Flood Risk	



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Assessment and SUDS Strategy by Heyne Tillett Steel dated May 2019 (rev: 02).	
APPLICANT: Hoxton Regeneration Ltd, C/O Agent	AGENT: CMA Planning 113 The Timberyard Drysdale Street London N1 6ND
PROPOSAL: Redevelopment of the New Era Estate to provide 199 residential units and 344sqm of flexible retail floorspace, provided across buildings ranging from 3 - 14 storeys, together with associated landscaped communal amenity space, secure cycle parking spaces and refuse storage facilities.	
RECOMMENDATION SUMMARY: Grant planning permission subject to completion of S106 agreement	
POST-SUBMISSION AMENDMENTS: N/A	
REASONS FOR REFERRAL TO SUB COMMITTEE: Major application	

ANALYSIS INFORMATION

ZONING DESIGNATION:

(Yes)

(No)

ZONING DESIGNATION:	(Yes)	(No)
CPZ	X	
Conservation Area		X
Listed Building (Statutory)		X
Listed Building (Local)		X
PEA		X
CAZ		X



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EXISTING LAND USE DETAILS

LAND USE	USE DESCRIPTION	GIA (SQM)
Class C3	Residential	6382
Class A1	Retail	452
TOTAL		

PROPOSED LAND USE DETAILS

USE (SQM)	USE DESCRIPTION	GIA (SQM)
C3	Residential	17040
A1	Retail	344
TOTAL		

EXISTING RESIDENTIAL MIX TABLE

EXISTING RESIDENTIAL MIX BY TENURE	UNIT	NO OF UNITS	TENURE	RESIDENTIAL MIX WITHIN TENURE GROUP
Private				
1 bed		14	100%	15%
2 bed		69		72%
3 bed		13		13%
Total		96		

PROPOSED RESIDENTIAL MIX TABLE

PROPOSED RESIDENTIAL MIX BY TENURE	UNIT	NO OF UNITS	TENURE	RESIDENTIAL MIX WITHIN TENURE GROUP
Private				
1 bed		49	66%	37%
2 bed		74		56%
3 bed		8		6%
Total		131		
Discount Market Rent (up to 80% of Market Rent)				
1 bed		18	24%	38%
2 bed		20		43%
3 bed		9		19%
Total		47		
London Living Rent				
1 bed		11	10%	52%
2 bed		8		38%
3 bed		2		10%
4 bed		0		
Total		21		

PARKING DETAILS:

	Parking Spaces	Parking Spaces (Disabled)	Bicycle storage
Existing			
Residential / retail	70	0	0
Proposed			
Residential / retail	0	4 (provided on adjacent streets)	474

CASE OFFICER’S REPORT

1. SITE AND CONTEXT

- 1.1 The application comprises a series of 5 four storey residential blocks dating from the 1930s comprising the New Era housing estate. The blocks form a perimeter block bounded by Whitmore Road to the west, Philipp Street to the south, Halcomb Street to the east, and Orsman Road to the north. The ground floor of the block fronting Whitmore Road includes a group of commercial units within retail and associated uses, with shopfronts facing Whitmore Road. The remaining frontages are residential in character with blocks set back from the street behind low brick boundary walls. A hard surfaced car parking area is located within the centre of the block.
- 1.2 The immediate surrounding context comprises the 5 storey residential blocks of the Colville Estate situated on the opposite side of Whitmore Road to the west, 3 and 4 storey residential blocks on the opposite side of Philipp Street to the south. 3 and 4 storey residential blocks, a single storey school and the Stags Head Public House (listed at grade II) are situated on the opposite side of Halcomb Street to the east. 5/6 storey buildings in mixed business and residential use are situated on the opposite side of Orsman Road to the north.
- 1.3 The wider surrounding area is mixed in character. Colville Estate to the west is undergoing comprehensive redevelopment on a phased basis, including large scale new buildings. A new secondary school, leisure centre and 21/24 storey residential towers as part of the Britannia development project is taking place to the south adjacent to Shoreditch Park. The Regents Canal is located further to the north and has historically had an industrial character. As such, buildings on the north side of Orsman Road near the site are within a Priority Employment Area (PEA), lined by mixed residential / business developments. Hoxton Street, which is a designated local centre, is situated further to the south.
- 1.4 The site has a PTAL rating of 4 due to its proximity to bus routes along Kingsland Road, and Haggerston Overground station. Shoreditch and the Central Activity Zone (CAZ) are a short travel distance (less than 15mins) to the south. The site also falls within the Crossrail 2 safeguarding zone.

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2. CONSERVATION IMPLICATIONS

- 2.1 The existing buildings on site date from the 1950s to the 1990s and do not benefit from any heritage designations. The only heritage asset in proximity to the site is the Stags Head Public House, which is situated on the opposite side of Halcomb Road to the east and is statutory listed at grade II.
- 2.2 The nearest conservation area to the site is the Regents Canal Conservation Area which is located further to the north. It should be noted that the Conservation Area boundary follows the southern bank of the canal, and buildings on the south side of the Canal / north side of Orsman Road, opposite the application site, are not within the Conservation Area boundary.

3. HISTORY

- 3.1 30 Whitmore Road: Planning permission (ref: 2016/1342) granted in July 2016 for temporary change of use of ground floor from retail to a mixed use comprising retail and non residential institution.
- 3.2 20-24 Whitmore Road: Planning permission (ref: 2015/0763) granted in May 2015 for change of use of existing betting shop (use class sui generis) and café (use class A3) to form a single retail unit (use class A1); installation of a new shopfront with associated awning canopy and metal roller shutters.
- 3.3 20 Whitmore Road: Planning permission (2014/0502) granted in April 2014 for Installation of replacement timber shopfront.
- 3.4 20 Whitmore Road: Certificate of lawfulness (ref: 2013/0570) granted for existing use of ground floor shop as café (Use class A3).

4. CONSULTATIONS

- 4.1 Date Statutory Consultation Period Started: 05/08/19.
- 4.2 Date Statutory Consultation Period Ended: 18/10/19
- 4.3 Site Notice: Yes
- 4.4 Press Advert: Yes

4.5 Neighbours

- 4.5.1 494 neighbouring properties were consulted on the application. 15 objections and 12 comments have been received raising the following issues:
 - The construction phase will result in considerable noise and disturbance, particularly as a number of construction sites in the surrounding area have already resulted in significant disturbance.

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- The height of the development in particular the 14 storey block is out of scale with surrounding streets which feature buildings up to 6 stories in height.
- Demolition and redevelopment would result in significant carbon emissions.
- The proposed flats would have low daylight levels with no windows to bathrooms and kitchens.
- The proposals are an overdevelopment and will have significant adverse impacts in terms of loss of daylight, overshadowing and loss of privacy.
- Proposals result in a reduction in retail frontage and less active ground floor frontage.
- The 3-bed unit located at the corner of the site is vulnerably located on the ground floor at a busy corner.
- The daylight sunlight assessment inaccurately assesses impact on the nursery as no access was gained.
- The proposals are significantly greater in height than existing buildings adjacent to the Comet nursery would result in significant loss of daylight, and overlooking the open space of the nursery. This impact is made worse due to the importance of the outdoor place for the health and wellbeing of children at the nursery.
- Increased overlooking of adjacent nursery from the development raises safeguarding risks.
- Air quality is poor in the surrounding area and will be worsened by the development, particularly during the construction phase.
- The height of the development will result in a canyon effect on Orsman Road
- Additional residential units will result in increased pressure on local services and does not include any provision or increased capacity.
- The framework travel plan is incorrect as it does not take account of changed bus routes.
- Proposals would result in overlooking of neighbouring flats and their balconies and roof terraces.
- Planning permission has been granted for too many large developments in the surrounding area, resulting in loss of 80 year old trees, increasing traffic and damaging the area.
- The existing buildings should be refurbished rather than redeveloped.
- The flats will not be for the benefit of local people, who are being pushed out of the surrounding area.
- Proposals will impact on wildlife in the nearby Regents Canal.

4.6 Council Departments

Waste management

4.6.1 No comment received.

Transport

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4.6.2 The development is considered policy compliant with respect to the level of car and cycle parking, servicing arrangements and the scope of highway works. The proposal improves site legibility, promotes the use of sustainable transport modes and will not give rise to any adverse impacts to the surrounding highway network. Conditions are recommended concerning the provision of cycle parking along with clauses within a legal agreement restricting future residents from applying for parking permits, car club incentives, EVCP installation and compliance and adoption with travel plan, Demolition and Construction logistics plan and highway works.

4.6.3 Drainage

Recommend a condition is attached requiring submission of full details / specification of a sustainable drainage strategy.

4.6.4 Pollution (air)

The submitted Air Quality Assessment is complete and satisfactory.

4.7 Local groups

4.7.1 Hackney Society

The HSPG had the benefit of a presentation by the architects, applicant and agent in November 2018. Whilst some of our immediate feedback was considered by the applicant, we regret that the submitted scheme continues to fall short of the LPA's policy expectation in a number of areas and would benefit from being withdrawn to allow substantial design amendments which might address our detailed points below and might better match the density /massing / heights / open space objectives of the outline permission for the Colville Estate.

The proposals are an obtrusive and incompatible form of development and harmful to the character and appearance of the area. The scheme has 200% higher density than recommended in the London Plan and results in excessive over intensification.

The proposed housing is sub standard. A decrease of active street frontage as a result of loss of shop frontages will result in loss of local amenity and employment and is a missed opportunity to reinforce a vibrant local public place.

The scheme is listed as car-free but existing tenants have been promised parking spaces. This and disabled spaces are not shown in the scheme. The proposals will have a prejudicial Impact on quality of proposed housing on the adjacent Colville Estate. The architects attempt to hide the bulk and mass of the building by varying the colour of the brickwork and parapet heights – this articulation highlights the problem of how out of keeping the building is. The proposals will have an adverse impact on the Regents Canal Conservation Area. In addition the outline construction plan does not address the challenging constraints on this location.

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4.7.2 Hackney Swifts Group

Given the large scale of the development and its proximity to the site of nature conservation interest (SINC) of the Regent's Canal, we would expect biodiversity (and wider sustainability) to have a much greater priority in accordance with the Hackney Local Plan.

This development is close to areas where swifts (on the RSPB amber list due to rapidly declining numbers) are currently nesting and will potentially nest, with nearby De Beauvoir Town a known stronghold of the species (RSPB Swifts Survey Database website). so we request that a significant number of integrated swift nestbox bricks, reflecting the large scale of this development, are installed near the highest levels of new masonry, which would provide an aesthetically acceptable and zero maintenance way to provide a long-term resource to protect this species and improve the local biodiversity, in line with Hackney Council's guidance on this issue (Biodiversity Action Plan 2012-2017).

Nesting and roosting bricks for house sparrows and bats, which are also priority species found in this area, plus biodiverse living roofs are also recommended.

4.7.3 Hackney Design Review Panel (DRP)

The application was reported on two occasions to the DRP. The recommendations of the DRP have been incorporated and referenced within the design section of the report.

4.8 External consultees

4.8.1 Historic England

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

4.8.2 Historic England Archaeology

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, 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.

4.8.3 Thames Water

With regard to water supply Thames Water has identified an inability of the existing water network infrastructure to accommodate the needs of this development proposal. Thames Water have contacted the developer in an attempt to agree a position on water networks but have been unable to do so in the time available and as such Thames Water request that a condition is attached requiring upgrades to water supply, or a housing and infrastructure phasing plan to be agreed prior to occupation.

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In addition the proposed development is located within 15m of underground water assets and as such we would like an informative attached to any approval granted with regard to safeguarding. No objection is raised with regard to sewerage capacity.

4.8.4 Transport for London

No comment received.

4.8.5 Crossrail 2 safeguarding

The site is within a designated safeguarding area and safeguarding conditions are recommended.

4.8.6 GLA

Regeneration of the privately owned estate, within the City Fringe area, to deliver an uplift of 103 residential units is supported. The scheme would deliver 35% affordable housing by habitable room. However the proposals do not secure like for re-provision of affordable housing which is unacceptable.

The affordability of the re-provided affordable housing must be increased. The affordable housing viability information has also been reviewed and clarifications / justifications are sought particularly in relation to benchmark land value. Early and late stage viability review mechanisms must also be secured.

Urban design is generally supported although a robust justification must be provided for units which do not meet M4(2) building regulation requirements. The development would not cause harm to any nearby heritage assets.

In terms of sustainability overall carbon savings for the non-residential element should be confirmed and additional information provided with regard to overheating, heat pumps and PV panels should be provided.

In terms of transport a Transport Assessment which meets relevant guidance should be submitted, including Active Travel Zone assessment. Disabled parking spaces and short stay commercial cycle parking should meet London Plan standards. A parking design and management plan, construction logistics plan, delivery and servicing plan, and full travel plan should be secured.

5.1 Hackney Local Development Framework (LDF)

Core Strategy (2010)

CS6	-	Transport and Land Use
CS13	-	Growth areas
CS19	-	Housing Growth
CS20	-	Affordable Housing
CS22	-	Housing Density

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- CS24 - Design
- CS25 - Historic Environment
- CS26 - Open Space Network
- CS27 - Biodiversity
- CS28 - Water and waterways
- CS29 - Resource Efficiency and Reducing Carbon Dioxide Emissions
- CS30 - Low Carbon Energy, Renewable Technologies and District Heating
- CS31 - Flood Risk
- CS32 - Waste
- CS33 - Promoting Sustainable Transport

Development Management Local Plan (2015)

- DM1 - High quality design
- DM2 - Development and amenity
- DM3 - Promoting health and wellbeing
- DM4 - CIL and S106
- DM7 - New retail development
- DM8 - Small and independent shops
- DM19 - General Approach To New Housing Development
- DM20 - Loss of housing
- DM21 - Affordable Housing Delivery
- DM22 - Homes Of Different Sizes
- DM28 - Managing The Historic Environment
- DM31 - Open space and Living Roofs
- DM32 - Protection and Enhancement of Existing Open Space
- DM34 - Sites of Nature Conservation and / or Geodiversity Value
- DM35 - Landscaping and Tree Management
- DM37 - Sustainability Standards for Residential Development
- DM38 - Sustainability Standards for Non-Residential Development
- DM39 - Offsetting
- DM40 - Heating and Cooling
- DM41 - Contaminated Land
- DM42 - Pollution water and air quality
- DM43 - Flooding and flood risk
- DM44 - Movement hierarchy
- DM45 - Development and transport
- DM46 - Walking and cycling
- DM47 - Car free and car capped development

LP33

- PP1 - Public realm
- LP1 - Design quality and local character
- LP2 - Development and amenity
- LP3 - Designated heritage assets
- LP4 - Non designated heritage assets
- LP6 - Archaeology



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- LP12 - Housing supply
- LP13 - Affordable housing
- LP14 - Dwelling size mix
- LP15 - Build to rent
- LP17 - Housing design
- LP24 - Preventing a loss of housing
- LP36 - Shops outside of designated centres
- LP37 - Small and independent shops
- LP41 - Liveable neighbourhoods
- LP42 - Walking and cycling
- LP43 - Transport and development
- LP44 - Public transport and infrastructure
- LP45 - Car parking and car free development
- LP47 - Biodiversity and sites of importance for nature conservation
- LP48 - New open space
- LP49 - Green chains and green corridors
- LP50 - Play space
- LP51 - Tree management and landscaping
- LP53 - Water and flooding
- LP54 - Overheating
- LP55 - Mitigating climate change
- LP56 - Decentralised energy networks
- LP57 - Waste
- LP58 - Improving the environment and pollution

Hackney Supplementary Planning Documents

Sustainable Design and Construction SPD (2016)

Affordable Housing SPD (2005)

Planning Contributions SPD (2015)

Public Realm SPD (2012)

5.2 London Plan (2016)

- 2.13 - Opportunity areas and intensification areas
- 2.14 - Areas for regeneration
- 3.3 - Increasing Housing Supply
- 3.4 - Optimising Housing Potential
- 3.5 - Quality and Design Housing Development
- 3.6 - Children and Young People's Play and Informal Recreation Facilities.
- 3.8 - Housing Choice
- 3.9 - Mixed and Balanced Communities
- 3.12 - Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes
- 4.7 - Retail and town centre development
- 4.8 - Supporting a successful and diverse retail sector
- 4.9 - Small shops
- 4.12 - Improving opportunities for all
- 5.1 - Climate Change Mitigation

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- 5.2 - Minimising Carbon Dioxide Emissions
- 5.3 - Sustainable Design and Construction
- 5.6 - Decentralised Energy in Development Proposals
- 5.7 - Renewable Energy
- 5.9 - Overheating and Cooling
- 5.10 - Urban Greening
- 5.11 - Green Roofs and Development Site Environs
- 5.12 - Flood Risk Management
- 5.13 - Sustainable Drainage
- 5.15 - Water Use and Supplies
- 6.1 - Strategic Approach to Transport
- 6.2 - Providing Public Transport Capacity and Safeguarding Land for Transport
- 6.3 - Assessing Effects of Development on Transport Capacity
- 6.9 - Cycling
- 6.10 - Walking
- 6.13 - Parking
- 7.1 - Lifetime Neighbourhoods
- 7.2 - An Inclusive Environment
- 7.3 - Designing Out Crime
- 7.4 - Local Character
- 7.5 - Public Realm
- 7.6 - Architecture
- 7.7 - Location and Design of Tall and Large Buildings
- 7.8 - Heritage Assets and Archaeology
- 7.14 - Improving Air Quality
- 7.15 - Reducing and Managing Noise, Improving and Enhancing the Acoustic Environment and Promoting Appropriate Soundscapes
- 7.18 - Protecting Open Space and Addressing Deficiency
- 7.19 - Biodiversity and Access to Nature
- 7.21 - Trees and Woodlands

5.3 National Policy

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

5.4 Emerging Planning Policy

5.4.1 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



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SoS's directions. The adoption of the new Plan is not imminent.

5.4.2 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 subject to some modifications. The Inspector's final report on the new borough-wide Local Plan (LP33) was received on 10 June 2020, and adoption of LP33 is scheduled for 22 July 2020.

5.4.3 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 weight in decision making at this stage. Now that the Inspector's final report on Hackney's Local plan has been received, all policies in LP33 carry significant weight in decision making in accordance with the modifications recommended by the Inspector.

5.4.4 Having regard to the above, emerging policy within these plans is discussed in the body of this report. Full regard has been had to the emerging LP33 policies set out in section 5.2 of this report, and within the assessment section below.

5.5 COMMENT

Background and development proposals

5.5.1 The estate was built in the 1930s for local workers by the Lever family who owned a number of local industries. The existing flats on the New Era estate have historically been in private ownership but with rent levels which are on average below market rent levels in the surrounding area. However the estate appears to have been managed in an ad hoc manner over the years with the landlord at distance from management and the tenants often undertaking repairs of their flats and managing their own internal communal areas.

5.5.2 The estate was acquired by Dolphin Living, a Registered Provider in 2014, following a failed attempt by the previous owner to redevelop the site. Dolphin Living is part of Dolphin Square Charitable Foundation. The Foundation's mission is to provide genuinely affordable housing for working Londoners, such as teachers, chefs, nurses, drivers, social workers, police craftspeople and designers. Given the previous management management arrangements the estate was inherited in a tired condition, in need of some immediate repair required and also a long term strategy to address the backlog of maintenance and repair issues.

5.5.3 Since acquiring the estate Dolphin Living has developed a personalised rent system for existing tenants, based on individual tenants available resources.

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Dolphin have also initiated a public consultation with existing tenants with regard to the future of the New Era estate. The existing residential accommodation is smaller than current standards with an average flat size of 52 sqm. The flats have no private amenity space, are not served by lifts and are poorly insulated. In addition there is a complete absence of soft landscaping to relieve the hard surfaced appearance of the site and its surroundings. As such there are limitations on what improvements can be achieved within the fabric of the existing building.

5.5.4 Given the above constraints with regard to the design and condition of the existing buildings, Dolphin have proceeded with preparations for redevelopment of the estate in consultation with existing tenants. 78 original tenants (those resident on the estate when it was acquired by Dolphin Living) have been offered the right to return to a flat in the new development, with the same number of bedrooms, at a rent level no higher than if the estate had not been developed. Original tenants will also be provided with accommodation during the construction period and benefit from paid moving costs. These commitments will be set out in a separate legal agreement between the developer and tenants (re-build agreement). A ballot of residents was undertaken with 91% of tenants in support of the redevelopment proposals.

5.5.5 The proposals comprise redevelopment of the estate to provide 199 residential units and 344sqm of flexible retail floorspace, provided across buildings ranging from 3 - 14 storeys, together with associated landscaped communal amenity space, secure cycle parking spaces and refuse storage facilities.

5.5.6 All existing buildings on the site are to be demolished. The proposed development is arranged as a perimeter block with interlinked buildings fronting Whitmore Road, Orsman Road, Halcomb Street and Phillip Street. The block fronting Whitmore Road is 6-8 stories in scale with a 14 storey taller element at the junction of Phillip Street and Whitmore Road. A lower rise 3 storey block faces Phillip Street and a 5-6 storey block fronts Halcomb Street. The block facing Orsman Road is 5 stories with a 6 storey element at the corner with Whitmore Road. The proposals are to be undertaken on a 'build to rent' basis with Dolphin Living retaining ownership and control of the whole estate and renting out residential units across all tenures with Assured Shorthold Tenancies of 3 years or more (with right to renew, following rent review).

5.5.7 Retail floorspace is proposed at ground floor fronting Whitmore Road, and a rear courtyard is proposed with open space and children's facilities. Waste / recycling and cycle storage areas are proposed at ground floor level within each block. Communal roof terraces are proposed above the 14 storey element at the corner of Whitmore Rd / Phillip Street and above the 6 storey block facing Halcombe Street.

6. Considerations

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The principal planning considerations with regard to this application are as follows:

- 6.1 Principle of the proposed uses / loss of existing uses / housing mix;
- 6.2 Design and conservation;
- 6.3 Daylight / sunlight / overshadowing / microclimate impacts;
- 6.4 Ecology and biodiversity impacts;
- 6.5 Noise and air pollution
- 6.6 Transport
- 6.7 Sustainability
- 6.8 Flood risk / drainage
- 6.9 S106 / CIL

Each of these issues is discussed in turn below.

6.1 Principle of proposed use / loss of existing use

- 6.1.1 Principle of demolition of existing housing and construction of new Housing
London Plan policies 3.3, 3.4, Core Strategy Policy 19 and Development Management Local Plan policy DM19 all highlight the need for new housing supply to meet pressing housing need in London and Hackney. London Plan policy 3.3 sets an average target of 1599 new homes per year to meet this need. Policy DM19 states that there is a general presumption in favour of housing, particularly affordable housing to meet identified housing need in the borough. LP33 policy LP12 also supports housing delivery and states that the Council will plan to deliver a minimum of 1,330 homes per year up to 2033 by encouraging development on small sites and through allocating sites for residential use.
- 6.1.2 In addition, policy DM20 provides further guidance on loss of existing housing and states that redevelopment involving loss of residential floorspace will only be permitted in certain circumstances, including where replacement housing of an appropriate type is being provided at an equivalent or higher density, or can help to address an identified housing need. LP33 policy LP24 also sets out similar criteria.
- 6.1.3 In addition Policy LP15 provides further guidance with regard to build to rent developments. The policy states that this type of development will be supported provided they comply with all other plan policies and they meet all of the following criteria:
 - i. The homes are held as Build to Rent under a covenant for at least 15 years; and
 - ii. All units are self-contained and let separately; and
 - iii. The development is in unified ownership and unified management; and
 - iv. The development has professional and on-site management; and
 - v. Longer tenancies of three years or more are offered with defined in-tenancy rent reviews.

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- B. At least 50% of the units delivered in Build to Rent schemes must be affordable housing, subject to viability. The tenure of the affordable housing delivered as part of the development will be required to be London Living Rent.
 - C. S106 agreements on Build to Rent schemes will include a 'clawback' mechanism in the event of units being sold out of the Build to Rent sector. Further guidance will be provided in the Hackney Housing SPD.
- 6.1.4 The estate currently contains 96 flats which are let predominantly on assured shorthold tenancy agreements, but also regulated and assured tenancies. The proposals would result in a significant uplift in residential floorspace and residential units. Tenants who were resident on the estate when it was acquired by Dolphin Living (78 'original tenants) will have the ability to return within the new development. As such the demolition of existing housing to facilitate the development would be broadly in accordance with policy DM20 and LP24.
- 6.1.5 The provision of a significant uplift of new housing at the site would in general terms help to meet the Council's housing delivery targets and address housing need in the borough, in accordance with London Plan policies 3.3 and 3.4, Hackney policies CS19, DM19 and LP12.
- 6.1.6 Affordable Housing
The NPPF states that local planning authorities should assess the need for different types of housing including affordable housing and develop policies accordingly. London Plan policy 3.12 requires boroughs to seek the maximum reasonable amount of affordable housing when negotiating on residential and mixed use schemes. This policy is supported by paragraph 3.12, which states that developers should provide development appraisals to demonstrate that each scheme maximises affordable housing output. Core Strategy policy CS20 and DMLP policy DM21 require developments of more than 10 units to provide a target of 50% of units as affordable, with a proportion of 60% social rented and 40% intermediate housing within this provision, subject to scheme viability and site characteristics.
- 6.1.7 LP33 policy LP13 also sets out a similar 50% affordable housing target with a 60/40 social rent / intermediate split, subject to viability. Policy LP15 states that at least 50% of the units delivered in Build to Rent schemes must be affordable housing, subject to viability, with the tenure type for the affordable element as London Living Rent. NPPF para 64 states that at least 10% of units on large sites should be available for affordable home ownership, although exceptions can be made for build to rent developments.
- 6.1.8 The application proposes 47 units which will be let at a Discount Market Rent (DMR) at a rent level equivalent of up to 80% of market rents in the surrounding area (80% of market rent for 1 beds, 66% for 2 beds and 55% for 3 beds). A further 21 units are proposed to be let at London Living Rent levels (LLR). The

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DMR and LLR tenures of the development would comprise 35% of the development by habitable room. The applicant's proposed rent levels for Market / DMR / LLR units are set out in the table below:

Unit size	Number	Ave sqm	Market rent pcm	LLR pcm	80% of market rent pcm	Proposed rent	Affordability (household income)
1 bed	29	54.5	£1700	£983	£1360	£1360	up to £50,000
2 bed	28	62.2	£2400	£1093	£1920	£1595	up to £60,000
3 bed	11	79	£2900	£1202	£2320	£1595	up to £60,000

6.1.9 Unfortunately the DMR housing, which would be up to 80% of market rents would not be genuinely affordable in this location, due to high market rent levels in the surrounding area. As such, the genuinely affordable housing provision for the development of 21 units equates to 10% affordable housing provision by habitable room which is below the 50% policy target level.

6.1.10 However it should be noted that affordable housing provision is complicated by the commitments made by the developer to rehouse existing tenants at their existing personalised rent levels. Original tenants will be accommodated within the DMR and LLR tenures. A small number will be accommodated in private units, but at a rent agreed in the rebuild agreement. Should these tenants move from the estate, the unit would revert to market rent levels.

6.1.11 A Financial Viability Assessment (FVA) has been submitted in order to gauge the maximum reasonable amount of affordable housing that can be provided as part of the scheme. The inputs within the appraisal in terms of build costs, existing use value of the site and rental values have been reviewed by external consultants. The review has been complicated by the unusual nature of the site which has residential units, but which have been rented at a below market rent level, but with no legal requirement for these reduced rent levels. As such the site has a high Existing Use Value (EUUV). This makes delivery of affordable housing more challenging.

6.1.12 Based on a discussion of market comparables, a gross development value of £76,661,507 for the 131 private residential units is considered appropriate by the Council's consultants. Management costs of the rental units, yield for affordable units have also been discussed by the applicants and Council's consultants. In addition construction costs have been reviewed by specialist

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cost consultants appointed by the Council and subject to dialogue with the applicants consultants. A cost of £50,916,154 is considered appropriate. A separate allowance of £250,000 has been made for other construction costs which are subject to uncertainty. Financing costs taking into account the Build to Rent nature of the development have also been debated.

- 6.1.13 The Benchmark Land Value (BLV) within the appraisal has also been discussed in detail, taking into account the existing retail and residential accommodation on site, its investment value and break up value. A BLV of £21,325,000 is considered appropriate by the Council's consultants. There is a disagreement between the Council and applicants consultants on this issue. However when the inputs considered appropriate by the Council's consultants are taken into account the proposed development would still only have a Residual Land Value of £15.86million, which is £5.46million deficit below the above BLV. It should be noted that the applicants consultants originally considered the deficit within the appraisal to be circa £24million, but following the negotiation process the Council's consultants have reduced this figure to £5.46million.
- 6.1.14 The proposed level of affordable housing is therefore considered to be the maximum reasonable amount of affordable housing which can be provided as part of the development. As such, provision of a greater proportion of LLR units at the expense of DMR units would not be possible as it would further reduce the viability and deliverability of the development. The provision of DMR housing within the development, although not genuinely affordable, contributes to the provision of the housing commitments for existing tenants, as well as helping to meet a certain type of housing need in the borough.
- 6.1.15 However the applicants aim to increase the amount of affordable housing on site, should future circumstances allow, and subject to their duties for financial stability as a Registered Provider / housing charity. The grant of planning permission will allow the applicant to explore possibilities for affordable housing grant funding from either the Council or the GLA. This could be used to ensure delivery of the development and potentially increase the proportion of affordable housing / affordability within the development. A head of term is included within the legal agreement requiring the developer to explore potential future opportunities for grant funding.
- 6.1.16 Regard has also been given to comments of the GLA who consider the existing residential units to be a form of affordable housing and that the same number of affordable housing units should be proposed as currently existing on site (78 units currently occupied by 'original tenants') at similar levels. However it is considered that the commitments made by Dolphin Living to the original tenants in terms of right to return to the development, at a rent level no greater than if the estate were not redeveloped, as well as alternative accommodation during construction and payment of moving costs, provides sufficient protection for existing residents. The commitments to existing residents will be secured as a head of term of the legal agreement for this application.

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- 6.1.17 In the longer term an increase in provision of affordable housing units to match the number of existing 'original tenants' is not justified given the existing units do not meet any definition of affordable housing within annex 2 of the NPPF (Affordable housing for rent is defined as having mechanisms in place to ensure affordability to future households, which is not the case with the existing units at New Era). In addition the increase in affordable housing is not supported by viability testing. Given the above identified issues in the viability review process, early / late stage viability review mechanisms are proposed as requested by the GLA. This review process would also allow for consideration of the availability of grant funding highlighted above.
- 6.1.18 As such the above factors in terms of providing housing security for existing tenants, ensuring their ability to return to the estate, and delivery of new higher quality affordable housing, which is secured in perpetuity to replace the existing poor quality buildings, should be taken into account alongside financial viability. When all these factors are balanced, officers consider that the proposed affordable housing offer is considered acceptable, in accordance with aforementioned policies. Protection for existing residents, provision of affordable housing, review mechanism requirements, commitment to seek additional grant funding, as well as build to rent management requirements of policy LP15 have been incorporated within the legal agreement.
- 6.1.19 Housing mix / quality
London Plan policy 3.8 together with the Mayor of London Housing SPG seek to promote housing choice and a balanced mix of unit sizes in new developments. CS19 sets out the requirements for new residential development and DMLP policy DM22 sets out the preferred unit mix for different tenure types with a minimum of 33% family sized units (three bedrooms or larger) for private tenure, 36% for social rent and 16% for intermediate. A greater proportion of 2 bed than 1 bed units are sought across all tenure types. LP33 policy LP14 sets a range of 31-34% for proportions of 1/2/3 bed units, subject to tenure type.
- 6.1.20 The Mayor of London's Housing SPG states that local policies requiring a range of unit sizes should be applied flexibly depending upon site specific circumstances. It is also noted that DMLP policy DM22 states that variations to preferred size mix may be considered, dependent on site and area location and characteristics, and scheme viability. LP33 policy LP14 also states that variations to tenure mix can be sought if justified by site specific circumstances.
- 6.1.21 The housing mix of the proposal, as set out in the table on page 2 of this report, would provide 6% of private units, 10% of LLR units and 19% of DMR units as family sized accommodation. There are a larger number of 2 beds than 1 bed units in the private and DMR tenures and only a slightly higher number of 1 beds in the LLR tenure. As such the proportion of 3 bed family sized units would not meet the mix required by policy. However the proposed housing mix has been configured to meet the requirements of a large number of original tenants

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as well ensure development viability. In addition due to the higher rent levels for 3-bed units, a higher number of family sized units, would mean a higher number of less affordable units, which would not be desirable. As such when all these factors are taken into consideration the proposed mix of unit sizes is considered acceptable, given the specific circumstances of the site, in accordance with the above policies.

6.1.22 All the proposed residential units would meet the space standards within the Nationally Described Space Standards (NDSS), and accord with the design principles within the Mayor of London Housing SPG, with each unit benefiting from private and communal amenity space. This would be a significant improvement in housing quality in comparison to the existing units at the site.

6.1.23 There are a number of single aspect units within the development, although these are 1-bed in size and none are north facing. An explanation for the presence of these units is provided within the design section below. 20 wheelchair units (building regulations M4(3) compliant) are proposed which would accord with policy requirements. Of the remaining residential units all but 3 would comply with building regulations M4(2) (accessible and adaptable dwellings). The three units which do not meet this requirement are 3x3-bed units, which are located in corner locations at the ground floor. The reason for non-compliance is because these units feature stepped access, as they are raised above street level for greater privacy, given their exposed location. This arrangement is considered acceptable given the limited number of units involved, and because a level access would reduce amenity for residents in other respects.

6.1.24 Principle of retail development

The site currently contains a group of small retail units fronting Whitmore Road. This group provides a range of services including convenience retail, cafes, cycle repair and tailoring. The proposals would result in demolition of these existing units and replacement with a smaller amount of flexible retail floorspace, capable of use as small units or a single larger unit. Concerns with regard to the loss of these local retail units is also noted.

6.1.25 DMLP Policies DM7 and DM8 support provision of new retail development in designated centres and the provision of small retail units as part of large scale retail development. LP33 Policy LP36 states that individual shops or parades outside of designated town and local centres will be safeguarded for A1 retail purposes. Development involving the loss of A1 retail will only be permitted if all of the following criteria are met:

- i. There are alternative shopping facilities for local residents within reasonable walking distance of 400m from the retail unit, also taking into account shops within neighbouring boroughs;
- and ii. The retail character of the parade is not undermined (if it forms part of a parade);
- and iii. The proposed use is an A-class or community use;

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and iv. A shop front and active frontage is retained or provided.

LP33 Policy LP37 also supports provision of small retail units.

- 6.1.26 The site is not within a designated local centre for retail. As such, provision of a significant proportion of retail floorspace in this location would not be appropriate, as it could undermine other nearby designated centres. The application proposals would reinstate retail floorspace (although with a reduced amount of floorspace). However the level of proposed retail frontage is still considered sufficient to retain its retail character.
- 6.1.27 During the pre-application process there was some discussion, including at the DRP around provision of a greater number of smaller retail units, to reflect the variety of services provided by the existing group of shops, and increase the level of active frontage. The applicants have not included this approach, as feedback from resident consultation events has expressed a desire for the retail space to have potential to accommodate a larger food retail unit.
- 6.1.28 The proposed retail floorspace has been designed so that it can flexibly accommodate smaller units or a larger unit. Officers consider that it is regrettable that dedicated small retail space has not been provided. However the proposed flexible retail floorspace represents a reasonable compromise between the aspirations of existing residents and policy support for small retail units in accordance with policies DM8 and LP37.

6.2 Design and conservation

- 6.2.1 DMLP Policy DM1 states that all developments be of high quality design and meet set criteria, including the following:
- i. Reinforce and complement local distinctiveness and vernacular to create a positive sense of place;
 - ii. Respect the visual integrity and established scale, massing and rhythm of the building, frontages, group of buildings or street scene (including characteristic building lines and plot widths), of which they form a part;
 - iii. Retain, enhance and/or create open spaces, views, landmarks, characteristic rooflines and other townscape features which make a positive contribution to the character of the area;
 - iv. Improve legibility and movement through a site, and repair fragmented urban form and the pattern of a block or locality;
 - v. In the wider context, be of a height and massing which responds to and is compatible with the townscape, landscape, urban setting and adjacent buildings, has regard to heritage assets and to the particular circumstances of the site.
- 6.2.2 LP33 policy LP1 includes similar criteria to above as well as further guidance with regard to tall buildings which are taller than their surroundings, with set criteria including the following: that they have a legible and coherent role in the

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immediate and wider context and where relevant be fully justified in respect of the Council's place policy vision for the area; relate and respond to its immediate and wider surrounding context; contribute to the public realm; and avoid undue harm to heritage assets.

6.2.3 The proposals have been assessed in relation to the above policies, as well as other design related policies set out in section 5 above.

6.2.4 Layout / Internal design quality

The proposal aims to develop a deep perimeter block partially enclosing a central amenity courtyard of 18m (at its narrowest) x 48m. The layout is based on the St Andrews scheme in Bromley-by-Bow which is a successful scheme developed by the proposal's architects. On the ground floor a reduced quantum and number of retail units face Whitmore Street while residential duplexes face other surrounding streets at ground level. Undercroft routes connect a secure route through the middle of the site. One of the southern blocks has a full height route through which allows a visual connection between the courtyard and surrounding streets.

6.2.5 The perimeter block layout is a relatively standard approach to maximising the capacity of a site while ensuring urban design good practice of well defined streets and active frontages. Although it is most successful when the urban block allows for a generous courtyard. The urban block in question is tight and as such the perimeter block has a similarly tight courtyard.

6.2.6 The layout of single aspect units off internal corridors is also a standard, policy compliant approach which is seen across London and is popular with developers as it allows for highly efficient and high capacity plans. However this approach results in longer internal corridors and more single aspect units than an external gallery design, which has been used in other developments in Hackney.

6.2.7 Internally, the scheme is divided into 4 cores with 5, 7, 8 and 10 units off each. The developer is dependent on dual loaded corridors, necessitating a high number of single aspect units to achieve the residential density required for viability. This is still a standard policy compliant approach throughout London. The least successful units in this approach are single aspect units facing the internal courtyard and especially those in corners. However, those units face gallery access routes and so privacy is not compromised. Dual aspect units are on the long block mid sections and the shallower blocks with north to south orientation, they are also located on all external corners. Typical floors have 14 dual aspect units, 15 single aspect units (of which 4 are kinked to give a slightly wider outlook, and 6 look inward onto the courtyard.)

6.2.8 However corridors do have access to natural light by way of end of corridor windows or doors to short gallery access routes. The DRP panel and officers have suggested shorter internal corridors, extra gallery access and changes to

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the facades to improve the outlook of single aspect flats. However the developer has chosen to maintain their current approach which allows for maximum numbers of units and more small units. The architects have made adjustments from earlier iterations to give all corridors some access to external doors which should allow in some natural light.

6.2.9 Form and Massing

The proposed development is composed of blocks of varying height and mass. Overall this is intended to create a sense of an urban block of multiple buildings rather than one large building. The larger two blocks located on the east and west sides are around 16m deep with single aspect flats off internal circulation so as to maximise capacity of the site. These blocks range from 5 to 9 storeys. Shallower blocks face north and south with gallery access. These blocks range from 3 storeys in the south to 4 storeys in the north. To the southwest a 14 storey 'marker building' is proposed which relates to an area of emerging local height. Lower height buildings to the south maintain street frontage and courtyard enclosure while allowing light to penetrate the courtyard and allow longer views out for internal facing units.

6.2.10 The massing is related to the existing and proposed built context both in terms of maintaining access to light but also reflecting the surrounding changes in height. At the same time the developer has pushed height upwards of the context, taking advantage of opportunities where impact will be limited. During the design process concerns have been expressed from the DRP Panel and officers with regard to the height and density proposed. The applicant has responded to these comments by refining the architectural approach and incorporating some recommended measures such as opening up a route into the courtyard as recommended by the DRP, as a way to reduce impact of the massing on this space.

6.2.11 The tallest frontage is to Whitmore Road. This street is the most important surrounding the block and is also the location of the majority of public realm and retail uses. Because of this, identifying this location with the tallest street frontage is justifiable. This street will also be fronted by the redeveloped Colville Estate where early masterplan drawings suggest increased height, although the final heights are not fixed.

6.2.12 The tower element takes advantage of the existence of taller buildings to the south, the wide junction space to the south and proposed tall buildings being developed by Hackney at Britannia Leisure Centre. The tower could be seen as indicating a significant junction while stepping down in height from the public focal point indicated by the 20+ storey towers at Britannia Leisure Centre. As the proposed 14 storey tower element would relate acceptably in this context.

6.2.13 The visibility of the tower from locations in Hackney and Islington has been considered and the proposals are found to have limited visibility from nearby streets and open spaces. One street where it is visible is Rotherfield/

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Shepperton Street in Islington where the top of the tower tower will be visible in long views over rooftops. The Hoxton Press towers are visible in this view too and as such this visibility is not considered unduly harmful.

6.2.14 The massing on Orsman Road ranges from 5 storeys with 3 set back storeys above, through 4 and 4 storeys with 3 setback storeys. These proposed heights have been modelled to reduce impact on existing homes and to respond to the prevailing shoulder heights of the street. On Halcomb Street the development is around 5 storeys in most places with some stepping back of upper storeys. Opposite is a 1 storey primary school. While the difference in height between the school and development is significant, the school is well set back from the street and very unusual in height locally. As such the proposed height here, which reflects prevailing heights nearby, is acceptable.

6.2.15 To the south on Phillipp Street, the proposed height is lower and deeply set back in response to daylight impact testing. The lower heights here will also allow sunlight to penetrate the proposed courtyard and reduce the sense of enclosure within it. A route is provided alongside the tower which will give relief from the otherwise complete enclosure of the courtyard and is a response to a suggestion made at DRP.

6.2.16 Architecture and Materials

Hackney officers and the Hackney DRP have given generally positive feedback on the architectural approach and the architects have improved their approach in response to constructive criticism.

6.2.17 The proposed perimeter block is divided into 4 quadrants with a core in each. These quadrants are broken down into further distinct 'buildings' each with their own materiality and style but together related harmoniously. The buildings are unified by their brick cladding and repeating window proportions and approach ground floor entrances. The blocks are given their own distinctive qualities which contrast with those of adjacent elements. The tower, for example, has a distinctive design with a formal grid of windows, dark brick cladding with white vertical window reveals. It has a strong base, mid section and is crowned with a sculptural core overrun. It contrasts with adjacent, lower elements which are clad in a light brick and which have their own distinctive window reveals.

6.2.18 Corner buildings are clad in darker brick with additional decorative window reveal details, while midsection buildings are lighter and simpler in their design. The alternating colours break each street elevation down into groups of buildings with their own materiality and height contrasting with each adjacent building. Modulation in height between 'buildings' creates the illusion of a block of individual buildings. The interior courtyard will be unified in one light brick.

6.2.19 Upper floor units facing the courtyard will have projecting balconies, much like the Bromley-by-Bow St Andrews development which the scheme's architect designed and is used as a precedent. Buildings facing the busier Whitmore

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Street frontage have inset balconies which help create stronger elevations, while frontages on the quieter Halcombe Street frontage have projecting balconies.

6.2.20 As a whole, the architecture has been well considered but will need rigorous conditions to ensure delivered quality matches that which has been promised at the application stage.

6.2.21 Landscape:

The landscape design has been developed after engagement with the residents of the New Era Estate and is designed to support the communal life of the development and the public realm outside. Externally the scheme proposes a retention of the trees on Halcombe Street and additional 'greening' on Orsman Road. Some additional greening is planned for Halcomb Street in the form of two build-outs supporting one tree each.

6.2.22 Internally, an enclosed and secured courtyard garden will be subdivided to provide a variety of spaces catering for different demands. This will include playable landscape for children, allotments, seating, areas for washing and drying, gardens, flowerbeds, bike storage and an artificial lawn which the developer has insisted on retaining in the proposal due to its robustness. Communal space is also provided on some rooftops - level 14 of the tower and level 5 of the north east corner block for less active outdoor relaxation. Access to these spaces will be secured as part of an operational management plan condition.

6.2.23 The GLA play and recreation SPG recommends provision of 10sqm of playspace per child. GLA population yield calculator recommends provision of 237sqm for play and outdoor recreation for children aged under 5s, 5-11 and 12+ for the development. Playable areas within the courtyard would amount to 260sqm which would meet the space requirements for under 5s and 5-11 year olds. Children aged 12+ would be able to access more appropriate spacious play provision at Shoreditch Park within 800m of the site.

6.2.24 The DRP did raise concern about the amount of space proposed. It is accepted that the proposals would not meet policy LP48 requirement of 14sqm per person of new open space. However such a standard cannot be achieved in this case if the development were to comprise a similar pattern of development as others in the surrounding area. In addition the provision of the proposed communal amenity spaces with potential for attractive soft landscaping is a significant improvement over the existing situation, where soft landscaping and external amenity space is completely lacking. Some DRP suggestions to remove ground floor residential units, in order to increase communal space, and an open link through to Philipp have been incorporated. The architect has improved entrances into the site but not to the extent suggested by the DRP.

6.2.25 LP33 policy LP48 also requires new residential developments to achieve an

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urban greening score of at least 0.4 (proportion of soft landscaped and permeable surfaces within the development). The development achieves an urban greening score of 0.29 which is below the policy requirement. However a significant proportion of soft landscaping and permeable paving is proposed which represents a significant improvement over the existing situation. The development would also contribute towards further improvements such as SUDS and rain gardens within the public realm surrounding the site. As such the level of proposed urban greening is considered acceptable in this instance. In overall terms the proposed landscaping and design of external spaces, is considered to be acceptable and a significant improvement over the existing situation.

6.2.26 Conservation and Heritage Assets Demolition of existing building

The site is within the setting of the Regent's Canal Conservation Area. The site is also visible from the De Beauvoir Conservation Area and from the East Canonbury and Arlington Square Conservation Areas in Islington. Adjacent to the site is the grade II listed Stags Head pub which sits on the corner of Halcomb Street and Orsman Road. In reference to proposals affecting heritage assets, the 2018 National Planning Policy Framework (NPPF) states at paragraphs 190 and 194:

“190. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

194. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification...”

6.2.27 In addition to the NPPF recommendations reported above and in reference to heritage assets affected by new developments, the Section 66 of the 1990 Act states: *“In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”.*

6.2.28 The development will significantly change the setting of the Stags Head pub. The additional height will diminish the building to some extent. However the context of the pub has been semi industrial and mixed for much of its recent history. The pub has never been a part of a consistent townscape where it can stand out as taller or more significant. As such the impact on the pub is seen as harmful but less than substantially so.

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6.2.29 The development will be visible in long views from the De Beauvoir Conservation Area looking south along De Beauvoir Road. Townscape Visual Impact Assessment (TVIA) images show the tallest element of the scheme as visible but sitting significantly lower than buildings in the foreground on the De Beauvoir Estate.

6.2.30 The top few storeys of the scheme are visible over rooftops from Islington's conservation areas when looking east along Shepperton Street. The impact of the view here is harmful and adds to recent harm caused by the Colville Estate towers which are also visible over rooftops. The scheme is most visible in long views but will recede from view as it is approached when moving east along Shepperton Street.

6.2.31 As such the proposals would result in some less than substantial harm to nearby heritage assets. These would be outweighed by benefits of the development in townscape terms, through replacing the existing buildings, which are in a poor state of repair, with new buildings which reinforce street frontages, at a scale which is commensurate with the changing pattern of development in the surrounding area. Other public benefits include provision of new housing, including affordable housing and housing security for existing tenants on the estate. All these factors are considered to outweigh the less than substantial harm to heritage assets identified above.

6.2.32 Design Conclusion

The scheme is large for its existing and emerging context. The 8 to 14 storey street frontage to Whitmore Road will set a new high for a length of street frontage in the area. The proposal is also dense, with a high number of single aspect units and a relatively compact area of amenity space below the level promoted by policy LP48. The proposals also result in a less active frontage than existing through the reduction in retail units and would result in less than substantial harm to heritage assets.

6.2.33 The applicant has mitigated these issues by developing a scheme which has a high level of architectural quality and would contribute to the appearance of the surrounding area through replacing the existing buildings, which are in a poor state of repair, with new buildings which reinforce street frontages, at a scale which is commensurate with the changing pattern of development in the surrounding area. The proposals would also deliver new housing which is of much higher design quality and with more internal external amenity than existing. As such the proposals are considered to be broadly in accordance with DMLP policy DM1 and LP33 policy LP1. Conditions requiring details of materials and facade mock up panels are proposed.

6.3 Daylight / sunlight / overshadowing / Wind microclimate impacts

6.3.1 Daylight

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A daylight / sunlight assessment has been submitted within the application and considers the impacts on neighbouring occupiers in terms of daylight, sunlight and overshadowing, as well as daylight levels within the proposed flats. The assessment is based upon the methodology set out in the BRE document “Site Layout Planning for Daylight and Sunlight – A Good Practice Guide (2011)”. The BRE guide sets out a number of different methods for assessing the impact of the development upon neighbouring properties. The main methods in the daylight sunlight assessment submitted by the applicant are the Vertical Sky Component (VSC) and daylight distribution methods (‘no sky line’ (NSL). Each method is useful in assessing different aspects of daylight impacts. VSC is most useful in assessing the degree of change, NSL illustrates the distribution of daylight in a room. Using these methods of assessment the BRE guidelines state that if reductions in daylight as a result of the development are greater than 20% then this is likely to be significant and noticeable to residents of neighbouring properties. It should be noted that the BRE guidelines are a guide (not policy) which is intended to inform decision making, and assist with development rather than constrain it. The guidelines are to be interpreted flexibly taking into account the patterns of development within the wider area. The guidelines note that in higher density locations a greater degree of obstruction may be unavoidable if new developments are to match the height and proportions of existing buildings.

- 6.3.2 Nearby properties experiencing the greatest potential impacts are 56 Orsman Road to the north, 2 Halcomb Street to the east, 135 Philipp Street and 8 Whitmore Road to the south, Norris House to the west.
- 6.3.3 For 56 Orsman Road, when taking into account the impact of the development, 10 windows would still experience daylight levels in excess of BRE guidelines and 9 would experience significant and noticeable reductions in daylight. However all windows would still receive good levels of daylight distribution in terms of the NSL assessment.
- 6.3.4 At 2 Halcomb Road, 135 Philipp Street, 8 Whitmore Road and Norris House nearly all tested windows would experience significant and noticeable reductions in daylight, although in some of these cases daylight reductions appear greater due to the presence of balconies above tested windows.
- 6.3.5 The results of the daylight / sunlight assessment, and the concerns of neighbouring properties with regard to this issue are noted. However regard must also be given to the context of the surrounding area. The Colville Estate redevelopment is taking place to the west, and Norris House is due to be redeveloped as part of this project. A part 6, part 7 storey building is proposed on the Norris House site in the later phases of the Colville development. In addition the Britannia Leisure Centre redevelopment involving a new part 5, part 6 storey school facing Hyde Road to the south of the Colville Estate, and a 21 Storey residential building adjacent to Pitfield Street to the south of the proposed school is also under construction. 56 Orsman Road is a relatively new

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6 storey development.

6.3.6 As such the pattern of development in the surrounding area is changing, with an increased scale of development. Although reductions in daylight to neighbouring buildings are noticeable, most affected windows would still receive daylight levels of circa 15-25% VSC which would be commensurate to daylight levels in the surrounding area, following redevelopment, such as the redeveloped blocks within new streets within the Colville Estate. Where daylight levels in adjoining buildings are lower than this following the development, this is due to factors such as balconies above windows which disproportionately affect daylight assessments.

6.3.7 Given the above factors the proposed development would be proportionate with the scale of development taking place in the surrounding area. The impacts on daylight are considered to be of a level that could be reasonably anticipated within the dense and urban character of the surrounding area, in accordance with aforementioned policies.

6.3.8 Sunlight impacts

It should be noted that sunlight is not as important to residential amenity as daylight, as some rooms which face northwards do not receive any direct sunlight. At 56 Orsman Road 2 windows would receive noticeable reductions in Annual Probable Sunlight Hours (APSH) although these are recessed beneath balconies. A number of windows to rooms at Norris House (29 rooms) and Cavell House (11 rooms) would also experience noticeable reductions in APSH. However many of these windows are located beneath projecting balconies, which disproportionately affects the assessment.

6.3.9 Given the above factors and having regard to the changing pattern of development in the surrounding area, impacts in terms of sunlight are also considered to be of a level which could reasonably be anticipated within the dense urban character of the surrounding area.

Overlooking between existing / proposed buildings

6.3.10 The proposed development would be separated by the width of public streets from neighbouring properties to north, south, east and west. As such, buildings on the opposite side of Whitmore Road are over 20m, Orsman Road 14m, and Halcomb Road / Philipp Road 12-16m from the development. The proposed buildings replace residential buildings with windows facing these streets. This existing context as well as the level of separation, across public streets will ensure that no undue overlooking of neighbouring properties will occur.

6.3.11 Concerns with regard to overlooking of the Comet Nursery outdoor play area from the development is also noted. This space is situated on the opposite side of Halcomb Street to the east of the development. As noted above, windows within the existing buildings currently face in this direction. Given this context

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and the level of separation across a public street, the development is not considered to result in an undue increase in overlooking of this space.

Overshadowing

6.3.12 Overshadowing impacts have also been considered. The BRE guidelines state that in order to receive adequate sunlight throughout the year, at least half of a garden or amenity areas should receive at least two hours of sunlight on 21 March. The impact of the proposals upon 10 nearby open spaces has been assessed, including the amenity space at the rear of the Stags Head public House, the Comet Nursery outdoor play area, front gardens of properties in Halcomb Street and Cavell House. More than half of all of these spaces would continue to receive 2 hours sunlight on 21st March, in accordance with BRE guidance.

6.3.13 The level of shadowing of the proposed communal open spaces within the development has also been assessed. On 21st March only 41% of this space would receive 2 hours sunlight. However during summer months when the space will be used most heavily this situation is much improved. 70% of this space receives 2 hours of sunlight in the summer solstice. As such the level of overshadowing of this space is considered acceptable, particularly given the absence of amenity space in the estate at present. Roof terrace spaces at 5th and 14th floor level would receive high levels of sunlight due to their sitting at high level, and would compensate for any overshadowing in the ground floor courtyard.

Wind Microclimate

6.3.13 A wind microclimate assessment has been submitted with the application. The report states that development of cumulative schemes to the west and south-west of the site (Colville Estate and Britannia Leisure Centre developments) would provide shelter to the Proposed Development. As such conditions at thoroughfares and at entrance locations would be suitable for the intended pedestrian use, during the windiest season. No mitigation to thoroughfares is required if other cumulative schemes are in place. However without these developments the south-western and south-eastern balconies on the 14 storey tower would require mitigation.

6.3.14 Given that both the Colville Estate and Britannia developments are under construction, the prospect of these buildings not providing wind shelter is considered minimal. As such the impact of the development in terms of wind microclimate is considered acceptable.

Amenity / microclimate conclusion

6.3.15 In summary the proposed development would not result in undue impacts upon the amenity of surrounding existing and future occupiers, in terms of daylight, sunlight, sense of enclosure, overlooking / privacy, overshadowing, or microclimate.

6.4 Biodiversity / ecology impacts

- 6.4.1 Policy CS27 states that development will be encouraged to include measures that contribute to the borough's natural environment and biodiversity. Where appropriate, a biodiversity survey of the site must be carried out, with actions to enhance the biodiversity value, mitigate or compensate for any harm to habitats and / or species. Policy LP47 states that all development should maximise opportunities to create new or make improvements to existing natural environments, and include biodiversity surveys where appropriate.
- 6.4.2 An ecological assessment has been submitted to assess biodiversity impacts, which include bats and birds. The submitted ecology report confirms that the existing buildings on site have negligible potential for roosting bats. The submitted information also confirms that development has potential to incorporate biodiversity enhancements such as: biodiverse roofs; incorporation of native and nectar rich species in landscaping to courtyard, roof terraces and street facing front gardens; incorporation of bee bricks, bird / bat boxes. Details of biodiversity enhancement measures are proposed to be secured by condition.

6.5 Noise / Air pollution

6.5.1 Noise

A number of concerns have been raised with regard to potential noise impacts from the development in particular during the construction phase. Unfortunately some noise during construction from the process itself, as well as from movement of construction vehicles into and out of the site is unavoidable, but will be time limited. An Outline Construction Management Plan has been submitted which states that the construction process will follow BS5228 -:2009 "Code of Practice for Noise and Vibration control on Construction and Open Sites", and will also be subject to other environmental health legislation. A detailed Demolition Construction Method Statement will be required by condition which will incorporate measures to mitigate noise during construction, including noise monitoring.

- 6.5.2 A noise report has been submitted with the application which considers noise impact from and to the completed development. A localised Mechanical Ventilation Heat Recovery (MVHR) strategy is proposed, with residential units in the most sensitive locations, equipped with MVHR units to allow for ventilation, with closed windows. As such noise levels within the development will be acceptable for residential use. the proposed roof level terraces will be communally managed, so as not to result in undue noise impacts on the surrounding area.

6.5.3 Air Quality

The whole of the borough is a designated Air Quality Management Area. An Air Quality Assessment (AQA) has been submitted with the application which

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considers air quality impacts from and to the surrounding area. The proposed development would be car free, and heating / cooling is proposed through use of Air Source Heat Pumps (ASHP). As such the proposals would not worsen air quality in the operational phase. Conditions with regard to demolition and construction management will ensure that air quality impacts during the construction phase can be mitigated.

- 6.5.4 The submitted AQA indicates that two residential units adjacent to the corner of Whitmore Road and Orsman Road will be subject to raised pollution levels. As such MVHR is proposed for these units facing Kingsland Road, with air intakes from an appropriate location with lower pollution levels are recommended to ensure adequate air quality to these units. Subject to conditions to secure these measures the proposals are therefore considered to be acceptable in terms of air quality.

6.6 Transport

- 6.6.1 The site benefits from a good level of public transport accessibility (Public Transport Accessibility Level 4 (PTAL)). In addition Time Mapping (TIM) shows that the site is within a travel time of less than an hour to all of Inner London, 10-20min journey time to the city of London, 40 minute public transport journey to Canary Wharf. As such the proposal is for a car free development which is in line with Hackney and London Plan policies. The site currently holds around 70 informal parking spaces, which would be removed as a result of the development. This would help the proposals to reduce vehicle movements in comparison with the existing situation, although movements into and out of the site by all modes will increase, predominantly by foot and public transport.
- 6.6.2 All new occupants except blue badge holders will be restricted from applying for Controlled Parking Zone (CPZ) permits for the local area. However it should be noted that returning residents who currently have a residents parking permit will be retained. There are currently 35 residents parking permits held within the development, and this may be further reduced to 10 following engagement with existing residents (residents who have stated during resident consultation events that they would reconsider car ownership, following the development). This would be supported through car club membership and driver credit. A contribution of £10,000 is also sought towards provision of an Electric Vehicle Charging Point (EVCP) to ensure that vehicle usage is likely to be from the most sustainable use of low carbon emission vehicles.
- 6.6.3 Two existing CPZ spaces are proposed to be omitted to accommodate a loading bay on Whitmore Road to serve the development, and three CPZ spaces were proposed to be converted to disabled blue badge spaces. However officers consider this should be increased to 4 to meet the needs of the development (1 in Orsman Road, 1 in Halcomb Street and 1 in Philip St. These will be delivered as part of associated highway works around the site, discussed below. However

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surveys have indicated that there is space within surrounding streets such as Orsman Road to accommodate at least 8 further CPZ spaces to offset this loss.

- 6.6.4 The applicants have proposed 474 cycle parking spaces, 406 spaces for the residential units. All spaces are well located near to the residential access cores and within the courtyard. This is in accordance with Hackney and London Plan Standards. This is supported.
- 6.6.5 A full Travel Plan for both uses will be required to be produced and implemented on occupation of the development. This will be secured through the s106 legal agreement including a £200,000 sum for monitoring.
- 6.6.6 In accordance with LBH DMLP Policies DM1, DM3, DM4, DM44, DM45 and DM46, and LP33 policies LP41 and LP42, all developments are expected to integrate the proposed development into public realm and or provided contributions to urban realm improvements in the vicinity of the site including reinstatement of redundant crossovers and footway renewal. Policy LP48 also requires provision of open space and urban greening within developments. A contribution of £459,496 is sought as part of the legal agreement towards these associated footway / highway works. These works include provision of four disabled spaces, planting of 20 small trees in nearby locations, SUDS tree trench on Whitmore Road, and a child-friendly rain garden on Halcomb Street. These measures would mitigate the impacts of the development as well as enhancing the surrounding public realm, and meeting identified shortfalls in terms of open space and urban greening.
- 6.6.7 Given the nature of the proposed development, a demolition and construction method statement is required by condition to mitigate negative impact on the surrounding highway network, including a sum of £8,750 for monitoring. Subject to the above measures the proposals are considered to accord with relevant policies.

6.7 Sustainability

- 6.7.1 The proposed energy strategy is required to follow the following hierarchy in accordance with Hackney and London Plan policies: *Be Lean*: Use less energy, by adopting sustainable design and construction measures; *be Clean*: Supply energy efficiently, in particular by prioritising decentralised energy generation; *Be Green*: Using renewable energy.
- 6.7.2 The submitted energy strategy has considered potential for connection to the Colville Estate Network, potential issues with regard to timing for connection have been raised, if the New Era development were to be completed prior to the Colville Estate Energy Centre. As such a site wide heating network is proposed for New Era, which is capped off to the site boundary to enable connection, if timing permits or at a later date. 81kwp photovoltaic panels and ASHP are proposed, delivering 38.47% reduction in CO2 emissions.

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- 6.7.3 The development is also required to be zero carbon, with a minimum of 35% beyond part L. Any shortfall to the 100% regulated carbon emissions shall have a payment to the Carbon Offset Fund. A cash in lieu contribution to off-set to 100% of the remaining regulated carbon dioxide emissions of the domestic development. This amounts to 143.28 Tonnes of CO₂ at a current price of £60 for a period of 30 years (£257,904). The retail element has a shortage to 35% regulated carbon dioxide emissions to baseline Part L of the Building Regulations. This amounts to 4.44 Tonnes of CO₂ with a cash in lieu requirement of £7,996. Both payments add to a total of 265,900 shall be paid through a clause in the S106 agreement.
- 6.7.3 An overheating assessment has also been provided and reviewed, and as such overheating is not considered to be a significant risk within the development. The retail element of the development is also required to achieve BREEAM 'excellent' and this can be secured by condition. Subject to other conditions securing the measures highlighted in the energy / sustainability strategy and the carbon offset contributions highlighted above, the proposals are considered to accord with London Plan policies 5.2, 5.3, 5.6, 5.7, CS29, CS30, DM37, DM38, DM39, DM40, and LP33 policies LP54, LP55 and LP56.

6.8 Flood Risk / Sustainable Urban Drainage Systems (SUDS)

- 6.8.1 Policy DM43 requires all development to have regard to flood risk during its lifetime and have regard to the SUDS hierarchy. Policy LP53 states that all developments should achieve greenfield runoff rates by attenuating rainwater on site, utilising SuDS and in accordance with the drainage hierarchy.
- 6.8.2 The submitted drainage strategy states that Infiltration drainage at the site is not possible. As such attenuation is proposed. Surface water attenuation will be provided in the form of blue roofs, permeable paving and a below ground geocellular storage tank. The attenuation system has been designed, using rainfall data, to reduce the peak surface water run-off rate to 3.30 Litres per second for the 1:100 year storm event with a 40% climate change increase. This results in a reduction of over 90% for every rainfall event considered.
- 6.8.3 The strategy has been reviewed by the Council's drainage officer and it is considered that the proposals accord with the requirements of the above policies. This is subject to conditions requiring submission of full details of the measures, together with their installation and ongoing maintenance.

6.9 S106 agreement and Community Infrastructure Levy

- 6.9.1 Details of likely S106 legal agreement requirements, contributions and clauses have been prepared in line with the Council's S106 on Planning Contributions (November 2016), emerging S106 SPD and the relevant regulations (Community Infrastructure Levy Regulations 2010) and the resulting level of

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contributions and Heads of Terms for the S106 legal agreement are detailed at Recommendation B below.

- 6.9.2 In addition, the legal agreement should include measures regarding apprentices and local labour during construction and the operational phase as well as a commitment to carry out all works in keeping with the National Considerate Contractor Scheme as per the requirements of the Planning Contributions SPD for a development of this size and nature.
- 6.9.3 The Mayor of London has introduced a Community Infrastructure Levy to assist in the funding of Crossrail. Mayoral CIL is charged at a rate of £60 per sqm of development, minus any existing floorspace which has been occupied for its lawful use for at least 6 of the last 36 months and floorspace which is proposed to be provided as affordable housing. The development is CIL liable with a Mayoral CIL charge of approximately £480,685.29.
- 6.9.4 Since the 1st April 2015 LB of Hackney has implemented its own CIL Charging Schedule which is relevant to the development. Hackney's CIL Charging Schedule requires a Local CIL charge of £190 per sqm for residential development in this location. Business uses are rated at £0 per sqm. The Local CIL charge is therefore approximately £1,482,503.77.

CONCLUSION

- 7.1 The proposed development would contribute towards housing delivery in the borough including affordable housing, and provide security for existing tenants. The design of the proposals would respond well to the changing context of the surrounding area and provide a much improved quality of residential accommodation in comparison to existing. Other potential impacts in terms of residential amenity, noise / air pollution and transport can be managed effectively. As such the grant of planning permission, subject to completion of a Legal Agreement is recommended.

7. RECOMMENDATION

Recommendation A

- 8.1. That Full Planning Permission for application 2019/2458 be approved subject to the following conditions:

Time limit / Development in accordance with approved plans

8.1.1 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



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Country Planning Act 1990 as amended.

8.1.2 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: 18048_07_001 Rev P1; 18048_07_002 Rev P1; 18048_07_003 Rev P1; 18048_07_010 Rev P1; 18048_07_011 Rev P1; 18048_07_012 Rev P1; 18048_07_020 Rev P1; 18048_07_021 Rev P1; 18048_07_022 Rev P1; 18048_07_023 Rev P1; 18048_07_030 Rev P1; 18048_07_100 Rev P1; 18048_07_101 Rev P1; 18048_07_102 Rev P1; 18048_07_103 Rev P1; 18048_07_104 Rev P1; 18048_07_105 Rev P1; 18048_07_106 Rev P1; 18048_07_107 Rev P1; 18048_07_108 Rev P1; 18048_07_109 Rev P1; 18048_07_114 Rev P1; 18048_07_115 Rev P1; 18048_07_200 Rev P1; 18048_07_201 Rev P1; 18048_07_202 Rev P1; 18048_07_203 Rev P1; 18048_07_204 Rev P1; 18048_07_205 Rev P1; 18048_07_206 Rev P1; 18048_07_207 Rev P1; 18048_07_500 Rev P1; 18048_07_501 Rev P1; 18048_07_502 Rev P1; 18048_07_503 Rev P1; 11753_TG_P_001; 11753_TG_P_002; 11753_TG_P_010; 11753_TG_P_100; 11753_TG_P_101; 11753_TG_P_300; 11753_TG_P_301; 11753_TG_P_302 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.

Prior to commencement (demolition)

8.1.3 Demolition Management Plan

No development shall take place until a detailed Demolition 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 management plan, which shall be maintained throughout the entire construction period. a) A demolition 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 phase); b) A demolition 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 c) 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; details of parking suspensions (if required) and the duration of construction d) Compliance with NRMM regulations.

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REASON: To avoid hazard and obstruction being caused to users of the public highway and in the interest of public safety and amenity, and to protect air quality and public health.

8.1.4 Tree Protection Method Statement

Prior to the commencement of works on the development hereby approved, a tree protection method statement demonstrating how adjacent trees will be protected during the construction phase of the development, shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To safeguard established trees on Sandringham Road.

Prior to construction (excluding demolition)

8.1.5 Construction Management Plan

No development (with the exception of demolition and site clearance) shall take place until a detailed 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 construction management plan, which shall be maintained throughout the entire construction period. a) A 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 construction phase); b) A 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 construction works, 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 c) 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; details of parking suspensions (if required) and the duration of construction d) Compliance with NRMM regulations

REASON: To avoid hazard and obstruction being caused to users of the public highway and in the interest of public safety and amenity, and to protect air quality and public health.

8.1.6 Sustainable Urban Drainage

No development shall commence, (other than works of demolition and site clearance) 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 has been provided. Details shall include but not limited to the proposed

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blue roofs (with a substrate depth of at least 80mm not including vegetative mats), permeable paving, underground attenuation system and the flow control system, which shall be submitted and approved by the LPA in consultation with the LLFA. Surface water from the site shall be managed according to the proposal referred to in the Flood Risk Assessment and SuDS Strategy report and limit the peak discharge rate to 3.3 l/s for all return periods up to the 1 in 100 year storm events plus an allowance for climate change

REASON: To ensure that the proposals do not increase flood risk in the surrounding area. The condition is required to be discharged pre-commencement as the strategy may require rainwater attenuation measures which need to be incorporated into the design of the proposals at the outset.

8.1.7 Assessment of Land Contamination

Prior to the commencement of the development (other than demolition and site clearance), an assessment of the nature and extent of contamination shall be submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:

human health,
property (existing or proposed) including buildings, and service lines and pipes, adjoining land,
groundwater and surface waters,
ecological systems,
archaeological sites and ancient monuments.

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

8.1.8 Contaminated Land remediation scheme

Prior to the commencement of the development (other than demolition and site clearance), a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

8.1.9 Crossrail 2 safeguarding condition

None of the development hereby permitted shall be commenced (other than demolition and site clearance) until detailed design and construction method statements for all the ground floor structures, foundations and basements and for any other structures below ground level, including piling (temporary and permanent), have been submitted to and approved in writing by the Local Planning Authority which: (i) Accommodate the proposed location of the Crossrail 2 structures including tunnels, shafts and temporary works, (ii) Accommodate ground movement arising from the construction thereof, (iii) Mitigate the effects of noise and vibration arising from the operation of the Crossrail 2 railway within the tunnels and other structures, The development shall be carried out in all respects in accordance with the approved design and method statements. All structures and works comprised within the development hereby permitted which are required by paragraphs C1(i), (ii) and (iii) and of this condition shall be completed, in their entirety, before any part of the building[s] [is] [are] occupied.

REASON: To ensure that the development hereby approved does not have a detrimental impact upon the provision of public transport infrastructure.

Prior to commencement of above ground works

8.1.10 Detailed elevation drawings

Prior to the commencement of above ground works for the development, detailed elevation and sections at 1:20 scale shall be submitted to and approved in writing by the Local Planning Authority. The submitted information shall include the following details set out below. The development shall not be carried out other than in accordance with the details as approved, unless otherwise agreed in writing with the Local Planning Authority.

- Window openings
- Balconies
- Balustrades
- Building entrances including service entrances
- Roof edge details
- details of signage
- Any lift overrun/plant housing
- Residential entrances
- Bin store enclosure
- Copings

REASON: To ensure that the external appearance of the development is satisfactory.

8.1.11 Details of materials / Mock up panel

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Prior to the commencement of above ground works for the development full details and samples of all external materials including any window frames, doors, cladding panels, brick work, and/or balconies for each phase shall be assembled on site in the form of a mock up panel / bay detail or other form as agreed with officers for approval in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the details as approved, unless otherwise agreed in writing with the Local Planning Authority.

REASON: To ensure that the external appearance of the development is satisfactory.

8.1.12 Secured by design

Prior to carrying out above grade works for the development, 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 'Secured by Design' Accreditation. The development shall only be carried out in accordance with the approved details.

REASON: In order to reduce opportunities for crime, and to safeguard the security of future occupiers and users of the development.

8.1.13 BREEAM Post Commencement (Retail)

Prior to commencement of above ground works, the detailed design and features to ensure the retail floorspace within the development will meet BREEAM excellent will be submitted and approved. The development shall not be undertaken otherwise than in accordance with the approved details.

REASON: In the interests of the promotion of sustainable forms of development and construction.

8.1.14 Energy strategy addendum (investigating potential for connection to Colville Estate Heat Network)

Prior to commencement of above ground works an addendum to the energy strategy shall be submitted to confirm the possibility (or otherwise) of connection to the Colville Estate Heat Network on first occupation of the development. The submitted information shall include: evidence of dialogue with the developers of the Colville Energy Centre (or relevant technical consultants); carbon reductions which would arise from this connection; and reasonable endeavours to connect to the heat network if feasible. The development shall thereafter be implemented in accordance with these approved details.

REASON: In the interests of the promotion of sustainable forms of development

Prior to occupation (or within 3 months if specified)

8.1.15 Waste Strategy

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Prior to first occupation of the development hereby approved, a refuse strategy for that phase shall be submitted to and approved in writing by the Local Planning Authority. Refuse collection shall only be carried out in accordance with the details thus approved, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure the development is satisfactorily served in terms of refuse collection and safeguard against the build-up of pollution.

8.1.16 cycle parking

Prior to occupation of the development details of secure cycle parking for 474 cycles and additional visitor cycle spaces shall be submitted to and approved in writing by the local planning authority. The cycle parking shall thereafter be installed in accordance with the approved details prior to occupation of the development unless otherwise agreed in writing. Cycle parking provision shall be designed to accord as reasonably practical with London Plan and Hackney Cycle Parking SPG standards.

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

8.1.17 Secure by design accreditation

Within three months of the first occupation of any part of the development, a 'Secured by Design' accreditation shall be obtained for that relevant part of the development.

REASON: In order to reduce opportunities for crime, and to safeguard the security of future occupiers and users of the development.

8.1.18 Operational Management Plan for development

Prior to the occupation of the development a management plan shall be submitted to the local planning authority to include: professional on site management; management and maintenance arrangements for communal space; access arrangements for all residents to all areas of communal open space. The development shall thereafter be operated in accordance with these approved details.

REASON: To ensure that the development does not detract from the amenity of the surrounding area and that facilities will be of significant benefit to the surrounding community".

8.1.19 Details of Hard and Soft Landscaping

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A hard and soft landscaping scheme illustrated on detailed drawings, shall be submitted to and approved by the Local Planning Authority, in writing, prior to occupation of the development. Details shall include:

- Details of bio-diverse green / brown / blue roofs
- Details of boundary treatments
- Details of hard and soft landscaping

All landscaping in accordance with the scheme, when approved, shall be carried out within a period of twelve months from the occupation date 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 five years, such maintenance to include the replacement of any plants that die, or are severely damaged, seriously diseased, or removed.

REASON: To accord with the requirements of Section 197(a) of the Town and Country Planning Act 1990 and to provide reasonable environmental standards in the interests of the appearance of the site and area. To ensure that the development will have a microclimate that is suitable for pedestrian use. To ensure that the development will not have an adverse privacy impact upon the amenity of nearby residential uses.

8.1.20 Biodiversity enhancements / mitigation

Prior to occupation of the development, details of biodiversity enhancements to be incorporated within the buildings and areas surrounding the building within the application site, if appropriate, to include measures such as bird / bat / bee boxes, and native species / nectar rich planting, shall be submitted to the Local Planning Authority for approval. The approved measures shall be installed prior to first occupation of the development and retained and maintained thereafter.

REASON: To ensure that the development takes the opportunities available to provide enhanced habitat opportunities to support biodiversity across the site.

8.1.21 Plant and machinery

Prior to occupation of the development, details of external plant and machinery (if proposed), including information to assess potential noise disturbance from such plant, shall be submitted for approval by the local planning authority. The approved plant, machinery and acoustic mitigation (if any is required) shall thereafter be installed, retained and maintained in accordance with the approved details.

REASON: To ensure that the development does not detract from the appearance or amenity of the surrounding area.

8.1.22 Thames Water condition

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No properties shall be occupied until confirmation has been provided that either:- all 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 no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development.

8.1.23 Contaminated land Validation report

The remediation scheme for the development shall be implemented in accordance with the approved timetable of works. Within 3 months of the completion of measures identified in the approved remediation scheme, a validation report (that demonstrates the effectiveness of the remediation carried out) must be submitted to the Local Planning Authority.

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

8.1.24 BREEAM Post Occupation

Within 12 weeks of occupation of the development hereby approved, a full BREEAM Post Construction assessment confirming BREEAM Excellent rating has been achieved for the retail element of the development, shall be submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of securing sustainable forms of development and construction.

Compliance condition (no discharge required)

8.1.25 Development in accordance with energy strategy

The measures identified in the submitted Energy and sustainability strategy and Overheating Assessment (and any subsequent revisions / addendum) shall be incorporated prior to occupation of the development.

REASON: In order for the development to demonstrate an adequate response to climate change and climate change adaptation.

8.1.26 Development in accordance with Air Quality Assessment

The measures identified in the submitted Air Quality Assessment shall be

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incorporated prior to occupation of the development.

REASON: In order for the development to mitigate impacts from poor air quality upon future occupiers.

8.1.27 **Building Regulations M4(2)**

A minimum of 176 dwellings within the development hereby approved shall be completed in compliance with Building Regulations Optional Requirement Part M4(2) 'accessible and adaptable dwellings' (or any subsequent replacement) prior to first occupation and shall be retained as such thereafter.

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

8.1.28 **Building Regulations M4(3)**

A minimum of 20 units 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, unless otherwise agreed in writing with the Local Planning Authority.

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

8.2. **Recommendation B**

8.2.1 That the above recommendation be subject to the applicant, the landowners and their mortgagees enter into a S106 legal agreement in order to secure the following matters to the satisfaction of the Director of Legal Services:

Affordable Housing

- 47 Discount Market Rent units and 21 London Living Rent units
- Early / late stage viability review
- Secure commitments to original tenants
- Commitment to explore potential for grant funding

Build to rent

- The homes are held as Build to Rent under a covenant for at least 15 years
- All units are self-contained and let separately; and
- The development is in unified ownership and unified management; and
- The development has professional and on-site management; and
- Longer tenancies of three years or more are offered with defined in-tenancy rent reviews.
- Clawback if the development is sold outside of the Build to Rent sector

Highways and Transportation

- Car Car-Free Agreement – to restrict residents and business occupiers

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of the development from obtaining parking permits to park in the surrounding CPZ bays.

- Travel Plan and £2000 contribution for monitoring
- £459,495 contribution towards public realm / footway reinstatement adjacent to the site, and provision of 4 disabled parking spaces.
- Car club membership and driver credit.
- £10,000 financial contribution towards EVCP within the site vicinity.
- £8,750 contribution towards construction logistics monitoring.

Employment, Skills and Construction

- Ways into work financial contribution: Employment and training - construction phase -. £84,312.
- Active programme for recruiting and retaining apprentices and as a minimum take on at least one apprentice per £2 million of construction contract value and provide the Council with written information documenting that programme within seven days of a written request from the Council;
- Commitment to the Council's local labour and construction initiatives, including submission and compliance with an employment and skills plan
- Quarterly Labour returns through 5 year period
- A support fee of £1,500 per apprentice placement in order to cover; pre-employment, recruitment process, post-employment mentoring and support; and
- If the length of the build/project does not allow for an apprenticeship placement, and it can be demonstrated that all reasonable endeavours have been undertaken to deliver the apprenticeship, a £7,000 fee per apprentice will be payable to allow for the creation of alternative training opportunities elsewhere in the borough.
- Considerate Contractor Scheme – the applicant to carry out all works in keeping with the National Considerate Contractor Scheme. A ways into work contribution payable prior to the implementation of the development:

Carbon offsetting

- £265,900 carbon offsetting contribution.

Costs

- Payment by the landowner/developer of all the Council's legal and other relevant fees, disbursements and Value Added Tax in respect of the proposed negotiations and completion of the proposed Section 106 Agreement, payable prior to completion of the s106.
- S106 Monitoring costs payable prior to completion of the development.

8.3 Recommendation C

8.3.1 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

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DM & Enforcement Manager) to make any minor alterations, additions or deletions to the recommended conditions and or heads of terms 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

A reason for approval is required quoting all the Core Strategy, and London Plan policies listed at sections 5 of this report. In addition the following informatives should be added:

- SI.2 Work Affecting Public Highway
- SI.3 Sanitary, Ventilation and Drainage Arrangements
- SI.6 Control of Pollution (Clean Air, Noise, etc.)
- 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 Prior consent for construction from the Local Authority.

NSI The proposed development is located within 15m of our underground water assets and as such we would like the following informative attached to any approval granted. The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures:

<https://developers.thameswater.co.uk/Developing-a-largesite/Planning-your-development/Working-near-or-diverting-our-pipes> . Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk

NSI Transport for London is prepared to provide to information about the proposed location of the Crossrail 2 tunnels and structures. It will supply guidelines about the design and location of third party structures in relation to the proposed tunnels, ground movement arising from the construction of the tunnels and noise and vibration arising from the construction and use of the tunnels. Applicants are encouraged to discuss these guidelines with the Crossrail 2 engineer in the course of preparing detailed design and method statements. In addition, the latest project developments can be found on the Crossrail 2 website www.crossrail2.co.uk , which is updated on a regular basis. I hope this information is helpful, but if you require any further information or assistance then



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please feel free to contact a member of the Safeguarding Team on 0343 222 1155, or by email to crossrail2@tfl.gov.uk

Signed..... Date.....

ALED RICHARDS – DIRECTOR – PUBLIC REALM, NEIGHBOURHOODS AND HOUSING

NO.	BACKGROUND PAPERS	NAME/DESIGNATION AND TELEPHONE EXTENSION OF ORIGINAL COPY	LOCATION CONTACT OFFICER
1.	Hackney Local Development Framework Core Strategy (2010) and the London Plan 2016	2 Hillman Street London E8 1FB	Steve Fraser-Lim, 2 Hillman Street London E8 1FB Tel: 02083568393