

Planning Sub-Committee 20/01/2021

ADDRESS: Thaxted Court, Murray Grove, Hackney, London, N1 7QQ	
WARD: Hoxton West	REPORT AUTHOR: Louise Prew
APPLICATION NUMBER: 2020/3309	VALID DATE: 10 November 2020
<p>DRAWING NUMBERS:</p> <p>001 Rev 2, 002 Rev 1, 003 Rev 1, 004 Rev 1, 005 Rev 1, 006 Rev 1, 007 Rev 1, 008 Rev 1, 009 Rev 2, 010 Rev 2, 011 Rev 2, 020 Rev 1, 021 Rev 1, 022 Rev 1, 023 Rev 1, 024 Rev 1, 100 Rev 3, 101 Rev 4, 102 Rev 3, 103 Rev 3, 104 Rev 3, 105 Rev 3, 106 Rev 3, 107 Rev 3, 108 Rev 3, 109 Rev 3, 110 Rev 3, 111 Rev 3, 112 Rev 2, 113 Rev 2, 114 Rev 2, 115 Rev 2, 116 Rev 2, 117 Rev 2, 118 Rev 1, 120 Rev 3, 121 Rev 2, 122 Rev 2, 200 Rev 3, 201 Rev 2, 202 Rev 2, 203 Rev 2, 204 Rev 2, 205 Rev 2, 206 Rev 3, 207 Rev 2, 208 Rev 2, 209 Rev 2, 210 Rev 2, 211 Rev 2, 212 Rev 2, 213 Rev 2, 214 Rev 2, 215 Rev 2, 216 Rev 2, 217 Rev 2, 260 Rev 2, 261 Rev 2, 262 Rev 2, 263 Rev 2, 270 Rev 2, 271 Rev 2, 272 Rev 2, 273 Rev 2, 274 Rev 2, 275 Rev 2, 300 Rev 2, 310 Rev 2, 311 Rev 2, 312 Rev 2, 313 Rev 2, 314 Rev 2, 315 Rev 2, 316 Rev 2, 317 Rev 2, 318 Rev 2, 319 Rev 2, 320 Rev 2, 321 Rev 2, 322 Rev 2, 323 Rev 2, 324 Rev 2, 325 Rev 2, 326 Rev 2, 327 Rev 2, 328 Rev 2, 329 Rev 2, 330 Rev 2, 331 Rev 2, 332 Rev 2, 333 Rev 2, 334 Rev 2, 335 Rev 2, 336 Rev 2, 337 Rev 2, 338 Rev 2, 339 Rev 2, 340 Rev 2, 341 Rev 2, 342 Rev 2, 343 Rev 2, 344 Rev 2, 345 Rev 2, 400 Rev 2, 401 Rev 2, 402 Rev 2, 403 Rev 2, 404 Rev 2, 405 Rev 2, 406 Rev 2, 407 Rev 2, 408 Rev 2, 409 Rev 2, 410 Rev 2, 411 Rev 2, 412 Rev 2, 420 Rev 2, 421 Rev 2, 422 Rev 2, 600 Rev 2, 601 Rev 2, 602 Rev 2, 603 Rev 2, 604 Rev 2, 605 Rev 2, 606 Rev 2, 607 Rev 2,</p> <p>RBA-FBE-001 V9, 002 V16, 003 V8, 004 V8, 005 V6, 006 V7, 007 V8, 009 V6, 010 V3, 011 V6, 012 V5, 013 V6, 014 V5, 015 V5, 016 V7, 017 V6, S01 V8, D01 V5, D07 V3, D08 V3, D09 V3, D11 V2,</p> <p>5.13-L-100, 200, 201, 202</p> <p>13336-PE-XX-XX-DR-D-3600 P02, 3601 P02,</p> <p>MURGRTRP-JUL20</p> <p>Acoustic Summary for Planning (Max Fordham, undated)</p> <p>Air Quality Assessment (BWB, May 2020).</p> <p>Bat Emergence Survey Report (Greengage, August 2020)</p> <p>Be lean Calculations 1.0 (Max Fordham)</p> <p>Be green Calculations 1.0 (Max Fordham)</p> <p>Civil and Structural Engineering Executive Summary (Pell Frischmann, January 2020)</p> <p>Daylight, Sunlight & Overshadowing Report Version 4 (Avison Young, 15/01/2020)</p> <p>Design and Access Statement (Lynch Architects, August 2020)</p> <p>Energy Statement for Planning Rev P2 (Max Fordham, 12/05/2020)</p> <p>Fairbank Estate GLA Carbon emissions reporting spreadsheet</p> <p>Fairbank Estate, D12 (Fire Safety) Statement (Pell Frischmann, 25/08/2020)</p> <p>Flood Risk Statement (Pell Frischmann, March 2020)</p>	

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<p>Health Impact Assessment for Fairbank Estate N1 for Hackney Council (Ridge and Partners, August 2020)</p> <p>Heritage Statement for Fairbank Estate N1 (Ridge and Partners, September 2020)</p> <p>Landscape Design & Access Statement (Robert Bray Associates, February 2020, V4)</p> <p>Letter of Comfort (Metropolitan Police, 13/09/2019)</p> <p>Muf Play Areas Fairbank Estate (undated)</p> <p>Noise and Vibration Assessment Issue 2 (Max Fordham, 14 May 2020)</p> <p>Outline Construction Management Plan (AIA Consulting, March 2020)</p> <p>Planning Statement for Fairbank Estate N1 (Ridge and Partners, August 2020)</p> <p>Preliminary Ecological Appraisal (Greengage, August 2020)</p> <p>Public realm pictorial specification V6 (Robert Bray, 16/01/2020)</p> <p>Statement of Community Involvement (Hackney Council, undated)</p> <p>Sustainability Statement Rev B (Max Fordham, 15/05/2020)</p> <p>Transport Statement (BWB, May 2020)</p> <p>Urban Greening Factor</p> <p>Wind Microclimate Assessment (Bre, 1/11/2017)</p>	
<p>APPLICANT: London Borough of Hackney Housing Supply Programme</p>	<p>AGENT: Ridge and Partners</p>
<p>PROPOSAL:</p> <p>Demolition of existing carpark and storage buildings and erection of three buildings of eight storeys each to provide 73 residential units (Use Class C3) and ground floor flexible spaces (Use Class E); infilling of basement carpark to street level around Thaxted Court; alterations at ground floor to Thaxted Court; alterations to boundary treatment of Halstead Court; erection of single storey storage shed; erection of colonnade; and associated car parking, landscaping and public realm works.</p>	
<p>POST SUBMISSION REVISIONS:</p> <p>Air quality assessment and wind microclimate assessment were provided. These were consulted on as part of the consultation in late December 2020.</p> <p>Site plans were updated to include an additional blue badge space and an updated UGF document was provided after consultation.</p> <p>Due to the minor nature of this change consultation was not required.</p>	
<p>RECOMMENDATION SUMMARY:</p> <p>Grant planning permission subject to conditions and completion of Unilateral Undertaking (UU).</p>	
<p>NOTE TO MEMBERS:</p> <p>This application is presented to the Planning Sub-Committee as it constitutes both Major development and a Council own application.</p>	

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ANALYSIS INFORMATION

ZONING DESIGNATION:

CPZ	Yes	
Conservation Area		No
Listed Building (Statutory)		No
Listed Building (Local)		No
Employment designation		No

LAND USE:	Use Class	Use Description	Floorspace Sqm
Existing	Residential C3	76 Garages and storage associated with residential estate	2,099
Proposed	Residential C3	73 residential units	7,293
	E	Flexible retail, commercial and community	402

PARKING DETAILS:	Parking Spaces (General)	Parking Spaces (Blue Badge)	Bicycle storage
Existing Development Site:	76 (garages) + 27 CPZ spaces	2	0
Proposed Development Site:	27 (CPZ)	3	136 + (36 short stay)

PROPOSED RESIDENTIAL USE DETAILS:					
	No of bedrooms per unit				Total
	1	2	3	4+	
Private	10	26	0	0	36 (49.3%)
Social rent	10	8	10	0	28 (38.4%)
Intermediate (Shared Ownership)	4	5	0	0	9 (12.3%)
Total	24	39	10		73

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CASE OFFICER'S REPORT

1.0 SITE CONTEXT

- 1.1 The application site comprises a parcel of land located on the corner of Murray Grove and East Road, within Fairbank Estate and contains Thaxted Court (an 18 storey residential building), a one storey with basement car park building with unused rooftop games area, pram storage sheds, associated hardstanding and communal open space.
- 1.2 The site is bordered by East Road to the east, Murray Grove to the north and Allerton Street to the west. The site is bordered to the south by Halstead Court, a six storey residential building of flats and maisonettes. The front boundaries of Halstead Court are included in the red line boundary. The red line boundary also extends across the public highway of East Road island Murray Grove to include the public footway.
- 1.3 The site is largely bounded primarily by typical post-war municipal housing blocks and estates including Provost Estate to the west.. The urban design is also typical of the era with pedestrian paths separated from roads weaving through large communal spaces in an indirect manner.
- 1.4 The site is located within an area with very good accessibility to public transport. It has a PTAL rating of 6a (on a scale of 1a – 6b where 6b is the most accessible). There are bus stops located directly adjoining the northern and eastern boundaries of the site, and the site is covered by a Controlled Parking Zone (CPZ). Moreover, there is a Santander cycle docking station located to the east of the site, on New North Road.
- 1.5 For clarity, this application is a resubmission on the application made under 2020/2331; due to the cyber attack, the applicant has resubmitted to enable full consultation to be undertaken again and for the application to be determined.

2.0 CONSERVATION IMPLICATIONS

- 2.1 There are no statutory listed or locally listed buildings or structures within the site.
- 2.2 There are two Grade II listed buildings / structures within the immediate vicinity of the site and three further to the east.
- 2.3 The implications are outlined further in the assessment section of the report.
- 2.4 The site is not in a conservation area.

3.0 HISTORY

- 3.1 There is no relevant recent planning history pertaining to the site.

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4.0 Consultations

4.1 Dates:

4.1.1 Date Statutory Consultation Period Started: 26 /11/ 2020

4.1.2 Date Statutory Consultation Period Ended: 09/01/2021

4.1.3 Site Notices: X8.

4.1.4 Press Advert: Yes. Hackney Gazette; 26/11/2020

4.2 Neighbours

4.2.1 Letters of consultation were sent to 602 adjoining owners/occupiers. At the time of writing the report, one objection had been received on the rounds of:

- Reduced ability to access home based on cumulative effects as a result of LTN

Officer's response: While it is noted that there will be some disruption while the works are being undertaken, the development does not alter the configuration of the streets around the site. The final construction management plan will be reviewed by council to reduce disruption for surrounding residents.

4.3 Statutory / Local Group Consultees

4.3.1 Transport for London:

Car parking

The development is car free but 29 spaces are re-provided. Existing car parking would not usually justify replacement parking and the starting point should be Intend to Publish London Plan parking standards.

Cycle parking

Supported subject to two tier racks having a mechanical or pneumatically assisted system for accessing the upper level. The product must also allow for double locking. 5% for larger cycles and designed to LCDS standards

Construction

A CLP should be secured by condition. Contractors should promote cycling and walking to the site CLOCS standards to be complied with.

TfL encourages the use of freight operators with FORS silver or gold membership as it is imperative that road safety measures are considered, and preventative measures delivered through the construction and operational phases of the development.

4.3.2 London Fire and Emergency: No response received.

4.3.3 Historic England: Did not wish to comment on the proposal

4.3.4 Historic England GLAAS: No objection, subject to WSI condition

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- 4.3.5 Natural England: Did not wish to comment on the proposal
- 4.3.6 Network Rail (Property): No response received.
- 4.3.7 Hackney Society: We hope Hackney maintains a policy of retaining design architects to completion as detail will be critical.
- 4.3.8 Thames Water: No objection, subject to piling condition and standard informatives.
- 4.3.9 Met Police: No objection, subject to conditions and continued involvement.
- 4.3.10 Design Review Panel:
 - 4.3.10.1 The following comments were provided in the last design review panel, held on 8 October 2019. These comments related to a previous iteration of the design.

Proposal

The proposal is for a comprehensive redevelopment of the site to provide 73 residential units and flexible commercial space in 3 buildings of 8 storeys along with 29 parking spaces, associated public realm and enabling works.

A mixture of flexible retail (A1/A2/A3) and workspace (B1) is proposed at ground level within the proposed buildings and 38% Social Rent, 12% Shared Ownership and 49% Market units within the 73 residential units above.

Programme and strategy

The Panel supported the ambitious programme of the scheme and the holistic approach to the regeneration of the existing estate, which would deliver a significant number of new homes including a total of 50% of affordable units, exceeding the Council's policy.

The Panel appreciates the fact that instead of treating the existing conditions on the site as a constraint or a liability, the proposal uses part of them as a valuable resource, addressing the existing sixties-style, tall building as an integral element of the scheme.

The Panel welcomes the extension to the boundary of the site from the original limited area of the existing car-parking block to the whole estate, which has created further opportunity for additional new homes on the western side of the site and brings the improved public realm out to the pavement edge.

Height – Bulk – Massing

The Panel finds the overall arrangement of new and existing buildings on the site convincing. It avoids reinforcing the canyon-like character of East Road, created by the recent developments on its eastern side and designs an engaging rhythm of buildings and intermediate open spaces towards this street and the entrance of the existing tall building on the site.

The three proposed eight-storey blocks create a well balanced composition with the existing tall building on local and long views from the street and assist in mediating its scale with the low to mid-rise surrounding context.

The Panel agreed that other previously investigated options with alternatively taller elements on the southern side of the site or at the northern street-junction, would

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not be as successful as the current one, due to their less sensitive mediation towards the immediate buildings to the south and the lower scale of the surrounding fabric.

Public realm and Landscape

The Panel understands the intent of creating a strong sense of place, with improved accessibility and permeability across the site, however it considers that the nature and role of the open spaces as designed is not successful. It lacks definition and has a rather general programme.

To the east of the tower, the Panel recognises the challenges associated with the existing topography of the site and immediate surroundings. However, it notes that the proposed landscape has not resolved this issue. Its topography is over-complicated and does not create a legible hierarchy and thresholds between public, communal and private space.

To the west of the site, the Panel welcomes the proposed infill of the existing lower-ground open space, which benefits to unite the whole ground-floor level of the scheme and design a much more usable and welcoming landscape. The Panel notes that the proposed landscape appears as too hard-surface. All available options to further reduce the amount of car-parking on site are investigated and that a softer character for the landscape is designed for the more domestic, central and rear parts of the scheme.

The proposed commercial and service uses at ground floor of the new buildings make some contribution to creating an active frontage at ground floor. The bin stores and northern commercial unit compromise its intended active frontage, there are opportunities to create a more domestic and internal character than is appropriate for the open space at the front of the site.

The Panel appreciates the role played by the proposed colonnade as a leitmotif uniting the whole scheme around the existing tall building, creating a legible threshold to the estate, engaging with the landscape and helping to define uses. However, the Panel recommends this concept is reconsidered to respond more directly to the changing context of the site boundaries. Currently the proposed activities exacerbate the current feeling of the scheme floating above a rather passive ground floor, due to the close proximity of its columns on diagonal views.

Generally, the Panel encourages the applicants to identify distinct characters and roles for the three main open spaces on site: at the front towards Eats Road, a central space between the existing and new buildings, and to the rear and side of the tower. While achieving a more domestic character on the most internal parts of the site, one or two residential units could be incorporated at ground floor and the bin stores repositioned in a more peripheral part of the site.

While the Panel appreciates the intent of celebrating and highlighting the positive characteristics of the existing Council-architecture on the site, it is concerned with the approach of using dark paving blocks for a substantial part of the designed open space. This could be uninviting and be less domestic in feel.

Internal Layouts

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The Panel appreciates the clarity and organisation of the internal layout of the three blocks, with a limited number of residential units per core and well-designed communal lobbies and corridors.

The layouts successfully create a visual connection from the entrance door to the corner balcony and outward to views of the surrounding landscape. Care should be taken on the detailing of the door-swings, to not compromise the functionality and usable space of the corner balconies.

Architecture

The Panel praises the overall architectural quality of the scheme. It encourages further refinement at the next stage, with particular attention to the visual interrelationship of the two identical blocks towards East Road with the simpler language of the third smaller block on Murray Grove.

The use of the buildings corners is inventive, which have been carved and activated with corner balconies and provide the overall elevation with a 'light' feel and expressive profile.

The palette of materials proposed for the new buildings is appropriate, but on the presented visualisations, the chromatic difference between the proposed brick and GRC bands is not very visible and could be better defined and detailed at the next stage.

Conservation

The Panel does not identify any significant issues associated with the scheme and the surrounding heritage assets. Generally, the Panel considers the scheme to be well integrated within the surrounding context, a huge improvement when compared to current poor condition of the site with the covered car-parking and beneficial to better integrate the existing tall building on the site within the surrounding mid-low rise context.

Environmental

The Panel considers that it would be useful for the Council to see a first floor plan of the scheme incorporating the proposed landscape in order to assess how effective the landscape spaces are when the dimension between the upper floors is more clearly drawn.

Summary

The Panel praises the bold programme and high quality architecture of the scheme. It considers the proposed buildings' height to be appropriate for the site and the massing to be well integrated within the surrounding context.

The proposed landscape design should be rationalised to create a more legible hierarchy and clear thresholds between public, communal and private space.

The Panel feels that the scheme could be more "grounded" by incorporating one or two residential units facing the central open space for instance.

Response: The above comments from the DPR have been addressed in the planning assessment further within this report.

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4.4 **Internal Consultees**

4.4.1 Transportation: No objection.

The scheme is considered acceptable subject to conditions and agreement of details for highways works.

4.4.2 Waste: No objection, subject to a condition regarding a management plan for collection of bulky waste

4.4.3 Environmental Protection Team (Noise): No objection, subject to internal noise levels (good standard) condition.

4.4.4 Pollution Air: No objection.

4.4.5 Pollution Land: No objection, subject to contaminated land conditions.

4.4.6 Drainage: No objection, subject to conditions.

4.4.7 CCTV and Emergency Planning: No response received.

4.4.8 Regeneration: No response received.

4.4.9 Public Realm/Parks: No objection subject to confirmation that maintenance will be undertaken by Hackney Housing.

5.0 **Policies**

5.1 London Plan 2016

- 2.9 Inner London
- 2.14 Areas For Regeneration
- 3.1 Ensuring Equal Life Chances For All
- 3.2 Improving Health And Addressing Health Inequalities
- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality And Design Of Housing Developments
- 3.8 Housing Choice
- 3.9 Mixed And Balanced Communities
- 3.10 Definition Of Affordable Housing
- 3.11 Affordable Housing Targets
- 3.12 Negotiating Affordable Housing On Individual Private Residential And Mixed Use Schemes
- 3.13 Affordable Housing Thresholds
- 4.1 Developing London's Economy
- 4.3 Mixed Use Development And Offices
- 5.1 Climate Change Mitigation
- 5.2 Minimising Carbon Dioxide Emissions

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- 5.3 Sustainable Design And Construction
- 5.5 Decentralised Energy Networks
- 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
- 5.14 Water Quality And Wastewater Infrastructure
- 5.15 Water Use And Supplies
- 5.17 Waste Capacity
- 5.18 Construction, Excavation And Demolition Waste
- 5.21 Contaminated Land
- 6.3 Assessing Effects Of Development On Transport Capacity
- 6.7 Better Streets And Surface Transport
- 6.9 Cycling
- 6.10 Walking
- 6.13 Parking
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 7.14 Improving Air Quality
- 7.15 Reducing Noise And Enhancing Soundscapes
- 7.19 Biodiversity And Access To Nature
- 8.2 Planning Obligations
- 8.3 Community Infrastructure Levy

5.2 Hackney Local Plan 2033 (LP33)

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PP1	Public realm
PP8	Shoreditch And Hoxton
LP1	Design Quality And Local Character
LP2	Development And Amenity
LP9	Health And Wellbeing
LP10	Arts, Culture and Entertainment facilities
LP11	Utilities And Digital Connectivity Infrastructure
LP12	Meeting Housing Needs And Locations For New Homes
LP13	Affordable Housing
LP14	Dwelling Size Mix
LP17	Housing Design
LP31	Local Jobs, Skills And Training
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	Parking And Car Free Development
LP46	Protection and Enhancement of Green Infrastructure
LP48	New Open Space
LP49	Green Chains and Green Corridors
LP50	Play Space
LP51	Tree Management And Landscaping
LP53	Water And Flooding
LP54	Overheating And Adapting To Climate Change
LP55	Mitigating Climate Change
LP56	Decentralised Energy Networks (Den)
LP57	Waste
LP58	Improving The Environment - Pollution

5.3 Supplementary Planning Documents / Guidance

Greater London Authority:

Housing (2016)

Sustainable Design and Construction (2014)

Shaping Neighbourhoods: Play and Informal Recreation (2012)

London Borough of Hackney

Sustainable Design and Construction SPD (2016)

S106 Planning Contributions SPD (2020)

Public Realm SPD (2012)

Transport Strategy 2015-2025

5.4 National Planning Policies/Guidance

National Planning Policy Framework

Planning Practice Guidance

Technical Housing Standards - Nationally Described Space Standard (2015)

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5.5 Emerging planning policy

5.5.1 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.

5.5.2 Subsequently, on 13 March 2020 the SoS raised significant concerns with Intend to Publish London Plan. The Mayor of London responded to the SoS on the 24th of April with practicable amendments to SoS's directions. There have since been ongoing communications between the two parties with increasing agreement on the amendments. Following receipt of the Mayor's letter of 9th December 2020 regarding his intent to publish, the SoS agreed to consider the Intention to Publish version of the Plan with Mayor's proposed amendments addressing the original Directions and two new additional Directions.

5.5.3 The Mayor has since addressed the two new additional Directions and has formally approved a new London Plan which he has submitted to the SoS. The SoS has 6 weeks from receiving the Publication London Plan in which to respond (or can request a further extension of time). The Mayor can only publish the Plan after the SoS has given his approval.

5.5.4 This would be the final stage for publication of the London Plan. As such, the policies contained in Publication London Plan has increased planning weight for consideration in applications

5.5.5 Where relevant, emerging content within this document is discussed in the body of this report.

6.0 **Planning Considerations**

6.1 **Overview**

6.1.1 The application seeks to redevelop land to the south of Murray Grove for residential-led mixed-use development. The proposal seeks to demolish the existing partly sunken two-storey car park building and storage sheds and fill in the land around the basement of Thaxted Court to create a level surface across the site.

6.1.2 Three new buildings of 8 storeys each will be built on the site to provide 73 new residential units and three commercial units. A residents room will also provide space for residents of the whole estate to gather for meetings.

6.1.3 The scheme is "tenure blind" composed of almost identical blocks (the north and the south in particular) united in architectural expression and character.

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- 6.1.4 The proposal seeks to undertake works to the existing estate grounds, including the creation of a new children's play area, and general landscaping works to improve general open space and amenity areas across the site.
- 6.1.5 The development seeks to undertake public realm works within the redline boundary of the site; this includes the reallocation of CPZ spaces and re-provision of blue badge spaces.
- 6.1.6 The three buildings are as follows:

North building

- 6.1.7 This building is located on the corner of East Road and Murray Grove. It is 8 storeys tall with a basement. The ground floor will have one commercial unit with upper floors containing 28 units, all for social rent. Cycle parking and bin stores are also provided over basement and ground floors.

South building

- 6.1.8 The south building is located between the new North building and Halstead Court. It is also 8 storeys with a basement containing cycle parking. The ground floor will contain two commercial units and the residents' room. The upper floors contain 31 units with either four or five on each floor for either shared ownership or private sale.

West building

- 6.1.9 The West building is located on the corner of Murray Grove and Allerton St on the existing ramp to the basement of Thaxted Court. This site will be filled to ground level to provide a consistent level across the estate. The building contains 14 units for shared ownership and private sale. This building also incorporates a substation at ground floor with the building's plant, cycle and waste stores.

6.2 **Housing Supply Programme**

- 6.2.1 The development is part of Hackney Council's Housing Supply Programme (HSP), which was approved by Cabinet in February 2016. The HSP seeks to deliver new, mixed tenure homes on Council owned sites within the borough's existing housing estates, typically on previously developed land occupied by non-residential uses, such as garages, car parks and depots.
- 6.2.2 A key objective of the HSP is to assist in meeting existing and future housing demand within the borough. The programme will deliver at least 50% social rent and shared ownership affordable units, secured by a Unilateral Undertaking, on 16 sites within the borough.
- 6.2.3 The HSP is a non-profit making initiative that does not rely on limited Government funding, as the delivery of new affordable housing is subsidised by homes for outright sale.

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6.3 Development delivery and securement through Unilateral Undertaking

6.3.1 In the context of the above, the Housing Supply Team has agreed to a programme wide and overarching Unilateral Undertaking (UU) which sets out the overall target housing mix and tenure for sites within the programme (see appendix). The UU will ensure development delivered through the programme will meet the mix and tenure split set out by the legal agreement.

6.4 The main considerations relevant to this application are:

- Land use
- Design
- Conservation and archaeology
- Quality of accommodation
- Health Impact
- Residential amenity of neighbouring occupiers
- Transportation and highways
- Waste management
- Sustainability and energy
- Wind
- Drainage and flood Risk
- Pollution
- Community Infrastructure Levy

Each of these considerations is discussed in turn below.

6.5 Land use

Residential use

6.5.1 Policy LP12 of LP33 sets a housing supply target for Hackney of 1,330 dwellings per year through encouraging development on small sites and through allocating sites for residential use and increasing the supply of genuinely affordable homes. Policy LP13 seeks to ensure that new development will maximise opportunities to supply genuinely affordable housing on-site, subject to viability and context, in order to contribute to the overall housing supply across the Borough. Moreover, Policy LP14 of Hackney's LP33 confirms the need to deliver different housing types at varying levels of size and affordability to meet people's individual needs, as part of delivering this target.

6.5.2 The application site forms an integral part of Hackney's adopted Housing Supply Programme, which is currently seeking to deliver at least 405 units, of which at least 50% will be affordable

6.5.3 The provision of residential accommodation at the site is deemed acceptable in principle and accords with London Plan policy 3.3 and LP12 of LP33.

Housing mix

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- 6.5.4 London Plan policies 3.8, 3.9 and 3.11 and the Mayor's Housing SPG promote housing choice and seek a balanced mix of unit sizes and tenures in new residential developments. LP33 policy LP14 sets the desired mix of housing by size for developments. This policy notes that variations to this size mix may be considered dependent on site, area, location and characteristics and scheme viability.
- 6.5.5 The development proposes 10 three-bedroom units, 39 two-bedroom units and 24 one-bedroom units. It is noted that this does not meet the policy requirements for a third of the units in each development having three bedrooms. However, as previously discussed, the Unilateral Undertaking, which underpins the Housing Supply Programme, has assigned an overall tenure and housing mix delivery target to be achieved by the sites within the programme. Whilst this specific development will not deliver any family sized intermediate and private units, the proposal does provide a high proportion of family sized social rent units, of which there is the greatest need in the borough. Moreover, the Housing Supply Programme will aim to deliver a policy compliant mix and tenure split (see appendix).
- 6.5.6 Whilst it is acknowledged that the proposed development does not strictly accord with the desired housing mix as detailed under LP14, it is emphasised that the proposed development, as part of the Council's Housing Supply Programme, will deliver a high proportion of large family sized social rent units, in line with local need and therefore contribute towards mixed and balanced communities, as advocated by London Plan policies 3.8, 3.9, 3.11.

Affordable housing

- 6.5.7 Hackney policy LP13 sets a target of 50% of new residential development to be affordable within developments of 10 or more units, with a tenure split of 60% affordable/social rent and 40% intermediate, subject to site characteristics, location and scheme viability. Policy LP14 sets out the preferred tenure mix by dwelling type.
- 6.5.8 The proposed development will deliver 50% affordable housing, which will comprise a tenure split of 76% social rent and 24% intermediate units. The development therefore meets the policies outlined above.
- 6.5.9 As stated within the Housing Supply Programme section of the report (section 6.2), all the sites (within the Programme) are intrinsically linked through a cross-subsidy strategy which demonstrates (as a whole) the Programme is capable of delivering at least the policy target of 50% affordable housing. The appendix to this report shows the Housing Supply Programme table, which provides the current housing mix and tenure breakdown. The table shows a current projected minimum delivery of 50% affordable housing, with a tenure breakdown of 50% social rent and 50% intermediate.
- 6.5.10 The proposed development will assist in delivering a minimum projected 50% affordable housing within the Council's Housing Supply Programme, the proposed

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provision of affordable housing is deemed in accordance with policy LP13 of LP33 and, London Plan policy 3.9 and 3.11.

Non-residential uses

- 6.5.11 The proposal includes the creation of four non-residential units. One will be on the ground floor of the North building with two and the residents' room at ground floor within the South building. All units will be for flexible E uses. Policies LP8, LP26, LP27 and LP36 of LP33 seek to encourage the creation of these uses within appropriate locations, subject to the impact such uses could have on the surrounding environment.
- 6.5.12 Since the Local Plan was adopted in July 2020, the planning system has been amended nationally to make significant changes to the Use Class Order. The changes have resulted in the creation of a new Use Class "E". This incorporates the former Use Classes of A1, A2, A3, B1 and parts of D1 covering activities as diverse as retail, restaurants through to medical services, recreation, offices and light industrial.
- 6.5.13 The new units will be Use Class E which will allow for flexibility in the uses that can be provided on site. Policies related to the previous uses are outlined below as set out in LP33 (2020).

Retail

- 6.5.14 Policy LP37 states that small A1 shop units suitable for small and independent retailers are supported. It states that major development must incorporate small shop units where there are no alternative shopping facilities.
- 6.5.15 The proposal is within the vicinity of other small retail units so would not be required to provide the small units. However, their provision is supported and the small nature of the units means they would be suitable for small and independent retailers.

Office

- 6.5.16 Policy LP26 seeks to deliver new office floorspace across the borough, and states that new employment space outside of identified areas will be permitted where i). it can be demonstrated that there is a reasonable prospect of it being occupied. Whilst this detail has not been provided, given the proposal is for flexible use of the unit, it is considered reasonable to assume that the unit would be marketed as such and leased based on the interest received. As such, the use as offices within the proposed flexible uses for this commercial unit would not result in the creation of redundant office units.

Health, recreation or leisure uses

- 6.5.17 Policy LP8 of LP33 states that proposals for social and community infrastructure will be permitted where they meet the following criteria:

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- i. meet the current or future identified need; and
- ii. are of a high quality and inclusive design providing access for all; and
- iii. provide flexible, affordable and adaptable buildings and, where possible, mixed use development, co-located with other social infrastructure uses and maximise use of buildings in evenings and at weekends.

- 6.5.18 The policy then goes on to state that facilities should be located in places that are accessible by walking, cycling or public transport for its end users.
- 6.5.19 Similarly, LP10 states that smaller scale arts, culture and leisure facilities will be permitted in areas that are accessible by public transport and walking and cycling routes by those that are likely to use the facility.
- 6.5.20 The use of the units for the above uses would appropriately respond to the increased residential occupation within the site as a result of the development, it would have level access and is a regular footprint that would enable flexible uses. The very nature of this unit being included within the wider development would result in a mixed use development, co-located with residential uses. Moreover, the proposal is within a PTAL rating of 6a and has good accessibility and connectivity as a result.

Conclusion

- 6.5.21 In light of the above, subject to conditions, the principle of flexible units is considered to be in accordance with policies LP8, LP10, LP26, LP27 and LP36 of LP33.

6.6 Design

- 6.6.1 London Plan policy 7.4 requires development to be of high quality design that responds to the pattern and grain of the existing environment and makes a positive contribution to a coherent public realm, streetscape and wider cityscape. London Plan Policy 7.6 requires buildings to be of the highest architectural quality, comprise of the highest quality materials and design appropriate to its context.

Layout

- 6.6.2 The proposal is for three new buildings on the site surrounding the existing 18 storey Thaxted Court. Each of these buildings will be 8 storeys with residential units on the 1s to 7th floors.
- 6.6.3 The proposal is for two larger buildings to be located on East Road in the place of the existing two storey partly sunken car park building. These buildings will also have commercial units at round floor and large open residential lobbies which look out across a newly landscaped area to the east of Thaxted Court. The existing car parks which are located here will be moved to the west of Thaxted Court and new

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public realm improvements to create open space and pedestrian only access will be created in their place.

- 6.6.4 At ground floor the North and South buildings are setback providing a generous pavement width. This is further enhanced by the glazing line of the South building which steps back further creating a single storey colonnade, inviting pedestrians to wander under and through the building and into the central Court away from East Road. The buildings are at a slight angle from each other and Thaxted Court to allow the eye to be drawn to the centre of the site from East Road.
- 6.6.5 The third building is located to the far west of the development site on the corner of Allerton Road and Murray Grove. This part of the site is currently a ramp down to the basement of Thaxted Court but the area will be infilled in order to create a more level surface across the site. The re-provided car parks will be located to the east of the West Building between it and Thaxted Court.
- 6.6.6 The west and North buildings are linked by a long colonnade which frames the site and provides protection from Murray Grove. A small storage shed will be built in the south-west corner of the site adjacent to the east of Halstead Court.

Scale and Massing

- 6.6.7 The proposal is for all three new buildings to be eight storeys in height. The site is surrounded by mostly mid-rise buildings; 5 to 7 storeys to the west, 6 storeys to the south, 4 to 9 storeys to the east and 4 storeys to the north. The existing Thaxted Court at the centre of the site is 18 storeys. The proposed eight storey buildings create an intermediate scale as they step down from Thaxted Court in the centre of the site to the smaller buildings around the site.

Materiality and architectural detail

- 6.6.8 The two blocks mimic the architectural language of the 1970s neighbours, creating a new, considered composition, that 'grounds' them better in the city. The new buildings are subtly more refined than Thaxted Court and Halstead Court, whilst complimenting them both. The idea is to complete the composition of the 1970s buildings, making them appear, together with the new buildings, as if they were always part of a cluster of urbane city blocks. The proposed materials as outlined below are considered to complement the existing materials of the other buildings within Fairbank Estate.
- 6.6.9 The proposal is for the north and south buildings to be architecturally similar in style with banded brickwork and precast concrete. The arched elements in the façades create interest in the buildings and the open corner balconies lighten the massing of the building.
- 6.6.10 The proposed buildings will be clad in bands of Glass Reinforced Concrete (GRC) panels and light coloured handmade bricks, with the GRC band mastering the brick and casting shadow onto the setback brick surface. High quality handmade Peterson brick (D71) which has a pale creamy tone will be used. The GRC bands are continuous and form the balustrading to inset balconies, providing privacy to

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the occupants, as well as a dignified face to the street. A continuous bronze coloured metal handrail adds a further layer of detail and shadow.

- 6.6.11 There has been concern about the extensive use of concrete GRC panels in regard to weathering. However, officers have been assured that the GRC panels have been carefully detailed to prevent staining, including a cill profile and drip recess.
- 6.6.12 The vaulted crown of the North and South buildings step forward from the building line to the south face only, protecting the top floor from excessive solar gain and overheating, casting a deep shadow over the south facade. This facade is differentiated further still by the introduction of a central inset balcony, which reinforces the symmetry of this facade and provides amenity space to the central one bedroom dwellings.
- 6.6.13 The West building is similar in style to the two buildings to the east but it is slimmer in style with larger balconies on top opposite corners of the building. It has been designed to work as a pair with 13 Murray Grove, providing an entrance to Provost Estate.

Thaxted Court and Halstead Court alterations

- 6.6.14 The proposal involves alterations to the facade at ground level of Thaxted Court. These are as a result of works to enclose the basement level of the site. The works are minor in nature and do not have a material impact on the overall design of the building. The alterations will provide a more suitable entrance for the building to what is currently provided.
- 6.6.15 The front boundary treatments for the ground floor units at Halstead Court have also been included within the red line boundary. The proposal is to improve the existing situation by providing planting as part of the landscaping scheme to soften the appearance of this part of the development and tie it into the rest of the estate.

Storage shed

- 6.6.16 A small storage shed is being built to the west of Halstead Court to replace storage lost at other places within the site. It will be a simple structure that will assimilate into the existing environment through the use of brick work to match the existing buildings.

Fire Safety

- 6.6.17 In accordance with policy D12 of the Intend to Publish London Plan, the applicant has submitted Fairbank Estate, D12 (Fire Safety) Statement, (prepared by Pell Frischmann, dated 05/08/2020). The assessment confirms that fire and life safety precautions are generally in accordance with the requirements of policy D12 and the Building Regulations Part B (Fire Safety) and confirms that the information will also be reviewed during the technical design phase of the development. The report provides an acceptable level of detail to address policy D12 for the planning stage of the development.

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Colonnade

- 6.6.18 A colonnade between the north and west buildings along Murray Grove will provide a porous screen along the edge of the estate and an additional layer in front of the planted garden and Thaxted Court further behind. The structure is a light concrete pergola that lets light fall onto the pavement in a play of shadow and light.
- 6.6.19 The pergola provides a transition between the public pavement and the residential garden behind, disguising a level change, and provides a place for informal and impromptu play, seating, a bus stop, cycle parking, whilst creating a more pleasant route along Murray Grove. It also disguises the parking area from view and discourages illegal parking by nonresidents and redefines the street edge. Planting which will climb over the colonnade helps to soften its appearance.
- 6.6.20 Long views along the colonnade are continued through the North and West buildings which step back at ground level, providing a wider pavement and a threshold to the residential uses above.

Landscape

- 6.6.21 The landscaping serves a number of purposes but the main one is to embed the new and existing buildings into the site to create a greener more coherent estate. The current estate is disconnected from its surroundings and does not form a cohesive whole. This is facilitated by a deep basement carpark around Thaxted Court. By filling in the sunken lower ground areas, it provides a series of fluid but distinct spaces and routes. The most public space is the east facing court around which the North and South Buildings and Thaxted Court are grouped and onto which most of the residential entrances and retail units face. It forms the heart of a pedestrian route that connects East Road to Murray Grove.
- 6.6.22 Deeper into the site and away from East Road, the new ground becomes a richly planted landscape with formal and informal play areas, including raised playable edges and seating. The majority of the play space is located to the south of Thaxted Court benefiting from the afternoon sun.
- 6.6.23 In order to tie into the existing site levels, there is a slight fall from west to east away from the high point of Thaxted Court. This fall is levelled in the centre of the court, providing a central 'stage', which can be used for events or play. Precast elements are used to define a raised 'stage' in the main central square, into which tiles are arranged in a pattern defining it as a separate room like space within the square
- 6.6.24 The car parking is concentrated to the west of Thaxted Court and has incorporated planting within spaces to help soften this space. The space has been specifically designed to allow for the review of spaces over time so if they are not needed the space can be incorporated into the wider landscaping.
- 6.6.25 Lighting is incorporated into the architecture and landscaping scheme. It is used to create a safe and pleasant public realm without providing too much light or causing disturbance to residents inside their flats. Light distribution across the site is

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relatively even, but main routes have higher lighting levels. A lighting condition will be required to ensure the site does not contribute to light spill in the area.

- 6.6.26 The applicant has confirmed that management of the site will be the responsibility of Hackney's Estate Maintenance team. This will be fed into the landscaping strategy condition which forms part of the recommendation of this report.
- 6.6.27 New street trees will further enhance the protection from the vehicles on East Road.

Signage

- 6.6.28 The proposed signage details have been designed to be sympathetic to the design of the proposed buildings, whilst providing the necessary wayfinding for visitors and occupiers/owners of units within the proposed development.
- 6.6.29 The signage proposed on the commercial units is not detailed and will be the subject of separate applications for advertisement consent when it is due to be installed.

Summary

- 6.6.30 The proposal will introduce high quality tenure blind new residential development into the heart of Fairbank Estate. The proposal will repair the fractured urban realm improving the existing environment for existing and new residents alike. Overall, the development is considered high quality design meeting policy LP1 of LP33.

6.7 Conservation and archaeology

Conservation

- 6.7.1 The site is not within a conservation area and the site is not within the setting of a conservation area. None of the buildings on the site are considered to be Non-Designated Heritage Assets. The site is within the setting of the locally listed St John the Baptist Church of England Primary School on Crondall Street.
- 6.7.2 The relevant nearby designated heritage assets are listed structures as follows:
- the lampholders and arch outside Number 55, Grade II, List entry 1265595;
 - Number 53, New North Road N1, Grade II, List entry 1235217;
 - Numbers 31-41 (odd), New North Road N1, Grade II, List entry: 1235216 plus the forecourt walls railings and gates, List entry 1226966 and

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- the Church of St John the Baptist, Grade II*, List entry 1235285.
- 6.7.3 The contribution made to the significance of these listed and locally listed buildings by the site in its existing condition is zero. The site consists of an unremarkable mid 20th century social housing tower, a two storey car park, other surface parking together with some uninteresting hard and soft landscaping. These are all modern and insignificant elements which add nothing to the setting of the heritage assets.
- 6.7.4 The development consists of new residential buildings of contemporary design, each of eight storeys. A *Heritage Statement* (Ridge, September 2020) has been provided and the Council broadly agrees with its conclusions, while adopting its own analysis as below.
- 6.7.5 The proposed development will negatively impact the settings of the lampholders and arch outside Number 55 New North Road and Number 53, New North Road because there will be additional backdropping of these listed structures by the new development. However, it is considered that there is already more severe backdropping of these assets already by the existing Thaxted Court tower. The cumulative effect is therefore considered to be moderate. Given that the contribution made to significance by the setting of these buildings is already small the overall impact is less than substantial harm, at the lower end of the scale.
- 6.7.6 The impact on the settings of the listed buildings at Numbers 31-41 (odd), New North Road (plus the forecourt walls railings and gates), the Church of St John the Baptist and the locally listed St John the Baptist Church of England Primary School is considered to be minor. As noted the site as existing adds nothing to the setting of these buildings. These buildings are at a further distance away. They are positioned in such a way that these listed buildings will not generally be experienced in the same view as the proposed development. Given these factors it is considered that the overall impact is less than substantial harm, at the lowest end of the scale.
- 6.7.7 It is noted that the proposed buildings, while adding bulk and mass into some views, are intended to be pale in colour and this somewhat mitigates the effect. It is further noted that, in urban design terms, they act as a mediating element between the sudden height of Thaxted Court and the pattern of historic development nearby, which is generally of two to four storeys. To this extent the proposed buildings have somewhat of the effect of bridging between the two scales of development, reducing the overall impact of Thaxted Court.
- 6.7.8 The harm identified is considered to be less than substantial in terms of the NPPF Para 196 test. It is considered that the public benefits of the scheme, which include the delivery of a large quantum of new housing and flexible use space as well as landscaping and other improvements, outweigh the harm caused. It is therefore considered that the Council has discharged its duty to pay special regard to the settings of listed buildings in terms of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and that the requirements of London Plan Policy 7.8 Heritage Assets and Archaeology and LP33 Policies LP1 Design Quality and Local Character, LP3 Designated Heritage Assets and LP4 Non Designated Heritage Assets are met.

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Archaeology

- 6.7.9 The site is located within an Archaeological Priority Area. LP6 states that all new development must protect, or enhance, and promote archaeological heritage (both above and below ground). Where development is proposed on sites of archaeological significance or potential significance, desk based assessments and, where necessary, archaeological field evaluation, will be required before development proposals are determined.
- 6.7.10 Therefore a condition requiring a written scheme of investigation will be included with the application to ensure any archaeological works during development are identified and protected where necessary.
- 6.7.11 Overall, the development is considered to meet the policy objectives of the Local Plan, London Plan and National Planning Policy Framework in relation to designated heritage assets.

6.8 **Quality of Accommodation**

Residential floorspace

- 6.8.1 New residential developments are expected to provide a good standard of amenity for future occupiers and are expected to comply with the minimum floorspace standards of London Plan policy 3.5 and the Nationally Described Space Standards. This is reiterated in policy LP17 of LP33 (2020).
- 6.8.2 In terms of overall unit size, all prospective units go beyond the minimum standards for the respective unit sizes. 1B2P units range in size from 50 to 58 square metres (minimum required 50m²), 2B4P units range in size from 70 to 80 m² (minimum required 70m²) and 3B4P, 79 square metres (minimum required is 74m²) and the 3B5P unit range in size between 92 and 93 m² (minimum required is 86m²). The internal rooms are also acceptable in relation to bedrooms and storage.
- 6.8.3 The units have an acceptable level of internal floor to ceiling height with ceiling heights of 2.7 metres in kitchen/living areas, 2.55m in bedrooms and 2.4 metres in bathrooms and corridors.
- 6.8.4 The proposed level of floorspace will therefore provide acceptable living conditions for future residents, in accordance with policy 3.5 of the London Plan, LP1 and LP17 of Local Plan 33 and the Nationally Described Space Standards (2015)

Daylight (proposed units)

- 6.8.5 London Plan policy 3.5 requires residential units to provide a good standard of internal amenity with appropriate levels of daylight and sunlight.
- 6.8.6 The applicant has submitted Daylight, Sunlight & Overshadowing Report prepared by Avison Young (dated 15/01/2020), including the assessment of the Average

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Daylight Factor (ADF) which assesses the levels of daylight for the proposed residential units. BRE guidance sets out that the recommended figure for each room is 2% for kitchens, 1.5% for living areas and 1% for bedrooms. BRE guidance states that where a room serves multiple purposes; i.e. a living, kitchen and dining room, the minimum ADF should be the highest standard (2%).

- 6.8.7 Based on the above, the results show that all but one bedroom meets the recommended ADF level. The one bedroom which was assessed as falling below the 1% scored 0.99% indicating a marginal shortfall and is therefore acceptable.
- 6.8.8 On balance, the proposed units have been designed in accordance with BRE guidance, with positive levels of natural light available to future occupants and providing high standard of accommodation within a dense, urban location.

Outlook and ventilation

- 6.8.9 London Plan policy 3.5 also requires residential units to provide a good standard of internal amenity with appropriate levels of ventilation and outlook.
- 6.8.10 All but three of the units are dual aspect as they are located on the corners of each building, Units in the west building enjoy a triple aspect. This is considered to provide good opportunities for natural ventilation. The single aspect units will be south facing with large amounts of glazing and additional windows towards amenity space This is considered to offset the single aspect nature of these units.
- 6.8.11 Additionally, each habitable room within the development would be served by a minimum of 1 window.
- 6.8.12 Overall, the proposed levels of outlook and ventilation are considered acceptable.

Accessibility

- 6.8.13 London Plan policy 7.2 and policy LP1 of LP33 seek to achieve the highest standards of accessible and inclusive design. To ensure a fully accessible environment, local planning authorities have an optional requirement to secure 90% of all new housing to be built to Approved Document M4 (2), which essentially replaces Lifetime Homes. The remaining 10% of the residential units should be wheelchair user dwellings; being either Building Regulations M4 (3)(a) wheelchair adaptable and/or M4 (3)(b) wheelchair accessible.
- 6.8.14 The submitted drawings demonstrate 8x wheelchair adaptable M4(3) units have been provided, with all other units meeting M4(2) standards. The proposed development therefore accords with the accessibility requirements of London Plan policy 7.2 and policy LP1 of LP33.

Private amenity space

- 6.8.15 The Housing SPG (2016) states that 5 square metres of private amenity space should be provided for 1-2 occupants with an additional square metre per additional resident. Each unit has a balcony providing private amenity space.

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These balconies provide at least 8.5 or 9 square metres which is sufficient for each proposed unit. The seventh floor units for both the North and South buildings provide 16 square metres.

Play space and communal amenity space

- 6.8.16 London Plan policy 3.6 and LP33 policy LP50 seeks development to provide play and informal recreational space. Policy LP50 and the Mayor's SPG 'Shaping Neighbourhoods: Play and Informal Recreation' recommend 10sqm of dedicated playspace per child for future provision. Based on GLA calculations, the child yield for the development is 39 children, thereby resulting in a requirement to provide 390.4m² of designated play space to meet both policy LP50 and the GLA requirements. Table 4.7 of the SPG states that a development with such a yield of children should provide between 300-500m² of on-site local playable space. The development proposes to provide a total of 356m² of doorstep playspace, rope play and the stage platform. This marginal shortfall is considered acceptable given the overall public realm improvements which will provide opportunities for further play and proximity to Shoreditch Park within 250metres to the north of the site.
- 6.8.17 Policy LP48 states that where feasible, all development for 10 or more residential units must maximise the provision of open space and provide 14m² of communal open space per person. Given the site is located in Hoxton West which has an average household size of 2.21 this would equate to a requirement for 2,258m² of communal open space. The proposal includes the provision of 3,946square metres of open space including playspace. It is also noted that Shoreditch Park is within approximately 250 metres and can provide additional space for recreation.
- 6.8.18 The development is therefore considered to provide sufficient communal and private amenity space on site for residents.

Conclusion

- 6.8.19 The proposed development is deemed to provide a high standard of residential accommodation for prospective future residents and is subsequently deemed to meet the requirements of London Plan policies 3.5, 3.6, 3.8, 7.2, Local Plan 33 policies LP1, LP17 and LP50, the Mayor's Housing SPG and the Mayor's 'Shaping Neighbourhoods: Play and Informal Recreation' SPG.

6.9 Health Impact

- 6.9.1 In accordance with policy LP9 of LP33, the applicant has submitted *Health Impact Assessment for Fairbank Estate N1 for Hackney Council* (prepared by Ridge dated August 2020) to support the proposal.
- 6.9.2 The assessment notes that there will be a range of positive benefits to the health and wellbeing of local residents including future residents. These benefits include a focus on active travel and enhanced connectivity, proximity to social infrastructure; access to open space and green spaces including through the provision on site

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and positive impacts on environmental hazards such as flooding, air quality and noise.

- 6.9.3 While it is noted there will be some negative effects for existing residents there are throughout the construction period and largely unavoidable. The requirements for construction logistics by condition (discussed further under transport) will help to mitigate the issues raised here.
- 6.9.4 As such, it is considered that the design has been carefully considered to ensure that the development will create a high quality environment that will enable the residents to lead healthier and active lifestyles.

6.10 Residential Amenity of Neighbouring Properties

- 6.10.1 London Plan policy 7.4 states development should have regard to the form, character and function of an area and the scale, mass and orientation of surrounding buildings. Policy LP2 of LP33 states that all new development must be appropriate to its location and should be designed to ensure that there are no significant adverse impacts on the amenity of neighbours.

Daylight and sunlight impacts

- 6.10.2 The British Research Establishment (BRE) has produced guidance on assessing the impact of proposals on the daylight and sunlight received by adjoining properties. The applicant has submitted *Daylight, Sunlight & Overshadowing Report* Rev 3 (prepared by Avison Young, dated 15/01/2020) with this application. This report refers to the BRE guidance as a point of reference and this guidance has been used to assess the impacts of the proposals.
- 6.10.3 As outlined in the supporting text for LP2, BRE guidance needs to be applied with regard to the site context. Sunlight and daylight target criteria as found in the BRE guidance have been developed with lower density suburban situations in mind. In denser inner urban contexts, sunlight and daylight levels may struggle to meet these target criteria in both existing and proposed situations. The target criteria cannot therefore be strictly applied for dwellings in denser inner urban locations as a matter of course.
- 6.10.4 Four tests were carried out:
- Vertical Sky Component (VSC): This is the ratio of the direct sky illuminance on the centre of the outside pane of a window, to the simultaneous illuminance on an unobstructed horizontal plane. This should be greater than 27% or more than 0.8 times its former value (before the new development).
 - Average Daylight Factor (ADF): Ratio of total daylight flux incident on the working plane to the area of the working plane. It is expressed as a percentage with target figures of 1% for bedroom, 1.5% for living areas and 2% for kitchens.
 - No-skyline (NSL): This is the outline of the area that has a direct view of the

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sky on a working plane. Where room layouts are known, in each of the main rooms, the area that receives direct light from the sky should be more than 0.8 times its former value (before the new development).

- Annual Probable Sunlight Hours (APSH): This is the average of the total number of hours during a year in which direct sunlight reaches the centre of a window. This should be more than 25% of the total Annual sunlight hours including at least 5% of the total annual sunlight hours in the winter months or more than 0.8 times its former value.

6.10.5 Each neighbouring building has been assessed against the tests. The properties at 21-30 Evelyn Court, 1-30 Wenlock Court, 55-90 Wenlock Court, 43-51 New North Road, 101-115 East Road and 128-131 East Road were all compliant with VSC, NSL and APSH.

6.10.6 The other neighbouring buildings are assessed in more detail below.

Thaxted Court

6.10.7 Thaxted Court is an 18 storey building in the centre of Fairbank Estate. It is surrounded by all three proposed buildings. The proposal has measured daylight and sunlight results up to level 10 only as the height of the proposed development will not extend above the taller floors and so will have no impact.

6.10.8 In terms of VSC, 104 rooms will retain at least 0.8 times the former value or at least 27% VSC. 4 living rooms did not meet the standard however these all achieved a result of over 18% which is considered acceptable for an urban environment like this. It is noted that 34 bedrooms did not achieve the recommended level for VSC.

6.10.9 In terms of ADF and NSL, all rooms achieve the minimum recommended figure or at least 0.8 times the former value.

6.10.10 In terms of sunlight, living rooms are dual aspect and all comprise at least one window which achieves the recommended levels of APSH with the proposed development. This is also the case for the kitchens. Bedrooms experience levels of sunlight loss that may be noticeable.

6.10.11 In summary, the overall daylight and sunlight impacts are deemed broadly acceptable, given the dense urban context of the site. Whilst some bedrooms experience a noticeable loss of sunlight, all rooms are BRE compliant in terms of ADF and NSL, therefore retaining suitable levels of daylight. Given the clear public benefits delivered by the scheme, the proposed development is, on balance, deemed acceptable.

Halstead Court

6.10.12 Halstead Court is a five-storey building of flats and maisonettes located to the south of the development site. The front boundaries of this building fall within the red line boundary of the site. The units in this building are dual aspect with the

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main living room facing south over East Road and smaller kitchens and secondary bedrooms facing towards the site. It is noted that due to the size and layout of these rooms they may not be considered habitable rooms but they have been assessed as part of the report to understand the proposed impacts.

- 6.10.13 The assessment of VSC for these kitchens and secondary bedrooms has found that none of the rooms would retain at least 80% of the previous amount of light, prior to the development. Therefore it is likely the residents would notice a loss of light from these rooms.
- 6.10.14 The assessment also looked at the ADF figures and NSL for the 30 kitchens and 30 bedrooms facing the development. It found for ADF that 14 kitchens and 23 bedrooms retained the recommended average daylight factor for each room.
- 6.10.15 The no sky line test was used for all of the rooms outlined above. It found high levels of compliance with only 11 rooms not meeting the recommended figure of at least 0.8 of its former value. However, these 11 rooms retain a view of the sky across 50% of the room which is considered reasonable in the urban context.
- 6.10.16 APSH was not assessed as the windows do not face within 90 degrees of due south.
- 6.10.17 It is noted that the residents of Halstead Court may notice a loss in light to some rooms within their dwellings as a result of the development. It is noted that the rooms currently face a largely disused low-rise car park which is unusual given the tight urban fabric in which the development is located. This means that the existing values for the daylight tests may result in a baseline condition that is unrealistic.
- 6.10.18 However, given the units are all dual aspect with main living rooms and primary bedrooms unaffected, the units would continue to receive good overall levels of daylight and sunlight overall. Given the clear public benefits delivered by the scheme, the proposed development is, on balance, deemed acceptable.

Allerton House

- 6.10.19 Allerton House is a five-storey building located to the south-west of the West building within Provost Estate. 90 windows serving 74 rooms were assessed. The facade facing the new development is a typical post-war estate design with external access way on each floor. These walkways already obstruct the amount of light received to many of these windows significantly.
- 6.10.20 The assessment has measured the VSC levels. It found that of the 74 rooms, 45 did not meet the recommended figure of at least 0.8 times the former value. However, interrogating this data further it has found that of these rooms, 32 have existing light levels of below 6.5 meaning that rooms are likely to already require electric lighting and therefore a proportional reduction in light will be less noticeable. This is likely in part due to the deep balconies which are used to access the flats and overhang the windows. Of the 13 remaining rooms, all windows experienced a loss of light between 20 and 35%. Given these would all retain a figure above 12 this is acceptable given the dense urban environment.

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- 6.10.21 The ADF for all rooms was assessed. The results were largely similar to the figures above with kitchens already experiencing low levels of VSC not achieving the ADF in the current or proposed scenario.
- 6.10.22 When looking at the 13 rooms which had a proposed condition less than 80% of the former value, all meet the recommended figure for ADF.
- 6.10.23 APSH was not affected as the windows do not face within 90 degrees of due south.
- 6.10.24 Overall, some rooms in Allerton House will see a reduction in daylight. However the levels given this urban environment would be considered acceptable.

13 Murray Grove

- 6.10.25 13 Murray Grove is a six-storey residential building located to the west of the proposed West building. It has been built immediately on the corner with Murray Grove and has not been set back from the site boundary.
- 6.10.26 The VSC figures have found that 37 of 58 windows (64%) meet the recommended BRE guidance. Another 6 windows serve rooms with more than one window, the others for which meet the recommended VSC threshold.
- 6.10.27 With the exception of the ground floor unit, the remaining windows achieve a proposed VSC condition of between 11 and 26 which is considered acceptable given the dense urban location.
- 6.10.28 NSL was largely compliant except for the 6 east facing bedrooms. The reduction in NSL was between 25 and 34% which given the urban environment is acceptable.
- 6.10.29 APSH was not affected as the windows do not face within 90 degrees of due south.
- 6.10.30 It is also accepted that where a development has been built on the site boundary a mirroring exercise can be used to determine what might be allowed on an adjacent site. In this context the proposed development lies within where a mirrored building would be located.
- 6.10.31 While it is noted that some windows will experience a loss in daylight the overall provision of daylight to the units within Murray Grove is considered acceptable.

1-44 Cherbury Court

- 6.10.32 Cherbury Court is a 11-storey building located to the north-east of the North building. 44 windows were assessed.

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- 6.10.33 All windows tested comply with recommended VSC levels. The proposed scenario resulted in reductions of up to 5% only when assessing average daylight factor which is also compliant with BRE guidance.
- 6.10.34 There was no loss when assessed against the no sky line test.
- 6.10.35 Regarding APSH, only one bedroom at ground floor doesn't achieve 20% overall and 5% for winter. However, as the total loss is only 13.64% between the existing and proposed scenarios a good level of sunlight is considered to be provided for these residents.

57 to 125 The Spectrum (43 New North Road)

- 6.10.36 The Spectrum is a fairly modern development located on the eastern side of East Road to the east of the South building. It is understood to contain a key worker hostel with clusters of studio bedroom units with communal living spaces.
- 6.10.37 With the proposed development in place, 52 of 70 windows (74%) will retain at least 0.8 times the former value or at least 27% VSC. The daylight report advises that the remaining 26% are studios and shared lounge areas. The living areas are dual aspect and will therefore retain reasonable daylight. The studios above the first floor retain a VSC over 20 which is considered to provide a good level of daylight for an urban environment. The studios on the first floor have a reduction in light which may be noticeable.
- 6.10.38 NSL was also assessed and 55 of 61 rooms would meet the requirement. Of the remaining windows all had a reduction of between 20 and 30% which is considered acceptable given the urban location.
- 6.10.39 In terms of APSH, 19 of 29 living room windows tested comply. All living areas above ground floor level are dual aspect with additional windows facing to the north-west. It is noted that the units in this building are likely to experience a loss in sunlight which may be noticeable. However, given the acceptable levels of daylight, the dense urban context and the fact that the rooms have a total APSH figure of between 11 to 25% overall it is considered an acceptable level of accommodation is retained.

1 to 56 The Spectrum (122 East Road)

- 6.10.40 Units 1 to 56 The Spectrum are also located on the eastern side of East Road to the south-east of the South building. The units in this building are further south than those assessed above. The building has recessed balconies and retractable shutters restricting current light levels.
- 6.10.41 In terms of VSC, 39 of 46 meet the BRE recommendations by achieving at least 0.8 of its former value. Four of the windows which result in a loss of more than this have very low light to start with so the loss in light is unlikely to be noticeable. Of the three remaining rooms the loss is only between 20 and 28% which given this site characteristics within this urban environment are acceptable.

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- 6.10.42 ADF has been assessed and it is found that 12 windows do not meet the recommended figure however some of these do not meet it in the current scenario and none experience a loss between existing and proposed scenarios of more than 20%.
- 6.10.43 The NSL results show that all rooms will retain at least 0.8 of the former value.
- 6.10.44 The windows which lie within 90 degrees of due south all retain values at least 0.8 times their former values.

31-54 Wenlock Court

- 6.10.45 Units 31-54 Wenlock Court are located on the northern side of Murray Grove to the north of the North building. It is noted that large trees are found on the corner of Murray Grove and New North Road which restrict the amount of light currently experienced by residents
- 6.10.46 62 windows were assessed for VSC. Eighteen windows were found to have a loss of more than 20% of the former value. However, the losses ranged from 20% to 30% which given the dense urban environment are considered acceptable.
- 6.10.47 The windows were also assessed for average daylight factor. The changes between the existing and proposed scenarios were all less than 80%
- 6.10.48 All windows are also compliant regarding the no sky line test.
- 6.10.49 APSH was also assessed and found that all windows retain levels which are compliant with the BRE guidance.

Summary

- 6.10.50 Overall, the proposed development may have some adverse impacts on the daylight and sunlight provision to surrounding residents to a point where the loss may be noticeable. However, given the dense urban location, mitigating factors outlined above and the encouragement in policy to optimise the use of land and provision of housing, on balance the daylight and sunlight impacts are acceptable in accordance with the requirements of policy 7.4 of the London Plan and policy LP2 of LP33.

Overshadowing

- 6.10.51 The sunlight levels of amenity spaces of nearby developments are also assessed as sunlight in the spaces between buildings has an important impact on the overall appearance and ambience of a development.
- 6.10.52 It is recommended that for a space to appear adequately sunlit throughout the year, at least half of a garden or amenity area should receive at least two hours of sunlight on 21 March. If as a result of new development an existing garden or amenity area does not meet the above, and the area which can receive two hours

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of sun on 21 March is less than 0.8 times its former value, then the loss of sunlight is likely to be noticeable.

- 6.10.53 The Daylight and Sunlight report has undertaken an assessment of the impact of the proposed development on the amenity space of neighbouring properties.
- 6.10.54 The assessment found that the development affected the rear gardens of the properties of Wenlock Court (the areas outlined as 2 to 9 within the document). Area 5 in the middle retained at least 2 hours of sunlight over 50% of the area therefore complying with the recommended levels.
- 6.10.55 However the other areas were found to receive less the recommended figure. However, it is noted these gardens lie directly to the north and are likely to be affected from any meaningful development on site. BRE guidance also notes that nearly all structures will create areas of new shadow, and some degree of overshadowing of a space is to be expected.
- 6.10.56 It is likely that the impact may therefore be noticeable however it is considered the areas will enjoy access to sunlight in the summer months. On balance, sunlight provision is therefore acceptable.

Privacy, overlooking and outlook

- 6.10.57 Developments are assessed for their impact on the privacy and outlook of neighbouring properties. Privacy is assessed by looking at the distance between buildings and the placement of windows. The Council has no specific policy guidance on acceptable separation distances for outlook. This is due to the differing established grain and density of the borough, the potential to limit the variety of urban space and unnecessarily restrict density.
- 6.10.58 In terms of surrounding context, the submitted plans show that the buildings of Wenlock Court to the north will largely not be affected as that development is oriented east west and so the windows will not be directly visible from the proposed North and West buildings.
- 6.10.59 The closest windows to the east across East Road are located approximately 23 metres from the South Building. These separation distances are considered to be more than adequate to mitigate any potential overlooking or loss of privacy experienced by these neighbouring buildings as a result of the development.
- 6.10.60 Other closer developments are outlined in turn below.

Thaxted Court

- 6.10.61 Thaxted Court is located in the middle of the development and is therefore close to all three of the new buildings. The submitted plans show distances of 15m to the north building, 17 metres to the south building and 18 metres to the west building. These separation distances are considered to be more than adequate to mitigate any potential overlooking or loss of privacy experienced by these neighbouring buildings as a result of the development.

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- 6.10.62 The new buildings are also positioned at angles to Thaxted Court which means that windows have been placed which reduces opportunities for direct overlooking.

Halstead Court

- 6.10.63 Halstead Court is located to the south of the development site. The north facing windows of Halstead Court are approximately 13.5 metres from the windows of the south building.

- 6.10.64 These separation distances are generally considered to be acceptable within such an urban, central environment where a tighter grain of urban fabric is generally anticipated. Additionally, the northern elevation of Halstead Court has secondary fenestration facing the subject site and windows have been positioned within the proposed buildings to avoid direct sightlines with neighbouring windows.

13 Murray Grove

- 6.10.65 13 Murray Grove is located to the immediate west of the West Building. The separation distance is about 13.6 metres between the windows of the two buildings. The western elevation of the West building largely has secondary windows serving bathrooms and the stair core which reduces the opportunities for direct overlooking.

Summary

- 6.10.66 For these reasons, the proposed development is considered to have an acceptable impact relating to privacy, overlooking and outlook of neighbouring residential buildings.

6.11 **Transport and Highways**

- 6.11.1 The site has frontage on Murray Grove and East Road. It has a PTAL score of 6a (on a scale of 1 to 6b where 6b is the most accessible) indicating a high level of access to public transport.

- 6.11.2 A number of bus services operate in close proximity to the site. These provide access to a variety of locations - including radial routes and night buses - and are situated across London including the 394 that travels along Murray Grove in transit between Homerton Hospital and Islington.

- 6.11.3 Old Street is a National Rail and London Underground Station on the Northern line. It is located approximately 600m south of the site and can be accessed in around 9 minutes walking via footways alongside the A1200.

- 6.11.4 There are currently no car clubs in the immediate vicinity of the site. Hemsworth Street is the nearest to the site and is located approximately 300 metres to the north.

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- 6.11.5 There are a number of services, including schools, and shopping facilities within walking distance of the site.
- 6.11.6 The highways surrounding the site are within Hackney Controlled Parking Zone A with restrictions in place from 08.30 to 18.30 Mondays to Fridays

Car parking

- 6.11.7 The existing two storey car parking garage on site is to be demolished. It contains 76 largely disused garages.
- 6.11.8 There are currently 29 existing car parking spaces located around the base of Thaxted Court. This includes two Blue Badge parking spaces. The existing car parking spaces are controlled parking zone spaces which can be used by existing estate residents. The applicant has proposed to re-provide these spaces in their entirety. Transport for London commented that the existing provision of parking is not justification for re-providing it. However it is noted that the car parking is used by existing residents and there are two buildings remaining on site that are largely unaltered by the proposals. The re-provision is deemed to be acceptable based on the policy guidance outlined in Local Plan policy LP45 which permits the re-provision of existing housing estate car parking in specific circumstances.
- 6.11.9 The Transport Statement considers the potential increase in car parking on the public highway as a consequence of the demolition of the garages which may have been utilised for car parking. The applicant has commissioned 'parking stress' surveys to evaluate the available parking capacity in the surrounding streets. Three surveys were conducted in November 2017 during the non-operational hours of the CPZ. The results showed that of the 327 parking opportunities, on average, only 229 were occupied - which equates to an overall 'parking stress' of 65%. As the applicant notes, generally a figure of between 85 - 95% would be considered to be a high level of 'parking stress'. As they conclude, there is sufficient on-street parking capacity to accommodate further parking in the area if required.
- 6.11.10 Whilst the parking stress surveys demonstrate that there is potential capacity on the public highway, it is important to note that any additional motor vehicle parking is not supported in policy terms. The Council's Transport Strategy is committed to reducing the dominance of private motor vehicles and reallocating carriageway road space for sustainable modes of transport¹. Appropriate mitigation measures will be required to reduce private car use and encourage active and sustainable travel uptake.
- 6.11.11 It is also emphasised that the proposed buildings are to be car-free, in that future occupants will not be eligible for CPZ parking permits. This will be secured via legal agreement.

¹ <https://hackney.gov.uk/transport-strategy>

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- 6.11.12 The two blue badge spaces are to be reprovided with an additional space for the commercial units bringing the total for the site to 3 blue badge spaces. In line with policy the council will require that additional spaces are provided in the future if there is demand. Details of a car parking plan will be required by condition to ensure that additional spaces equivalent to 7% of units can be provided in the future.
- 6.11.13 Finally, the net reduction of parking within the identified site is in accordance with LP45.

Electric Vehicles and Car Clubs

- 6.11.14 Policy LP44 of LP33 requires that new major development must support sustainable transport initiatives such as cycle hire facilities, electric vehicle charging infrastructure and on-street car club development when development results in an overall reduction in car parking. Additionally, Policy LP45 requires all major residential developments to contribute towards the expansion of the local car club network.
- 6.11.15 The *Transport Statement* (BWB, May 2020) states that of the 29 retained car parking spaces 6 will be electric vehicle charging spaces. This equates to 20% of provision which is in line with London Plan requirements.
- 6.11.16 The proposal has not detailed contribution towards a car club, by way of a charging facility and a dedicated car club; however, in accordance with policy LP45, a contribution of £10,000 is sought via a legal agreement, towards the installation of an electric vehicle charger, to facilitate an electric car club in close proximity to the development site, emphasising that car-club bays generally require fast chargers.

Trip Generation and Impact

- 6.11.17 The submitted trip generation assessment forms part of the Transport Statement. This utilises Trip Rate Information Computer System (TRICS) data from three existing sites to project the level of impact from the application site. The analysis projects multimodal trip rates during weekday peak hours.
- 6.11.18 The site is predicted to generate 41 two-way trips by all modes during the AM peak hour and 27 two-way trips by all modes during the PM peak hour. Of these, the majority of trips are projected to be made by public transport with 59% of trips in the AM peak and 56% in the PM peak. For active travel modes, pedestrian trips account for 27% of two-way trips in the AM peak and 37% in the PM peak. For cycling, 12% of two-way trips are made during the morning peak hour and 7% of two-way trips in the evening peak hour.
- 6.11.19 The projected modal split meets a key policy aim of the Mayor's Transport Strategy. This aims for 80% of all trips in London should be made on foot, by cycle

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or using public transport by 2041². Based on the projected data, the application site would already be achieving this target in advance.

- 6.11.20 The projected levels of cycling are lower than expected. The projected mean average for cycling trips in the peak hours is 9.5%. This is lower than the 2011 Census data which showed that 15.4% of trips were cycled to work in Hackney. The projection is significantly below the current policy targets outlined in the Hackney Transport Strategy. This states that by 2025, 15% of journeys should be cycled and by 2031 this figure should be 22%. For trips cycled to work, by 2025, 25% of trips should be cycled to work and by 2031 this figure should be 30%.
- 6.11.21 In relation to trip generation by private vehicles, only one vehicular trip is expected to be generated in the morning peak hour and none in the evening peak hour. This is projected to be associated with a tradesmen, taxi or a car trip made by a blue badge holder from an on-site accessible bay. The TS also highlights that local car ownership in the locality of the application site is lower than the Greater London and National average. It is noted that this data originates from the 2011 Census.
- 6.11.22 In summary, based on the submitted trip generation data, the applicant states that the application site will not generate a significant volume of vehicle movements on the local highway network. This is generally accepted although there are a number of caveats. These include the limitations of modelled trip generation data, partial reliance on the 2011 Census and current uncertainty around public transport patronage in the short to medium term. A specific concern relates to the projected level of cycling uptake in the peak hours which was below expectation. In light of these considerations, a number of measures are required to reduce the impact on the local transport network and ensure that the vast majority of trips are made by active and sustainable transport modes.

Cycle Parking

- 6.11.23 Policy LP43 states that new development will be permitted where it enables new residents to make journeys by active modes and policy LP42 requires development to provide cycle parking for building users and visitors in accordance with appendix 2 of LP33. Appendix 2 of LP33 states that residential development should provide a minimum of 1 space per 45m² dwelling and 2 spaces for every dwelling above 45m². Additionally, the development is required to provide 1 space per 10 bed spaces for visitors and 1 space per 25 units for visitors (minimum of 2).
- 6.11.24 The following cycle parking spaces are proposed for the residential use:
- North Building - 56 Sheffield stands in the basement of the building.
 - South Building - 52 double stacking cycle racks and ten Sheffield stands in the basement.

² <https://tfl.gov.uk/corporate/about-tfl/the-mayors-transport-strategy>

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- West Building - 28 cycle parking spaces, of which four are Sheffield stands and 24 double stacked at ground floor.

- 6.11.25 The requirements for the commercial unit vary depending on the end use. However, given the standards for Use Classes A, B and D use classes a figure of approximately 10 would be required for the commercial units on site and these have been provided.
- 6.11.26 For short stay cycling parking, at least 36 short stay spaces in the form of 18 Sheffield Stands are provided in three locations across the site. This is compliant with policy standards.
- 6.11.27 The number of units is policy compliant with LP33 and London Cycle Design Standards as is the proposal for the combination of Sheffield and two tier stands.
- 6.11.28 The provision of two-tier cycle stands may be impractical in some circumstances. Therefore it is proposed to include a condition which covers both the need for policy compliant cycle parking details such as spacing and access and a provision for the applicant to explore other options on site for providing further Sheffield stands. TfL has requested that where two-tier stands are provided they should have a mechanical or pneumatically assisted system for accessing the top level and 5% of spaces should cater for larger cycles, including cycles for disabled people. This will also be included within the condition.
- 6.11.29 Subject to conditions, this provision is in accordance with London plan policy 6.9 and table 6.3, in addition to policy LP43 of Local Plan 33.

Public Realm

- 6.11.30 In accordance with LP33 policies PP1, LP1 and LP41, all developments are expected to integrate the proposed development into public realm and/or provide contributions to urban realm improvements in the vicinity of the site.
- 6.11.31 The red line boundary includes East Road and the southern side of Murray Grove in order to facilitate public realm upgrade works as part of the proposal. Due to the inclusion of this aspect of the public realm within the redline boundary, a s278 agreement is not required; however, detailed designs and materials should be submitted to and approved by the LPA in consultation with the Streetscene team, with a condition imposed to secure delivery.

Deliveries and servicing

- 6.11.32 A detailed deliveries and servicing plan has not been provided. However, plans showing the layout of the proposed development show an area within the site that can be utilised for vehicular servicing and deliveries. Swept path assessment undertaken for a refuse collection vehicle and emergency vehicles indicates that manoeuvres of larger vehicles can be undertaken within the site boundary.
- 6.11.33 A full servicing and deliveries plan will be required by condition.

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- 6.11.34 The proposed servicing and refuse arrangement is considered acceptable, and in accordance with policy LP43 of LP33, and the Council's general waste strategy.

Demolition and Construction Management

- 6.11.35 A preliminary demolition and construction management plan has been provided with the application documents; however, given the nature of the proposed development, a final Construction Logistics Plan (CLP) and final Construction Management Plan (CMP) are required and must be submitted to and approved in writing by the LPA in conjunction with Transport for London (TfL) in order to mitigate negative impact on the surrounding highway network. These should be in line with TfL CLP guidance:

<http://content.tfl.gov.uk/construction-logistics-plan-guidance.pdf>

- 6.11.36 To effectively monitor the final CLP the base fee of £8,750 is recommended to be secured via the s106 legal agreement.

Summary

- 6.11.37 Subject to conditions and completion of Unilateral Undertaking, the development is considered acceptable with respect to the level of car and cycle parking, along with 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.

6.12 **Waste management**

- 6.12.1 Policy 5.17E of the London Plan (2016) requires that suitable waste and recycling storage facilities are required in all new developments.
- 6.12.2 The West building has a bin store located at ground floor in the south-west of the building. Collection will take place adjacent to the site on Allerton Street. The building provides 2 x 1100L bins and food waste.
- 6.12.3 The North building contains a waste store at ground floor for the residents. This will hold 4 x 1100L bins and food waste.
- 6.12.4 Alterations to Thaxted Court include a new large waste facility in the south of the building. This will hold 10 x 1100L bins and food waste.
- 6.12.5 The south building will house the bin stores for residents of the south building (4 x 1100L and food waste), a relocated store for Halstead Court (6 x 1100 L and food waste) and the commercial bins store for all new commercial units 3 x 1100L and food waste). All three stores are separate.
- 6.12.6 The Council's waste officer has reviewed the information submitted and is largely satisfied within the information provided.

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6.12.7 Concerns have been raised about the location of bulky storage in the basement of the south building as the council's waste crews do not routinely collect waste from basements. The applicant will need to agree to special collections with the council's waste team. Therefore a condition recommending the submission of a waste management strategy has been included to ensure the appropriate collection arrangements are made.

6.13 Wind

6.13.1 The applicant submitted *Wind Microclimate Assessment* dated 1/11/2017 prepared by BRE. The assessment was undertaken prior to the most recent design development. However, in a letter provided to the council the consultant indicated that the proposed alterations to the building would not have a noticeable impact on wind conditions and no further study was required.

6.13.2 The study found that from measurements taken around the proposed development the wind conditions around the site will be suitable for pedestrian strolling throughout the year. Furthermore, all but two locations were shown to have wind conditions suitable for any pedestrian activity throughout the year.

6.13.3 Within close proximity to the proposed development the wind conditions were shown to be suitable for the intended usage throughout the year. Furthermore, there were several locations where the wind conditions were shown to improve with the introduction of the proposed development.

6.13.4 The wind conditions on the surrounding roadways were shown to be suitable for any pedestrian activity throughout the year with the introduction of the proposed development. An assessment of the distress conditions was carried out for this study. It was found that there are no exceedances of the distress conditions in either the existing site or proposed development test scenarios.

6.13.5 In summary, the wind microclimate around the proposed development is expected to be suitable for the intended pedestrian activities.

6.14 Sustainability and energy

6.14.1 Policy 5.5 of the London Plan and LP54 of LP33 requires all development to regulate internal and external temperatures through orientation, design, materials and technologies which avoid overheating, in response to the Urban Heat Island Effect and addressing climate change.

6.14.2 Policy LP55 applies to all new developments and states that these must actively seek to mitigate the impact of climate change through design which minimises exposure to the effects, and technologies which maximise sustainability. Under LP33, it is generally expected that new residential buildings will achieve zero carbon emissions over the lifetime of the building. The energy hierarchy has successfully been applied and the development achieves a 65% reduction beyond Part L1A 2013. This is a good achievement. It is above the current target of

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achieving 35% reductions beyond baseline Part L, but falls behind the 'zero carbon' target of the recently adopted Hackney local plan (and draft London plan).

- 6.14.3 The Local Plan also indicates that domestic buildings should aim to achieve 10% CO₂ emission reductions over the baseline model at the 'be lean' stage alone. The assessment predicts a saving of 11 beyond part L baseline at the 'be lean' stage. This is well valued as an effective means to reduce demand from the development.
- 6.14.4 The remaining 25 tonnes of carbon reductions to reach the zero carbon target, can be offset. In accordance with the Planning Contributions SPD the offset should be calculated at a rate of £2,850 per tonne to be offset (with the cost of carbon set at £95 per tonne emitted over 30 years), being £69,952. This will be secured by legal agreement.
- 6.14.5 The dynamic simulations undertaken to assess the risk of overheating highlight some dwellings are at a higher risk of overheating. Mitigating solutions are proposed, both in terms of reducing the windows' area, shading, low solar transmittance glazing (g-value), ventilation in association with thermal mass, as well as improved ventilation in communal areas. These will be the subject of a condition to guarantee that proposed solutions are implemented.
- 6.14.6 Policy LP56 requires all new development to make provision for connections to Decentralised Energy Networks (DEN). It is noted that whilst there is a nearby network, this is not operating efficiently. However, there is a new feasibility study being undertaken to upgrade the technology and expand the network. So the proposed communal site wide low temperature heat network is acceptable. However, future proofing this network to an opportunity to connect to near-by compatible heat network should be sought. However, a condition is also proposed to provide further information on the system and future proof the connection and that the real performance of the development is equal or better than what has been submitted at the design stage.
- 6.14.7 Overall, subject to conditions, the proposal is considered to result in a sustainable form of development.

6.15 **Drainage and flood risk**

- 6.15.1 London Plan policy 5.12 states that development proposals must comply with the flood risk assessment and management requirements over the lifetime of the development and have regard to measures proposed in flood management plans. Policy LP53 of LP33 requires all development to have regard to reducing flood risk, both to and from the site, over its expected lifetime. The policy further states that all development should decrease vulnerability to flooding through appropriate siting, design and on-, and off-site mitigation.
- 6.15.2 The site is shown to have a 'high' risk of surface water flooding and an increased potential for elevated groundwater. The applicant has submitted a Flood Risk Assessment (prepared by Pell Frischman, March 2020). The council's drainage officer has assessed the submitted documentation and recommended a condition

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be included to ensure surface water is managed along with the recommendations of this report.

- 6.15.3 The SuDS strategy incorporates the use of blue roofs on the roofs of the three new buildings. All roofs are designed to attenuate rainwater, thereby reducing the impact on the drainage systems.
- 6.15.4 Further details of the sustainable drainage system supported by calculations, construction details, drainage layout and a site-specific management and management plan are required by condition.
- 6.15.5 The development is therefore in accordance with policies 5.12 and LP53.

6.16 **Green infrastructure and biodiversity**

Green infrastructure

- 6.16.1 Policy 5.11 of the London Plan and policy LP46 of Local Plan 33 require that all development should enhance the network of green infrastructure and seek to improve access to open space.
- 6.16.2 The applicant has submitted *BS5837 Tree Survey* (B J Unwin Forestry Consultancy, 27 July 2020) which assesses the current trees within the development site. It concludes that there are no significant trees on the site. The proposed development requires the removal of eight trees and one row of hedging. Each of these trees is scored a C1 or C2 ranking in the report indicating they are of low quality. The council's tree officer has reviewed the proposal and raises no objection to the loss of trees.
- 6.16.3 The proposed development involves a full landscaping strategy and tree planting which will offset any trees lost and enhance the network of green infrastructure.
- 6.16.4 Policy LP48 of LP33 requires major mixed-use development to achieve an Urban Greening Factor (UGF) of 0.3. The development achieves an UGF of 0.25. However, there are a number of factors which have affected this score which should be taken into consideration. The proposal includes the footpath of Murray Grove and East Road which by their nature offer less opportunities for greening. The site involves the re-provision of 29 CPZ spaces which are used by the residents already on site. Opportunities for greening have been provided between spaces but this area has affected the overall score.
- 6.16.5 The applicant has argued that UGF does not provide for the provision of blue roofs as provided with this development. The score of 0.7 for a standard green roof is considered insufficient and does not recognise the increased value of a blue roof. They have also argued that bat and bird boxes which are not assessed as part of the UGF will increase biodiversity on site.
- 6.16.6 It is considered overall that the minor shortfall in UGF is acceptable due to the constraints of the site and development. In particular this includes the need to re provide the car parking which serves the existing buildings on and around the site.

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It is also considered that other factors such as the blue roofs mentioned above would provide additional benefits to the development.

Biodiversity

- 6.16.7 London Plan policy 7.19 and policy LP47 states development proposals should, wherever possible, make a positive contribution to the protection, enhancement, creation and management of biodiversity.
- 6.16.8 The applicant has included a Preliminary Ecological Appraisal, prepared by Greengage (dated August 2020). The PEA identified the site as being of low ecological value with only common, widespread habitats of no conservation concern. Additionally, there are no designated sites for nature conservation that stand to be impacted by the proposed development.
- 6.16.9 The document also identified that there is low potential value to support roosting bats and moderate potential to support nesting birds. Features within the development to enhance biodiversity include rain gardens; wildlife friendly soft landscaping and blue roofs.
- 6.16.10 The development is predicted to fully comply with legislative and policy requirements, delivering improvements for biodiversity at site.
- 6.16.11 Swift boxes are to be located in the north and west building roofs. A condition requiring integrated bird and bat boxes targeting species such as pipistrelles, swift and house sparrow; black redstart boxes on the living roofs; and Invertebrate habitat structure on the living roofs and amongst the ground floor landscaping is included to further enhance biodiversity.
- 6.16.12 The applicant also provided a *Bat Emergence Survey Report* prepared by Greengage (dated August 2020) to support the proposed development. The bat report identified low potential for roosting bats in the garage block and storage sheds to be demolished. Very low levels of bat commuting activity by a single common pipistrelle was observed. With roosting bats confirmed as likely-absent, the development is predicted to have a negligible impact upon roosting bats. Furthermore, incorporation of the enhancement measures recommended will likely result in the development providing long term positive impacts for bats at a local scale, as well as providing an increase in biodiversity value at site.
- 6.16.13 Subject to landscaping and green roofing being undertaken successfully, the proposal is considered to have an acceptable impact on the biodiversity of the site and the wider borough.

6.17 **Pollution**

Noise

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- 6.17.1 London Plan policy 7.15 seeks to manage the amount of noise arising to and from a development, in line with surrounding environs. The accommodation proposed as part of this development is deemed to reflect the existing surrounding context through providing largely C3 residential use.
- 6.17.2 The applicant has submitted *Noise and Vibration Assessment Issue 2* prepared by Max Fordham (dated 14 May 2020). The Council's Pollution Noise team has reviewed the submitted document and raised some concerns with the noise surveys due to the time that has passed since they were conducted in 2017. The officer has therefore requested conditions relating to internal ambient noise within the proposed residential units and an assessment of expected noise levels arising from noise associated with plant/equipment, including air source heat pumps and the substation. These will be attached to the application.
- 6.17.3 To safeguard against noise impacts during the construction phase, demolition and construction and site environmental management conditions are proposed. A considerate contractor's clause is included within the unilateral undertaking to further protect adjoining residents.
- 6.17.4 Subject to the above conditions, the development is deemed to accord with London Plan policy 7.15.

Air quality

- 6.17.5 Policy LP58 requires all development to, as a minimum, not exceed air quality neutral standards or contribute to a worsening of air quality at the air quality at the construction or operation stage, over the lifetime of the development.
- 6.17.6 The applicant has submitted an Air Quality Assessment, prepared by BWB (dated May 2020). The Council's air quality officer has reviewed the submitted document and found it to be satisfactory. Additional measures relating to control of dust will be addressed through the Construction Logistics Plan which is required by condition.
- 6.17.7 The council's air quality officer has requested a condition requiring real time PM10 monitoring at the site boundary in the direction of sensitive receptors. They have said this should be undertaken in line with Mayor of London SPG Control of Dust and Emissions guidance and monthly monitoring reports sent to the Council for review. It is considered that the submission of monthly monitoring reports does not meet the tests for a condition but that control of dust and emissions should be addressed through the construction management and logistics plans.

Contamination

- 6.17.8 LP58 requires that for development on contaminated or potentially contaminated land, a desk study and site investigation in line with the most up-to-date guidance will be required and remediation proposals agreed to deal with any identified contamination

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6.17.9 The proposed development involves the excavation of basements in the north and south buildings. Therefore the appropriate contaminated land conditions will be applied requiring site investigation.

6.18 Community Infrastructure Levy (CIL)

6.18.1 Developments within London Borough of Hackney are subject to the Mayoral CIL2 which sets a levy on development to help fund Crossrail 2. The rate for Hackney is set at £60 per square metre of development subject to indexation. This is charged for both the residential and non-residential floorspace.

6.18.2 Hackney CIL is also applicable to this development, at a rate of £190 per square metre of residential floorspace, subject to indexation. Commercial floorspace is not liable for Hackney's CIL in this area of the borough.

6.18.3 The following are the approximate charges for CIL

- MCIL2: 7,710sqm (new floorspace) - 2,209sqm (undercroft carpark) x £60 = £330,060
- Hackney CIL: 7,293 sqm (new residential floorspace) - 2,209qm (undercroft carpark) x £190 = £965.960

6.18.4 The figures above do not take into account any relief sought, such as for the affordable housing, nor indexation to be applied. These will be applied when CIL is payable, prior to commencement of development.

7.0 CONCLUSION

7.1 The development delivers a wide range of significant planning benefits through the redevelopment of a redundant car parking site within the borough, providing high quality, mixed tenure housing to meet the needs of both local residents and the borough as a whole.

7.2 The development delivers a high standard of design both for the new buildings and Fairbank Estate as a whole. Together with the infilling around Thaxted Court and wider landscaping of the site, Fairbank Estate is knitted together providing high quality of accommodation for existing and proposed residents which is sustainable and accessible.

7.3 The proposal is, on balance, deemed to comply with the relevant policies in the Hackney Local Plan 33 (LP33) and the London Plan (2016), and the granting of planning permission is recommended subject to conditions and the completion of the Unilateral Undertaking to secure the obligations within this report.

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8.0 RECOMMENDATIONS

8.1 **Recommendation A**

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

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 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 and any subsequent approval of details.

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

8.1.3 **Materials**

Detailed drawings/full particulars of the proposed development showing the matters set out below must be submitted to and approved by the Local Planning Authority, in writing, before any work is commenced.

- a) samples, of the materials to be used on the external surfaces of the building, including glazing
- b) sections and elevations of typical windows and door details at scale 1:20
- c) Brick grid system
- d) 1:1 mock-up of a typical part of the gridded, brick facade shall be built on site

The development shall not be carried out otherwise than in accordance with the details thus approved which shall be implemented in full prior to the first occupation/use of the development and retained in perpetuity.

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

8.1.4 **Landscaping and lighting**

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Detailed drawings/full particulars of the proposed development showing the matters set out below must be submitted to and approved by the Local Planning Authority, in writing, prior to occupation of the development.

- a) full landscaping scheme including playspace details. The works shall be carried out within a period of twelve months from the date at which the development of the site commences or shall be carried out in the first planting (and seeding) season following completion of the development.
- b) a suitable scheme for the installation of no-dig, 3-dimensional cellular confinement surfaces for the protection of proposed trees.
- c) a detailed external lighting plan detailing light coverage and spill (including lux levels) across the site and sensor details

The landscaping shall be maintained in accordance with the details hereby approved for at least five years; such maintenance is to include the replacement of any plants that die, or are severely damaged, seriously diseased, or removed.

The development shall not be carried out otherwise than in accordance with the details thus approved which shall be implemented in full prior to the first occupation of the development and retained in perpetuity.

Reason: In the interest of the amenity of the site, biodiversity and amenity of residents

8.1.5 **Public Realm Works**

Prior to undertaking above ground construction works, detailed designs for public realm upgrade works within Murray Grove and East Road, including resurfacing and landscaping works shall be submitted to and approved by the Local Planning Authority, in collaboration with, and to the specification of the Local Authority's Streetscene team. The public realm works shall thereby be undertaken in accordance with the details approved, prior to the occupation of the development..

Reason: In the interests of enhancing the public realm.

8.1.6 **Construction logistics plan and construction management plan**

Notwithstanding the details hereby approved, prior to the commencement of works on site, a final Construction Logistics Plan (CLP) and final Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority in collaboration with Transport for London. The plans shall be prepared in accordance with the Transport for London Construction Logistics Plan Guidance. The development shall then be carried out in accordance with the detail approved.

REASON: To appropriately manage and mitigate the impact of the demolition and construction phase on the surrounding highway network.

8.1.7 **Deliveries and servicing**

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Prior to the occupation of the development, a Delivery and Servicing Plan shall be submitted to and approved by the Local Planning Authority, in consultation with Transport for London, setting out:

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

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

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

8.1.8 **Cycle Parking and Storage**

Prior to the commencement of above ground construction, a policy compliant cycle parking plan is required, which includes:

- details of layout, foundation, stand type and spacing, of all cycle parking spaces
- two tier racks with a mechanical or pneumatically assisted system for accessing the upper level.
- 5% of the spaces should be for larger cycles

The storage spaces and stands must be kept in good working condition, in accordance with the above details, for the lifetime of the development.

Reason: To ensure that adequate provision for the safe and secure storage of bicycles is made for future occupiers and in the interest of safeguarding highway safety.

8.1.9 **Parking management plan**

Prior to occupation of the development, details of a parking design and management plan shall be submitted in writing to the Local Planning Authority for their approval in writing. This should include:

- provision of blue badge spaces including how an additional 7% of dwellings can be provided with one designated space per dwelling in future if existing provision becomes insufficient
- installation of electric charging points for 6 electric cars and passive provision for remaining spaces

The details shall be implemented in accordance with the details approved and retained for the lifetime of the development

Reason: To provide accessible parking and to promote active and sustainable means of transport

8.1.10 **Air Permeability Testing**

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Prior to occupation of the development hereby approved, a full air permeability test report confirming the development has achieved an average air permeability of 3 m³ /h/m² at 50pa shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the proposals meet sustainability objectives.

8.1.11 **Overheating**

Prior to the occupation of the development hereby approved, evidence that strategies proposed in the energy assessment to mitigate the risk of overheating in the development have been implemented, in particular a proposed maximum window g-value glazing of 0.4 at most floors and a g-value of 0.32 for the windows in living rooms of the identified top floor dwellings, shall be submitted to and approved in writing by the Local Planning Authority.

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

8.1.12 **PV system**

Prior to occupation of the development hereby approved, a certification by an accredited PV installer confirming that arrays of PV panels with an area of 221m² have been installed on the roofs of the development shall be submitted to and approved in writing by the Local Planning Authority and retained in accordance with the approved details hereafter.

Reason: In the interest of addressing climate change and securing sustainable development

8.1.13 **Energy efficient design**

Prior to the occupation of the development hereby approved, evidence that strategies proposed in the energy assessment to improve the energy performance of the dwellings with passive solutions have been implemented, in particular triple windows with an u-value of 1.1 W/m²K, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of addressing climate change and contributing towards local, regional and national commitments to a net-zero carbon emission future.

8.1.14 **Materials**

Insulation and refrigerant materials must have a low or zero Global Warming Potential (GWP) and Zero Ozone Depleting Potential (ODP).

Reason: In the interest of addressing climate change and reducing greenhouse gases.

8.1.15 **Biodiverse roof**

Prior to commencement of the relevant part the work, the applicant shall submit, and have approved in writing by the Local Planning Authority, a detailed drawing, full specifications and a detailed management and maintenance plan of the blue/biodiverse roof with a minimum substrate depth of 80mm, not including the

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vegetative mat

The roofs should also incorporate details of biodiversity enhancements on the roofs including black redstart boxes and invertebrate habitat structures

The development shall not be carried out otherwise than in accordance with the details thus approved and shall be fully implemented before the premises are first occupied.

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

8.1.16 **Biodiversity**

Prior to the occupation of the development the Swift nesting bricks hereby approved and 2x bat boxes shall be provided at or close to eaves level of the development hereby approved and retained for the lifetime of the development.

Reason: To promote the creation of a biodiverse environment.

8.1.17 **Waste**

Prior to the occupation of the development, the waste storage facilities for the residential and commercial units, hereby permitted, shall be constructed and shall be maintained as such for the lifetime of the development.

Reason: To ensure sufficient refuse and recycling storage within the development.

8.1.18 **Waste management strategy**

Prior to the occupation of the development, a waste management strategy outlining the proposal for bulky waste collection shall be submitted to and approved in writing by the Local Planning Authority. The development shall hereafter be carried out in accordance with the details thus approved.

Reason: To ensure adequate waste and recycling facilities are provided and in the interests of residential amenity

8.1.19 **Sustainable drainage system**

No development shall commence, other than works of demolition, until full detailed specification of the sustainable drainage system supported by calculations, construction details, drainage layout and a site-specific management and maintenance plan has been provided and approved in writing by the Local Planning Authority. The details shall be implemented as approved and retained hereafter for the lifetime of the development

Reason: To ensure adequate drainage and to reduce flooding risk

8.1.20 **Drainage**

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Surface water from the site shall be managed according to the proposal and drawings referred to in *Flood Risk Statement* (Ref: A13336-PF-ZZ-XX-RP-A-0001, March 2020), and the overall site discharge rate restricted to 4 l/s.

Reason: To protect against the effects of surface water flooding

8.1.21 **Contaminated land (pre-development)**

Development will not commence until desk study and site reconnaissance research and any physical site investigation work has been undertaken and fully reported on; with a plan being produced all to the satisfaction of and approved in writing by the Local Planning Authority.

Where physical site investigation work has not been agreed at a pre-application stage further physical investigation work must be agreed with the contaminated land officer before being undertaken. Moreover, development will not commence until all pre-development remedial actions, set out within the remedial action plan, are complete and a corresponding pre-development remediation report has been produced to the satisfaction of and approved in writing by the Planning Authority.

Work shall be completed and reported by a competent person/company in line with current best practice guidance, including the Council's contaminated land planning guidance.

The Planning Authority and Contaminated Land Officer must receive verbal and written notification at least five days before investigation and remediation works commence.

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

8.1.22 **Contaminated land (pre-occupation):**

Before occupation/use of the development a post-development verification report will be produced to the satisfaction of and approved in writing by the Local Planning Authority. The verification report must fully set out any restrictions on the future use of a development and demonstrate that arrangements have been made to inform future site users of the restrictions.

Work shall be completed and a report produced by a competent person/company in line with current best practice guidance, including the Council's contaminated land planning guidance.

The Contaminated Land Officer must receive verbal and written notification at least five days before development and remedial works commence.

Any additional, or unforeseen contamination encountered during the course of development shall be immediately notified to the Local Planning Authority and Contaminated Land Officer and all development shall cease in the affected area. Any additional or unforeseen contamination shall be dealt with as agreed with the Contaminated Land Officer. Where development has ceased in the affected area, it shall recommence upon written notification of the Local Planning Authority or Contaminated Land Officer.

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

8.1.23 **Commercial Units**

The commercial units hereby approved shall at all times be used only for the approved uses being Class E (Commercial, Business and Service) and for no other purposes under the Schedule to the Town and Country Planning (Uses Classes) Order 2015 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order.

REASON: In order to safeguard the provision of commercial floorspace to meet the needs of future local residents.

8.1.24 **Hours of Operation**

The use of the commercial units within the North and South buildings shall not operate outside of the following hours:

Monday- Saturday: 08.00 - 21.00
Sunday and Public/Bank Holidays: 09.00-18.00

Reason: To protect the amenity of surrounding residents

8.1.25 **Residents' room management plan**

Prior to the use of the residents' room, a plan setting out the use of the residents' room including its management shall be submitted to and approved in writing by the Local Planning Authority. The use shall be carried out hereafter in accordance with the details thus approved.

Reason: To ensure suitable management and use of the facilities.

8.1.26 **No new pipes and plumbing**

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

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

8.1.27 **Internal Ambient Noise Levels - Good Standard**

All residential premises shall be designed in accordance with BS8233:2014 'Sound insulation and noise reduction for buildings - Code of Practice' to attain the following internal noise levels:

Good resting conditions: Living rooms 35 dB (day: T =16 hours 07:00 – 23:00)
Good sleeping conditions: Bedrooms 35 dB (night: T = 8 hours 23:00 – 07:00)
LAmax 45 dB (night 23:00 – 07:00)

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A test shall be carried out prior to occupation of the residential units to show the standard of sound insulation required shall be met and the results submitted to the Local Planning Authority for approval in writing.

REASON: To ensure that the occupiers and users of the proposed development do not suffer a loss of amenity by reason of excess noise from environmental and transportation sources.

8.1.28 **Plant/Equipment Noise**

Prior to the occupation of the development, an assessment of the expected noise levels arising from any plant to be installed, together with any associated ancillary equipment, shall be carried out in accordance with BS4142:2014 or any other method that may replace it. and submitted to the Local Planning Authority for approval in writing. The total noise level from fixed plants (external or internal) shall not cause adverse or significant adverse impact on the nearest residential premises at any time. Therefore the rating noise level of the plant should be 10dB below the representative background noise level (L90), at 1 meter from the nearest noise sensitive receptor.

The plant shall thereafter be installed and maintained in accordance with the approved details.

REASON: To protect the amenity of the surrounding environment and residential properties.

8.1.29 **Sound Insulation between Residential and Commercial Properties.**

Prior to the commencement of above ground works, the applicant shall submit a scheme of sound insulation to be installed between the commercial unit on ground floor and residential units on the first floor, to be approved by the Local Planning Authority in writing.

The insulation scheme shall be installed in accordance with the detailed thereby approved.

REASON: To protect the amenity of future residential occupants.

8.1.30 **Building Regs M4**

At least 10% of all dwellings across all tenure types 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.

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

8.1.31 **Secure by Design Details**

Prior to the first occupation of each building or part of a building or use, a 'Secured by Design' accreditation shall be obtained for such building or part of such building or use and thereafter all features are to be permanently retained.

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REASON: In the interest of creating safer, sustainable communities.

8.1.32 **Piling method statement**

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

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

8.1.33 **Phasing plan**

Prior to commencement of development, a phasing plan detailing the sequence of works and phasing of development on site, shall be submitted to and approved in writing by the local planning authority. The works shall thereafter be implemented in accordance with the approved plan.

Reason: To ensure that implementation of the development is undertaken in a planned manner with infrastructure and access to the site provided in association with occupation of development and to safeguard the amenity of future occupiers and existing residents

8.1.34 **Written scheme of investigation**

No demolition or development shall take place until a stage 1 written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works.

If heritage assets of archaeological interest are identified by stage 1 then for those parts of the site which have archaeological interest a stage 2 WSI shall be submitted to and approved by the local planning authority in writing. For land that is included within the stage 2 WSI, no demolition/development shall take place other than in accordance with the agreed stage 2 WSI which shall include:

A. The statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works.

B. Where appropriate, details of a programme for delivering related positive public benefits.

C. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the

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condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI.

REASON: To safeguard potential archaeological works.

8.1.35 **Water efficiency**

The development hereby approved shall be designed and constructed to meet water efficiency requirements with a maximum internal water use of 105 litres/person/day, plus an allowance of 5 litres/person/day for external water use.

REASON: To ensure the development contributes to minimising the need for further water infrastructure

8.2 **Recommendation B**

That the above recommendation be subject to the applicant, the landowners and their mortgagees enter into a Unilateral Undertaking by means of a Legal deed in order to secure the following matters to the satisfaction of the Director of Legal and Governance Services:

Financial

- 8.2.1 Support fee of £1,500 per apprentice placement.
- 8.2.2 Employment and Training Contribution (procurement phase): Cost of training and support (£4,500) X 7,710 (floorspace)/1000 = £34,695
- 8.2.3 Carbon Offset Contribution: £69,952
- 8.2.4 EVCP (car club) contribution - £10,000
- 8.2.5 £4,380 contribution to car club membership for first residents (£60 per unit).
- 8.2.6 Sustainable Transport Contribution £25,000
- 8.2.7 CLP Monitoring Contribution: £8,750.00

Affordable Housing

- 8.2.8 Provision of 28 Social units (10x 1 bed; 8x 2 bed; 10x3 bed) and 9 Intermediate (shared ownership) units (4x1 bed; 5x 2 bed)

Transport

- 8.2.9 Non Blue Badge holding residents to be restricted from applying for car parking permits within current and future adopted Controlled Parking Zones adjoining and within the site.
- 8.2.10 Travel Plan

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A Framework Travel Plan has been submitted as part of this application. A full Travel Plan will be required to establish a long-term management strategy that encourages sustainable and active travel³. The Travel Plan is required to include SMART targets that are: specific, measurable, achievable, realistic and time bound.

The Travel Plan should be reviewed and monitored annually for at least 5 years in consultation with Council Officers and an appointed Travel Plan Coordinator (TPC). Reviews should evaluate the plan and ensure that the targets are appropriate to encourage sustainable transport uptake. New interim targets should be set and correspond to our Transport Strategy and LP33.

New occupants must be provided with an information pack containing the location of local travel information i.e. local bus routes, nearest tube and rail stations and local tube or rail network.

8.2.11 Travel Plan Monitoring Contribution of £2,000.00

Employment, Skills & Construction

8.2.12 Apprenticeships: At least one full framework apprentice for every £2 Million of construction contract value.

8.2.13 Employment and Skills Plan to be submitted and approved prior to implementation

8.2.14 25% Local Labour - The owner/developer (and their agent's employees, contractors and subcontractors) will be required to use all reasonable endeavours to secure a minimum of 25% of the workforce as Local Labour and to report to the council quarterly on local labour Commitments.

8.2.15 Procurement Plan

The owner/developer must engage with local suppliers directly and must supply the Council's Economic Development team with a full Procurement Plan identifying the services and materials that will be sourced for the lifetime of the project and the location of the suppliers they have been sourced from.

8.2.16 Considerate Constructors Scheme compliance

Costs

8.2.17 Monitoring costs in accordance with the Planning Contributions SPD to be paid prior to completion of the proposed Unilateral Undertaking.

8.2.18 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 Unilateral Agreement

³ <https://hackney.gov.uk/travel-plan-for-new-developments>

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8.3 Recommendation C

That the Sub-Committee grants delegated authority to the Director of Public Realm and Head of Planning (or in their absence either the Growth Team Manager or Development Management & Enforcement Manager) to make any minor alterations, additions or deletions to the recommended conditions or recommended heads of terms for the Unilateral Undertaking 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).

8.4 INFORMATIVES

The following information should be added as informatives :

- S1.1 Building Control
- SI.2 Work Affecting Public Highway
- SI.3 Sanitary, Ventilation and Drainage Arrangements
- SI.6 Control of Pollution (Clean Air, Noise, etc.
- SI.7 Hours of Building Works
- SI.24 Naming and Numbering
- SI.25 Disabled Person's Provisions
- SI.27 Fire Precautions Act
- SI.28 Refuse Storage and Disposal Arrangements
- SI.34 Landscaping
- SI.40 Application for Advertisement Consent - Advert Not Shown
- SI.43 Safeguarding Employment Generating Uses
- SI.45 The Construction (Design & Management) Regulations 1994
- SI.48 Soundproofing
- SI.50 Unilateral Undertaking
- SI.57 CIL
- NPPF - Applicant/Agent Engagement

8.4.1 Additionally, the following informatives requested by advisors should be added:

Thames Water

8.4.2 Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure. Please read our guide 'working near our assets' to ensure your workings will be 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-large-site/Planning-your-development/Workingnear-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB

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- 8.4.3 There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.
- 8.4.4 With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>
- 8.4.5 A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk. Application forms should be completed online via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.
- 8.4.6 There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.
- 8.4.7 <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>
- 8.4.8 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Water's pipes. The developer should take account of this minimum pressure in the design of the proposed development.

Metropolitan Police

- 8.4.9 The applicant must seek the continual advice of the Metropolitan Police Service Designing out Crime Officers (DOCOs) to achieve accreditation. The services of MPS DOCOs are available free of charge and can be contacted via docomailbox.ne@met.police.uk.

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

ALED RICHARDS
Director, Public Realm

NO.	SUBMISSION DOCUMENTS, POLICY/GUIDANCE, BACKGROUND PAPERS	NAME/DESIGNATION AND TELEPHONE EXTENSION OF ORIGINAL COPY	LOCATION CONTACT OFFICER
1.	<p>Hackney Local Plan 33 (LP33) and the London Plan 2016</p> <p>Submission documents and LBH policies/guidance referred to in this report are available for inspection on the Council's website.</p> <p>Policy/guidance from other authorities/bodies referred to in this report are available for inspection on the website of the relevant authorities/bodies</p> <p>Other background papers referred to in this report are available for inspection upon request to the officer named in this section.</p>	<p>Louise Prew (Senior Planning Officer) x8613</p>	<p>2 Hillman Street, London E8 1FB</p>

Planning Sub-Committee 20/01/2021

APPENDICES

Housing Supply Tenure Mix

	Social Rented Units				Intermediate Housing Units				Open Market Dwellings				Total
	1 bed	2 bed	3 bed+	Total	1 bed	2 bed	3 bed+	Total	1 bed	2 bed	3 bed+	Total	
Units	23	42	37	102	33	52	16	101	47	88	67	202	405
Unit %	22	42	36	100	32	52	16	100	23	44	33	100	N/A
DMLP target	<2 bed	>1 bed	36%	N/A	<2 bed	>1 bed	16%	N/A	<2 bed	>1 bed	33%	N/A	N/A