

ADDRESS: Land at Wilmer Place, Stoke Newington, London N16	
WARD: Stoke Newington	REPORT AUTHOR: Nick Bovaird
APPLICATION NUMBER: 2020/3507	VALID DATE: 27/11/2020
<p>DRAWING NUMBERS: A001 Rev 1, A100 Rev 3 (Site Plan), A101 Rev 2, A101 (B) Rev 2, A102 Rev 2, A103 Rev 2, A104 Rev 2, A105 Rev 2, A106 Rev 2, A200 (A) Rev 2, A201 Rev 2, A202 Rev 2, A203 Rev 2, A204 Rev 2, A300 Rev 2, A301 Rev 2, A301 (A) Rev 2, A302 Rev 2, A303 Rev 2, A304 Rev 2, A304 (A) Rev 3, A305 Rev 2, A306, A307 Rev 1, A400 Rev 2, S100 Rev 3</p> <p>Planning Statement by Maddox Planning, Landscape Design and Access Statement dated May 2020, Daylight and Sunlight Assessment May 2020 Issue 2 by T16 Design, Email from Ollie Westover “Wilmer Place - Daylight and Sunlight Assessment” dated 2 June 2020, Ecological Appraisal 404.10821.00001 dated April 2020 by SLR, Response to letter from Hackney Council - 2020/1462 dated 29.05.2020 by Downen Farmer Architects, Energy and Sustainability Statement 1.1 dated 05th May 2020 by JAW Sustainability, Heritage Statement April 2020 by Heritage Collective, Transport Statement April 2020 by EAS, Arboricultural Report Impact Assessment & Method Statement dated 5th May 2020 by Crown Consultants, Design Update Document - Response to Planners Comments dated September 2020 by Downen Farmer Architects, LP11 - Digital Connectivity letter dated 12th October 2020 by Artform, SuDS Drainage Statement Draft 2 October 2020 by EAS, Urban Greening Factor Calculations, Fire Strategy Policy D12 Rev 2 dated 22/06/2021 by BB7</p> <p>Construction Management and Construction Logistics Plan v4 by Art Form Project Management received from Oliver Eaves at Savills on 16/06/2020, Construction</p>	

<p>Environmental Management Plan Final v3.0 dated 27/05/2020 by Jomas Engineering Environmental, Air Quality Dust Impact Assessment & Management Plan Final v1.0 dated 27/05/2020 by Jomas Engineering Environmental, Geo-environmental & Geotechnical Assessment Ground Investigation Report v2.0 Final P27691939/SRC by Jomas Associates Ltd dated 29 April 2020; Remedial Strategy & Verification Plan Final v2.0 P27691939/SRC by Jomas Associates Ltd dated 29 April 2020,</p> <p>Letter from Harry Wackett “Financial Viability Review” dated 11 June 2021, Letter “Offer S106 dwellings at Wilma Place, Hackney” from Islington and Shoreditch Housing Association dated 8 June 2021, A103 (showing location of Affordable Housing), Affordable Housing Viability Submission Explanatory Notes May 2020, Financial Viability Review by London Borough of Hackney, Letter from Harry Wackett “Viability Response” dated 23/03/2021, Letter from Turner Morum “Without Prejudice Viability Negotiations” dated 22nd February 2021, 33% Residual Appraisal Model by Turner Morum, 0% Residual Appraisal Model by Turner Morum, Wilmer Place N16 by Dexters.</p>	
<p>APPLICANT: Jonathan Ellis, C/O Agent</p>	<p>AGENT: Maddox Associates, 68 Hanbury Street, London, E1 5JL</p>
<p>PROPOSAL: Erection of a building of up to four storeys comprising 30 residential units (Use Class C3); and associated development including a landscaped courtyard, living roofs, car parking spaces and cycle and refuse stores.</p>	
<p>REASON REFERRED TO COMMITTEE: As a major application, owing to the number of residential units proposed.</p>	
<p>POST SUBMISSION REVISIONS: Amended viability offer: 10 Affordable Homes (eight originally proposed). Reconsultation on the basis of the new viability offer.</p>	
<p>RECOMMENDATION SUMMARY: GRANT planning permission subject to conditions and completion of a legal agreement</p>	

ANALYSIS INFORMATION

ZONING DESIGNATION: (Yes) (No)

CPZ	Yes	
Conservation Area	Stoke Newington	
Listed Building (Statutory)	187, 189, 191 Stoke Newington High Street (Grade II*) Entrance Lodges Gates and Railings to Abney Park Cemetery (Grade II)	
Listed Building (Local)		No
Priority Employment Area		No

PARKING DETAILS:	Parking Spaces (General)	Parking Spaces (Disabled/Car Club)	Bicycle storage
Existing	0 (Disused)	0	0
Proposed	0	3	59 (+2 visitor spaces)

LAND USE DETAILS:	Use Class	Use Description	Floorspace Sqm
Existing	Sui Generis (previously ancillary B1)	Car Park	2930
Proposed	C3	Residential	2631

RESIDENTIAL USE DETAILS:	Residential Type	No of Bedrooms per Unit				
		1	2	3	4	5+
Existing		0	0	0	0	0
Proposed	Houses	1	4	4	0	0
	Flats	7	9	5	0	0
Totals		8	13	9	0	0

LONDON AFFORDABLE RENT DETAILS:	Residential Type	No of Bedrooms per Unit				
		1	2	3	4	5+
Existing		0	0	0	0	0
Proposed	Houses		0	4	0	0
	Flats	1	1	1	0	0
Totals		1	1	5	0	0

INTERMEDIATE HOUSING DETAILS:	Residential Type	No of Bedrooms per Unit				
		1	2	3	4	5+
Existing		0	0	0	0	0
Proposed	Houses	0	0	0	0	0
	Flats	1	2	0	0	0
Totals		1	2	0	0	0

Overall Residential Unit Totals:	Market	Intermediate	London Affordable	Total
Existing	0	0	0	0
Proposed	22	3	7	30

CASE OFFICER’S REPORT

1. SITE CONTEXT

- 1.1 The application site is located to the west of Stoke Newington High Street and the north of Wilmer Place (accessed via Stoke Newington Church Street).
- 1.2 The site is the car park of the former factory which contained a number of industrial units that were predominantly in B1 use. These units have been converted to residential use. This follows a number of successful applications for Lawful Use Certificates and for the Borough’s prior approval of a number of office to residential conversions. The factory building was also reclad and roof terraces provided. The car park site itself is fenced off and largely empty barring the storage of construction materials.
- 1.3 To the front of the former factory building (now a residential development called “Cotton Exchange”) is a tarmacked area of ad hoc parking. This land is within the red line of the proposal site.
- 1.4 The site is located within the Stoke Newington District Town Centre. It is named within the Site Allocations Local Plan but it is not within a Priority Office or Industrial Area.
- 1.5 The site has excellent public transport accessibility with a PTAL of 6A and lies within a Controlled Parking Zone (CPZ), so is therefore subject to parking restrictions. The site is on the edge of the Crossrail 2 safeguarding zone but not within it.

2. CONSERVATION IMPLICATIONS

- 2.1 The site is adjacent to Abney Park cemetery, a Registered Park and Garden (Grade II) and Site of Importance for Nature Conservation. It is within the Stoke Newington Conservation area and the setting of Statutory Listed Buildings to the north and south of the site.

- 2.2 The following statutory listed buildings lie within the immediate setting.
- Numbers 187 to 191 Stoke Newington High Street, listed Grade II* (LEN: 1235537)
 - The entrance lodges, gates and railings to Abney Park Cemetery, listed Grade II (LEN: 1235538)

3. HISTORY

3.1 **Whole Wilmer Place Industrial site:**

- 3.2 2013/3186 – Demolition of buildings on land at Wilmer Place and the rear parts of 193-201 Stoke Newington High Street with retention of front Stoke Newington High Street facade, and erection of a basement (plant area only) and part 1, 3, 4 and 5 storey building comprising a 4142m² retail unit (class A1) on ground floor and 53 residential units above (16x1, 21x2, 15x3 and 1x4 beds), including associated roof terraces and landscaped amenity spaces, 6 disabled car parking spaces (accessed from Wilmer Place) and cycle and refuse stores. The retail unit includes a service area (accessed from Wilmer Place) and associated plant and machinery areas. *Granted at committee: 14/02/2014. Subject of an unsuccessful Judicial Review.*
- 3.3 2016/3179 – Erection of a part 2, 3 and 4 storey building with two basements, comprising offices (Use Class B1) on ground and first floors, eight residential units (Use Class C3) across all floors and associated development including roof terraces and landscaped amenity spaces, 3 car parking spaces (including 2 disabled spaces) and cycle and refuse stores to be accessed from Wilmer Place. *Granted at committee: 14/12/2016*
- 3.4 2018/1510 – Erection of a part 2, 3 and 4 storey building (plus lower ground floor) comprising 19 residential units (Use Class C3) at ground to third floors, commercial floorspace (Use Class B1) at ground and lower ground floors; associated development including a communal roof terrace, landscaped courtyard, living roofs, 3 car parking spaces (including 2 disabled spaces and a car club space) and cycle and refuse stores to be accessed from Wilmer Place [following demolition of existing bin store] *Granted at committee: 14/03/2019*
- 3.5 2020/1078 – Non-material amendment to planning permission 2016/3179 dated 07/07/2017. The effect of the changes would include erection of a single storey extension, removal of basements and repositioning of cycle storage. *Granted: 21/04/2020*
- 3.6 There have also been a number of applications in 2020 in respect of the conditions imposed on the second major application 2016/3179.
- #### 3.7 **Cotton Exchange (former factory) building:**
- 3.8 2014/4142 – Existing use of units 5C, 5F, 7a, 7b, 7c, 7d, 7e, 7f, 7g, 7h, 7i, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 17 as 21 self-contained residential units (Use Class C3). *Granted: 13/03/2015*
- 3.9 2015/1652 – Prior notification for the change of use of units 4, 5C W1, 5C W2, 5D, 5E and Unit 6 offices 1-17 and Units 20, 21, 23, 24, 25, 26, 28, 29 and 30 from office (Use Class B1(a)) to provide self-contained residential dwellings (Use Class C3). *Refused: 30/07/2015*
Reason for Refusal:

- The developer has failed to provide evidence that is sufficiently precise and unambiguous to demonstrate that, on the balance of probabilities, the proposed development complies with the restrictions specified in paragraph O.1(b) of Class O of Part 3 to Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

3.10 *List of Prior Approval applications, all approved:*

- 2015/3917 – Prior notification for the change of use of unit 6 offices 6 to 15 from office (Use Class B1(a)) to residential dwelling (Use Class C3).
 - 2015/3201 – Prior notification for the change of use of unit 6 offices 16 and 17 from office (Use Class B1(a)) to residential dwelling (Use Class C3).
 - 2015/3193 – Prior notification for the change of use of units 24, 25 & 26 from office (Use Class B1(a)) to provide a self-contained residential dwelling (Use Class C3).
 - 2015/3199 – Prior notification for the change of use of unit 6 offices 1, 2 and 3 from office (Use Class B1(a)) to residential dwelling (Use Class C3).
 - 2015/3202 – Prior notification for the change of use of unit 28 from office (Use Class B1(a)) to residential dwelling (Use Class C3).
 - 2015/3195 – Prior notification for the change of use of unit 6 offices 4 and 5 from office (Use Class B1(a)) to residential dwelling (Use Class C3).
 - 2015/3188 – Prior notification for the change of use of units 29 and 30 from office (Use Class B1(a)) to residential dwelling (Use Class C3).
 - 2015/3190 – Prior notification for the change of use of Unit 21 from office (Use Class B1(a)) to residential (Use Class C3).
 - 2015/3200 – Prior notification for the change of use of unit 20 from office (Use Class B1(a)) to provide a self-contained residential dwelling (Use Class C3).
- 3.11 2015/2877 – Re-cladding of existing building with external insulation/brick slips and alterations to fenestration materials and openings on all elevations of the building, demolition of single storey ground floor lean-to structure to rear of no.213 Stoke Newington High Street, replacement of existing escape staircase, demolition of single storey lean-to car wash structure on south-west corner of building and alterations to roof materials.
Granted: 06/10/2015
Officers Note: This application was varied slightly under 2017/1506 and its conditions were discharged under 2015/4291, 2016/1507 and 2016/1547
- 3.12 2016/1290 – Change of use of Units F1, F2, F3 and F4 (Use Class B1) to create 4 residential units and internal remodelling of building to extend existing and proposed residential units and ancillary residential accommodation. *Granted 19/07/2017*
- 3.13 2016/1501 – Erection of roof terraces at second floor level above existing flat roofs; demolition of existing external stair on eastern elevation. *Granted 04/07/2016*
- 3.14 2016/1284 – Change of use of Units 5B (Use B2), 5C/W1 (Use B8), 5C/W2 (Use B8), 5D (Use B8), 5E (Use B8), 23 (Use B8) and 27 (Use B8) to create 2 residential units, ancillary residential accommodation, cycle storage and external amenity space (following removal of existing rooflights). *Granted 20/07/2016*
- 3.15 2016/2202 – Existing use of Unit F4 (formerly Unit 6, offices 16-17) as a self-contained residential unit following grant of prior approval (ref: 2015/3201). *Granted 01/07/2016*

- 3.16 Variation of condition 2 (Plans) of approval 2015/2877 for "Re-cladding of existing building with external insulation/brick slips and alterations to fenestration materials and openings on all elevations of the building, demolition of single storey ground floor lean-to structure to rear of no.213 Stoke Newington High Street, replacement of existing escape staircase, demolition of single storey lean-to car wash structure on south-west corner of building and alterations to roof materials." The effect of the changes would be of various elevational alterations, erection of a central boiler flue, repositioning of the refuse storage and the erection of privacy screening to the eastern roof terraces. *Granted: 19/07/2017*
- 3.17 2018/1165 – Addition of roof light to the west elevation of the existing building (*Flat 28*). *Granted 19/06/2018*
- 3.18 **193 to 201 Stoke Newington High Street**
2016/2605 – Change of use of 193-201 Stoke Newington High Street from retail (Use Class A1), business (Use Class B2/B8) and residential (Use Class C3) to a restaurant (Use Class A3) at basement and ground floor levels; erection of single storey side extension at ground floor level and part single storey, part two storey rear extensions at first and second floor levels (including associated demolition of existing structures); raising of height of two storey building in rear; introduction of additional self-contained residential unit and reconfiguration of existing residential accommodation; introduction of roof top plant (including timber acoustic fencing) at first floor level; and alterations to south and rear elevations and front facade including new shopfront, alterations to cornice/parapet, and arrangement of openings; and associated service area (accessed from Wilmer Place), cycle parking, refuse/recycling storage and landscaping. *Refused 04/11/2016*
- 3.19 2017/3291 – Change of use of 193-201 Stoke Newington High Street from retail (Use Class A1), business (Use Class B2/B8) and residential (Use Class C3) to a restaurant (Use Class A3) at basement and ground floor levels; erection of single storey side extension at ground floor level and part single storey, part two storey rear extensions at first and second floor levels (including associated demolition of existing structures); raising of height of two storey building in rear; introduction of additional self-contained residential unit and reconfiguration of existing residential accommodation; introduction of roof top plant (including timber acoustic fencing) at first floor level; and alterations to south and rear elevations and front facade including new shopfront, alterations to cornice/parapet, and arrangement of openings; and associated service area (accessed from Wilmer Place), cycle parking, refuse/recycling storage and landscaping. *Granted 12/03/2018*
- 3.20 2018/4018 – Variation of condition 2 (development in accordance with approved plans) of planning permission ref 2017/3291 dated 12 March 2018 for the 'partial demolition of the front buildings and rear outbuildings. Erection of ground, first and second floor rear extensions including excavation of basement to facilitate the change of use of the buildings on the site from 3 retail units, 10 residential units and commercial floorspace into retail and office floorspace at ground floor and basement and 14 self contained flats.' The effect of the variation would be to retain an electric and gas substation at basement level which would increase the gross internal area of unit 2, reduce the retail space at basement level and result in minor alterations to the southern and western facades and the arrangement of the refuse and bicycle store including the installation of a free-standing bike store within Wilmer Place. *Granted 18/03/2019*

3.21 **Enforcement History**

3.22 2006/0464/ENF- Without planning permission, change of use of part of industrial (B1) premises as 21 self-contained residential units and 4 live/work units. *Notice served 07/12/2007. Appeal allowed: 29/08/2008 (appeals allowed under ground (e)).*

3.23 **Appeal History**

3.24 APP/U5360/C/08/2063701 and APP/U5360/C/08/2063803 allowed an appeal against 2006/0464/ENF for the use of the industrial units as either live or live/work units.

3.25 APP/U5360/A/13/2200885 was a withdrawn public inquiry against the approval of application 2012/2228.

4. **CONSULTATIONS**

4.1 Date Second Statutory Consultation Period started: 11/06/2021 (first consultation 24/12/2020)

Officer's Note: The application represents a reissue of the application under 2020/1462 that, along with the consultation responses, was rendered unavailable by the cyber attack of October 2020.

4.2 Date Statutory Consultation Period ended: 02/07/2021

4.3 Site Notice: Yes.

4.4 Press Advert: Yes.

4.2 **Neighbours**

4.5.1 Letters were sent to 774 neighbouring occupiers.

4.5.2 Three written representations objecting to the proposal have been received at 25/06/2021. The relevant areas of objection are summarised as follows:

- Impact of the design on the surrounding conservation area and Abney Park;
- Impact on neighbouring amenity in respect of daylight/sunlight, outlook, overlooking and noise from new residents;
- Increased number of vehicles with regard to parking, traffic congestion and traffic safety;
- Impact of light pollution from the development;
- Impact on Abney Park and biodiversity;
- Impact of construction phase on residents and biodiversity;
- Lack of playspace for children;
- Not clear who will maintain the landscaping and green roofs;

4.5.2 These objections are addressed in the relevant assessment sections of the report that follows.

4.6 Statutory Consultees and Local Groups

4.6.1 Stoke Newington CAAC

Objection. We support the submission of the Hackney Society Planning Group. In particular we identify the design improvements and recognize they need to be carefully implemented. We also lament the eradication of all light industrial and commercial uses on the site and recognise the value they once had to the local economy and in balancing the disbenefits of building so closely to the Abney Park Cemetery boundary.

4.6.2 Abney Park Trust

No Objection, subject to the LPA paying careful attention to the following issues:

- Limiting light pollution, to mitigate any impact on the biodiversity of Abney Park;
- Impact on the heritage value of Abney Park;
- Use of appropriate biodiverse green roofs on the development;
- We ask that a significant portion of the planning gain benefits identified in the viability report are invested directly back into Abney Park Trust as funding we can use to meet our charitable purposes. The last year and a half has been punishing for us financially. We are a small registered charity (with audited accounts) that works with hundreds of hours of volunteer time each year to do good work for Abney Park. Our activities have largely been cancelled and several sources of funding have dried up. Although the park is to benefit from significant investment from the National Lottery Heritage Fund, these investments do not directly benefit the Trust. The Trust has a growing programme of activities, events and volunteering. Securing direct benefit from the planning gain and having it invested directly in our work would make a huge difference to our ability to grow and scale up our activities and impact in the medium term. This is particularly important and appropriate in this case because the project itself markets itself on the very benefits of Abney Park (noting the Holm Oak references) that will be impacted.

Officer's Response: The issues of light pollution, heritage impact and biodiverse green roofs are considered in the report that follows. The legal agreement application provides £25,000 for repair of the boundary wall with Abney Park and there are Hackney CIL charges of £144,705.00, from which the Parks' Service are, in part, funded.

4.6.3 Hackney Society:

Objection, on the following grounds:

- Loss of commercial uses from site;
- Impact on amenity of neighbouring residential occupants;
- Impact on seclusion of Abney Park;
- Impact on trees of Abney Park. The Council should choose contractors to 'supervise and schedule the works'

The following items were noted:

- The uplift of affordable housing is beneficial in comparison with the extant schemes.
- The overall design and elevation treatments are an improvement on the consented schemes.
- The ecology and outlook of Abney Park Cemetery may be improved in comparison with the consented schemes;
- The fallback schemes have their own benefits and we are not currently necessarily persuaded that the proposed scheme is, on balance, better.

Officer's Note: In general these issues are considered in the report that follows but it is not proposed to hire further contractors to oversee the scheme, the Borough already has employees within the Parks service.

4.6.4 Transport for London (TfL):

The scheme is generally in accordance with recent policy and best practice but the following concerns are raised:

- Provision of a car club space is not considered necessary considering the site's high PTAL and TfL's view is that it should be removed from the proposals.
- TfL hold concerns with the location of the long-stay cycle store to the far east of the site as this lacks surveillance in comparison to the other stores which are prominently located within the public realm. The applicant should clarify the lighting and security arrangements proposed for this location to ensure users feel safe.
- Active and sustainable freight solutions are strongly encouraged for all deliveries and servicing where possible and therefore space for cargo bike deliveries should be provided.
- A Section 278 agreement for £5000 should be put in place for reinstating the footway after the removal of the redundant crossover.

Officer's Note: The car club space is in accordance with the previous approval and Hackney's general approach, which includes car club membership within the legal agreement. The northernmost cycle store would be at the far end of the mews, with no nearby entrance, and is well overlooked by proposed and existing development, as such it is not considered to be located inappropriately. A stand for cargo bikes has been agreed with the applicants and is required by condition. The s278 agreement has been recommended within the Heads of Terms for the legal agreement.

4.6.5 Thames Water:

No objection subject to a Piling Method Statement condition because the development crosses within 15m of a public sewer. Informatives should be added in respect of ground water and water pressure.

4.6.6 Hackney Design Review Panel (DRP)

Not referred due to scale of development.

4.6.7 Crossrail 2

The application relates to land within the limits of land subject to consultation by the Crossrail 2 Safeguarding Direction. A condition should be added relating to ground movement, noise and vibration, to be signed off by Crossrail 2 in conjunction with the planning authority.

4.6.8 Metropolitan Police

No objection but a condition should be added requiring consultation with Secure by Design Officers prior to discharge.

4.6.9 Natural England

No objection. The proposal is unlikely to affect any statutorily protected sites or landscapes.

4.6.10 Historic England

No objection.

4.6.10 Historic England (Archaeology) (response to 2018/1510)

The planning application lies in an area of archaeological interest. The application lies within the borough's Ermine Street Archaeological Priority Area, following the recent 2017 redraw exercise. Archaeological potential connected with important early prehistoric activity, the Roman road of Ermine Street and the medieval and post-medieval development of Stoke Newington exists at the site. The below ground impact on this potential by modern development is unknown. Historic England are willing to forgo the requirement of pre-approval investigation and suggest a pre-commencement condition to require a stage 1 written scheme of investigation (WSI) to be submitted and approved.

Officer's Note: While this response comes from a previous application on the site and no response has been received in relation to this application, the issues remain the same and previous conditions were not discharged. As such, the suggested condition has been recommended below.

4.6.11 Hackney Swifts Society

This building is in an area where swifts (on the RSPB amber list due to rapidly declining numbers) are currently nesting and will potentially nest, so we request that swift nestbox bricks are installed near roof level, which would provide an aesthetically acceptable and zero maintenance way to provide a long-term resource to protect this species and improve the local biodiversity, in line with Hackney Council's guidance on this issue (Biodiversity Action Plan 2012-2017). The ecologist could identify the best location in the building and also advise on the protection of any existing nesting birds, or alternatively manufacturer's instructions for the swift bricks may be followed. The ecology report by SLR suggests at least three bird bricks, e.g. sparrow terraces, on the west facade. We request that the swifts bricks are installed in addition to the sparrow boxes, with the sparrow bricks at approximately 2-4m height and the swifts bricks as high as possible, all on the west facade.

Officer's Note: The applicant has amended the scheme in line with this comment. Thirty bird bricks and two bat bricks are now proposed and are required by the recommended condition.

4.6.11 London Fire Brigade

No response.

4.7 **Council Departments**

4.7.1 Transportation: No objection, subject to the following conditions, legal agreements and informatives:

1. Cycle parking and two parking spaces for disabled users and one car club bay within the development to be provided on site prior to first occupation of any of the units.
2. Construction Management & Logistics Plan
3. Delivery Service Plan
4. Travel Plan
5. Car free agreement for future occupiers of the development + free one years'

car club membership & credit for fixed or floating car club models operated in the borough

6. S106 public realm contributions in vicinity of development
7. S278 works for Transport for London
8. A sustainable transport contribution of £20,000 is sought to off-set the impact of the development.

Officer's Response: These aspects are mostly agreed and are considered in the report that follows. However, a Travel Plan is considered to be unnecessary for this residential scheme. The sustainable transport contribution is also considered to be unnecessary to allow approval of the scheme, which provides good levels of cycle parking and restrictions on car parking permits and which removes a car park. The development would also require a CIL payment of £144,705.00 from which a proportion for sustainable transport initiatives in the wider area might be more appropriately drawn.

4.7.2 Pollution Land: No objection: the applicant has submitted the reports that were approved under application reference 2016/3179, which are sufficient in respect to contaminated land matters, aside from the final verification report, which should be conditioned as part of any approval.

4.7.3 Pollution Air (to 2020/1142): The proposed development is located in an area could be exceeding the annual mean NO₂ national air quality objective (NAQO). As this applies at residential dwellings an air quality assessment (AQA) must be undertaken to determine the site suitability. Further to this any potential impact the proposed development could have on the air quality within the locale of the development during the construction and operational phase must be addressed. This includes undertaking an air quality neutral assessment. Until this has been undertaken and submitted to the Council we do not believe any planning decision should be made.

Officer's Note: In line with the process allowed under 2018/1510 for this site, a condition has been recommended to require an Air Quality Assessment prior to the commencement of development. A further condition is recommended, requiring low emission construction vehicles.

4.7.4 Waste Management: No objection. It is noted that the calculations are based on 1280 litre bins, a type that Hackney doesn't stock. However 8x 1100 litre bins rather than 7x 1280's would fit into the bin store.

4.7.5 Drainage: No objection, subject to a condition requiring further details of the Sustainable Urban Drainage.

4.7.6 Environmental Protection: No objection, subject to conditions regarding sound insulation, plant noise, layout and a Construction Management Plan.

Officer's note: The proposed layout is considered to be acceptable in respect of the layout of rooms and of vertical/horizontal stacking. Building regulations also ensure that residential dwellings are soundproofed. The other suggested conditions and informatives are recommended.

4.7.7 Libraries, Leisure and Green Spaces: Objection. The Council's Libraries, Leisure and Green Spaces Service are responsible for the management of Abney Park Cemetery, and would like the following to be taken into account when you consider the planning

application:

- Abney Park Cemetery is a Site of Metropolitan Importance for Biodiversity and a nature reserve. The proposed buildings at Wilmer Place are likely to overshadow Abney Park and may therefore diminish the quality of the site, potentially negatively impacting its biodiversity. Core Strategy Policy 27 states the 'Council will protect, conserve and enhance nature conservation areas'. The impact on the overshadowed area and its biodiversity needs to be fully explored in determining the application.
- Abney Park Cemetery is very isolated, which means its biodiversity is fragile and once lost, difficult to bring back. The railings at Wilmer Place are one of the few places in Abney Park's boundary that allow for wildlife to enter/exit the site. Core Strategy Policy 26 states the desire to create open spaces that 'are linked to other green spaces to enhance the borough's green infrastructure.' The proposed development would effectively close a potential wildlife corridor.
- Abney Park Cemetery is one of the most treed spaces in Hackney and has important and interesting trees growing right up to its boundary. The collection of trees at Abney Park is unique - there are specimens that date back to the Park's inception in 1840 and large and rare trees not seen elsewhere in the borough. This development would potentially impact on existing trees in Abney Park as their roots may be compromised by the nearby building work. The development may also limit the size that trees planted in the future could potentially reach.
- The proposed developments will overlook hundreds of graves, including the listed monument to Agnes Forsyth and many more recent graves that are regularly visited by family members / mourners. We would urge consultation with grave owners / mourners and / or an assessment of how overshadowing may impact on the graves themselves. Abney Park is a designed landscape; a cemetery and an arboretum set out for peaceful reflection and remembrance and for education. It is one of Hackney's most famous heritage assets. This development will overshadow a significant proportion of the site adding no value to Abney Park while potentially having a negative impact on Park users looking for peace and privacy. Abney Park receives roughly 245,000 park users each year.
- We would also expect that the previously allocated S106 is re-provided for this scheme if it is given approval.

Officer's Response: These objections are considered in the report that follows.

- 4.7.8 Trees: No objections so long as the arboricultural method statement is followed. The footprint of the proposal is similar to the approved scheme and would have no greater impact on the existing surrounding trees.
- 4.7.9 Sustainability: No objections, following amendments by the applicant during the course of the application. The building proposes to achieve 13% reductions at the *be lean* stage and a cumulative 56% at the *be green* stage. This satisfies the minimum requirements to the net zero carbon policy and the remaining 15.5 tonnes of CO₂ emissions per annum are to be offset with a payment estimated as £44,177 to the carbon offset fund. It is also noted that the Urban Greening Factor is estimated at 0.4.

4.7.10 Regeneration: As a form of discounted market sale First Homes is not considered to be a genuinely affordable form of affordable housing in Hackney. The Local Plan was adopted in 2020 and has an up to date evidence base which identifies the need to deliver genuinely affordable housing as a priority. Similarly the recently adopted London Plan prioritises the delivery of affordable tenures such as low cost rent and intermediate rent. On that basis the Council would not support the provision of First Homes on schemes such as this as it would not deliver genuinely affordable homes in line with Local Plan Policy LP13 or the London Plan.

5. POLICIES

5.1 **Local Plan 2033 (adopted 2020)**

- LP1 Design Quality and Local Character
- LP2 Development and Amenity
- LP3 Designated Heritage Assets
- LP4 Non Designated Heritage Assets
- LP5 Strategic and Local Views
- LP6 Archaeology
- LP12 Housing Supply
- LP13 Affordable Housing
- LP14 Dwelling Size Mix
- LP17 Housing Design
- LP32 Town Centres
- LP34 Stoke Newington, Stamford Hill and Finsbury Park
- LP41 Liveable Neighbourhoods
- LP42 Walking and Cycling
- LP43 Transport and Development
- LP45 Parking and Car Free Development
- LP46 Protection and Enhancement of Green Infrastructure
- LP47 Biodiversity and Sites of Importance of Nature Conservation
- LP48 New Open Space
- LP49 Green Chains and Green Corridors
- LP50 Play Space
- LP51 Tree Management and Landscaping
- LP53 Water and Flooding
- LP54 Overheating
- LP55 Mitigating Climate Change
- LP57 Waste
- LP58 Improving the Environment - Pollution

5.2 **London Plan (2021)**

- GG1 Building strong and inclusive communities
- GG2 Making the best use of land
- GG3 Creating a healthy city
- GG4 Delivering the homes Londoners need
- GG6 Increasing efficiency and resilience

- SD6 Town centres and high streets
- SD9 Town centres: Local partnerships and implementation
- D1 London's form, character and capacity for growth
- D2 Infrastructure requirements for sustainable densities
- D3 Optimising site capacity through the design-led approach
- D4 Delivering good design
- D5 Inclusive design
- D6 Housing quality and standards
- D7 Accessible housing
- D8 Public realm
- D11 Safety, security and resilience to emergency
- D12 Fire safety
- D14 Noise
- H1 Increasing housing supply
- H4 Delivering affordable housing
- H5 Threshold approach to applications
- H6 Affordable housing tenure
- H7 Monitoring of affordable housing
- H10 Housing size mix
- E1 Offices
- E2 Providing suitable business space
- E9 Retail, markets and hot food takeaways
- E11 Skills and opportunities for all
- HC1 Heritage conservation and growth
- G1 Green infrastructure
- G4 Open space
- G5 Urban greening
- G6 Biodiversity and access to nature
- G7 Trees and woodlands
- SI 1 Improving air quality
- SI 2 Minimising greenhouse gas emissions
- SI 3 Energy infrastructure
- SI 4 Managing heat risk
- SI 5 Water infrastructure
- SI 6 Digital connectivity infrastructure
- SI 7 Reducing waste and supporting the circular economy
- SI 12 Flood risk management
- SI 13 Sustainable drainage
- SI 14 Waterways – strategic role
- SI 15 Water transport
- SI 16 Waterways – use and enjoyment
- SI 17 Protecting and enhancing London's waterways
- T1 Strategic approach to transport
- T2 Healthy Streets
- T3 Transport capacity, connectivity and safeguarding
- T4 Assessing and mitigating transport impacts
- T5 Cycling
- T6 Car parking
- T6.1 Residential parking
- T6.2 Office Parking

- T6.3 Retail parking
- T6.5 Non-residential disabled persons parking
- T7 Deliveries, servicing and construction
- DF1 Delivery of the Plan and Planning Obligations
- M1 Monitoring

5.4 Supplementary Planning Guidance / Documents (SPG):

Mayor of London Housing SPG 2016
The Mayor's Transport Strategy
Mayoral Community Infrastructure Levy
Accessible London: achieving an inclusive environment SPG
Hackney Planning Obligations SPD
Stoke Newington Conservation Area Appraisal (2004)

5.5 National Planning Policies

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

5.6 Legislation

Planning (Listed Buildings and Conservation Areas) Act 1990
Section 66 (Listed Buildings)
Section 72 (Conservation Areas)

6. COMMENT

- 6.1.1 This application seeks full planning permission for the proposed erection of a building of part-two, part-three and part-four storeys comprising 30 residential units (Use Class C3); and associated development including landscaping, car parking spaces and cycle and refuse stores.
- 6.1.2 A terrace of four three-bedroom houses are provided at the northern end of the site, over two storeys. The flats are provided directly adjacent, with the massing of the development increasing towards the southern end of the site to a maximum height of four storeys.
- 6.1.3 The design of the building is contemporary, designed to complement the refurbished factory adjacent and to form a mews with it. It approximates and slightly reduces the massing approved under 2016/3179.
- 6.1.4 The proposal raises the following planning considerations:
 - Principle of Proposed Land Use
 - Design, Conservation and Biodiversity
 - Amenity of Adjoining Occupiers
 - Transport
 - Sustainability

- Waste
- CIL

6.2 Principle of Proposed Land Use

- 6.2.1 The superseded Hackney Site Allocations Plan (2016) considered the site suitable for retail, employment, and supporting community and leisure uses, including residential use and public car park. This reflected the site's location within Stoke Newington District Centre and the Council's aims for the wider site prior to the redevelopment of the factory building at No.17 Wilmer Place (now the 'Cotton Exchange'). As such, the approved developments under 2016/3179 and 2018/1510 were for mixed use development, including office floorspace.
- 6.2.2 Following the adoption of Local Plan 2033 policy LP12 (Housing Supply), which emphasises the need for self-contained residential accommodation, the principle of a solely residential development is now accepted for this location. Objections to this scheme have stated that the site, being the grounds of a former factory, should provide an employment use. However, though the wider Wilmer Place site was recently an industrial location, the site is not located within a Priority Office or Industrial Area and the proposal site itself was only the car park of the factory building. The old factory building has itself now been converted into residential units. The principle of the proposed residential development is accepted.
- 6.2.3 The proposal site was the ancillary car park to the factory, now disused, and there is no policy justification required for the loss of private car parking space in this town centre location.
- 6.2.4 Residential Mix
- 6.2.5 The proposed housing mix provides ten family units of three bedrooms, four of which would be houses. This would be 33% of the available units, which meets the policy target of Local Plan 2033 policy LP14 (Dwelling Size Mix). The majority of the remaining units would be two bedroom units (40% of the total), which is also in line with policy requirements and is considered acceptable on this basis.
- 6.2.6 Affordable Housing
- 6.2.7 The Hackney Local Plan 2033 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% London Affordable/social rent and 40% intermediate, subject to site characteristics, location and scheme viability. London Plan policy H5 requires that applications that don't reach the 35% threshold follow the Viability Tested Route.
- 6.2.8 Following negotiations with the Borough the scheme provides an increased proportion of Affordable Housing. Ten affordable units are proposed, seven of which would be London Affordable Rent and three of which would be shared ownership units, being 30% of the total. The units in question are marked on the submitted plans as units 5-14. The London Affordable Rent units are 5x 3-bed (four of which are houses), 1x 2bed and 1x 1bed. The Shared Ownership units are 2x 2bed and 1x 1bed. Since there was an additional surplus of

£24,412, this has been proposed as a payment in lieu, since it would not suffice to provide an additional on-site unit. The proposed legal agreement also includes both early and late stage viability review mechanisms so that if market conditions improve and higher values or lower build costs are achieved, then any surplus will contribute towards further affordable housing.

- 6.2.9 The overall quantum of affordable falls short of the 50% target set by policy and the 35% threshold for fast tracking. As such, a Financial Viability Assessment has been provided with the application and has been rigorously tested by an independent review of the financial viability of the scheme. We are satisfied that the quantum of affordable units represents both a viable scheme and the best offer that could be achieved with this site, this scale of development and at this time. The Islington and Shoreditch Housing Association has agreed to take on the units, showing that the tenure split, the size mix and the proposed quality of accommodation are appropriate.
- 6.2.10 It should be noted that the last approval at this site (2020/1850) provided only seven shared ownership units and the previous approval (2016/3179) did not offer any Affordable Housing, instead offering a payment in lieu of £75,000 for affordable housing elsewhere in the Borough, along with Affordable Workspace. This submission therefore secures an improved Affordable Housing offer.
- 6.2.11 It is noted that, during the course of this application, a new Affordable Housing product, 'First Homes', has been introduced by the Government. First Homes are the government's preferred discounted market tenure and it has been stated that they should account for at least 25% of all affordable housing units delivered by developers through planning obligations. However Hackney's Local Plan Policy LP13 prioritises the delivery of genuinely affordable tenures such as social rent and intermediate housing. As a form of discounted market sale First Homes is not considered to be a genuinely affordable form of affordable housing in Hackney. The Local Plan was adopted in 2020 and has an up to date evidence base which identifies the need to deliver genuinely affordable housing as a priority. Similarly the recently adopted London Plan prioritises the delivery of affordable tenures such as low cost rent and intermediate rent. On that basis the Council would not support the provision of First Homes on schemes such as this as it would not deliver genuinely affordable homes in line with Local Plan Policy LP13 or the London Plan.
- 6.2.12 On balance, it is considered that the proposed level of on-site affordable housing accords with the aims of policy while allowing a viable scheme to come forward to help alleviate local need.

6.3 Design, Conservation and Biodiversity

- 6.3.1 The Council's Local Plan 2033 policy LP1 and LP3, along with London Plan policies D3 and HC1, advocate that development should make a positive contribution to the character of Hackney's historic built environment, through conserving and enhancing the historic significance of the borough's designated heritage assets. LP1 seeks to adopt a rigorous design approach and ensure a good and optimum arrangement of the site in terms of form, mass and scale. London Plan Policy D3 seeks to ensure that buildings and structures should be of high quality, with architecture that pays attention to detail,

- 6.3.2 The site is within the Stoke Newington Conservation Area and within the setting of the registered Abney Park Cemetery and the Grade II* listed buildings of Nos.187-191 Stoke Newington High Street.
- 6.3.3 Massing and Form
- 6.3.4 Within the overall site, being the grounds of a former factory to the rear of the high street, the main existing building is a large three-storey mixed-use structure, characterised by a shallow metal roof. Single storey extensions border this main building to south, east and north and a two storey extension to the west. The building is now clad in a façade of brick slips in various colours as a result of its circa 2017 refurbishment and reads as a contemporary terrace with front doors.
- 6.3.5 The proposal is for a building that steps down from 4 storeys at the Southern half of the site, to three and two storeys to the North. The massing of the proposed building is broken down with mews-type dwellings to the North of the site and a more conventional housing block further to the south. Recent approvals 2016/3179 and 2018/1510 were also for part two, three and four storey high buildings, of similar overall massing.
- 6.3.6 The north elevation of the proposal is considered to be designed in an appropriate manner, in order to limit its impact on the cemetery. The elevation at first floor level is angled in order to relate to the edge condition of Abney Park Cemetery in a sensitive manner.
- 6.3.7 To the west, the proposal is assessed in terms of its impact on views from the park. The scheme is set-back from the western boundary with the Abney Park by a distance varying from 1 to 5m and in keeping with the previously approved ground floor footprints in 2016 and 2018. The designed patios, and inset balconies at the rear are beneficial to provide adequate amenity space to residential units and this creates an adequate buffer space between the scheme and the neighbouring Abney Park.
- 6.3.8 It is considered that the proposed glazed cores help to break down the massing of the western facade effectively, whilst providing high quality spaces for residents. The use of aluminium louvres will help to mitigate light spillage, especially in oblique views when inside the cemetery. The glazed gap between the houses to the north of the site and the three storey block is sufficient and helps to break down the volume of the proposal.
- 6.3.9 Additionally, in order to ensure that the cores and other west facing windows will not emit excessive light towards the cemetery and negatively impact the ecology of the cemetery, a condition is recommended in order to support the adjacent Site of Importance to Nature Conservation (SINC) at Abney Park Cemetery. As a result, a condition in respect of the use of low transparency windows on the West and North Elevations is recommended, in order to minimise the exposure of light to the cemetery.
- 6.3.10 To the east, the distance from the existing factory building is considered adequate in relation to the scheme height. The factory building is mainly two-storeys, with a smaller three-storey segment. The 8.5 metre wide mews with front-doors to units, along with the proposed landscaping, has the potential to create a welcoming domestic feel and give the street a unique sense of place.

- 6.3.11 The L-shaped element to the south of the proposal has been designed with curved corners which create an expressive overall form and is broadly in keeping with the footprint of the approved applications 2016/3179 and 2018/1510. The separation of the two cores with lightweight glazed elements also help to give an expressive quality to the architecture.
- 6.3.12 In relation to the adjacent existing building, Anita House, the southern elevation to the proposal is of four storeys. The separation distance of approximately 7m between the two buildings is considered adequate and at the fourth floor level, a setback is introduced in order to effectively transition between the existing context of Anita House and the proposal.
- 6.3.13 Overall, this massing is considered an acceptable response to the site context and to the urban grain of the historic surrounding streets of the Conservation Area.
- 6.3.14 Architecture
- 6.3.15 The proposed patterns of openings are considered coherent with the overall contemporary character and high architectural quality of the scheme. The windows are intended to appear frameless, with any frame slim and concealed behind the facing brickwork. The proposed corner windows are beneficial to the expressiveness of the scheme, maximising the outward views while mitigating the overlooking to the neighbouring windows. These elements are considered acceptable in design terms and would be further detailed at the next stage.
- 6.3.16 Materials have been selected thoughtfully in a way as to create a legible visual relationship with the surrounding context of buildings and are not objected to in these terms. The choice of materials and detailing are considered beneficial to create a welcoming mews, with a coherent architectural character and a strong sense of place.
- 6.3.17 The proposed condition requiring further details and material samples is considered appropriate to ensure that these elements are successfully implemented by the constructed scheme.
- 6.3.18 Quality of Accommodation
- 6.3.19 The proposal is for 30 residential units. Four three-bed houses are proposed at the northern end of the scheme. In the three storey elements to the south of the three-bed houses, at ground level there are separate units and access to duplex units above. The four storey element has access via glazed cores. The layouts are considered to be well arranged. The residential units conform to the area standards mentioned in the National Technical Housing Standards and all of the units are dual-aspect. A number of east (mews) facing windows are obscure glazed but the rooms concerned are not reliant on these windows as their sole means of outlook and the arrangement is considered acceptable in terms of the proposed standard of accommodation. Each residential unit benefits from private amenity space, mostly in the form of projecting or recessed balconies.
- 6.3.20 The submitted daylight/sunlight report confirms that the lighting within each unit conforms to the BRE guidance and would have a good Average Daylight Factor (ADF), well above the minimum levels described by the guidance.

- 6.3.21 For these reasons, the proposed quality of accommodation is considered to be acceptable for future residents.
- 6.3.22 Access
- 6.3.23 The submitted drawings show three ground floor units as wheelchair accessible, in line with Building Regulations Optional Requirement Part M4 (3).
- 6.3.24 Five units would not meet M4 (2) of the regulations and would be M4 (1). Units 19-22 are 'stacked maisonettes' and therefore the entrance story leads directly onto a private stair. Unit 1 has upper floor living space connected onto a private amenity terrace and no communal space on the entrance story. The other 22 units would all be M4 (2) compliant. Given the constraints of the long, narrow site, on balance, it is considered that the M4 (1) units do not form sufficient reason to refuse the scheme. Overall, the proposal would add to the stock of accessible, lifetime and wheelchair accessible dwellings in the Borough and is considered acceptable in these terms.
- 6.3.25 The proposed bike and refuse stores have been well positioned and provide level, ground floor access.
- 6.3.26 A condition has been recommended to ensure the units are constructed as described above in respect of the regulations.
- 6.3.27 Conservation
- 6.3.28 There is a negligible impact on the setting of the Grade II* listed Nos.187-191 Stoke Newington High Street since the development is some distance away and does not affect significant views of these buildings. There is negligible impact on the setting of the Grade II listed entrance lodges, gates and railings to Abney Park Cemetery since these are a little distance away and would not be experienced in the same view.
- 6.3.29 There is an impact on views outwards from within Abney Park Cemetery RPG, particularly from the main entrance roadway to the north of the site and the paths running within the cemetery to the west of the development.
- 6.3.30 The impact on these views is limited during the summer months. The impact during the winter months is considered to be slightly harmful to the sylvan setting and character of the Registered Park and Garden but Abney Park has been surrounded by buildings of moderate height since at least the mid-Victorian period. It is considered unreasonable to expect that no development might take place within sight of the perimeter of the cemetery. The general scale of development proposed is not felt to be excessive in this context. Summer and winter views have been provided and the harm to the significance of the RPG through the impact on its setting is considered to be relatively low in absolute terms and particularly in the light of previous consents at this site.
- 6.3.31 Design revisions have been made since submission to reduce the visual impact of the west elevation as experienced within the cemetery, to reduce the extent of light spillage from the development into the cemetery and to reduce the extent of mutual intervisibility between the development and the cemetery. These have gone a long way towards addressing these initial concerns. It is now considered that the amenity of the cemetery as a quiet and

contemplative public area and its historic character as a funerary and memorial space is adequately preserved under these proposals.

- 6.3.32 The Council wishes to see a clear and visually opaque boundary between the development and the cemetery at ground level. The boundary proposals have been revised and now consist of, in part a metalwork trellis added to the existing arrangement, in part the repair of the listed Abney Park wall and in part a new 2m metalwork trellis to replace the current fencing. These proposals are acceptable, subject to them being secured by condition and a Section 106 Agreement. It is noted that, since works to the Abney Park wall are proposed to be the appropriate repairs only, Listed Building Consent is not required.
- 6.3.33 An objection to this scheme from the local CAAC, amongst others, is that it relies on the visual amenity provided by the park and faces in that direction, rather than internally, towards the mews and High Street beyond. It is contended by these objections, that though Abney Park is a public space, as a cemetery its nature is essentially private and should be free of such overlooking. While this objection is understood, it is considered to carry little weight in this instance. Since the proposed building is considered acceptable in respect of its impact on views outward from the park, as above, the park facing elevation should itself be of visual interest. Instead of a blank wall, the windows and balconies here proposed provide such visual interest. While Abney Park is no longer a working cemetery and has not been used for many burials in recent decades, it will still attract those who wish to pay their respects to the dead. It is considered that the proposed windows and balconies would not cause a significant loss of privacy to those who pass through the park in this manner. A further element to the objection is that light pollution from windows would affect the park, particularly in the winter months. However it is noted that the opening times of the park vary between summer and winter to reflect the coming of dusk and it is considered that an objection on these grounds could not be sustained.
- 6.3.34 National Planning Policy Framework Paragraph 196 states that “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal...” The proposed development is assessed to cause less than substantial harm to the heritage assets (through a minor impact on their settings). This is considered to be outweighed by the public benefit of the provision of housing.
- 6.3.35 The proposed development conforms with London Plan Policies D3 (Optimising site capacity through the design-led approach) and HC1 (Heritage conservation and growth) by being sympathetic in its form, scale, materials and architectural detail. The proposed development conforms with the adopted Hackney Local Plan 2033 Policies LP1 (Design Quality and Local Character) and LP3 (Designated Heritage Assets). The proposals are considered to be in accordance with Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 6.3.36 Biodiversity
- 6.3.37 London Plan policy G6 states development proposals should manage impacts on biodiversity and aim to secure net biodiversity gain. Local Plan 2033 policy LP47 states development will be encouraged to include measures that contribute to the borough’s natural environment and biodiversity. This is supported by policy DM34 (Sites of Nature

Conservation), which states that “*proposals for development adjacent to SINC... must not have a detrimental impact on the biodiversity or nature conservation value of the site*”.

- 6.3.38 Natural England have reviewed the proposal and have not objected to it. The existing car park is of hardstanding and the submitted ecology survey confirms that it has little biodiversity value. The proposed development is in line with London Plan policy G5 (Urban Greening), which requires an urban greening Factor of 0.4, as achieved here. This would be ensured by the proposed conditions in relation to landscaping and green roofs.
- 6.3.39 Thirty bird bricks and two bat bricks are proposed and are required by the recommended condition. This is a considerable benefit over the existing situation or the schemes previously approved and reflects the increased prioritisation of these nesting sites by policy and guidance.
- 6.3.40 Objections to previous schemes have questioned the potential for harm to the Abney Park Site of Importance for Nature Conservation (SINC) adjacent from overshadowing by the proposed buildings. Recognising the importance of this location for biodiversity in the Borough, at the time of the 2013 approval (2013/3186) the Council employed its own specialist ecology consultants to investigate the potential for harm from overshadowing. These consultants found that those proposals would not result in significant impacts upon the biodiversity of the Cemetery.
- 6.3.41 In comparison with the scheme first approved (2013/3186) the proposed scheme greatly reduces its massing and the potential for overshadowing. The proposed massing is similar to the most recently approved schemes (2016/3179 and 2018/1510). While it is acknowledged that there would be some limited effect on the fauna directly alongside the boundary with the Cemetery, this area is already heavily shaded by the relaxed management of the trees and foliage within. It is in keeping with the recommendation of the approved schemes to find that the effect on the biodiversity of the Cemetery as a result of the proposed development would not be so significant as to warrant a refusal of the scheme.
- 6.3.42 An objection to the scheme is that there will be an impact on local fauna from light pollution from the development. A condition is recommended in respect of a public realm lighting strategy to minimise light spill from the mews area and the use of aluminium louvres on the glazed cores will help to mitigate light spillage. It is also noted that the proposal would screen from view of the park the lights of the Cotton Exchange development. As such, in line with the previous approvals for this site, the impact of light spillage from the development is not considered to form an adequate reason for refusal.
- 6.3.43 The boundary wall between Abney Park Cemetery and the proposal site is not continuous and the existing solution has been a metal security fence running around the north western corner of the site. In contrast to a wall, this fence does not represent a barrier to most species of wildlife. Objections to previous schemes had noted that the removal of this fence might lead to the loss of a wildlife corridor. LP46 is concerned with the maintenance and improvement of the existing network of open space. It is recommended that a condition be added to ensure that the proposed fencing that is to replace the security fencing is designed in such a way that it too would not form a barrier to wildlife. Since the space on the Wilmer Place side of the boundary is to be soft landscaped, this is considered to

represent an improvement on the existing situation. Works to the wall are required and this has been added to the legal agreement.

6.3.44 Trees

6.3.45 The proposal is similar to the approved schemes with regard to its footprint. It would have no greater impact on the existing surrounding trees than the approved scheme and is acceptable in this regard. Conditions have been recommended to ensure that the construction process does not significantly disturb the Root Protection Areas of neighbouring trees.

6.3.46 Landscaping

6.3.47 The landscaped area of the site is based on the approved scheme under 2018/1510. The proposed layout is now acceptable in design terms and the proposed planting is considered to complement the proposal and the wider site while remaining hardy and fit to last. Nevertheless, the provision of a more detailed drawing indicating all materials and detailed sections scaled 1:5 and 1:10 of the pavement and green areas has been recommended by condition.

6.3.48 As a relatively small scale development with a child yield of less than ten, there is no policy expectation under Local Plan policy LP50 that a dedicated area be provided for play space. It is also considered that the site constraints ensure that the provision of such space would not be practical in this instance.

6.3.49 It is noted that the west (Abney Park) facing ground floor units of the Cotton Exchange building have been constructed without any defensible space. The land directly in front of their windows was then sold to the applicants of the development here proposed and is within the red line boundary of this application. The result is that these existing single aspect units have, at present, a path directly in front of their habitable room windows. To alleviate this, the proposed landscaping includes planting beds to provide defensible space in front of the windows in question. The location of the proposed cycle storage, alongside the careful use of planting would also help create the desired defensible space for the existing occupants.

6.3.50 For these reasons, the proposed landscaping is considered to be well thought out and of a high standard, subject to the further details required by the recommended condition.

6.3.51 Digital Connectivity

6.3.52 The applicant has provided a note in connection with Hackney Local Plan policy LP11, confirming that the digital connectivity of the site will be ensured by fibre optic connections and infrastructure, including FTTP connections to every property. The scheme is considered appropriate in this regard and the applicant has agreed to a condition requiring an FTTP connection within every unit.

6.3.53 Summary

6.3.54 The elevational treatment on all sides has been refined over the process and the proposal in its current form is considered to constitute high quality design. The proposed boundary

treatment to the cemetery is considered appropriate in order to mitigate the impact of the proposal in heritage and ecology terms.

6.4 Impact to Amenity

6.4.1 London Plan policy D3 states that development should have regard to the form, character and function of an area, through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions and that they should deliver appropriate outlook, privacy and amenity. Policy D6 requires that the design of development should provide sufficient daylight and sunlight to new and surrounding housing that is appropriate for its context. Local Plan 2033 policy LP2 is concerned with the amenity of neighbouring occupants.

6.4.2 The application site features immediate site constraints. The refurbished factory building contains single aspect units facing the site. Immediately to the south Anita House is in use as a nursery. To the east No.191 Stoke Newington High Street backs on to the southernmost part of the scheme.

6.4.3 Daylight / Sunlight

6.4.4 The British Research Establishment (BRE) has produced guidance on assessing the impact of proposals on the daylight and sunlight received from adjoining properties. The daylight / sunlight report submitted with the application refers to the BRE guidance as a point of reference, and this guidance will be used to assess the impacts of the proposals.

6.4.5 BRE guidance needs to be applied with regard to the site context. Sunlight and daylight target criteria as found in the BRE guidance have been developed with lower density suburban situations in mind. In denser inner urban contexts, sunlight and daylight levels may struggle to meet these target criteria in both existing and proposed situations. The target criteria cannot therefore be required for dwellings in denser inner urban locations as a matter of course.

6.4.6 A submission has been made in relation to daylight and sunlight impacts. The report provides information on Vertical Sky Component (VSC), No Sky Line (NSL) and Annual Probable Sunlight Hours (APSH). The Vertical Sky Component assessment (VSC) is a measure of the amount of daylight available at the centre point to the external pane of a window. The BRE guide states “If any part of a new building or extension, measured in a vertical section perpendicular to a main window wall of an existing building, from the centre of the lowest window, subtends an angle of more than 25% to the horizontal, then the diffused daylighting of the existing building may be adversely affected. This will be the case if the Vertical Sky Component measured at the centre of an existing main window is less than 27% and less than 0.8 times its former value”.

6.4.7 The NSL shows points on the working plane (0.85m above floor level) which cannot see the sky. The BRE Guidance states a reduction of 20% or over in the area of an existing room that receives direct sunlight will be noticeable.

6.4.8 The BRE guidance recognises that sunlight is less important than daylight in the amenity of a room and is heavily influenced by orientation. North facing windows may receive sunlight on only a handful of occasions in a year and windows facing eastwards or westwards will

only receive sunlight for some of the day. In order for rooms to achieve good sunlight the BRE target criteria is that rooms should receive 25% of Annual Probable Sunlight Hours (APSH) in total, including 5% in winter. Where rooms receive less than the recommended APSH then the BRE guidance states that a reduction of more than 20% would be noticeable.

6.4.9 The following section considers the impact of the development on surrounding properties in light of this guidance

6.4.10 *Refurbished Factory (Cotton Exchange) building*

6.4.11 The west facing residential windows of the former factory currently look over a surface level car park to the boundary of Abney Park approximately 22m away. As a result they currently receive unimpeded daylight/sunlight at both ground floor and first floor level. The submitted results therefore describe the reduction from an unimpeded existing situation. Naturally, this is unusual for the surrounding context of an inner London District Town Centre, in which a tight urban grain, with infill and mews developments, forms the prevailing character.

6.4.12 The Cotton Exchange building was originally designed and used as a factory building. The consequent change of use of the majority of this building to residential accommodation was almost entirely carried out without planning permission, with the units created under the prior approval process, or via certificates of lawful use. As such, the many single aspect units that have been created in the building were not designed with planning policy in mind and have a 'bad neighbour' relationship to the prospective development of adjoining sites.

6.4.13 Out of 32 windows tested 21 fall short of the BRE guidelines for VSC. However, most of the windows that fall short still have a proposed condition of over 20%, which is deemed to be a reasonable amount of proposed daylight. Seven windows would have a VSC of less than 20% but none of these would have a VSC of less than 15%, which is considered acceptable for this location and not untypical of the surrounding urban context. It should also be noticed that 12 of the windows tested have improved VSC, in comparison to the previous consented scheme (2018/1510).

6.4.14 In terms of NSL, 12 out of the 24 rooms tested will see a noticeable impact. The existing level of daylight experienced in these rooms is good, which is to be expected given the current unobstructed view towards Abney Park. Therefore, while the percentage impact to NSL is significant in some cases, the retained level of daylighting is still considered to be acceptable for each room tested. It is also considered that the difference in NSL between the proposed scheme and the consented scheme under 2018/1510 is marginal in all cases (the range being between 90% to 104% of the approved values).

6.4.15 All windows tested pass APSH and it is considered that the existing residential accommodation would be adequately served by sunlight.

6.4.16 On balance, given the untypically high existing levels of daylight, it is considered that a proportion of noticeable daylighting impacts should be allowed. The proposal is considered to have an acceptable impact on the daylight and sunlight amenity of the future residents of these units.

6.4.17 Other Sites

6.4.18 Anita House contains a children's nursery, due south of the proposed development. It would not be overshadowed by the proposed building and, given the nature of the use and large dual aspect playrooms it is considered that the impact from the proposal would not be significant. No.191 Stoke Newington High Street is in residential use but directly faces only a narrow two storey frontage of the scheme, with the other storey set well back, so it too would not be significantly affected. Other surrounding buildings are sufficiently distant to ensure that they would not be significantly adversely affected.

6.4.19 The height and massing of the proposal near the boundary of Abney Park is adjacent to a wooded area and it is considered that a development of this scale would have no significant detrimental impact on the amenity of visitors to the cemetery in respect of overshadowing. In this respect, the findings of this report agree with the previous approvals on the site, which were of a similar height and massing.

6.4.20 In summary, the proposed daylight/sunlight impacts are deemed acceptable. The proposed development is deemed to meet the requirements of London Plan policy D3 and LP33 policy LP2.

6.4.21 Outlook, Privacy and Overlooking

6.4.22 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.

6.4.23 *Refurbished Factory (Cotton Exchange) Building*

The closest existing windows facing the site are 8.5m away in the new two-storey mews type development of the Cotton Exchange building. At the second floor level of the Cotton Exchange the massing is set back by a further 8.5m.

6.4.24 The proposal will undoubtedly enclose the view from the west facing windows, particularly at ground floor level. As previously mentioned, the change of use of the factory building was almost entirely carried out without planning permission, with the units created under the prior approval process, or via certificates of lawful use. As such, the many single aspect units that have been created in the building were not designed with planning policy in mind and have a 'bad neighbour' relationship to the proposed development site.

6.4.25 The extant surface level car park at the proposal site was subject of the, now approved, planning applications 2016/3179, prior to completion of the Cotton Exchange development and the occupants were able to consider for themselves the impact of development of this site prior to occupation. Subsequently planning application 2018/1510 was approved with a similar massing to the proposed development.

6.4.26 Mews living is not uncommon in the Stoke Newington District Centre and has proven popular. In comparison to the approved schemes the massing is similar and the conclusion of this report is that the reduction in outlook for the existing windows would not represent a significant loss of amenity for the residents of the west facing ground (and first) floor units of the former factory and would not represent a reason for refusal.

- 6.4.27 In terms of overlooking the proposed development provides obscure glazing on the windows of all the windows directly facing the Cotton Exchange building at ground and first floor levels. Other east facing windows at ground and first floor are chamfered so that direct views are not given of the Cotton Exchange properties.
- 6.4.28 At second floor the windows are not proposed to be obscured and this is in response to the massing of the Cotton Exchange, which is stepped back at second floor level to allow room for residential terraces, so that the second floor windows directly opposite are 17m away, rather than the 8.5m at ground and first floor.
- 6.4.29 During the course of the application the scheme has been amended so that the first floor east facing terraces are not accessible and would hold planters. Second floor terraces are elevated above the nearest windows of the Cotton Exchange and, as above, more distant from its windows on the second floor. As such, it is considered that they would not give rise to proximate or direct overlooking sufficient to warrant refusal of the application. No privacy screening is proposed or considered necessary for these terraces.
- 6.4.30 As a result of these arrangements, the proposal is considered to be acceptable in respect of overlooking.
- 6.4.31 *Anita House*
At each floor there are proposed south facing habitable room windows that would look towards Anita House, which has recently changed use to a nursery (2018/1956). Given the hours conditioned for the recent nursery approval (0730-1830 Mon-Fri), the nature of the use and the fact that outlook from the north facing windows of Anita House does not provide the sole outlook from the rooms concerned, it is considered that there would not be significant overlooking issues in respect of Anita House or the proposed residential units.
- 6.4.32 There are also terrace amenity spaces at first floor level in close proximity (3m at the closest point) to the north facing windows of Anita House. Privacy screens are proposed which would limit views from the first floor terrace to the second floor of Anita House, allowing only indirect and limited views. A condition on the nursery approval prevents the use of the Anita House north elevation fire escape stairs except in an emergency. There are two external play areas for the nursery children but these are already overlooked by existing development, as is to be expected in a built up inner city location such as this. In these respects, the proposal is therefore also considered to be acceptable in respect of overlooking to and from the development.
- 6.4.33 In respect of outlook, the proposed building would be at a height of four storeys 6.3m away from the north windows of Anita House. The single storey element of the proposed building is closer, 2m away, with a terrace above. Given the use of Anita House as a nursery along with the dual aspect nature of the rooms on its northern side, it is considered that the scheme would not cause a significant loss of outlook from the flank windows of Anita House.
- 6.4.34 From all other surrounding properties the proposal is sufficiently distant to ensure that neither outlook nor overlooking would be a significant issue.
- 6.4.35 The proposed development is deemed to meet the requirements of the Council's Local Plan 2033 policy LP2 and LP17, London Plan policies D3 and D6 and the Mayor's Housing SPG.

6.5 Transport

6.5.1 The application site is in an area with a PTAL accessibility rating of 6a (on a scale of 1a – 6b where 6b is the most accessible). The site is within walking distance from Stoke Newington and Rectory Road Overground stations and there are numerous bus services located within a short distance of the site. The site is located on a Transport for London red route and TfL have provided comment and require s278 works to remove a redundant crossover onto Stoke Newington High Street.

6.5.2 Car Parking

6.5.3 London Plan policies T1, T2 and T3 set out the Mayor's approach to active travel, public transport and healthy streets, requiring an appropriate balance to be struck between promoting new development and preventing excessive car parking that can undermine sustainable modes of transport. The highways surrounding the site are within CPZ zone C with parking restrictions in place Monday to Friday 0830-1730 and Saturday 0830-13:30. Parking and waiting on Stoke Newington High Street is restricted due to the requirement to keep traffic moving, this being an important bus route and north-south movement corridor.

6.5.4 The existing site is largely hoarded off but to the front of the Cotton Works development is a tarmacked area that is used for ad hoc car parking in a space that was not encompassed in the narrow permissions gained under the prior approval regime. This space will be landscaped as part of this development, removing the ad hoc parking entirely. The proposal provides 2 disabled car parking bays and a publically accessible Car Club space within the landscaped central space, each with an electric vehicle charging point. The residential development would be car free. This is in line with policy and would be controlled by the provisions of the legal agreement.

6.5.5 Cycle Parking

6.5.6 The development provides 59 residential cycle parking spaces at ground floor level in front of the mews building and at the northern part of the site, including three larger spaces. Two visitor cycle spaces are provided by a Sheffield Stand in the landscaped area to the front. The overall cycle parking provision meets both TfL and Hackney's cycle parking standards.

6.5.7 Servicing and Delivery Arrangements

6.5.8 Servicing would be on site close to the Wilmer Place entrance. In line with the advice from the Transport department, a Delivery and Servicing Plan is conditioned. The proposal is considered acceptable in this regard.

6.5.9 Construction Period

6.5.10 In order to ensure that the construction process is carried out with the minimum of disruption, to existing residents, neighbouring streets and Abney Park, compliance with the Construction Logistics and Management Plan and Construction Environmental Management Plan approved under recent approval of details applications (for 2016/3179) 2020/1151 and 2020/1152 and reproduced here, has been recommended by condition. A requirement to join the Considerate Constructors Scheme has also been included within the

legal agreement.

6.5.11 Highway Safety

6.5.12 An objection to the scheme states that there would be an impact to the safety of residents and users of Stoke Newington Church Street from increased levels of vehicular traffic onto Wilmer Place. As a car free scheme, motor vehicles accessing the site would be limited to deliveries and waste collection. An existing car park to the front of the Cotton Exchange would also be removed as a result of the landscaping. As such, it is considered that there would not be any significant detrimental impact on highway safety as a result of the development.

6.5.13 Highways Works

6.5.14 A public realm contribution of £20,000 is sought to off-set the impact of the development. This would mitigate the impact of the proposed development on the surrounding highways. The contribution is to be provided within the legal agreement.

6.5.15 There is a further requirement to reinstate the crossover along Stoke Newington High Street. In line with previous permissions, this has been agreed with TfL and has been recommended within the Heads of Terms for the legal agreement.

6.5.16 Transport Conclusions

6.5.17 Subject to conditions requiring details pursuant to cycle parking, a construction logistics plan, delivery service plan and a s278 for Highways Works to be carried out by TfL, along with a legal agreement for Car Free Development, the proposed development is deemed to meet the requirements of London Plan policies T1, T2, T3, T5, T6 and T7 and Local Plan 2033 policies PP1, LP42, LP43, LP44 and LP45.

6.6 Sustainability

6.6.1 London Plan policy SI 2 states major development proposals should be net zero-carbon. The building proposes to achieve 13% reductions at the be lean stage and a cumulative 56% at the be green stage. Subject to the recommended conditions, in respect of photovoltaic panels, air source heat pumps, air permeability, a living wall and a green roof, it is considered that the proposed development meets the requirements of London Plan policy SI 2. A further condition recommends that any insulation and refrigerant materials must have a low or zero Global Warming Potential (GWP) and Zero Ozone Depleting Potential (ODP). The legal agreement includes a cash in lieu contribution of £44,177 to off-set the remaining regulated carbon dioxide emissions of the development for a period of 30 years. For these reasons, the proposal is considered to be properly sustainable.

6.7 Waste Storage and Collection

6.7.1 New development in Hackney is expected to support the objectives of sustainable waste management.

6.7.2 The proposed waste arrangements provide a refuse, food waste and recycling store at ground floor level, as per the previous approval under 2018/1510. The Council's Waste

Strategy Officer has reviewed the proposal and has no objection. A refuse strategy condition is attached to secure details on how bins will be presented to (and returned from) the collection point. The proposed development is therefore deemed to meet LP33 policy LP57 (Waste).

6.8 Response to neighbour consultation

6.8.1 *It is not clear who will maintain the landscaping and green roofs.*

The recommended green roof condition requires maintenance by the owner of the site in perpetuity. The recommended landscaping condition requires that once full details of the landscaping are agreed, these are first installed and planted and then maintained for a period of ten years, allowing the plants to properly bed in and for any diseased trees or other elements to be replaced. After this ten year period, maintenance of the public realm would fall to the owner of the site in the usual manner, while the privately owned amenity space would be cared for by the occupants of the development.

6.9 Community Infrastructure Levy (CIL)

6.9.1 The Mayor of London has introduced MCIL2 to assist with the funding of Crossrail. In the case of developments within the London Borough of Hackney, MCIL2 is chargeable at a rate of £60 per square metre of development. The Mayoral CIL2 charge for this development is $2631\text{m}^2 \times £60 = £157,860.00$

6.9.2 The Hackney CIL Zone C charge for the residential development is £55 per square metre. The Hackney CIL charge is £144,705.00.

7. CONCLUSION

7.1 The proposed application for the erection of a part 2, 3 and 4 storey building providing thirty self-contained residential units, along with the landscaping of the site, is deemed acceptable.

7.2 The proposed development provides housing on this vacant, tarmacked site in a contemporary design that would connect it once more to the surrounding streets. In addition, the proposal would provide ten units of affordable housing and a Ways into Work financial contribution of £12,760.35 in this sustainable town centre location.

7.3 The proposed design is deemed to be of high quality and would create a welcoming mews to complement the redeveloped factory building. The proposal will not have any significant adverse impact on the setting of the adjacent listed Cemetery and would preserve the character of the Stoke Newington Conservation Area. It would respect the amenity of neighbouring occupants. A car free development promotes the use of sustainable modes of transport and the cycle parking provision is acceptable. The waste and recycling arrangements are also considered acceptable. A cash in lieu payment of £44,177 would off-set the remaining carbon dioxide emissions of the development.

7.4 On balance the proposal is deemed to comply with pertinent policies in the Hackney Local

Plan 2033 (2020), the policies of the London Plan (2021), and the NPPF for the reasons set out above. The granting of planning permission is recommended, subject to conditions, and the completion of a section 106 agreement.

8. RECOMMENDATIONS

Recommendation A

8.1.1 Development in accordance with plans

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

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

8.1.2 Time Limit

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

REASON: In order to comply with the provisions of the Town and Country Planning Act 1990 as amended.

8.1.3 Design details to be approved

Notwithstanding the details shown on the plans and documents hereby approved, the following details to consist of drawings scaled 1:10/1:20, a fully detailed materials sheet and material samples for all the visible parts of the scheme, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of above ground works. This shall include, but not be limited to, the following:

- Samples of bricks and mortar
- Sample of External Doors and Windows
- Sample of Balcony Railings
- Sample of Privacy Screening
- Sample of Obscure Glazing
- Sample of Low Transparency Glazing
- Sample of Aluminium Louvres
- Sample of Pedestrian and Vehicle block Paving
- Sample of Terrace decking
- Sample of Rainwater goods
- Sample of Timber cycle stores
- Technical detail drawings (scaled 1:5, 1:10 and 1:20) of walls and features, showing all joints and interface of materials, including doors and windows, sills, brickwork, balconies, balustrades, copper roof and parapets

The development shall not be carried out otherwise than in accordance with the details thus approved.

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

8.1.4 Landscaping details to be approved

Notwithstanding the details shown on the plans and documents hereby approved, the following details to consist of, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of above ground works:

- a) Drawings indicating all materials and detailed sections, scaled 1:5 and 1:10 of the pavement, green areas and the level of carriageway;
- b) 1:20 details of the boundary with Abney Park (with samples of the new elements including the trellis and railings shown on the 'Design Update Document - Response to Planners Comments' by Downen Farmer Architects dated September 2020 hereby approved),
- c) Details of the living wall on the northern end wall of the Mews;
- d) All trees and other planting showing location, species, type of stock and numbers of trees/plants;

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

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

8.1.5 No brick slip/cladding systems

No brick slip/cladding systems shall be used on the development hereby approved.

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

8.1.6 No PD rights

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended by any order revoking and re-enacting that Order with or without modification) no development within Schedule 2, Part 1, Class(es) AA, A, B, C, D, E, F, G and H or Schedule 2, Part 2, Class A to that Order shall be carried out without express planning permission from the Local Planning Authority or Secretary of State first being obtained.

REASON: To ensure a satisfactory appearance to the development and a high quality of design, preserve and enhance the character and appearance of the Stoke Newington Conservation Area, and safeguard the residential amenity of future occupiers of the development.

8.1.7 Public Realm Lighting Strategy

Prior to the commencement of the above ground works, a public realm lighting strategy is to be submitted and approved by the Local Planning Authority. The development shall not be carried out other than in accordance with the details thus approved.

REASON: To ensure safe and satisfactory living conditions for residents and visitors to the development and to protect biodiversity.

8.1.8 No extraneous pipework

No soil stacks, soil vent pipes, flues, ductwork or any other pipework shall be fixed to the elevations of the building other than as shown on the drawings hereby approved, unless otherwise agreed in writing by the Local Planning Authority.

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

8.1.9 Secure bicycle parking

Before the development is first occupied, space shall be made available for the secure and waterproof parking of 59 cycle stands, including 3 larger cycle spaces, plus a Sheffield Stand for visitors, as shown on drawing A100 hereby approved and an additional stand for cargo bicycle deliveries before the use is first commenced. The cycle parking spaces shall be retained in perpetuity thereafter.

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

8.1.10 Construction Management and Logistics Plan

The construction of the development shall take place in accordance with the measures identified within the documents (Construction Management and Construction Logistics Plan v4 by Art Form Project Management received from Oliver Eaves at Savills on 16/06/2020, Construction Environmental Management Plan Final v3.0 dated 27/05/2020 by Jomas Engineering Environmental and Air Quality Dust Impact Assessment & Management Plan Final v1.0 dated 27/05/2020 by Jomas Engineering Environmental) hereby approved.

REASON: In order to ensure that the development does not prejudice the amenity of adjoining occupiers.

8.1.11 Delivery Service Plan

A Delivery Service Plan (DSP) specifying delivery and servicing arrangements shall be submitted and agreed by the Local Planning Authority prior to the occupation of the development. Delivery and service arrangements shall thereafter take place in accordance with the measures identified within the DSP.

REASON: In order to ensure that the development does not prejudice the amenity of adjoining occupiers.

8.1.12 Contaminated Land: Compliance with Approved Documents

The development shall be carried out in accordance with the contaminated land documents hereby approved (Construction and Environmental Management Plan by Jomas Engineering Rev 3.0, Geo Environmental and Geotechnical Assessment (Geo-environmental & Geotechnical Assessment Ground Investigation Report v2.0 Final P27691939/SRC by Jomas Associates Ltd dated 29 April 2020, Remedial Strategy & Verification Plan Final v2.0 P27691939/SRC by Jomas Associates Ltd dated 29 April 2020),

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

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

8.1.13 Contaminated Land: Verification Report

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

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

8.1.14 Fire Strategy

The details and measures set out in the Fire Strategy Policy D12 Rev 2 document hereby approved shall be carried out in full and maintained to the satisfaction of the Local Planning Authority for the lifetime of the development.

REASON: To ensure that the measures outlined to mitigate the risks of fire remain part of the development as constructed.

8.1.15 Bio-diverse Roof

Notwithstanding the details shown on the plans and documents hereby approved detailed drawings/full particulars of the proposed development showing the matters set out below must be submitted to and approved by the Local Planning Authority, in writing, prior to occupation. The development shall not be carried out otherwise than in accordance with the details thus approved and shall be maintained throughout the lifespan of the development.

- a biodiverse, substrate-based extensive green/brown roof (with a minimum substrate depth of 100mm), including a detailed maintenance plan;

REASON: To enhance the character and ecology of the development, to provide undisturbed refuges for wildlife, to promote sustainable urban drainage, to enhance the performance and efficiency of the proposed building and assists in the meeting the Local Plan objective of reducing carbon emissions.

8.1.16 Sustainable Urban Drainage (and Maintenance)

No development shall commence, other than works of demolition until full detailed specification of the sustainable drainage system supported by appropriate calculations, construction details, drainage layout and a site-specific management and maintenance plan have been provided. Details shall include but not limited to the proposed green roof (with a substrate depth of at least 80mm not including vegetative mats), permeable paving, underground attenuation system and the flow control system, which shall be submitted and approved by the LPA in consultation with the LLFA. The development shall be carried out in accordance with the details thereby approved. Surface water from the site shall be managed according to the proposal referred to in the SuDS Drainage Statement (ref: SuDS Drainage Statement Draft 2 October 2020 by EAS) and the peak discharge rate from the site is restricted to 5.2 l/s.

REASON: To safeguard against flooding and pollution and to improve local biodiversity.

8.1.17 Refuse Strategy

Prior to occupation of the development hereby approved, a refuse strategy will be submitted to and approved in writing by the Local Planning Authority which provide details on how bins will be accessed from the bin store on collection days and to ensure a suitable split between waste and recycling provision. The use will be carried out in accordance with the details thereby approved.

REASON: To ensure satisfactory servicing and mitigate against pollution.

8.1.18 Piling Method Statement

No impact 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 impact on local underground sewerage utility infrastructure. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the details of the piling method statement.

8.1.19 Bird and Bat Box Provision

Prior to the occupation of the development at least 30 bird bricks and 2 bat bricks will be installed in the western elevation of the development, as shown on the "Wilmer Place Design Update Document - Response to Planners Comments by Downen Farmer Architects dated September 2020" document hereby approved.

REASON: To provide potential habitat for local wildlife, in line with the recommendations of the submitted habitat survey.

8.1.20 Anti-vibration mounts for air-conditioning/ condensing units & extraction equipment

The plant shall not operate unless it is supported on adequate proprietary anti-vibration mounts to prevent the structural transmission of vibration and regenerated noise within adjacent or adjoining premises, and these shall be so maintained thereafter.

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

8.1.21 Internal Noise Levels

All residential premises in the proposed development shall be designed in accordance with BS4142:2014 'Guidance on sound insulation and noise reduction for buildings' to attain the following internal noise levels:

Activity	Location	07.00 to 23.00	23.00 to 07.00
Resting	Living room	35 dB LAeq	None
Dining	Dining room/area	40 dB LAeq	None
Sleeping (daytime resting)	Bedroom	35 dB LAeq	30 dB LAeq

Before the first use of the residential premises hereby permitted a test shall be carried out prior to the discharge of this condition to show the standard of sound insulation required shall be met and the results submitted to the Local Planning Authority for approval.

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.

8.1.22 Noise from Plant and Equipment

The total noise level from fixed plant (internal or external) shall be 5dB(A) or more below the background noise level at any noise sensitive premises at all times. The equipment shall be installed and constructed in accordance with the approved scheme and be maintained thereafter.

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

8.1.23 Secure by Design

Prior to the first occupation of the building 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.

REASON: To ensure satisfactory living and working standards and safeguard against potential crime and anti-social behaviour.

8.1.24 Tree Protection: Foundations and Excavation:

No piling mats, foundations or excavation more than 0.5m beyond ground floor footprint where it would enter the Root Protection Area of any retained tree. Any postholes permitted in the RPA are to be sleeved to avoid leaching of cement.

REASON: To safeguard and protect neighbouring trees.

8.1.25 Tree Protection: Services

No services, trenches or soakaways to impinge on any Root Protection Areas unless expressly approved in writing with Local Planning Authority. Permission would need agreement on the precise location and method of installation.

REASON: To safeguard and protect retained trees.

8.1.26 Crossrail 2 safeguarding

None of the development hereby permitted shall be commenced until detailed design and construction method statements for all the ground floor structures, foundations and basements and for any other structures below ground level, including piling (temporary and permanent), have been submitted to and approved in writing by the Local Planning Authority which:

- (i) Accommodate the proposed location of the Crossrail 2 structures including tunnels, shafts and temporary works,
- (ii) Accommodate ground movement arising from the construction thereof,
- (iii) Mitigate the effects of noise and vibration arising from the operation of the Crossrail 2 railway within the tunnels and other structures.

The development shall be carried out in all respects in accordance with the design and method statements thereby approved. All structures and works comprised within the development hereby permitted which are required by paragraphs C1(i), (ii) and (iii) and of this condition shall be completed, in their entirety, before any part of the building is occupied.

REASON: The application relates to land within the limits of land subject to consultation by the Crossrail 2 Safeguarding Direction and this condition will ensure the safety of the proposed development in this regard.

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

Written schemes of investigation will need to be prepared and implemented by a suitably qualified professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This condition is exempt from deemed discharge under schedule 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.

REASON: To ensure the protection of any significant archaeological remains in this designated area of archaeological interest.

8.1.28 Air Quality Assessment

An Air Quality Assessment (AQA) covering the construction and operational phase, including an air quality neutral assessment, shall be submitted and agreed by the Local Planning Authority, prior to the commencement of the development. The construction shall thereafter take place in accordance with the measures identified within the AQA.

REASON: In order to ensure that the development does not prejudice the amenity of adjoining occupiers.

8.1.29 Non-Road Mobile Machinery

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

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

8.1.30 PV Array

Prior to occupation of the development hereby approved, a report by an accredited PV installer confirming that arrays of PV panels with capacity of 10kWp have been installed on the roof of the development shall be submitted to and approved in writing by the Local Planning Authority. The arrays thereby approved shall be maintained throughout the lifetime of the development unless otherwise approved in writing by the Local Planning Authority.

REASON: To ensure that the development is adequately sustainable and contribute towards local, regional and national commitments to a net-zero carbon emission future.

8.1.31 Air Permeability

Prior to occupation of the development hereby approved, a full air permeability test report confirming the development has achieved an average air permeability of 4 m³/h/m² at 50pa shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To enhance the performance and efficiency of the proposed building and assist in meeting the Local Plan 2033 objective of reducing carbon emissions.

8.1.32 Insulation and Refrigerant Materials

Any insulation and refrigerant materials used shall 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.

8.1.33 Air Source Heat Pumps

Full details of location of the condenser units from the Air Source Heat Pumps (ASHP) (or any other related fixed plant adopted), shall be submitted to and approved by the Local Planning Authority, in writing, before any above ground development commences. The ASHP thereby approved shall be maintained throughout the lifetime of the development unless otherwise approved in writing by the Local Planning Authority.

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

8.1.34 Accessible Dwellings M4 (3)

Three of the units hereby approved shall be completed in compliance with Building Regulations Optional Requirement Part M4 (3) 'wheelchair user dwellings' (or any subsequent replacement) prior to first occupation and shall be retained as such thereafter. Twenty two of the units hereby approved shall be completed in compliance with Building Regulations Optional Requirement Part M4 (2) 'accessible and adaptable dwellings' (or any subsequent replacement) prior to first occupation and shall be retained as such thereafter. All remaining dwellings shall shall be completed in compliance with Building Regulations Optional Requirement Part M4 (1) (visitable dwellings) (or any subsequent replacement) prior to first occupation and shall be retained as such thereafter.

REASON: To assist in meeting the Local Plan requirements to ensure the accessibility of dwellings and their ability to meet the needs of their users over time.

8.1.35 Digital Connectivity

The development shall not be occupied until fibre optic connections (FTTP) are installed within every residential unit hereby approved.

REASON: In order to ensure high quality and reliable communications infrastructure, to the benefit of economic growth and social well-being.

8.1.36 Boundary Treatment

The development shall not be occupied until the boundary with Abney Park has been

repaired and constructed in accordance with the drawing 'Design Update Document - Response to Planners Comments' by Downen Farmer Architects dated September 2020 hereby approved.

REASON: In order to ensure the appropriateness of the boundary treatment to the heritage asset of Abney Park.

8.1.37 Parking and Design Management Plan

A Parking Design and Management Plan should be submitted prior to occupation and approved by the Council indicating how the car parking will be designed and managed, with reference to Transport for London guidance on parking management and parking design. The development shall be carried out and managed in full accordance with the details thereby approved.

REASON: In order to ensure that the on-site car parking is designed and managed correctly, including the conversion of spaces if they should become redundant in the future.

Recommendation B

8.2 That the above recommendation is subject to completion of a legal agreement made pursuant to section 106 of the Town and Country Planning Act 1990 and any other enabling powers that secures the following matters to the satisfaction of the Head of Planning and the Director of Legal and Governance Services. The proposed Heads of Terms are as follows:

1. £20,000 for public realm improvements.
2. Future occupiers will not qualify for resident parking permits;
3. Apprenticeships – apprentices (residents of Hackney) in the various building trades such as brick laying, carpentry, electrical, plumbing and plastering and the new methods of construction. At least one full framework apprentice is to be employed per £2 Million of construction contract value;
4. Commitment to the Council's local labour and construction initiatives;
5. Considerate Constructor Scheme – the applicant to carry out all works in keeping with the National Considerate Constructor Scheme;
6. Payment by the landowner/developer of all the Council's legal and other relevant fees, disbursements and Value Added Tax in respect of the proposed negotiations and completion of the proposed Section 106 Agreement;
7. Ways into Work contribution of £12,760.35 for the Construction Phase;
8. Units 5 to 14, as shown on the plans hereby approved, shall be provided as Affordable Housing (7x LAR, 3x SO);
9. A payment in lieu towards Affordable Housing on implementation in the sum of £24,412;
10. Provision of 2x Disabled car parking spaces and 1x car club space, served by electric charging points, as shown on the landscape plan hereby approved;
11. Contribution towards car club membership;
12. £25,000 contribution towards works on the boundary wall with Abney Park Cemetery;

13. The development shall not be occupied until a Scheme of Highway Improvement Works necessary to serve this development, including the removal of the existing vehicle crossover to Stoke Newington High Street, has been submitted to and approved in writing by Transport for London and completed in full. The cost is £5000;
14. A cash in lieu contribution to off-set to 100% the remaining regulated carbon dioxide emissions is £44,177.

Recommendation C

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

9. INFORMATIVES

A reason for approval is required quoting all the Core Strategy, Development Management Local Plan, draft Hackney Local Plan 2033 and London Plan policies listed at section 5 of this report. In addition the following informatives should be added:

- SI.1 Building Control
- SI.2 Work Affecting Public Highway
- SI.3 Sanitary, Ventilation and Drainage Arrangements
- SI.6 Control of Pollution (Clean Air, Noise, etc.)
- SI.7 Hours of Building Works
- SI.24 Naming and Numbering
- SI.27 Fire Precautions Act
- SI.28 Refuse Storage and Disposal Arrangements
- SI.34 Landscaping
- SI.45 The Construction (Design & Management) Regulations 1994

Non-Standard: 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.nw@met.police.uk or 0208 733 3465.

Non-Standard: Transport for London is prepared to provide information about the proposed location of the Crossrail 2 tunnels and structures. It will supply guidelines about the design and location of third party structures in relation to the proposed tunnels, ground movement arising from the construction of the tunnels and noise and vibration arising from the construction and use of the tunnels. Applicants are encouraged to discuss these guidelines with the Crossrail 2 engineer in the course of preparing detailed design and method statements.

Non-Standard: 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 on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

Non-Standard: Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

Non-Standard: To undertake the works to the crossover on Stoke Newington High Street you will need to enter into an agreement under Section 278 of the Highways Act 1980 with TfL.

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

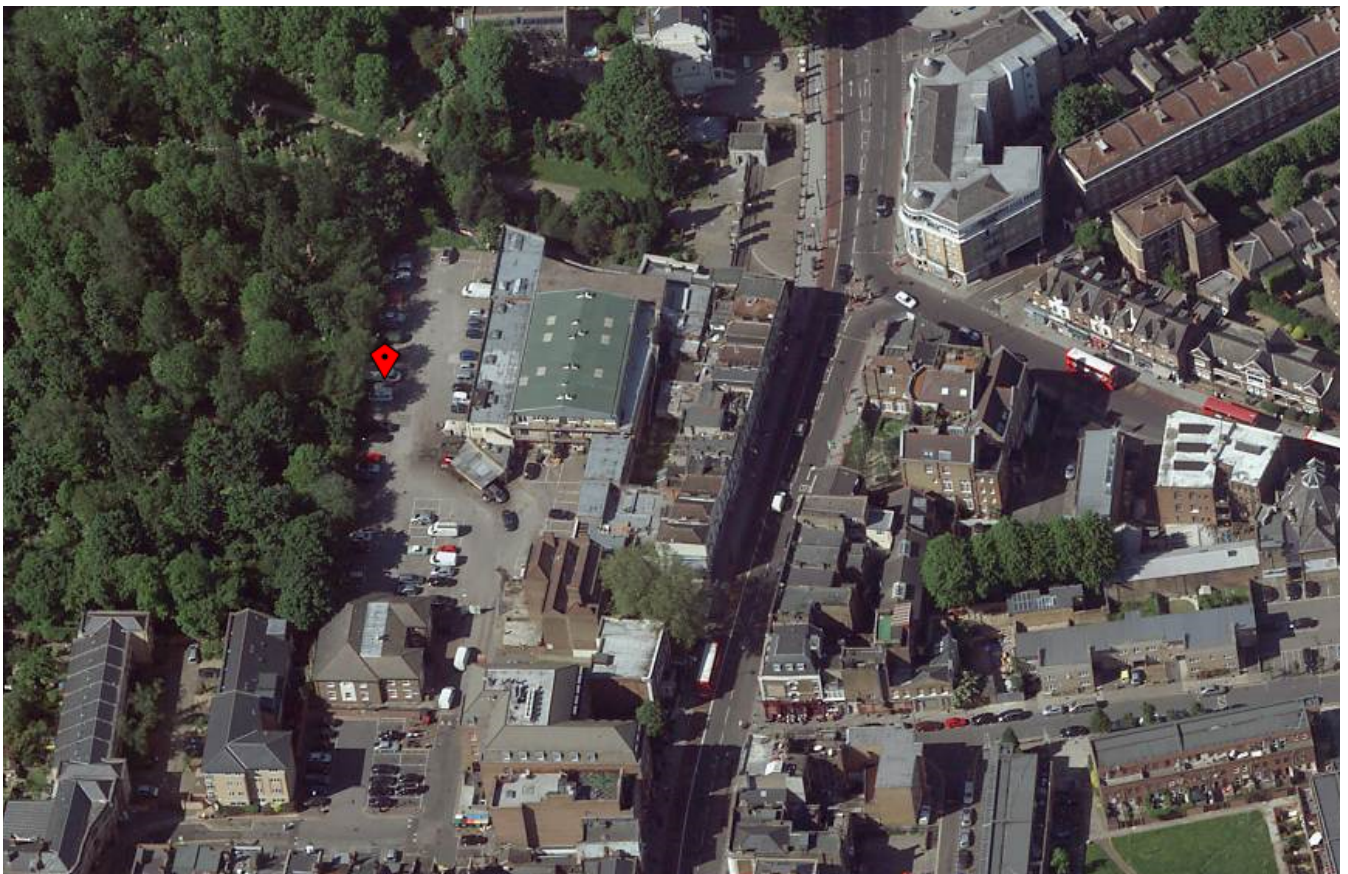
Aled Richards

Director of Public Realm, London Borough of Hackney

NO.	BACKGROUND PAPERS	NAME/DESIGNATION AND TELEPHONE EXTENSION OF ORIGINAL COPY	LOCATION CONTACT OFFICER
1.	Application documents and LBH policies/guidance referred to in this report are available for inspection on the Council's website. Policy/guidance from other authorities/bodies referred to in this report are available for inspection on the website of the relevant authorities/bodies	Nick Bovaird X8291	2 Hillman Street, London E8 1FB

	<p>Other background papers referred to in this report are available for inspection upon request to the officer named in this section.</p> <p>All documents that are material to the preparation of this report are referenced in the report</p>		
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Site Photographs



Aerial view 2011:



View towards site from Wilmer Place public car park, with listed building No.190 in foreground.



Looking south towards public carpark, showing existing tarmac space with ad hoc parking:



Listed buildings (left) and Anita House (right) to south of site:



South of site looking towards Stoke Newington High Street and showing space to be landscaped:



West elevation of Cotton Exchange (former factory building):



Aerial view of site with Abney Park main paths visible.



Side elevation of Anita House (currently vacant):