

ADDRESSES: 3 Mandeville Street, Hackney, London, E5 0DH	
WARD: Kings Park	REPORT AUTHOR: Barry Coughlan
APPLICATION NUMBERS: 2021/2341	VALID DATE: 02/08/2021
DRAWING NUMBERS: 0001 P02, 0002 P02, 0100 P02, 0101 P02, 0102 P02, 0200 P02, 0201 P02, 0202 P02, 1000 P02, 1001 P02, 1002 P02, 1003 P02, 1004 P02, 1005 P02, 1006 P02, 1007 P02, 1008 P02.1, 1009 P02.1, 1200 P02.1, 1201 P02, 1202 P02.1, 1251 P02, 1252 P02, 1300 P02, 1305 P02.1, 2000 P02, 2001 P02, 2002 P02, 2003 P02, 2004 P02, 2005 P02, 2006 P02, 777-FH-RP-02-Urban-Greening-Factor, 777-FH-XX-01-DP-L-101 P4,	
DOCUMENTS: Adjusted Roof Cores Doc Jan 2022, Fire Strategy Statement 19.07.2021, EA Response Oct 2021, Fire Statement Form, Planning Statement July 2021, Design and Access Statement July 2021, Financial Viability Assessment July 2021, Landscaping Proposal July 2021, Affordable Housing Statement July 2021, Flood Risk Assessment & Drainage Strategy Report July 2021, Transport Assessment July 2021, Travel Plan July 2021, Daylight/Sunlight Assessment July 2021, Statement of Community Involvement July 2021, Energy Strategy and Sustainability Report July 2021, Biodiversity Survey July 2021, Land Contamination Assessment July 2021, Tree Survey July 2021, Arboricultural Impact Assessment July 2021, Air Quality Assessment July 2021	
APPLICANT: Pocket Living	AGENT: CMA Planning

PROPOSAL:

Demolition of existing building and erection of an 8 storey mixed-use building comprising commercial and/or community floorspace (use classes E/F2) and 46 residential units with associated cycle parking and refuse and recycling facilities

RECOMMENDATION SUMMARY:

Approve conditional planning permission subject to conditions and legal agreement.

POST-SUBMISSION AMENDMENTS:

There have been minor design amendments at roof level post-submission in order to address officer feedback. Some additional information has also been submitted in relation to fire safety and urban greening factor. The extent of the changes and additional information is such that it is not considered to warrant a re-consultation. The information is available to view on the Council's website at the time of report publication.

REASON FOR REFERRAL TO PLANNING SUB-COMMITTEE:

Major application	Yes
Substantial level of objections received	
Council's own application	
Other (in accordance with the Planning Sub-Committee Terms of Reference)	

ANALYSIS INFORMATION
ZONING DESIGNATION:

(Yes)

(No)

CPZ	X	
Conservation Area		X
Listed Building (Statutory)		X
Listed Building (Local)		X
Local Shopping Centre		X
CAZ		X
PEA		X

EXISTING LAND USE DETAILS

LAND USE	USE DESCRIPTION	GIA (SQM)
E	Doctors Surgery	416
TOTAL		416

PROPOSED AMENDED LAND USE DETAILS FOR THE MAIN APPLICATION

LAND USE	USE DESCRIPTION	GIA (SQM)
C3	Residential	1,895
E/F2	Flexible/Community Use	103
TOTAL		3,836

RESIDENTIAL MIX:

Unit size	No. of units	Overall provision (%)
1 Bed 1 Person	43	93%
2 Bed	3	7%
Total	46	100%

TENURE MIX:

Tenure	Unit Size	No of units	Proportion
Discounted Market Sale	1 bed 1 person	43	
	2 bed	0	
	3 bed +	0	
	Total	43	
Market Sale	1 bed 2p	0	
	2 beds 4p	3	
	3 beds 5p	0	
	Total	3	
Total		46	100%

PARKING DETAILS:

	Parking Spaces (General)	Parking Spaces (Disabled)	Bicycle storage
Existing	4	0	0
Proposed	0	0	64

CASE OFFICER'S REPORT

1. SITE AND CONTEXT

- 1.1 The site lies at the junction of Rushmore Road and Mandeville Street and is currently occupied by the vacant Sorsby Health Centre. The health centre is part one and part two storey building. Access to the building is currently via Rushmore Road. Vehicular access for servicing and refuse collection is via an unnamed road to the north. There is currently car parking space on the site in front of the health centre on Mandeville Street. There are 2 large street trees outside the health centre on Rushmore Road.
- 1.2 The surrounding area is characterised by high density residential development, predominantly post war housing of between 2 and 8 storeys. Directly to the west, adjoining the rear of the health centre, is the 7-storey Wharfedale Court. The 6-storey Kirkstead Court fronting Mandeville Street is to the north, and the 3-storey Ladybower Court along with the locally listed former Glyn Arms pub (vacant) lie to the south. On the opposite side of Mandeville Street, to the east, are three storey residential properties. There are primary schools in the surrounding area and local amenities including shops and a post office on Rushmore Road. The River Lea and Hackney Marshes are nearby to the east and Millfields Park to the north west.
- 1.3 The site is not located within a conservation area, a Priority Employment Area or a Town Centre.

2. CONSERVATION IMPLICATIONS

- 2.1 The site is not located within a Conservation Area. The nearest Conservation Area is the Lea Bridge Conservation Area which is approx. 400m to the north west. The nearest listed building is Mandeville Primary School 150m to the north. The adjacent former Glyn Arms is locally listed.

3. HISTORY

- 3.1 Application No: 2012/3115
Decision Date: 03/05/13
Decision Status: Granted
Development Description: Erection of single storey ground floor side extension and external alterations, including new entrance canopy and signage with matching new powder coated window surrounds; extension of existing parapet by 300mm with retrofit roof insulation and new roof and provision of 6 new bicycle stands.
- 3.2 Application No: 2003/2184
Decision Date: 13/01/04
Decision Status: Granted

Development Description: Erection of roof extensions at first floor level and re-organisation of existing internal layout of health centre at ground and first floor levels; four car parking spaces to be retained as existing.

- 3.3 Application No: 2003/1026
Decision Date: N/A
Decision Status: Withdrawn
Development Description: Erection of roof extensions at first floor level, and re-organization of existing internal layout of health centre at ground and first floor levels together with 2 new car parking spaces.

4. CONSULTATIONS

4.1 Date initial statutory consultation period started: 27/08/2021

4.2 Date Statutory Consultation Period ended: 01/10/2021

4.3 Site Notices were placed near the sites and a notice was placed in the local press

4.4 Neighbours

4.4.1 In addition to site and press notices, 187 notification letters were sent to nearby occupiers notifying them of the application. In response to these consultations a total of 57 supports have been received from nearby occupiers/interested parties.

4.4.2 The grounds of support can be summarised as follows:

- Housing in the borough is unaffordable to key workers. The discounted homes will help more people to put down roots in the borough and would price c.14,000 key workers in Hackney into homeownership.

The principles raised in the responses above are considered to have been addressed within the main body of the report unless otherwise noted.

4.5 Local Groups / Other Consultees

Hackney Society

4.5.1 Whilst broadly supportive of the tenure concept, we are anxious that, as a rule, such tenure proposals are exceptional and do not inflate property prices by creating smaller units that are unsuitable for those residents who eventually live there. We take comfort from the developer's experience and commitment to mitigating those risks and their commitment to do so in perpetuity. The LPA should, however, continue to consider if there are other innovative measures (such as covenants and agreements) that might further protect the purpose of these homes in the long term, and make it clear that tenures of this type should be the exception and not the norm. As to design,

unless it is very well detailed, and built to a very high standard, the building runs the risk of being both bland and poor quality. In particular the ground floor design would benefit from a clearer design dialogue with the pub rather than its other neighbours, and a more defined entrance.

Hackney Swifts

- 4.5.2 We welcome the proactive inclusion of green roofs, bat boxes and insect habitat as shown in the Landscape Proposal Details section 4.5 Ecological Enhancements. We request that planting is a biodiverse type in accordance with the Hackney Local Plan, and that further detail is provided to show the measures are in an appropriate location, e.g. bat boxes in a sunny location.

Three sparrows boxes are shown on the three new trees which on the GA Plan are stated as "TBC subject to underground service scan", and anyway there is very little value for sparrow boxes in immature trees which will provide little cover, and are a short term measure - not in line with the LP47 policy D measure for building mounted nest and/ or roost spaces.

As this building is in area where swifts (on the RSPB amber list due to rapidly declining numbers) are currently nesting and will potentially nest, we therefore request that a significant number of integrated swift nestbox bricks or boxes, reflecting the relatively large size of the development in this location, 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 ensure a gain for local biodiversity, in line with Hackney Council's guidance on this issue (Biodiversity Action Plan and Local Plan), and NPPF 2019.

Metropolitan Police Designing Out Crime Team

- 4.5.3 No response received.

4.6 Statutory Consultees

Thames Water

- 4.6.1 No objection subject to informatives

Fire Brigade

- 4.6.2 No response received.

Environment Agency

- 4.6.3 Following the submission of additional information, no objections made.

Health and Safety Executive

4.6.4 Following the submission of additional information, no objections made.

4.7 Council Departments

Environmental Services

Air Quality

4.7.1 No objections subject to conditions.

Noise Pollution

4.7.2 No objection subject to conditions.

Traffic and Transportation

4.7.3 No objection subject to conditions and the securing of contributions/obligations by way of legal agreement (detailed further below).

Drainage

4.7.4 No objections subject to conditions.

Waste Management

4.7.5 No objections subject to conditions.

Building Control

4.7.7 No objections in relation to Fire Safety..

5 Relevant Planning Policy

5.1 Local Plan LP33 (2020)

- LP1 Design Quality and Local Character
- LP2 Development and Amenity
- LP4 Non Designated Heritage Assets
- LP6 Archaeology
- LP8 Social and Community Infrastructure
- LP9 Health and Wellbeing
- LP11 Utilities and Digital Connectivity Infrastructure
- LP12 Meeting Housing Needs and Locations for New Homes
- LP13 Affordable Housing
- LP14 Dwelling Size Mix
- LP17 Housing Design
- LP24 Preventing the Loss of Housing
- LP31 Local Jobs, Skills and Training
- LP41 Liveable Neighbourhoods

- LP42 Walking and Cycling
- LP43 Transport and Development
- LP44 Public Transport and Infrastructure
- LP45 Parking and Car Free Development
- LP46 Protection and Enhancement of Green Infrastructure
- LP47 Biodiversity and Sites of Importance of Nature Conservation
- LP48 New Open Space
- LP50 Play Space
- LP51 Tree Management and Landscaping
- LP53 Water and Flooding
- LP54 Overheating and Adapting to Climate Change
- LP55 Mitigating Climate Change
- LP56 Decentralised Energy Networks
- 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
- GG5 Growing a good economy
- SD10 Strategic and local regeneration
- 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
- D12 Fire safety
- D14 Noise
- H1 Increasing housing supply
- H2 Small sites
- H4 Delivering affordable housing
- H5 Threshold approach to applications
- H8 Affordable housing tenure
- H10 Housing size mix
- S1 Developing London's social infrastructure
- S4 Play and informal recreation
- 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 8 Waste capacity and net waste self-sufficiency
- SI 13 Sustainable drainage
- 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
- T7 Deliveries, servicing and construction
- T9 Funding transport infrastructure through planning

5.3 Strategic Policy Guidance

Accessible London: achieving an inclusive environment SPG
The Control of Dust and Emissions during Construction
Character and Context
Use of Planning Obligations in the funding of Crossrail and the Mayoral Infrastructure Levy
Play and Informal Recreation SPG
Planning for Equality and Diversity in London
GLA Housing SPG
Affordable Housing and Viability SPG
Social Infrastructure SPG
The Mayor's Transport Strategy
Planning and Access for Disabled People: a good practice guide (ODPM)
Mayor's Climate Change Adaptation Strategy
Mayor's Climate Change Mitigation and Energy Strategy
Hackney S106 Planning Contributions SPD
Hackney Public Realm SPD
Hackney Sustainable Design and Construction SPD
Hackney Child Friendly SPD

5.4 National Policy

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

6.0 COMMENT

Description of Proposal

- 6.0.1 The proposal is to demolish the existing building and erect an 8 storey mixed-use development comprising a flexible/community use at ground floor level and 46 residential units along with associated cycle parking and refuse storage.
- 6.0.2 The proposed building would be seven storeys in height on its principal elevations with a set back eighth storey. The core would be expressed vertically on the northern elevation and rises to provide access to the communal roof terrace. The roof level is to be landscaped and would include pergola structures along with some roof plant. The plan form of the building is roughly rectangular in shape with a chamfered edge on the corner of Rushmore Road and Mandeville Street.
- 6.0.3 The existing building on site is the former Sorsby Medical Centre which is currently vacant but comprises 416sqm of Use Class E(e) floorspace. The proposed development would provide 103sqm of flexible Class E/F2 (Commercial, Business and Service/Local Community and Learning) floorspace at ground floor level. The ground floor would also accommodate access to the residential floors above, cycle and waste storage along with a substation and plant. An active frontage would be provided to the flexible unit at ground floor level.
- 6.0.3 The proposal would provide 46 units of residential accommodation on the upper floors of the building, 43 of which would be 1 bed, 1 person dwellings at first to sixth floor level with 3 x 2 bedroom units provided at seventh floor level. The 1 bed, 1 person units are to be provided as 'pocket units' which are discounted market sale units targeted towards key workers living in the borough. The three 2 bed units are to be provided for market sale.

Considerations

The principal material planning considerations relevant to this application are as follows:

- 6.1 Principle of Land Use;
- 6.2 Design, Appearance and impact upon Heritage Assets;
- 6.3 Standard of Residential Accommodation;
- 6.4 Traffic and Transportation;
- 6.5 Energy and Carbon Emissions;
- 6.6 Environmental Impact upon Nearby Occupiers;
- 6.7 Trees, Landscape and Biodiversity;
- 6.8 Other Planning Matters;
- 6.9 Community Infrastructure Levy/Legal Agreement

Each of these considerations is discussed in turn below.

6.1 The Principle of the Land Use

Loss of Healthcare Facility

- 6.1.1 The proposal seeks to demolish the Sorsby Health Centre and provide a flexible Class E/F2 use at the ground floor with residential above. The existing building comprises 416sqm of Use Class E(e) (health centre) space and the proposal is to provide 103sqm of flexible Class E/F2 (Commercial, Business and Service/Local Community and Learning) floorspace
- 6.1.2 Policy LP8 seeks to protect existing social and community facilities such as health centres, stating that their loss will only be permitted where either a replacement facility is provided or 'it has been demonstrated, as evidenced by at least a year of active marketing, that the facility is no longer required in its current use and it has been demonstrated that it is not suitable and viable for any other forms of social infrastructure for which there is a defined need in the locality, or for which there is a current or future need identified in the Infrastructure Needs Assessment and Delivery Plan' (LP8 part Dii).
- 6.1.3 The submission documents include evidence which seeks to demonstrate that the GP surgery is no longer required. This includes a letter from the City and Hackney Client Commissioning Group which states that the Lower Clapton Group Practice, who previously ran the GP practice, ceased to provide services from the site in June 2019 and that the health centre has been vacant since then. The reason for vacating the site was primarily that the premises, which were built in the 1970s, were no longer considered suitable for the ongoing provision of high quality primary care and needed significant refurbishment and updating to meet current NHS building guidance.
- 6.1.4 The City and Hackney CCG marketed the site for eight months as part of an open procurement exercise but was unable to find an alternative provider and subsequently disposed of the site. All former patients have since registered with different local practices, of which there are a number in the locality including the Lower Clapton Health Centre and Kingsmead Health Centre, amongst others. It is therefore accepted by the Council that the Sorsby health centre is no longer required.
- 6.1.5 Further to demonstrating that the former use is no longer required, Policy LP8 (part Dii) requires consideration of the provision of an alternative community use for which there is a defined need in the locality. The application submission includes an assessment of nearby social infrastructure uses which concludes that there are 21 facilities within a 1.5m radius of the site. This includes 7 health and fitness centres, 6 community halls and 10 nurseries, many of which are located within close proximity to the site.
- 6.1.6 Whilst this demonstrates that there is a significant provision of social infrastructure uses locally, consultation with the Council's Area Regeneration Team has found that many local community hall facilities are in poor condition

and in need of investment. As such, while there is not necessarily a need for the re-provision of a social infrastructure use upon the site, it is considered appropriate that the proposal should make a contribution towards social infrastructure in the area. This would help offset the loss of social infrastructure arising from the proposal and provide much needed investment to existing local community facilities.

- 6.1.7 Through negotiation with the applicant and Area Regeneration officers, a figure of £100,000 has been arrived at which it is recommended be secured by legal agreement. This figure is considered appropriate in terms of providing a meaningful contribution towards improvements in social infrastructure locally and proportionate in terms of mitigating the loss of social infrastructure (given that the health care centre use is no longer needed and the extent of alternative social infrastructure uses in the area).
- 6.1.8 Notwithstanding the above, the proposal would provide 103sqm of space on site that could accommodate a social infrastructure use with Class E or Class F which encompass Health Centre, Nursery and community hall uses as well as office or retail uses. A condition is recommended requiring the submission of a marketing strategy for this space in order to help ensure it becomes occupied and provides the site with an active frontage, and also to ensure that marketing includes potential social infrastructure occupiers.
- 6.1.9 Based on the lack of need for a health centre use, the proposed use being able to accommodate an alternative social infrastructure use and the provision of £100,000 toward the improvement of existing social infrastructure uses in the area, the loss of the social infrastructure floor space that would arise from the proposal is considered acceptable.

Principle of Residential Use

- 6.1.10 Local Plan policy LP12 supports the supply of residential uses as part of development proposals and sets a target for the delivery of 1,330 homes per year for the life of the plan. Part C of the policy also states that infill housing development and innovative approaches to housing delivery on small sites will be supported subject to meeting other development plan policies. London Plan policy H1 also promotes housing supply, including on public-owned sites.
- 6.1.11 The proposal would provide 46 units of residential accommodation within a predominantly residential area. The proposal would also represent infill development which optimises housing delivery on brownfield land. As such, the principle of a residential use at the development sites is considered acceptable and is supported by the above-mentioned policies.
- 6.1.12 London Plan policy D3 promotes the optimisation of site capacity through a site-specific, design-led approach. This includes a consideration of transport connectivity, local character and built form and the appropriateness of location and design in terms of preserving amenity. The proposal is considered to be of a design, massing and location that would optimise site capacity (discussed in

further detail below). The proposal is therefore considered acceptable in terms of the density of residential units proposed.

Affordable Housing Policy

6.1.13 London Plan policy H4 sets a strategic target of 50% of units within new developments to be provided as genuinely affordable housing. Policy H5 sets a threshold level where development providing more than 35% of units as affordable housing are not required to provide a viability assessment as part of the 'Fast Track' approach. Part D of the policy states that developments which provide 75 per cent or more affordable housing may follow the Fast Track Route where the tenure mix is acceptable to the borough or the Mayor where relevant.

6.1.14 Local Plan policy LP13 seeks a minimum of 50% of housing within development schemes with 10 units or more to be delivered on site as genuinely affordable housing. Affordable housing should be provided with a tenure split of 60% Social Rent/London Affordable Rent and 40% Hackney/London Living Rent or London Shared Ownership or other genuinely affordable Products that the Council considers appropriate. Schemes which meet or exceed these thresholds do not require a viability assessment. Other affordable housing tenure to those outlined in B1.iv will be permitted where it can be demonstrated to be genuinely affordable relative to local ward level incomes.

Pocket Living

6.1.15 The applicant is Pocket Living. The Pocket Living model provides 1 bed 1 person (studio) units as a discounted market sale product where homes are for sale at 80% of local market prices. The homes all exceed the minimum space standards for 1 bed 1 person (studio) units set out in the Nationally Described Space Standards but are below that required of 1 bed 2 person dwellings. The discount is applied against a valuation of the open market value of the units based on a comparison with recently sold, new-build 1 bedroom units in the local area, which would include larger 1 bed 2 person units.

6.1.16 Pocket Living units are eligible to purchasers who are first time buyers who either live or work in the borough and who earn a moderate income which is below the Mayor of London's income for affordable housing. The Mayor's current income threshold for discounted market sale homes is currently set at £90K as set out in the GLA's latest AMR. The Pocket model requires the discount to be passed on to future purchasers, ensuring that the units remain for discounted market sale in perpetuity. The model has support from the GLA's Housing Team which provides a revolving loan facility to the developer in order to deliver a portfolio of Pocket Living homes across the city.

6.1.17 There are two other Pocket Living schemes in Hackney - one at Marcon Place (planning ref 2013/0125) and one at Rosina Street (planning ref 2014/2591) .

The principle of this type of accommodation has therefore been acceptable in Hackney previously as it has been acknowledged to provide a useful contribution to the overall housing offer in the borough, meeting the needs of 'middle income' earners who earn above the income thresholds for social housing, but not enough to purchase a market home.

Tenure

6.1.18 The proposal is for 43 of the 46 homes to be provided for sale at 80% of market value and 3 homes to be provided at market value. Homes for sale at 80% of market value would constitute Affordable Housing as per the definition at Annex 2 of the NPPF:

'housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers); and which complies with one or more of the following definitions:

c) Discounted market sales housing: that sold at a discount of at least 20% below local market value. Eligibility is determined with regard to local incomes and local house prices. Provisions should be in place to ensure housing remains at a discount for future eligible households.

6.1.19 However, whilst Pocket Homes would comply with the NPPF definition of affordable housing, given that market values in this part of Hackney are already high, a 20% discount against these values is not considered to represent genuinely affordable housing as per LP33 policy LP13.

6.1.20 Hackney's definition of genuinely affordable housing comprises a mix of Social / London Affordable Rent and Hackney / London Living Rent or London Shared Ownership at the levels outlined at 6.1.14 above. It is based on Hackney's Housing Need Assessment which shows that the borough has an overwhelming need for additional social rented, family sized homes. It is noted that part 1iii of policy LP13 does allow some flexibility, stating that other types of affordable housing tenures will be considered if they can be demonstrated to be 'genuinely' affordable housing. However, in this case the discounted market sale units are not considered to be genuinely affordable for the reason set out above. Moreover, the proposal would not provide a tenure mix which complies with that set out in LP13.

Pocket vs Conventional Affordable Housing

6.1.21 Given that relevant local plan policy has changed since the last pocket schemes in the borough were considered acceptable by the Council, with the emphasis now put on genuine affordability at a local level, a viability exercise has been undertaken in order to ascertain whether the scheme should be supported in comparison with a more conventional affordable housing offer on the site.

6.1.22 An alternative scenario has been modelled which considers a scheme with the

same massing/floorspace but with a policy-compliant housing size mix. The alternative scheme would provide 33 units within the same building envelope, as opposed to the 46 to be provided on site in the pocket offer, but with one third of units provided as three bedroom, family-sized units. Given the constraints of the site, where accommodating a second core within the floor plan would not be feasible without adversely harming the deliverability of the scheme, the alternative scenario tested the extent of on site shared ownership units that could be provided or the amount of any payment in lieu of on-site affordable housing rather than the provision of a policy compliant tenure split which included on site social rented units.

6.1.23 The assessment showed that a conventional scheme would not provide any affordable housing units on site and would, in fact, run a deficit of £500,000 (and therefore could also not provide a contribution toward off-site affordable housing).

6.1.24 Although the pocket units would not constitute ‘genuinely’ affordable housing as defined in Hackney’s Local Plan, they still represent a form of affordable housing as per the NPPF definition. The units are also targeted towards key workers and, given the size of the units, would be affordable to those who earn between £42,000-£90,000 rather than just those who are at the upper end of GLA’s eligibility bracket, as is often the case. On this basis, the delivery of 43 discounted market sale units on site is considered preferable to the delivery of no on-site affordable housing.

6.1.25 It should be noted that the Council’s Housing Regeneration Team have previously explored the acquisition of the site with a view to redevelopment as residential. Due the constraints of the site and the strategic objective to provide policy compliant on-site affordable housing as part of the Council’s home building programme, the acquisition of the site was not pursued as it was not deemed economically feasible. It is understood that a number of Registered Social Housing Providers were also approached to redevelop the site but did not pursue its acquisition. This gives further support to the principle of providing ‘pocket’ units on site as the smaller unit sizes allow the delivery of a scheme with a substantial on-site provision of affordable housing, albeit in a tenure that is not deemed genuinely affordable.

6.1.26 Based on the above, the principle of providing discounted market sale ‘pocket’ units on this site can be supported and would represent a better outcome than a more conventional housing scheme in terms of housing affordability.

Financial Viability Assessment

6.1.27 Whilst the principle of providing Pocket units on site can be supported, the scheme would still not be fully policy compliant in relation to Local Plan policy LP12 in terms of genuine affordability and the proposed tenure type. The proposal also includes the provision of 3 market sale units (9% per habitable room), rather than being comprised solely of Pocket units. As such, the financial viability of the proposal must be assessed to determine whether the

maximum reasonable amount of affordable housing has been provided.

6.1.28 The viability assessment initially submitted by the applicant showed a considerable deficit but stated that the scheme was still being brought forward as it was part of a portfolio approach across the city with certain delivery targets needing to be met in order to satisfy GLA funding requirements.

6.1.29 The Council's surveyor considered the information submitted and identified a number of areas of disagreement including, but not limited to, the approach used in relation to benchmark land value, the costs of construction and the level of profit to be applied to the pocket units, alongside matters such as professional fees and the length of the projected sales period. Based on the Council's initial assessment the scheme produced a surplus which could be allocated to off-site affordable housing.

6.1.30 Following extensive negotiation, agreement has been reached on a number of key viability inputs including construction costs. However, a number of areas of disagreement remain, most notably in relation to the profit to be applied to the pocket units.

6.1.31 It is the applicant's position that the risk profile of the pocket units is such that they should have a profit level of 17.5% on Gross Development Value. Ordinarily, affordable housing products have a profit level in the region of 6% on GDV to reflect the reduced risk of providing a tenure type that would either be purchased by a registered social housing provider early in the construction process or sold/let at a discounted market rate. The 17.5% profit proposed by the applicant is more commonly associated with market sale units which generally have profit levels that range between 15-20%.

6.1.32 It is the position of the Council's surveyor that a reduced profit level should be applied to the pocket units to reflect the fact that they are provided at a discount to market levels and would therefore be in higher demand than market sale units and also that they benefit from a favourable funding arrangement from the GLA. An alternative profit level of 10% has been proposed which is based on an analysis of schemes delivered elsewhere by Pocket and reflects the fact that, while the units may be riskier than a typical affordable product, they are certainly less risky than market sale.

6.1.33 Notwithstanding the application of a 10% profit level on the pocket units, along with a Benchmark Land Value which does not apply a premium to the Existing Use Value of the site, the assessment undertaken by the Council's surveyor now produces a small deficit of £4,851. This is principally due to the distance between respective Quantity Surveyors on construction costs being reduced significantly.

6.1.34 The applicant maintains that a higher profit level should be applied to the pocket units and, based on the assumptions within their most recent appraisal, claim that the scheme runs a deficit of c£800,000. However, given that the scheme runs a deficit in both scenarios, it is considered to have been

acceptably demonstrated that the maximum reasonable amount of affordable housing has been provided.

Housing Mix

6.1.35 Local Plan policy LP14 states that the preferred dwelling mix in the social rented/London affordable rent tenure is 30-34% 1 bed units, 30-34% two bed and 33-36% as 3+ bed. For the intermediate tenure, the preferred mix is for 15-25% of units to be 3+ bed, with a higher proportion of 2 bed than 1 beds. The preferred mix for market sale units is 33% 3+ bed, also with a higher proportion of 2 bed than 1 beds.

6.1.36 The Pocket Living model is aimed primarily at single occupiers, which is the reason for the high proportion of one-bed units. Whilst the proposed dwelling size mix does not comply with policy, part C of policy LP14 states that variations to the preferred dwelling size mix may be permitted if this can be justified based on the tenures and type of housing proposed, site location, area's characteristics, design constraints, scheme viability and the ability of potential occupiers to afford the homes proposed.

6.1.37 The application submission includes an assessment of existing household sizes in the area surrounding the site. This shows that the number of family sized dwellings is considerably higher in the Kings Park Ward than the borough average (71% of units as opposed to an average of 47% in the borough). The number of one bedroom dwellings is also lower than the London average (8% as opposed to 10% in London).

6.1.38 An analysis of the need for one bedroom one person units has also been undertaken which takes into account the affordability of such units for first time buyers, the eligibility criteria which will favour key workers in the Hackney area and the need for key worker housing in this area which is located close to Homerton Hospital and a number of schools.

6.1.39 Overall, and based on the assessment above in relation to the delivery of a conventional scheme on the site and the fact that the units would be provided at a discount against market value, the proposed housing mix is considered to be acceptable in relation to LP14.

6.2 Design, Appearance and Impact upon Heritage Assets

Context

6.2.1 The scheme has been through a series of design workshops and improvements were sought in the form of a greater separation gap from the adjacent Wharfedale Court, along with revisions to the rooftop pavilion to reduce its prominence. The provision of 2 residential lifts was also secured instead of the originally proposed single lift. Given the low sensitivity of the area in townscape and heritage terms and the general acceptability of the scheme's design at the pre-application stage, the proposal was not seen by

the Design Review Panel.

Demolition

- 6.2.2 The existing part single, part two storey brick building is a former doctor's surgery, which dates from the 1970s and is contemporary with the residential blocks to the north and west. The building is of no particular architectural merit and poorly defines the corner. There are no objections to the building's demolition.

Scale, Height & Massing

- 6.2.3 The height of buildings immediately north and west of the site is in the range of 6 - 7 storeys, whilst the scale to the south and east is lower at 2 - 4 storeys. The proposed building, at 7 storeys with a setback eighth floor, is considered to be an appropriate response to the site that is in keeping with the height of buildings within this block. The 7 storey massing lines through with the adjacent Wharfedale Court to the west and maintains an appropriate separation gap, whilst the top floor provides a crown to the building that defines its corner position. The scale change with lower buildings to the south and east is considered acceptable and similar changes in scale are already common within the area. The proposed massing strategy is therefore considered to be appropriate for the site and is supported.

Architecture, Elevations & Materials

- 6.2.4 The architecture is solid and contemporary with rational, well ordered facades. The building comprises a defined ground floor in brown brick with a lighter red brick to the upper floors. The top floor is well setback in a lighter, buff brick with a celebratory, rooftop pavilion that incorporates attractive, arched openings. The fenestration is simple and well ordered with light green frames to the residential floors and a darker green to the ground floor openings, which references the green tiles of the adjacent former pub. The palette of materials is considered to be high quality and in keeping with the local context. Details of materials, including samples will be secured by condition.

Impact on Heritage Assets

- 6.2.5 There are two heritage assets within the immediate vicinity of the site and the impact of the proposals on the setting of these assets has been assessed accordingly:

1 Mandeville Street (Former Glyn Arms PH) - Locally Listed

- 6.2.6 This building is a non-designated heritage asset and is located immediately south of the site. The building is a two-storey, late Victorian former pub with an attractive glazed green tile frontage. The setting of this pub has changed considerably since it was first built and today comprises mainly post-war development within the range of 3 - 7 storeys. This includes the existing 7

storey Wharfedale Court, which is located approximately 20m to the north west of the asset.

- 6.2.7 The proposed building will be separated by around 8 metres at its closest point and this is considered to cause some harm to the building's setting. However, this harm is assessed as being 'less than substantial' and given the presence of similar height buildings within the vicinity, this harm is at the lower end of the scale. Consideration has been given to paragraph 202 of the NPPF and the harm is considered to be considerably outweighed by the overall enhancement that this high quality scheme brings to a rundown corner site, along with the provision of additional housing which assists in meeting local need. The proposal is therefore considered to satisfy the NPPF test.

Mandeville Primary School - Grade II Listed

- 6.2.8 This building is a 3 storey, Victorian school, which is located approximately 125 metres north of the site. Given the considerable separation distance and presence of intervening buildings, no harm has been identified to the setting of this asset.

Internal Layouts

- 6.2.9 The scheme includes a well-defined entrance on Rushmore Street along with a generous lobby and access to 2 residential lifts. On the upper residential floors, units are dual aspect where possible. There are a total of 7 north facing units, which have a separation of at least 8 metres with the block to the north and partly overlook an open courtyard. They are also shallow in plan to allow for light penetration. All units are designed to the Pocket Homes model, which exceed the national standards and are considered to provide an acceptable standard of accommodation. All 2 bedroom homes have access to a private amenity space

Conclusion

- 6.2.10 These proposals represent a significant enhancement to a rundown corner site. The scale and massing is consistent with existing buildings within the context and the top floor creates a crown that defines the corner well. The architecture is solid and contemporary with well ordered facades and complementary materials that are in keeping with the local context. Whilst some harm is identified to the setting of the former pub to the south (locally listed), this is considered to be 'less than substantial' and at the lower end of the scale. The proposals provide an acceptable standard of accommodation, a high quality landscaped roof terrace and also ensure that existing street trees are retained. The low level harm identified is considerably outweighed by the public benefits that will arise from the overall enhancement of this rundown site along with the provision of housing, thereby satisfying the test in paragraph 202 of the NPPF. The proposals are considered to be acceptable in design and heritage terms, subject to appropriate conditions.

6.3 Standard of Residential Accommodation

- 6.3.1 The Mayor of London's Housing SPG provides guidance on the standards for all new residential development within London. Local Plan policy LP17 states that new housing in Hackney should comply with the London Plan and Mayor's Housing SPG. This includes criteria such as minimum space standards and access to private amenity space.
- 6.3.2 All the units within the proposed development meet the minimum size standards set out in the Mayor's Housing SPG and the Nationally Described Space Standards for 1b1p units and 2b3p units respectively. The 1b1p units are designed to the Pocket Homes model, which are considered to provide an acceptable standard of accommodation for the particular housing need they aim to satisfy. All 2 bedroom homes have access to a private amenity space.
- 6.3.3 The scheme includes a well-defined entrance on Rushmore Street along with a generous lobby and access to 2 residential lifts. On the upper residential floors, units are dual aspect where possible. There are a total of 7 north facing units, which have a separation of at least 8 metres with the block to the north and partly overlook an open courtyard. They are also shallow in plan to allow for light penetration.
- 6.3.4 The submitted Daylight/Sunlight report indicates that all of the units within the development will receive a BRE compliant level of internal daylight. 88% of the rooms meet recommended sunlight levels. The four rooms that fall below the standard are north facing and are provided with a secondary aspect to the south. Overall access to daylight/sunlight and outlook are considered to be of an acceptable quality.

6.4 Traffic and Transportation

Surrounding Highways and Transport Network

- 6.4.1 The applicant has submitted a Transport Statement (TS) as part of the application which has been carefully reviewed. The TS outlines that the site is located on the northwest corner of the junction between Mandeville Street and Rushmore Road.
- 6.4.2 Mandeville Street is a two-way carriageway which operates in broadly in a north/south orientation between Millfields Road to the north and Daubeney Road to the south. Rushmore Road lies in a broadly east/west orientation providing access to the retail and residential units situated adjacent to the site.
- 6.4.3 The site is located within Parking Zone N¹. There are marked parking spaces on Mandeville Street which are resident permit holder only where restrictions apply Monday – Friday, between 07.30am – 6:30pm.
- 6.4.4 The Public Transport Accessibility Level (PTAL) of the site is rated as 1b (on a

¹ <https://hackney.gov.uk/parking-zones>

scale of 1-6b, where 6b is the most accessible). Homerton Station is located 1.4km south of the site which provides access to the London Overground network. There are bus stops on Mandeville Street within a 1-minute walk. These stops are served by bus route 242 (and N242) which provides routes between Homerton and Aldgate.

- 6.4.5 As the TS outlines, the application site is in relatively close proximity to a number of fixed Car Club bays. These are located on Glynn Road, Chelmer Road and Essex Wharf.

Trip Generation

- 6.4.6 The applicant has provided traffic generation data as part of the TS. This outlines that it has not been possible to undertake a travel survey at the existing site as the building is currently not in use.
- 6.4.7 Trip Generation data for the existing site has been generated by using the Trip Rate Information Computer System (TRICS). This provides comparable transport data from similar land uses to estimate a total number of trips. For the existing land use, between 07:00 - 19:00 hours, 287 two-way trips are estimated across all modes of transport (consisting of 143 arrivals and 144 departures).
- 6.4.8 For the application site, between 07:00 - 19:00 hours, 327 two-way trips are estimated across all modes of transport (consisting of 148 arrivals and 179 departures). The TS does not include a section that outlines the net trip generation increase. Based on these figures, the application site is assumed to represent a net increase of 40 trips between 07:00 - 19:00 hours.
- 6.4.9 The TS includes data from the 2011 Census to predict the trip distribution by mode of transport for trips to work. This outlines that the majority of trips will be made by sustainable modes of transport. The applicant has revised down the number of trips via private cars. In the Census data this was shown to be 19%. The applicant has revised this figure to 2% owing to the car free development.
- 6.4.10 The submitted traffic generation assessment predicts a relatively small increase in the overall trips to and from the application site. It is important to note that a number of assumptions and adjustments have been made to the trip generation data that may underestimate the overall number of private vehicle trips.
- 6.4.11 The use of the 2011 Census to show the modal split for the application site is relatively outdated. The data is focused on trips to work - rather than car ownership or use per se. Additionally, the data may underestimate the recent decrease in public transport patronage that can be attributed to the Covid-19 pandemic. These factors highlight the importance of implementing a well managed travel plan to reduce private vehicle use and dependency (see below).

Car Parking

- 6.4.12 The scheme is proposed to be car-free which is supported by the London Plan and LP33. This states that to reduce car usage and promote active travel, all new developments in the borough must be car-free (see policy LP45 for further details).
- 6.4.13 As outlined above, the application site is located within Parking Zone N. The operational hours of the Parking Zone are Monday to Friday between 07:30 to 6:30pm.
- 6.4.14 A CPZ exclusion to restrict parking permits being issued is recommended for all users of the proposed site (except those with a blue badge). This should be done in the shape of a condition, secured via a legal agreement.

Blue Badge Spaces

- 6.4.15 LP33 states that disabled parking should be provided in accordance with the London Plan². The London Plan states that all developments irrespective of their size must provide at least one disabled parking space.
- 6.4.16 The TS outlines that the closest disabled parking spaces are located on Mandeville Street and Pedro Street. The applicant has proposed the installation of 2 on street Blue Badge parking bays. One of the bays is proposed to be installed with an active Electric Vehicle Charging Point (EVCP). The other is proposed to have a passive connection for an EVCP to be installed if required (see below).
- 6.4.17 The provision of EVCP infrastructure is supported by the Council. Local Plan policy LP45 states that contributions will be required for on-street provision of electric vehicle and other low emission vehicle infrastructure.
- 6.4.18 As the provision is proposed on the public highway, a contribution is sought for the installation of 1 active EVCP and a passive connection for the other charging bay.
- 6.4.19 Owing to the importance of providing policy compliant, accessible disabled car parking spaces, the funded conversion of 2 disabled parking bays prior to occupation is supported. This will ensure that residents, employees or visitors are not discouraged or discriminated against when considering the application site as a place to work, reside or visit in Hackney.
- 6.4.20 The spaces should be located as close as possible to the entrance areas as possible. This should be under 50 metres. The use of the public highway may be deemed appropriate for the parking bay(s) to be installed, subject to discussions with the Council's Parking Services team.

² <https://hackney.gov.uk/lp33>

6.4.21 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. A contribution of £6,500 is also required to be secured via s106 legal agreement for the installation of a single electric vehicle charging point for the disabled parking provision.

Cycle Parking

6.4.22 Hackney Policies LP41, LP42 and LP43 in LP33 highlight the importance of new developments making sufficient provisions to facilitate and encourage movements by sustainable transport means. Local Plan 2033 policy LP42 requires that cycle parking shall be secure, accessible, convenient, and weatherproof and will include an adequate level of parking suitable for accessible cycles, tricycles and cargo bikes. Two-tier cycle parking is generally not supported.

6.4.23 Local Plan policy requires that 1 cycle parking space is required per dwelling up to 45sqm, while for dwellings above 45 sqm, 2 cycle parking spaces should be provided, with 1 additional visitor space per 10 bed spaces.

6.4.24 Based on these policy requirements, 63 Cycle Parking spaces are required for the residential aspect of the scheme. The application proposes a total of 64 spaces. 62 of these spaces are proposed within the building and 2 spaces are proposed outside the building within the redline boundary.

6.4.25 The TS outlines that 75% of cycle parking spaces are proposed as two-tier racks, 20% as Sheffield Stands with standard spacing and 5% of Sheffield stands with wider spacing in accordance with the London Cycle Design Standards (LCDS).

6.4.26 Two-tier cycle parking is generally not supported owing to the policies outlined above. Any element of two-tier cycle parking will be required to meet the minimum space and quality requirements, including: a minimum aisle width of 2500mm beyond the lowered frame is required to allow cycles to be turned and loaded. An overall aisle width of 3500mm should ideally be provided where there are racks on either side of the aisle, though this may limit the density advantages of two tier stands. The minimum height requirement is 2600mm. Two tier stands should be provided with mechanisms that help lifting such as springs or gas struts. It is essential that side bars or similar be incorporated in the design on both the lower and upper tiers to allow the frame and at least one wheel to be secured. It is recommended that further details in relation to cycle parking be secured by condition.

6.4.27 The Cycle Parking design should include consideration of the personal security of those accessing the compound, including lighting, CCTV and visibility in the compound. Additional detail relating to security measures and deterrents including controlled access and CCTV provision are required by condition.

Electrically Vehicle Charging Points

6.4.28 Although a car-free development is recommended/ supported, it is recognised that there may be some need for occasional vehicle use. To encourage occupants to travel by sustainable modes, a contribution towards the introduction of an Electric Vehicle Car Club (EVCC) is sought. The estimated cost of this is £10,000.

6.4.29 Car club membership and driving credit should be offered to all residents of the development. This would discourage the use of private vehicles on occasions when the use of a vehicle cannot be avoided. All future residents should be provided with the equivalent of £60 free members and or driving credit to a registered car club provider. A contribution of £10,000 is also required to be secured via s106 legal agreement to install an electric vehicle charger to facilitate an electric car club in close proximity to the development site.

Travel Plan

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

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

6.4.32 The full Travel Plan will be required to be produced and implemented on occupation of the development. This will be secured through the s106 legal agreement inclusive of financial contribution towards the monitoring of the Travel Plan of £2,000.

Construction Logistics Plan

6.4.33 Given the nature and location of the proposed development a Construction Logistics Plan (CLP) is required to mitigate the negative impact on the surrounding highway network. To effectively monitor the final CLP the base fee of £8,750 is recommended to be secured via the s106 legal agreement.

Urban Realm, s278 Highway works and S106

6.4.34 In accordance with Local Plan policies, new developments and their

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

associated transport systems should contribute towards transforming Hackney's places and streets into one of the most attractive and liveable neighbourhoods in London (see Local Plan 33 policies LP41 - 45 for further details).

6.4.35 Developments are required to manage demand through the introduction of measures to prioritise the needs of pedestrians, cyclists and public transport users. Highways works, transport mitigation measures and other S106 transport mitigation measures may be sought based on the final application and transport state. The estimated cost of the s278 highway works in this case is £37,792 which it is recommended be secured in the legal agreement.

6.5 Energy and Carbon Emissions

6.5.1 LP33 policy LP55 Mitigating Climate Change, and London Plan policies SI2, SI3 and SI4 require all new developments to mitigate the impact of climate change through design which minimises exposure to the effects, and technologies which maximise sustainability. Policy LP55 states that all residential development should meet a zero carbon emissions rate and that non-residential developments must achieve the BREEAM 'Excellent' rating (or an equivalent rating under any other system which may replace it) and where possible achieve the maximum number of water credits, and must be built to be zero-carbon. Where it can be robustly demonstrated that it is not possible to reduce CO₂ emissions on-site by the specified levels, carbon off-setting payments will be required and secured via legal agreement.

Energy Assessment

6.5.2 The energy statement has presented the strategies adopted to minimise greenhouse gas emissions to comply with London and Hackney planning policies. The energy hierarchy has successfully been applied and the development achieves a 57% reduction beyond Part L1A 2013. This is above the current target of achieving 35% reductions beyond baseline Part L, but falls behind the 'zero carbon' target of Hackney local and London plans. Both plans also indicate that domestic buildings should aim to achieve 10% CO₂ emission reductions over the baseline model at the 'be lean' stage alone. The assessment predicts a saving of 9% beyond part L baseline at the 'be lean' stage, which is considered acceptable.

6.5.3 Any shortfall to the net zero carbon policy is to be offset off-site through a cash-in-lieu contribution. The price per tonne CO₂ to offset contributions is £95 as per the Planning Contributions SPD. Therefore for a total regulated carbon emissions of circa 15.91 tonnes of CO₂ per annum there is an expected contribution of £45,343 to be made to the Council's Carbon Offset Fund.

6.5.4 The energy assessment indicates that the development is not located near any existing district heat network. However, future proofing of access to DHN is to be provided to allow the opportunity to connect to a near-by compatible

heat network, should one become available in the near future. It is recommended that this be secured by condition.

Sustainability assessment

- 6.5.5 The sustainability assessment submitted is comprehensive and addresses various spheres of sustainable development. The proposals within are acceptable and promote sustainable strategies and solutions that satisfy national and local policies. Specific measures include natural ventilation with openable windows in dual or triple aspect dwellings, sustainable urban drainage, rain water harvesting, a car free development, encouraging active travel, the re-use of existing materials where feasible and embracing the circular economy principles.
- 6.5.6 The development proposes some enhancements of the green infrastructure. Site proposals contribute to a positive net gain in biodiversity. The Urban Greening Factor, estimated at 0.41, exceeds the local plan requirement of 0.4 for domestic development.
- 6.5.7 Although policy LP55 requires a BREEAM excellent rating for non-domestic uses, given the size of the commercial unit in this case, a BREEAM excellent rating is not considered to be required.
- 6.5.8 Based on the above, and subject to further conditions in relation to Air Permeability, Living Roof, plant noise and materials, the proposal is considered acceptable in terms of sustainability.

6.6 Amenity of Nearby Occupiers

Daylight/Sunlight

- 6.6.1 A daylight/sunlight assessment has been submitted in line with the methodology set out in the BRE report “Site Layout Planning for Daylight and Sunlight – A Good Practice Guide (2011)”.
- 6.6.2 When assessing daylight to existing properties, the primary methods of measurement are vertical sky component (VSC); and No Sky Line (NSL).
- 6.6.3 The BRE Report sets out two guidelines for vertical sky component:
- a) If the vertical sky component at the centre of the existing window exceeds 27% with the new development in place, then enough sky light should still be reaching the existing window
 - b) If the vertical sky component within the new development is both less than 27% and less than 0.8 times its former value, then the reduction in daylight will appear noticeable to the occupants and more of the room will appear more dimly lit
- 6.6.4 The BRE Report also gives guidance on the distribution of light in existing buildings, based on the areas of the working plane which can receive direct

skylight before and after. If this area is reduced to less than 0.8 times its value before, then the distribution of light in the room is likely to be adversely affected, and more of the room will appear poorly lit. This is referred to as the No Sky Line (NSL) analysis.

- 6.6.5 For sunlight, the primary method of measurement is annual probable sunlight hours (APSH) to windows of main habitable rooms of neighbouring properties that face within 90° of due south. If a point at the centre of a window can receive more than one quarter of APSH, including at least 5% of APSH in the winter months, then the room should still receive enough sunlight. If these percentages are not met and the reduction in APSH is more than 20% of its former value, then the loss of sunlight will be noticeable.
- 6.6.6 For shadow assessment, the requirement is that a garden or amenity area with a requirement for sunlight should have at least 50% of its area receiving 2 hours of sunlight on 21 March.
- 6.6.7 It is important to note that the BRE guidelines are generally based on a suburban rather than inner urban model and acknowledge that a higher degree of obstruction may be unavoidable in densely developed or historic areas. As such, some flexibility against BRE standards is appropriate, as suggested in paragraph 1.6 of the BRE guidance.
- 6.6.8 Based on the methodology set out in BRE guidance a number of properties have been identified for assessment. These have been grouped together in the analysis into frontages, as set out below:
- Wharfedale Court
 - Kirkstead Court
 - Sunnyhill Close
 - 40-68 Mandeville Street
 - The Glyn Arms Pub (Upper floors)

Wharfedale Court

- 6.6.9 All of the habitable rooms assessed for VSC and NRL at this property comply with BRE guidance. There are three windows located on the eastern elevation which currently overlook the roof of the medical centre and would be impacted by the development. However, these windows all serve circulation space within units with their principal aspects to the north and south. The proposed development has been set back from the east elevation of Wharfedale Court and upper levels in order to provide a 'lightwell' to these windows thereby allowing them to maintain some natural light. There are no units within this block which would be affected in terms of loss of sunlight. Overall, the impact of the proposal upon the daylight/sunlight at this building is considered to be within acceptable limits.

Kirkstead Court

6.6.10 There are no windows/rooms in the block which require assessment for daylight or sunlight as per BRE guidance. The only windows which face the site and would be affected by the development serve communal stairs so do not require assessment.

Sunnyhill Close

6.6.11 Three of the windows assessed at this property fall short of BRE guidance with a reduction in VSC of 40%, 30% and 26% respectively compared to the existing situation. The 40% transgression is at ground floor level within a room with a second window which maintains a good level of daylight and passes BRE guidance in terms of daylight distribution. The other two transgressions are at first floor level and are more marginal while also still meeting BRE guidance in terms of daylight distribution. All of the windows will meet BRE guidance in relation to sunlight. Overall, the impact of the proposal upon the daylight/sunlight at this building is considered to be within acceptable limits.

40-68 Mandeville Street

6.6.12 All of the windows assessed at this building fully comply with BRE guidance in terms of daylight and sunlight.

The Glyn Arms

6.6.13 4 of the windows assessed for VSC at this building experience reductions in excess of BRE guidance. Two of these windows serve living spaces with a second window and the mean VSC for the room complies with BRE guidance. The other two windows serve kitchens/bathrooms. In each case the retained VSC levels are above 15 which is considered reasonable in an urban area. All rooms assessed pass the relevant tests for daylight distribution and sunlight. Overall, the impact of the proposal upon the daylight/sunlight at this building is considered to be within acceptable limits.

Privacy and Sense of Enclosure

6.6.14 The relationship between the proposed development and the residential windows of adjacent residential units is considered to be such that there would not be an unacceptable impact upon privacy or an increased sense of enclosure. Those windows most affected are separated from the site by a highway where some degree of direct overlooking is expected. The massing is similar to that at other nearby blocks and the distances between buildings is such that there would not be an unacceptable overbearing impact.

Amenity impact during construction

6.6.15 Whilst it is noted that some nearby residential windows are in close proximity to the site and would be affected by amenity impacts of construction, the impact would be temporary and must be considered alongside the long term benefits of the scheme. As such, the impacts would not be such that this

would warrant a refusal of the application. It is recommended that a condition be attached requiring the submission of a Demolition Construction Management Plan in order to ensure that the environmental impacts of construction are effectively mitigated. Subject to such a condition, which would also cover construction logistics, the impact of the construction of the proposed development upon neighbouring occupiers is considered likely to be within acceptable limits.

Noise and Disturbance

6.6.16 The likely noise impact from the proposed use, including the roof terrace, are considered to be limited and would not create an unacceptable noise impact. In terms of the noise from plant associated with the use, it is recommended that a condition be attached requiring noise from plant to not exceed background noise.

6.7 Trees, Landscaping and Biodiversity

Trees, Landscaping and Open Space

6.7.1 Residents have access to 228sqm of communal open space at rooftop level, which will have high quality planting, seating areas and views across to Hackney Marshes. The roof terrace planting meets the 0.4 Urban Greening Factor Target and full details of landscaping and planting will be secured by condition.

6.7.2 Whilst this space is of a high quality, based the formula in Local Plan policy LP48 and the likely residential yield of the development (which has been adjusted to reflect the 1 bed 1 person nature of the units), a development of this size should provide 728sqm of open space. As such, the shortfall should be offset with a contribution towards open space in the local area. Based on the formula in LP48 this contribution would be £57,385 and should be secured by legal agreement.

6.7.3 At ground level, two trees are located to the south of the site. These are a Tree of Heaven, which is classed as C2 (low quality) and a Norway Maple, which is B2 (moderate quality). The Arboricultural Impact Assessment and Method Statement sets out that these trees can be retained and includes details of the protection needed, which will be secured by condition.

6.7.4 In relation to play space, Local Plan policy LP50 requires on-site provision in developments with a child yield of 10 or more. In this case, due to the high number of 1 bed 1 person units on site, the child yield would be 3.1. There is therefore no need to provide on-site child play space.

Biodiversity

6.7.5 The site is considered to have negligible potential to support protected species and to generally be of low ecological value. A condition is

recommended requiring the installation of bat and bird boxes as part of the development in order to enhance ecology at the site. Subject to such a condition, the proposal is considered acceptable in terms of biodiversity.

6.8 Other Planning Matters

Waste

- 6.8.1 The proposed development is considered capable of providing adequate storage of waste, subject to a condition requiring further details.

Land and Air Pollution

- 6.8.2 The council's Land Pollution officer has raised no concern with the proposal subject to conditions.
- 6.8.3 The submitted Air Quality Assessment has been assessed and is considered to be acceptable.

Flood Risk/Drainage

- 6.8.4 The Council's Drainage Officer has raised no objection subject to conditions in relation to Sustainable Urban Drainage and Drainage Management. Thames Water have also raised no objection to the proposal subject to informatives. It is noted that the Environment Agency initially raised an objection to the proposal in relation to flood risk but this has since been withdrawn following the submission of additional information by the applicant.

Fire Safety

- 6.8.5 The Fire Strategy that has been submitted with the application has been assessed by the Council's Building Control Team and no objection has been raised. The concerns raised by the Health and Safety executive when the application was initially consulted on have now been addressed following the submission of additional information in relation to fire safety.

6.9 Legal Agreement and Community Infrastructure

Legal Agreement

- 6.9.1 Details of likely contributions and other planning obligations have been prepared in line with the Council's SPD on Planning Contributions (2020), and the relevant regulations (Community Infrastructure Levy Regulations 2010) and the resulting level of contributions and Heads of Terms for the legal agreement are detailed at Recommendation B below.
- 6.9.2 A contribution of £100,000 should be secured in order to fund improvements to social infrastructure uses in the surrounding area.

- 6.9.3 An obligation requiring the provision of 43 residential units as discounted market sale units in perpetuity. The homes are only available to people who do not own a home and in the first instance live and/or work in the borough and have a household income below the mayoral income threshold for Intermediate Housing. The homes are to be sold at a discount of 20% below local market value.
- 6.9.4 A contribution of £37,791 towards Highways Works, as set out in the transport section above, should be secured. A car club contribution is also required for credit equalling a minimum monetary value of £60 per new residential unit made available, to the first occupant of each new residential unit, as a contribution towards their car club membership fee and/ or driving credit. An electric charging point contribution of £6,500 is also required along with an electric vehicle car club contribution of £10,000. A CPZ exclusion to restrict parking permits for users of the building is also recommended. A requirement to submit a Travel Plan should also be secured alongside a £2,000 monitoring fee. A Construction Management Plan monitoring fee of £8,750 is also sought.
- 6.9.5 In addition, the legal agreement should include measures regarding apprentices and local labour during construction and a commitment to carry out all works in keeping with the National Considerate Contractor Scheme as per the requirements of the Planning Contributions SPD for a development of this size and nature. The proposal also qualifies for contributions towards training and support for local employment during the construction and end use phases of the development. Based on the formula set out in the Planning Contributions SPD, the Ways into Work contribution for the development would be £12,123.
- 6.9.6 The legal agreement should include a contribution of £57,385 towards improvements to open space within the area.
- 6.6.7 The legal agreement should also include a contribution towards the Council's Carbon Offsetting Fund (£45,343) to offset the shortfall in carbon emissions savings against London Plan targets.

Community Infrastructure Levy

- 6.9.7 The Mayor of London has introduced Community Infrastructure Levy to assist with the funding of Crossrail (MCIL 2). In the case of developments within the London Borough of Hackney, CIL for residential floorspace is chargeable at a rate of £60 per square metre. Hackney CIL is applicable to this development, at a rate of £25 per square metre of residential floorspace in this location (Zone B).
- 6.9.8 The proposed development would create a net additional floorspace of 5,726sqm. As such, the development is liable for both Local CIL and Mayoral CIL for the net increase in gross internal floorspace proposed. The Hackney and Mayoral CIL liability for the development are calculated below in line with Regulation 40 of the CIL Regulations 2010 (as amended). Please note

Indexation, based on BCIS data published 'from time to time' by the Royal Institute of Chartered Surveyors (RICS), is subject to change; any changed indexation figure will lead to a change to the CIL chargeable amount meaning a new Liability Notice, indicating the changed chargeable amount, will be issued.

LBH CIL

2,505.24sqm x £25 (Residential) = £80,767.39

Total = £80,767.39

Mayoral CIL

2,594sqm x £60 (Residential) = £157,050

Total = £157,050.63

6.10 Equalities Considerations

6.10.1 The Equality Act 2010 requires public authorities, when discharging their functions, to have due regard to the need to (a) eliminate unlawful discrimination, harassment and victimisation and other conduct; (b) advance equality of opportunity between people who share a protected characteristic and those who do not; and (c) Foster good relations between people who share a protected characteristic and persons who do not share it. The protected characteristics under the Act are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

6.10.2 Having regard to the duty set out in the Equality Act 2010, it is considered that the development proposals do not raise any equality issues.

7 Conclusion

7.1 The proposal complies with pertinent policies in the Hackney Local Plan (2020) and the London Plan (2021), and the granting of full planning permission is recommended subject to conditions and the completion of a legal agreement.

8. RECOMMENDATIONS

Recommendation A

8.1.1 That Full Planning Permission for application 2021/2341 be approved subject to the following conditions:

8.1.2 SCB0 – Development in accordance with plans

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

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

8.1.3 SCB1 - Commencement within three years

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

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

8.1.4 Details to be approved

Notwithstanding the details shown on the plans and documents hereby approved, full particulars of the following shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of above grade works on site (excluding demolition works). The development shall not be carried out otherwise than in accordance with the details thus approved.

- a) Samples of all external materials including samples of windows and doors.
- b) 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, walls, balconies, balustrades, and parapets.

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

8.1.5 Sustainability - Green Roof

Notwithstanding the details shown on the plans and documents hereby approved, full particulars of the following shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the relevant part of the development. The development shall not be carried out otherwise than in accordance with the details thus approved.

- a) Full specifications and a detailed management and maintenance plan of the blue/biodiverse roof with a minimum substrate depth of 80mm, not including the vegetative mat.

REASON: In order to ensure that the development is adequately sustainable and to enhance biodiversity at the site.

8.1.6 Future Proofing Connections

Notwithstanding the details shown on the plans and documents hereby approved, full particulars of the following shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development. The development shall not be carried out otherwise than in accordance with the details thus approved.

- a) Full detailed specification and layout of the communal heat pump network, confirming the location of the connection points to allow the possibility of connecting the development to a future district heating network

REASON: To ensure the development meets the sustainability requirements of the London Plan.

8.1.7 Air Permeability Testing

Notwithstanding the details shown on the plans and documents hereby approved, full particulars of the following shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development. The development shall not be carried out otherwise than in accordance with the details thus approved.

- a) A full air permeability test report confirming the development has achieved an average air permeability of 3 m³/h/m² at 50pa for domestic component.
- b) A full air permeability test report confirming the development has achieved an average air permeability of 5 m³/h/m² at 50pa for non-domestic component.

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

8.1.8 Energy Monitoring Information

In order to demonstrate compliance with the 'be seen' post-construction monitoring requirement of Policy SI 2 of the London Plan, the legal Owner shall at all times and all in all respects comply with the energy monitoring requirements set out in points a, b and c below. In the case of non-compliance the legal Owner shall upon written notice from the Local Planning Authority immediately take all steps reasonably required to remedy non-compliance.

- a) Within four weeks of planning permission being issued by the Local Planning Authority, the Owner is required to submit to the GLA accurate

and verified estimates of the 'be seen' energy performance indicators, as outlined in Chapter 3 'Planning stage' of the GLA 'Be seen' energy monitoring guidance document, for the consented development. This should be submitted to the GLA's monitoring portal in accordance with the 'Be seen' energy monitoring guidance.

- b) Once the as-built design has been completed (upon commencement of RIBA Stage 6) and prior to the building(s) being occupied (or handed over to a new legal owner, if applicable), the legal Owner is required to provide updated accurate and verified estimates of the 'be seen' energy performance indicators for each reportable unit of the development, as per the methodology outlined in Chapter 4 'As-built stage' of the GLA 'Be seen' energy monitoring guidance. All data and supporting evidence should be uploaded to the GLA's monitoring portal. The owner should also confirm that suitable monitoring devices have been installed and maintained for the monitoring of the in-use energy performance indicators, as outlined in Chapter 5 'In-use stage' of the GLA 'Be seen' energy monitoring guidance document.
- c) Upon completion of the first year of occupation following the end of the defects liability period (DLP) and for the following four years, the legal Owner is required to provide accurate and verified annual in-use energy performance data for all relevant indicators under each reportable unit of the development as per the methodology outlined in Chapter 5 'In-use stage' of the GLA 'Be seen' energy monitoring guidance document. All data and supporting evidence should be uploaded to the GLA's monitoring portal. This condition will be satisfied after the legal Owner has reported on all relevant indicators included in Chapter 5 'In-use stage' of the GLA 'Be Seen' energy monitoring guidance document for at least five years.

In the event that the in-use evidence submitted shows that the as-built performance estimates have not been or are not being met, the legal Owner must use reasonable endeavours to investigate and identify the causes of underperformance and the potential mitigation measures and set these out in the relevant comment box of the 'be seen' spreadsheet. Where measures are identified, which it would be reasonably practicable to implement, an action plan comprising such measures should be prepared and agreed with the Local Planning Authority and be implemented by the legal Owner as soon as reasonably practicable.

Reason: In order to ensure that actual operational energy performance is minimised and demonstrate compliance with the 'be seen' post-construction monitoring requirement of Policy SI 2 of the London Plan

8.1.9 Construction Materials

Prior to the commencement of the relevant phase of construction, full details of insulation and refrigerant materials to have, where feasible, a low or zero Global Warming Potential (GWP) and Zero Ozone Depleting Potential (ODP), shall be submitted to and approved in writing by the Local Planning Authority.

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

8.1.10 No new pipes and plumbing

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

8.1.11 Contaminated Land: Pre-Commencement

No development except demolition to ground level shall commence until an assessment of the risks posed by any contamination shall have been submitted to and approved in writing by the local planning authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The assessment shall include: a survey of the extent, scale and nature of contamination; the potential risks to: human health; property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; adjoining land; ground waters and surface waters; ecological systems; and archaeological sites and ancient monuments.

REASON: To protect human health, water resources, property and the wider environment from harm and pollution resulting from land contamination.

8.1.12 Contaminated Land: Pre-Commencement

No development except demolition to ground level shall take place where (following the risk assessment) land affected by contamination is found which poses risks identified as unacceptable in the risk assessment, until a detailed remediation scheme shall have been submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part II of the Environmental Protection Act 1990 in relation to its intended use.

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: Implementation of Remediation Scheme

The approved remediation scheme shall be carried out [and upon completion a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority] before the development [or relevant phase of development] is occupied.

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

8.1.14 Reporting unexpected contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 7 days to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site. An assessment must be undertaken in accordance with the requirements of the site investigation, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of the approved remediation scheme. The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report must be submitted to and approved in writing by the Local Planning Authority in accordance with the implementation of the remediation scheme.

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

8.1.15 Waste Strategy

Prior to the occupation of the development hereby approved, full details of the arrangements for storage for refuse and recycling areas, including details of doors to storage chambers, details of locking arrangements, details of ventilation and details of the management arrangements and proposed collection points for residential waste and food waste prior to collection, to facilitate collection of waste, shall be submitted to and approved in writing by the Local Planning Authority. Such details as approved shall be implemented prior to the occupation of the development and shall thereafter be retained.

REASON: To protect the amenity of future residents, to ensure that there is adequate provision for the hygienic and convenient storage of refuse and recycling and to ensure that the drag distances for refuse are appropriate each collection day.

8.1.16 Restriction of noise from plant and equipment

The rating level of any noise generated by plant & equipment as part of the development shall be at least 5 dB (A) below the pre-existing background level as determined by BS4142 -"Method of rating industrial noise affecting mixed residential and industrial areas".

REASON: To safeguard the amenity of nearby premises and the area generally

8.1.17 Cycle Parking

Notwithstanding the details shown on the plans and documents hereby approved, prior to the commencement of above ground works, details of secure bicycle storage facilities in respect of 64 cycle parking spaces, including layout, stand type and spacing (including a minimum aisle width of 2500mm beyond the lowered frame where two tier storage is proposed), shall be submitted to and approved in writing by the Local Planning Authority. This should include a provision of accessible cycle parking in line with the minimum policy requirements of policy LP42. Such details as are approved shall be implemented prior to the occupation of the development and shall thereafter be retained.

REASON: To ensure that adequate provision for the safe and secure storage of bicycles is made for occupants and visitors.

8.1.18 Demolition Management Plan

Before any works associated with the application hereby approved begin, a detailed Demolition Management Plan, including CLOCS monitoring covering all phases of the development and the matters set out below shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the details and the approved measures shall be maintained throughout the entire demolition and construction period.

This shall include (but not limited to);

- a. Details of measures to include details of noise control measures and measures to preserve air quality (including a risk assessment of the demolition phase);
- a. Details setting out how resources will be managed and waste controlled at all stages during a construction project, including, but not limited to:
 - details of dust mitigation measures during site clearance and construction works (including any works of demolition of existing buildings or breaking out or crushing of concrete);
 - the location of any mobile plant machinery;

- details of measures to be employed to mitigate against noise and vibration arising out of the construction process demonstrating best practical means; and,
 - details of measures to handle contaminants such as asbestos;
 - Site Waste Management details
- c. Compliance with NRMM regulations.

REASON: To avoid hazard and obstruction being caused to the Regents Canal, adjacent development, users of the public highway, in the interest of public safety and amenity and to mitigate the environmental impacts of the construction of the development.

8.1.19 Construction Management Plan

Before any works associated with the application hereby approved begin, a detailed Construction Management Plan, including CLOCS monitoring covering all phases of the development and the matters set out below shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the details and the approved measures shall be maintained throughout the entire construction period.

This shall include (but not limited to);

- b. Details of measures to include details of noise control measures and measures to preserve air quality (including a risk assessment of the construction phase);
- c. Details setting out how resources will be managed and waste controlled at all stages during a construction project, including, but not limited to:
- details of dust mitigation measures during site clearance and construction works (including any works of demolition of existing buildings or breaking out or crushing of concrete);
 - the location of any mobile plant machinery;
 - details of measures to be employed to mitigate against noise and vibration arising out of the construction process demonstrating best practical means; and,
 - details of measures to handle contaminants such as asbestos;
 - Site Waste Management details
- d. Compliance with NRMM regulations.

REASON: To avoid hazard and obstruction being caused to the Regents Canal, adjacent development, users of the public highway, in the interest of public safety and amenity and to mitigate the environmental impacts of the construction of the development.

8.1.20 Demolition Logistics Plan

Prior to the commencement of the development, a Demolition Logistics Plan to include the following; the demolition programme/ timescales; the number/ frequency and size of construction vehicles; construction traffic route; location

of deliveries; pedestrian and vehicular access arrangements; and, any temporary road/ footway closures during the demolition period; to be prepared in line with TfL CLP guidance and in consultation with adjacent development shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with these details as approved and shall be maintained throughout the entire demolition and construction period.

REASON: To avoid hazard and obstruction being caused to adjacent development, users of the public highway and in the interest of public safety and amenity.

8.1.21 Construction Logistics Plan

Prior to the commencement of the development, a Construction Logistics Plan to include the following; the demolition programme/ timescales; the number/ frequency and size of construction vehicles; construction traffic route; location of deliveries; pedestrian and vehicular access arrangements; and, any temporary road/ footway closures during the construction period; to be prepared in line with TfL CLP guidance and in consultation with adjacent development shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with these details as approved and shall be maintained throughout the entire demolition and construction period.

REASON: To avoid hazard and obstruction being caused to adjacent development, users of the public highway and in the interest of public safety and amenity.

8.1.22 Ecological Enhancements

Notwithstanding the details shown on the plans and documents hereby approved, full particulars of the following shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development. The development shall not be carried out otherwise than in accordance with the details thus approved.

- a) Details for the installation of nesting boxes/bricks for small birds and bats.

REASON: In order to improve the ecology and biodiversity of the site.

8.1.23 Secure by Design

The proposed development, hereby approved shall achieve Secure by Design accreditation, prior to occupation of the development

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

8.1.24 Roof plant

No roof plant (including all external enclosures, machinery and other installations) other than any shown on the drawings hereby approved shall be placed upon or attached to the roof 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.

8.1.25 Sustainable Drainage I

Notwithstanding the details shown on the plans and documents hereby approved, full particulars of the following shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development (excluding demolition). The development shall not be carried out otherwise than in accordance with the details thus approved.

- a) A scheme for the provision and implementation of flood resilient and resistant construction details to a height of 300mm above the predicted flood level (6.490mAOD) for the site against flood risk shall be submitted to and agreed, in writing with the LPA in consultation with the LLFA prior to the construction of the measures. The scheme shall be carried out in its entirety before the site is occupied and; constructed and completed in accordance with the approved plans in line with 'Improving Flood Performance of New Buildings - Flood Resilient Construction' (Department for Communities and Local Government, 2007) and current best practices where applicable

REASON: In order to provide an adequate provision for Sustainable Urban Drainage.

8.1.26 Sustainable Drainage II

Notwithstanding the details shown on the plans and documents hereby approved, full particulars of the following shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development (excluding demolition). The development shall not be carried out otherwise than in accordance with the details thus approved.

- a) 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 are not limited to the proposed green roof (with a substrate depth of at least 80mm not including vegetative mats), rainwater harvesting units, attenuation tank and the flow control system, which shall be submitted and approved by the LPA in consultation with the LLFA. Surface water from the site shall be managed according to the proposal referred to in the Flood Risk Assessment and Drainage Strategy report

(Ref: 2484 Revision 2 dated 7th July 2021) and the overall site peak discharge rate is restricted to 2 l/s.

REASON: In order to provide an adequate provision for Sustainable Urban Drainage.

8.1.27 Sustainable Drainage III

Notwithstanding the details shown on the plans and documents hereby approved, full particulars of the following shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development (excluding demolition). The development shall not be carried out otherwise than in accordance with the details thus approved.

- a) As-built drawings and evidence showing the floor levels within the proposed development will be set at no lower than the existing ground levels. The minimum finish floor level for the residential lobby at no lower than 6.490mAOD and other FFLs are set at no lower than 6.410mAOD but should never be lower than the existing ground levels.
- b) A Flood Warning and Evacuation Plan (FEP) shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include a) a flood evacuation plan for the building; b) a copy of the literature to be distributed/displayed about the EA flood warning/alerts registration and personal flood action plan. The approved FEP and literature shall be relayed to all users at the site and shall be implemented for the lifetime of the development. The FEP shall be reviewed at intervals not exceeding 3 years, and will form part of the Health & Safety Register maintained by the building owner/management company.

REASON: In order to provide an adequate provision for Sustainable Urban Drainage.

8.1.28 Landscaping and Public Realm Design

Prior to commencement of the development (excluding works of demolition and site clearance), a detailed hard and soft landscaping scheme illustrated on detailed drawings, shall be submitted to and approved in writing by the Local Planning Authority. Details shall include: hard landscaping material details, all trees and other planting showing location, species, type of stock, numbers of trees/plants, and areas to be seeded, turfed or left as a natural/biodiverse zone. All landscaping in accordance with the scheme, when approved, shall be carried out prior to the occupation of the development or shall be carried out in the first planting (and seeding) season following completion of the development, and shall be maintained to the satisfaction of the Local Planning Authority for a period of ten years, such maintenance to include the replacement of any plants that die, or are severely damaged, seriously diseased, or removed.

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

8.1.29 Internal Noise Levels

Internal Noise Levels: All residential premises shall be designed in accordance with BS 8233:2014 “Guidance on sound insulation and noise reduction for buildings” to attain the following internal noise levels:

<i>Activity</i>	<i>Location</i>	<i>07.00 to 23.00</i>	<i>23.00 to 07.00</i>
Resting	Living room	35 dB LAeq 16hour	None
Dining	Dining area	40 dB LAeq 16hour	None
Sleeping	Bedroom	35 dB LAeq 16hour	30 dB LAeq 8hour

Before commencement of the use hereby permitted a test on a typical home 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 Environmental Protection Team 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 environmental noise.

8.1.30 Accessibility

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

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

8.1.31 Fire Strategy

The development must be carried out in full accordance with the approved fire strategy that complies with all aspects of Part B Fire Safety under schedule 1 (Requirements) of the Building Regulations 2010 (as amended) and should be maintained thereafter. Due consideration should be given in particular to the means of escape, safe evacuation for disabled persons and access for the fire brigade appliances. This is to ensure that appropriate fire safety measures are in place for people in and around the building and access for the fire brigade. Should any subsequent changes be required to the approved fire strategy to ensure compliance, a revised fire strategy would need to be submitted and approved by the Local Planning Authority

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

8.1.32 Car Park Design and Management Plan

Notwithstanding the details shown on the plans and documents hereby approved, full particulars of the following shall be submitted to and approved in writing by the Local Planning prior to the occupation of the development. The development shall not be carried out otherwise than in accordance with the details thus approved.

- A Car Park Design and Management Plan which identifies potential spaces in the local area that could be converted to blue badge spaces

REASON: In order to ensure that there is an adequate provision of disabled persons car parking spaces.

8.1.33 Piling Method Statement

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

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure.

8.1.34 Flexible Use Marketing Strategy

Notwithstanding the details shown on the plans and documents hereby approved, full particulars of the following shall be submitted to and approved in writing by the Local Planning prior to the occupation of the development. The development shall not be carried out otherwise than in accordance with the details thus approved.

- A Marketing Strategy for the flexible Class E/F2 space (prepared in accordance with the guidance set out at Appendix 1 of Hackney’s Local Plan) which includes details of an initial 6 month marketing period which focuses solely upon Social Infrastructure uses.

REASON: In order to ensure that the non-residential space will be occupied and to promote the occupation of the space to social infrastructure users.



8.2. Recommendation B

8.2.1 That the above recommendations be subject to a legal agreement in order to secure the following matters to the satisfaction to the satisfaction of Head of Planning and Interim Director of Legal Services

Social Infrastructure Contribution

- A contribution of £100,000 should be secured in order to fund the improvements to social infrastructure in the local area.

Affordable Housing

- An obligation requiring the provision of 43 residential units as discounted market sale units in perpetuity. The homes are only available to people who do not own a home and in the first instance live and/or work in the borough and have a household income below the mayoral income threshold for Intermediate Housing. The homes are to be sold at a discount of 20% below local market value.

Highways and Transportation

- £37,791 towards Highways Works.
- Car Free development
- A car club contribution equalling a minimum monetary value of £60 per new residential unit
- Electric vehicle car club contribution of £10,000
- Electric charging point contribution of £6,500
- A Construction Management Plan (CLOCS) monitoring fee of £8,750 is also sought.
- Travel Plan

Ways into Work Contribution

- A ways into work contribution of £12,123 payable prior to the implementation of the development.

Employment, Skills and Construction

- Employment and Skills Plan to be submitted and approved prior to implementation;
- Active programme for recruiting and retaining apprentices and as a minimum take on at least one apprentice per £2 million of construction contract value and provide the Council with written information documenting that programme within seven days of a written request from the Council;
- Commitment to the Council's local labour and construction initiatives (30% on site employment) in compliance with an Employment and Skills Plan.
- Quarterly Labour returns through 5 year period
- A support fee of £1,500 per apprentice placement in order to cover;

pre-employment, recruitment process, post-employment mentoring and support; and

- If the length of the build/project does not allow for an apprenticeship placement, and it can be demonstrated that all reasonable endeavours have been undertaken to deliver the apprenticeship, a £7,000 fee per apprentice will be payable to allow for the creation of alternative training opportunities elsewhere in the borough.
- Considerate Constructor Scheme – the applicant to carry out all works in keeping with the National Considerate Constructor Scheme.

Carbon Offsetting

- Contribution of £45,343 towards the Council's Carbon Offsetting Fund.

Open Space

- Contribution of £57,385 towards the Council's Carbon Offsetting Fund.

Costs

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

8.3 Recommendation C

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

9 INFORMATIVES

In addition the following informatives should be added:

SI.2 Work Affecting Public Highway

SI.3 Sanitary, Ventilation and Drainage Arrangements

SI.6 Control of Pollution (Clean Air, Noise, etc.)

SI.25 Disabled Person's Provisions

SI.27 Fire Precautions Act

SI.28 Refuse Storage and Disposal Arrangements

SI.34 Landscaping

SI.45 The Construction (Design & Management) Regulations 1994

SI.48 Soundproofing

NSI Prior consent for construction from the Local Authority.

NSI A Trade Effluent Consent will be required for any Effluent discharge other than a 'Domestic Discharge'. Any discharge without this consent is illegal and may result in prosecution. (Domestic usage for example includes - toilets, showers, washbasins, baths, private swimming pools and canteens). Typical Trade Effluent processes include: - Laundrette/Laundry, PCB manufacture, commercial swimming pools, photographic/printing, food preparation, abattoir, farm wastes, vehicle washing, metal plating/finishing, cattle market wash down, chemical manufacture, treated cooling water and any other process which produces contaminated water. Pre-treatment, separate metering, sampling access etc, may be required before the Company can give its consent. Applications should be made at <http://www.thameswater.co.uk/business/9993.htm> or alternatively to Waste Water Quality, Crossness STW, Belvedere Road, Abbeywood, London. SE2 9AQ. Telephone: 020 3577 9200..

NSI With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.

NSI We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality."

NSI It is therefore recommended that flood resilience and/or resistance constructions are used for the basement to reduce the risk of groundwater ingress. Refer to the guidance document ‘Improving the Flood Performance of New Buildings Flood Resilient Construction, 2007’ by Department for Communities and Local Government for further guidance

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

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

ALED RICHARDS – DIRECTOR – PUBLIC REALM, NEIGHBOURHOODS AND HOUSING

NO.	BACKGROUND PAPERS	NAME/DESIGNATION AND TELEPHONE EXTENSION OF ORIGINAL COPY	LOCATION CONTACT OFFICER
1.	<p>Application documents and LBH policies/guidance referred to in this report are available for inspection on the Council's website.</p> <p>Policy/guidance from other authorities/bodies referred to in this report are available for inspection on the website of the relevant authorities/bodies</p> <p>Other background papers referred to in this report are available for inspection upon request to the officer named in this section.</p> <p>All documents that are material to the preparation of this report are referenced in the report.</p>	1 Hillman Street London E8 1FB	Barry Coughlan 1 Hillman Street London E8 1FB Tel: 02083567939

