

Appendix 1 UDP Policies replaced by LDF Policies

1.1 This table shows which policies within the Submission Draft Core Strategy replace those within Hackney Unitary Development Plan Adopted 1995 (UDP)

1.2 The "Retained Saved UDP Policies" will remain saved as part of the Development Plan until they are replaced by policies in future DPDs or SPDs. The term "saved policies" refers to the Secretary of State's (SoS) Order to extend UDP Policies beyond three year transitional period (which is beyond July 2007).

Schedule of Policies to be Replaced and/or Saved

Saved UDP Policies to be replaced	LDF Proposed Policies	Retained Saved UDP Policies
Environmental Quality		
EQ1: Development Requirements EQ48: Designing Out Crime	Policy 24: Design	EQ13, EQ14, EQ15, EQ17, EQ19 EQ21 EQ28 EQ30, EQ31, EQ32, EQ33, EQ34, EQ35, EQ36, EQ37, EQ40, EQ41, EQ42, EQ43 EQ44
EQ12: Protection of Conservation Areas EQ16: Protection of Listed Buildings EQ18: Setting of Listed Buildings EQ20: Buildings of Local Significance EQ29: Archaeological Heritage	Policy 25: Historic Environment	
EQ9: Development and the River Lee Navigation Floodplain	Policy 31: Flood Risk	
EQ46: Recycling facilities	Policy 32: Waste	
Housing		
HO2: New Housing Sites HO3: Other Sites for Housing HO4: Improvement of Older Housing HO5: Estate Improvement HO6: Residential use of Upper Floors above Shop Units HO7: Redevelopment of Housing HO8: Loss of Housing	Policy 19: Housing Growth	HO12, HO15

Saved UDP Policies to be replaced	LDF Proposed Policies	Retained Saved UDP Policies
<p>HO14: Houses in Multiple Occupation</p> <p>HO16: Housing for People with Disabilities</p> <p>HO17: Residential Accommodation for Care</p>	<p>Policy 21: Supported Housing Requirements</p>	
Employment		
<p>E3: Development outside Defined Employment Areas</p> <p>E12: Office Development</p>	<p>Policy 17: Economic Development</p> <p>Policy 18: Promoting Employment Land</p>	<p>E8, E9, E10, E11, E14, E16, E17, E18</p>
<p>E7: Industrial and Commercial Improvement Areas</p> <p>E15: Training</p>	<p>Policy 16: Employment Opportunities</p>	
Retailing and Town Centres		
<p>R1: Town Centres</p> <p>R8: Protecting Local Shops</p>	<p>Policy 13: Town Centres</p>	<p>R3, R4, R6, R7, R9, R10, R11, R12, R13, R14, R15</p>
Open Space and Nature Conservation		
<p>OS1: Enhancing Metropolitan Open Land</p> <p>OS2: Open Spaces and Parks</p> <p>OS3: Loss of Open Spaces and Parks</p> <p>OS4: Protection of Character of Open Spaces and Parks</p> <p>OS6: Green Chains</p> <p>OS7: Sports grounds and Playing Fields</p> <p>OS8: Allotments</p> <p>OS10: Children's Play Areas</p>	<p>Policy 26: Open Space Network</p>	<p>OS5, OS15</p>
<p>OS9: Recreational Footpaths, Towing Paths, Cycleways and Bridleways</p>	<p><u>A combination of the following policies:</u></p> <p>Policy 24: Design</p> <p>Policy 26: Open Space Network</p> <p>Policy 28: Water and Waterways</p>	
<p>OS14: Areas of Nature Conservation</p>	<p>Policy 27: Biodiversity</p>	

Saved UDP Policies to be replaced	LDF Proposed Policies	Retained Saved UDP Policies
<p>Interest</p> <p>OS16: Development and areas of nature conservation importance</p> <p>OS17: Wildlife Habitats</p>		
<p>OS12: Protection of Open Water Areas</p> <p>OS13: Access and Use of Water Areas</p>	<p>Policy 28: Water and Waterways</p>	
Community Services		
<p>CS6: Provision of Education Facilities</p>	<p>Policy 9: Investing in Education</p> <p>Policy 10: Lifelong Learning</p>	<p>CS8, CS9</p>
<p>CS1: Sites for New Development</p> <p>CS2: Provision of Community Facilities as Part of Development Schemes</p> <p>CS3: Retention of Provision of Community Facilities</p> <p>CS7: Sites and Premises for Community and Voluntary Projects</p>	<p>Policy 8: Focusing Social Investment</p>	
<p>CS4: Health Care Facilities</p> <p>CS5: Use of Residential Premises for Health Related Purposes</p>	<p>Policy 11: Health Investment and Infrastructure</p>	
Arts, Culture and Entertainment		
<p>ACE7: Hotel Development</p>	<p><u>A combination of the following policies:</u></p> <p>Policy 17: Economic development</p> <p>Policy 13: town centres</p>	<p>ACE1, ACE2, ACE3, ACE4, ACE5, ACE6,ACE8</p>
Transport		
<p>TR 17: Development at Stratford</p> <p>TR 18: Channel Tunnel Development</p> <p>TR 19: Planning Standards</p>	<p><u>A combination of the following policies:</u></p> <p>Policy 6: transport and Land Use</p> <p>Policy 33: Promoting Sustainable transport</p>	<p>ACE1, ACE2, ACE3, ACE4, ACE5, ACE6,ACE8</p>

Hackney Unitary Development Plan

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Chapter 2

Environmental Quality

INTRODUCTION

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EQ48 Designing Out Crime

POLICIES**JUSTIFICATION**

~~SURFACE MATERIALS ARE WELL DESIGNED AND LOCATED AND CONSTRUCTED OF APPROPRIATE MATERIALS TO RELATE TO THE CHARACTER OF THE STREET OR AREA;~~

~~(C) INCLUDE MEASURES TO PROTECT EXISTING TREES AND MINIMISE DAMAGE AND DISTURBANCE TO LANDSCAPE, WILDLIFE, AREAS OF ECOLOGICAL INTEREST AND ARTEFACTS WORTHY OF PRESERVATION, BOTH WITHIN AND ADJACENT TO ANY DEVELOPMENT;~~

~~(D) INCORPORATE APPROPRIATE LANDSCAPING, TREE PLANTING, AND REINSTATEMENT WORKS WITH AGREED PROGRAMMES FOR COMPLETION AND MAINTENANCE.~~

~~THE COUNCIL WILL ENCOURAGE THE SITING OF PUBLIC WORKS OF ART.~~

Existing trees and landscaping may need to be reinstated and supplemented to achieve a more attractive local environment, to relate development to the surrounding spaces and townscape and contribute to the Borough-wide network of green spaces. The incorporation of public works of art into new developments can contribute to the visual amenity of the local environment but is dependent upon site circumstances. Landscape schemes carried out in conjunction with a development must include measures for the future maintenance and management of planting. (See also Policies EQ31-EQ33).

EQ8 Percent for conservation

THE COUNCIL WILL ENCOURAGE DEVELOPERS TO MAKE VOLUNTARY CONTRIBUTIONS TOWARDS CONSERVATION PROJECTS THROUGH A "PERCENT FOR CONSERVATION" SCHEME

Many boroughs are supporting 'per cent for art' schemes in their UDP. Whilst the Council welcomes the principle of more public art, the practice has been that some large developments on the City fringe have provided sculpture within their immediate localities leaving the day to day living environment of residents relatively unaffected.

In recognition both of the willingness of developers to make contributions to the public realm, and of the need to spread the benefits of inward investment, this policy encourages contributions towards conservation of the Borough's rich and well distributed heritage of listed buildings. Many historic buildings are under threat due to lack of investment. The Hackney Historic Buildings Trust will develop a selection of restoration proposals with detailed costings and will manage a fund to ensure a well publicised programme of investment aimed at saving those buildings most at risk. Developer contributions will be recorded on specially commissioned plaques to be erected both on the list of the buildings

which have benefited and those of the new developments. Ideally a range of projects will become available at different costs enabling developers to select individual projects for complete sponsorship. Developers will therefore be invited to choose between enhancing the environment with new works of art, or helping to restore and bring back into use under resourced buildings of the Borough's great cultural and architectural legacy.

The scheme operates by way of sponsorship and is applicable throughout the Borough. The making of a contribution does not constitute a planning obligation and neither the making nor withholding of a contribution is relevant to the consideration of individual planning applications.

EQ9 Development and the River Lee Navigation Floodplain

IN AREAS AT RISK FROM FLOODING, THE COUNCIL WILL, WHERE APPROPRIATE, REQUIRE FLOOD PROTECTION MEASURES TO BE INCLUDED IN DEVELOPMENT PROPOSALS. THE FLOOD PROTECTION MEASURES TO BE INCLUDED IN DEVELOPMENTS WILL BE DEFINED BY THE COUNCIL IN CONSULTATION WITH THE NATIONAL RIVERS AUTHORITY AND BRITISH WATERWAYS.

Note: For areas at risk from flooding, see map at end of this chapter. See also proposal 45

There is a general presumption against development in the flood plain because not only is the development itself at risk but such development may increase the risk of flooding to established uses elsewhere. To protect people and property from flooding it is important that developments within the flood plain meet, where necessary, the appropriate flood requirement standards which will be defined by the Council following consultation with the NRA.

The Council will consult the NRA when development is proposed in areas at risk from flooding because not only is the development itself at risk but such development may increase the risk of flooding to established uses elsewhere. Development on the floodplain may not be possible on any particular site, and may otherwise only be possible if appropriate flood protection measures are incorporated into the development proposal.

EQ10 Vacant Land

THE COUNCIL WILL SEEK TO ESTABLISH POSITIVE USES FOR VACANT OR UNCARED FOR LAND AND WILL UNDERTAKE OR ENCOURAGE PRIVATE OWNERS TO UNDERTAKE ENVIRONMENTAL IMPROVEMENTS.

TEMPORARY USES FOR VACANT OR DERELICT LAND WILL BE ENCOURAGED PENDING REDEVELOPMENT PROVIDING SUCH A USE WOULD NOT CONFLICT WITH POLICIES ELSEWHERE IN THE PLAN AND WOULD NOT HINDER THE REDEVELOPMENT OF THE SITE.

There are various small but significant patches of land notably in the south east of the Borough, where new road or housing layouts have been developed without proper integration into their surroundings. The responsibility for and rights of use over such spaces remain unclear: they are neither fully public nor fully available for private enjoyment. This has resulted in some unmanaged corners of waste land or now disused sections of carriageway. These look unsightly and serve as a permanent reminder of the tension that was created between the grand schemes of the 1960s and the traditional pattern of streets. The Council will consider proposals on individual merit but will generally support the rationalisation of such space for uses such as private garden or public open space. Large unused spaces will be considered for redevelopment. The Council will take into account the nature conservation interest and/or community use of vacant land and will protect and enhance this, where appropriate. (See also Policy OS11).

Conservation Areas**EQ11 Conservation Area guidance**

THE COUNCIL WILL FORMULATE POSITIVE SCHEMES FOR THE PRESERVATION AND ENHANCEMENT OF DESIGNATED CONSERVATION AREAS ON A PROGRESSIVE BASIS AS STAFF RESOURCES PERMIT.

The Council is required under the terms of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 to produce schemes for the preservation and enhancement of its conservation areas. Not all parts of all conservation areas within the Borough contribute positively to the characteristics on which their designation was justified. Many contain unsympathetic or poorly-scaled recent development and vacant land; some have poor street environments or 'clutter' such as unauthorised advertisements, and some contain buildings of historic or architectural merit which have become dilapidated. As and when staff resources permit, the Council will draw up schemes to address these shortcomings, in consultation

with local residents, businesses and interested local and national organisations.

English Heritage can be an important source of funding in Conservation Areas and their current method of distributing grants is the Conservation Area Partnership scheme. Where resources can be identified the Council, together with other funding organisations, will seek to promote such schemes in cooperation with English Heritage.

~~EQ12 Protection of Conservation Areas~~

~~THE COUNCIL WILL ONLY NORMALLY PERMIT DEVELOPMENT PROPOSALS WITHIN, ADJACENT TO, OR AFFECTING A CONSERVATION AREA WHICH WOULD PRESERVE OR ENHANCE ITS CHARACTER OR APPEARANCE.~~

~~Any development proposals in Conservation Areas will be expected to preserve or enhance the special architectural or historic interest of the character, or appearance of the Conservation Area.~~

~~This includes proposals for demolition, partial demolition, alterations and extensions, telecommunications equipment and environmental works. Works to trees and the installation of advertisements will also be carefully considered to ensure that the character and appearance of a Conservation Area are not harmed.~~

~~The Council will consider seeking direction under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995 to restrict permitted development rights should these constitute a significant threat to the character of a Conservation Area.~~

~~The successful integration of new developments and alterations or extensions to buildings is to some extent dependent on detailing such as materials, colour and vertical or horizontal emphasis as well as bulk, height and overall massing. As such the Council will not, normally, accept outline applications in Conservation Areas.~~

~~The impact of new developments which are adjacent to or nearby Conservation Areas can only be assessed on a case by case basis having regard to the nature of the proposal~~

~~and the character of the particular Conservation Area. Tall buildings, for example, might affect the setting of important street scenes when viewed from within the Conservation Area. A new development or proposed change of use, within or close to a Conservation Area which would draw significant additional traffic through or into the Conservation Area could also have an adverse impact on its character.~~

EQ13 Demolition in Conservation Areas

THE COUNCIL WILL NORMALLY GRANT CONSERVATION AREA CONSENT TO DEMOLISH OR PARTIALLY DEMOLISH NON-LISTED BUILDINGS IN CONSERVATION AREAS;

- (A) WHERE THE EXISTING BUILDING DOES NOT MAKE A POSITIVE CONTRIBUTION TO THE CHARACTER AND APPEARANCE OF THE CONSERVATION AREA; AND/OR WHERE DEMOLITION IS CONSIDERED ACCEPTABLE AND THERE ARE SATISFACTORY PROPOSALS FOR REDEVELOPMENT OF THE SITE, CONSERVATION AREA CONSENT WILL BE GRANTED CONCURRENTLY WITH FULL PLANNING PERMISSION. THIS CONSENT WILL EITHER BE CONDITIONAL UPON THE MAKING OF A CONTRACT FOR THE WORKS NECESSARY TO IMPLEMENT THE APPROVED REDEVELOPMENT SCHEME AS ONE OPERATION OR SUBJECT TO A LEGAL AGREEMENT TO SECURE THE SAME OBJECTIVE.
- (B) WHERE THE PROPOSED REPLACEMENT BUILDING, OTHER DEVELOPMENT OR VACANT SITE WOULD PRESERVE OR ENHANCE THE CHARACTER OR APPEARANCE OF THE CONSERVATION AREA.

Demolition of buildings in a Conservation Area would generally detract from the area's character. Such areas are sensitive to the demolition of even one building and therefore the Council will enforce the statutory procedures which require a separate application for Conservation Area Consent to demolish or partially demolish any building/structure in a Conservation Area.

EQ14 Alterations and extensions of buildings in Conservation Areas

THE COUNCIL WILL PERMIT PROPOSALS FOR ALTERATIONS AND EXTENSIONS TO BUILDINGS IN CONSERVATION AREAS WHERE THEY COMPLY WITH POLICIES EQ1, 5, 6, 7, 11 AND 12; AND

(A) WHERE THEY PRESERVE OR ENHANCE THE CHARACTER OR APPEARANCE OF THE AREA: THEY SHOULD NORMALLY BE CONFINED TO THE REAR OR LEAST IMPORTANT FACADES AND SHOULD NOT UPSET THE SCALE OR PROPORTIONS OF BUILDINGS OR ADVERELY AFFECT THE CHARACTER, APPEARANCE OR SETTING OF NEIGHBOURING BUILDINGS;

(B) THEY PRESERVE (OR, WHERE MISSING, REINSTATE) CHARACTERISTIC FEATURES SUCH AS DOORS, WINDOWS, ROOF DETAILS (E.G. CHIMNEYS, CHIMNEY POTS, ROOF LINE AND PITCH) AND PARTY WALL UPSTANDS EVEN WHERE THESE ELEMENTS MAY BE REDUNDANT.

WHERE ROOF EXTENSIONS ARE ACCEPTABLE IN PRINCIPLE THEY SHOULD ACCORD WITH THE PERIOD AND CHARACTER OF THE BUILDING(S) AND THE SURROUNDING AREA.

ROOF EXTENSIONS WILL NOT NORMALLY BE ACCEPTABLE WHERE THEY WOULD HARM THE ARCHITECTURAL INTEGRITY OF A BUILDING OR THE UNITY OF A GROUP OR TERRACE.

When considering proposals for altering or extending buildings in a Conservation Area, the Council will pay special attention to the desirability or preserving or enhancing the character or appearance of the area. Views from surrounding buildings and other areas, in addition to street level views may also be important.

The removal of traditional features (which may require conservation area consent) will normally be resisted as will inappropriate non-traditional materials that do not respect the character of the area.

Where the existing roof line of a group, pair or terrace is largely unimpaired by extensions; roof extensions would not, normally, be acceptable in any form. Proposals for roof extensions on buildings or terraces which are a complete architectural composition or where the building would be exposed to long views from public spaces will, normally, be resisted as will visible structures on roofs such as terrace railings, conservatories, and plant.

EQ15 Designation of New Conservation Areas

THE COUNCIL WILL DESIGNATE FURTHER CONSERVATION AREAS, ON A PROGRESSIVE BASIS, AS STAFF RESOURCES PERMIT.

AREAS WILL NORMALLY BE DESIGNATED IF, AFTER DETAILED STUDY, THEY ARE CONSIDERED TO REPRESENT IMPORTANT HISTORICAL

Hackney's historic legacy is both rich and extremely varied. The Borough currently has 16 designated conservation areas, where the Council pays special attention to preserving and enhancing their special character and appearance. These areas have a very diverse character, ranging from the industrial heritage of South Shoreditch to residential areas and historic open spaces such as Clapton Common.

POLICIES	JUSTIFICATION
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- EXAMPLES OF ANY OF THE FOLLOWING:
- (A) TOWN CENTRE AND VILLAGE CORES;
 - (B) RESIDENTIAL AREAS;
 - (C) OPEN SPACES AND THEIR SETTING;
 - (D) INDUSTRIAL HERITAGE.

There are still many locally cherished areas that are not yet protected by conservation area designation: Over the life of this Plan, the Council intend to significantly increase the protection offered to Hackney’s heritage by declaring further conservation areas. These will cover four main types of area as well as extensions to existing areas. These types are:

- town centre and village cores: with buildings of varying age and type that will also include Georgian and Victorian ribbon development; for example, Dalston Lane and Broadway Market.
- residential areas: especially areas characterised by villas - a particularly well developed Hackney building type; for example Mapledene/Graham Road area.
- open spaces and their settings; for example, London Fields and Stoke Newington Common.
- industrial heritage; for example, the Regent’s Canal and Waterworks Lane, Lea Bridge.

Note:
Areas which have initially been identified as a priority for designation are included in the Schedule of Proposals and further work is being undertaken to assess the suitability of these and other areas. Dependent on further investigation this Schedule could be subject to further amendment.

Historic Buildings and Structures

EQ16 Protection of Listed Buildings

THE COUNCIL WILL NORMALLY REQUIRE THAT BUILDINGS OF SPECIAL ARCHITECTURAL OR HISTORIC INTEREST AND THEIR FEATURES SHALL BE PRESERVED. LISTED BUILDING CONSENT FOR DEMOLITION WILL NOT NORMALLY BE GRANTED UNLESS EVERY POSSIBLE EFFORT HAS BEEN MADE TO SUSTAIN AN EXISTING USE OR FIND AN APPROPRIATE NEW ONE.

Historic buildings make an important contribution to the environment of Hackney. The Council attaches the utmost importance to the preservation, protection and correct maintenance of 1,130 buildings on the Statutory List of buildings of architectural and historic interest and others considered worthy of inclusion on the Statutory List. Proposals

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THE COUNCIL WILL NOT NORMALLY GRANT LISTED BUILDING CONSENT FOR THE DEMOLITION OR SUBSTANTIAL DEMOLITION OF A LISTED BUILDING AND/OR ANY BUILDING OR STRUCTURE WITHIN ITS CURTILAGE WHICH CONTRIBUTES TO THE SPECIAL ARCHITECTURAL OR HISTORIC INTEREST OF THE PRINCIPAL BUILDING OR IS OF ARCHITECTURAL OR HISTORIC INTEREST IN ITS OWN RIGHT.

for facade schemes will not normally be acceptable.

Note: Listed Building Consent from the Council is required in respect of any material alterations, including demolition, both internal and external, to a listed building or within the curtilage or setting of a listed building.

The Council will take appropriate legal action, including Repairs Notices, Emergency Repairs, Compulsory Purchase or Building Preservation Notices, to preserve buildings and structures and to prevent deterioration of these properties where it appears to constitute a first step towards seeking their demolition.

EQ17 Alterations to Listed Buildings

THE COUNCIL WILL, NORMALLY, REQUIRE THAT ANY MATERIAL ALTERATIONS TO A LISTED BUILDING OR WITHIN ITS CURTILAGE SHOULD:

- (A) NOT BE DETRIMENTAL TO THE SPECIAL INTEREST OF THE BUILDING AND HARMONISE WITH THE PERIOD, STYLE, MATERIALS AND DETAILING OF THE BUILDING;
- (B) WHEREVER POSSIBLE, RETAIN AND REPAIR EXISTING FEATURES AND FABRIC, OR, IF MISSING, REPLACE THEM IN A SYMPATHETIC MANNER;
- (C) NOT HARM THE STRUCTURAL INTEGRITY OR STABILITY OF THE BUILDING OR THAT OF ADJOINING BUILDINGS OR STRUCTURES;
- (D) BE CAREFULLY SUPERVISED AND PROFESSIONALLY EXECUTED, USING SPECIALIST LABOUR WHERE APPROPRIATE;
- (E) WHERE POSSIBLE, RESPECT AND PRESERVE THE INTEGRITY OF THE ORIGINAL PLAN FORM;
- (F) WHERE EXTENSIONS ARE PROPOSED, RELATE SENSITIVELY TO THE ORIGINAL BUILDING AND NOT ADVERSELY AFFECT THE INTERNAL OR EXTERNAL APPEARANCE OF THE BUILDING OR ITS SETTING;

The value of many historic buildings does not just relate to their superficial appearance but also derives from the special internal fabric and features (e.g. panelling and fire surrounds). The Council is obliged to control any proposed works which may damage the irreplaceable and unique aspects of historic structures and therefore limit works (including works to satisfy structural, safety or public health requirements) to those which are strictly necessary to extend the life of the building. All proposed works should be shown in planning and listed building consent applications and any matter that might be the subject of control under other legislation or by any other authority should be resolved or be capable of resolution in a satisfactory manner.

Further explanation and advice is available in Supplementary Planning Guidance Notes.

Note: Policies EQ36 and EQ37 refer to advertisements in relation to listed buildings.

POLICIES**JUSTIFICATION**

(G) WHERE THEY EXIST, RETAIN ROOF STRUCTURES OF INTRINSIC ARCHITECTURAL OR HISTORIC INTEREST.

(H) ACCORD WITH OTHER POLICIES IN THE PLAN, PARTICULARLY EQ1, 5, 6 AND 14.

THE COUNCIL WILL NORMALLY REQUIRE THAT BUILDINGS OF SPECIAL ARCHITECTURAL OR HISTORIC INTEREST AND THEIR FEATURES SHALL BE PRESERVED. LISTED BUILDING CONSENT FOR DEMOLITION WILL NOT NORMALLY BE GRANTED UNLESS EVERY POSSIBLE EFFORT HAS BEEN MADE TO SUSTAIN AN EXISTING USE OR FIND AN APPROPRIATE NEW ONE.

THE COUNCIL WILL NOT NORMALLY GRANT LISTED BUILDING CONSENT FOR THE DEMOLITION OR SUBSTANTIAL DEMOLITION OF A LISTED BUILDING AND/OR ANY BUILDING OR STRUCTURE WITHIN ITS CURTILAGE WHICH CONTRIBUTES TO THE SPECIAL ARCHITECTURAL OR HISTORIC INTEREST OF THE PRINCIPAL BUILDING OR IS OF ARCHITECTURAL OR HISTORIC INTEREST IN ITS OWN RIGHT.

EQ18 Setting of Listed Buildings

THE COUNCIL WILL NORMALLY NOT PERMIT ANY DEVELOPMENT WHICH ADVERSELY AFFECTS THE SETTING OF A LISTED BUILDING.

Unsympathetic development may seriously detract from the appearance and/or setting of a listed building.

EQ19 Changes of use of Listed Buildings

WHERE THE ORIGINAL USE OF A LISTED BUILDING IS NO LONGER POSSIBLE OR REQUIRED, PROPOSALS FOR A CHANGE OF USE WILL BE GIVEN FAVOURABLE CONSIDERATION PROVIDING THE PROPOSED USE IS NOT DETRIMENTAL TO THE SPECIAL INTEREST OF THE BUILDING OR TO ITS SETTING.

The best use for a listed building is that for which it was intended, however, in some cases this will not be reasonable or practical. The Council does not wish to encourage inappropriate or deleterious land uses solely to secure improvements to historic buildings, but in certain cases changes of use which enhance the historic building or facilitate its maintenance may be considered. Exceptions to the Council's policies regarding particular types of uses may be permitted if this is the sole means of preserving and maintaining a building of considerable value.

Listed Building Consent may also be required where internal or external alterations would accompany the proposed change of use in order to comply with other operational or statutory requirements, for example the Building Regulations. Where these alterations would be detrimental to the special interest of the building the proposal, itself, may be unacceptable.

EQ20 Buildings of Local Significance

~~THE COUNCIL WILL TAKE APPROPRIATE ACTION TO SECURE THE RETENTION AND ENHANCEMENT OF BUILDINGS AND STRUCTURES OF LOCAL SIGNIFICANCE WHICH ARE NOT ON THE STATUTORY LIST.~~

~~There are a number of exceptional buildings in Hackney, particularly churches, which are not on the Statutory List, often because they were overlooked when the Statutory List was compiled. These buildings are considered to be of local significance because of their architectural/industrial archeological merit and/or townscape importance, local historic associations, and value to the community as cherished landmarks. Therefore, the Council will seek to protect and enhance these buildings as far as possible within its powers, and will monitor and review the list with a view to making recommendations for English Heritage to review the Statutory List in the light of current listed criteria. The list of Buildings of Local Significance is available.~~

Note:

~~Appropriate action may include Building Preservation Notices, local listing, Article 4 Directions or requests to the Department of the Environment for spot listing or scheduling as an ancient monument.~~

Metropolitan Open Land

EQ21 Metropolitan Open Land

THE COUNCIL WILL SEEK TO ENSURE THAT THE AREAS SHOWN AS METROPOLITAN OPEN LAND ON THE PROPOSALS MAP REMAIN IN PREDOMINANTLY OPEN USE. ANY BUILT DEVELOPMENT SHOULD BE ASSOCIATED WITH THE OPEN SPACE, NATURE CONSERVATION AND/OR RECREATIONAL USE OF METROPOLITAN OPEN LAND, AND WILL BE SUBJECT TO THE FOLLOWING REQUIREMENTS:

- (A) THAT ITS PRIME FUNCTION SHOULD BE ANCILLARY TO THE MAINTENANCE OR USE OF THE ADJOINING OPEN LAND;
- (B) THAT, WHEREVER POSSIBLE, NEW BUILDINGS ARE SITED CLOSE TO EXISTING BUILT DEVELOPMENT OR ON THE PERIPHERY OF THE OPEN LAND;
- (C) THAT IT HAS A HIGH STANDARD OF DESIGN AND LANDSCAPING.

Metropolitan Open Land needs to be safeguarded as much as the Metropolitan Green Belt and hence the same presumption against inappropriate development applies. It is strategically important open space, land or water in London, either publicly or privately owned, and with or without public access, which either:

- (i) Contributes to establishing London's special identity; or
- (ii) Helps to separate and/or define London's distinctive communities; or
- (iii) Creates a positive and significant open space experience when used, passed or crossed by Londoners or visitors; or
- (iv) Accommodates sites of metropolitan importance in terms of landscape, buildings, structures, natural features and ecology; or special events of importance to London or a sector of London because of their rarity, special quality, historical association, importance to tourism, or attracting large numbers of participants; or
- (v) Provides leisure or recreation amenities or facilities with a national, regional, London-wide or one involving more than two boroughs; or
- (vi) Forms a Green Chain of related open spaces and linking footpaths, bridleways, riverside and canalside walks, and tow-paths.

The area defined on the proposals map as Metropolitan Open Land will be safeguarded from built development. Strategic Guidance for London states that boroughs should reaffirm the accepted uses and status of areas of Metropolitan Open Land. Provided in all

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cases that any ancillary buildings do not damage the open nature or character of the site, appropriate uses within Metropolitan Open Land are:

- (i) Public and private open space and playing fields.
- (ii) Agriculture, woodlands and orchards.
- (iii) Rivers, canals, reservoirs, lakes, docks and other open water.
- (iv) Golf courses.
- (v) Allotments and nursery gardens.
- (vi) Cemeteries and associated crematoria.
- (vii) Nature conservation.

In implementing this policy the Council will have proper regard to the provisions of the Lee Valley Regional Park Plan.

Lea Valley Regional Park

~~EQ22 Proposals by Lee Valley Regional Park Authority~~

~~THE COUNCIL WILL SUPPORT PROPOSALS PUT FORWARD BY THE LEE VALLEY REGIONAL PARK AUTHORITY WHICH:~~

- ~~(A) ENHANCE AND CREATE RECREATIONAL OPPORTUNITIES FOR BOROUGH RESIDENTS;~~
- ~~(B) IMPROVE THE LANDSCAPE QUALITY;~~
- ~~(C) CONSERVE AREAS OF ECOLOGICAL INTEREST;~~

~~PROVIDING THAT THEY ARE CONSISTENT WITH POLICIES ELSEWHERE IN THIS PLAN.~~

~~The Lee Valley Regional Park Authority intends to implement new leisure and recreation facilities in accordance with its Park Plan. Generally the Council will support proposals for the Park which introduce activities and management policies that maximise its attraction and accessibility to Hackney residents and help meet leisure deficiencies previously identified. In the case of the Defined Employment Areas, however, the Council's policy is to encourage employment related development (Policy E2). The Council will, therefore, have to consider carefully the implications of any possible conflict between proposals from the Lee Valley Regional Park Authority and the provision of new industrial premises.~~

Other Special Areas

EQ28 London Squares

THE COUNCIL WILL NOT NORMALLY PERMIT DEVELOPMENT WHICH DETRACTS FROM THE CHARACTER AND AMENITY OF THE LONDON SQUARES SHOWN ON THE PROPOSALS MAP AND WILL USE ITS POWERS TO ENSURE THAT THE USES IN THE SQUARES AND/OR THE DEVELOPMENT OF ADJACENT AREAS ENHANCES THEIR APPEARANCE.

London Squares are protected by an Act of Parliament which imposes considerable constraints over and above the Planning acts. Hackney's London Squares are an important part of London's architectural heritage and their protection is a concern of the metropolitan area as a whole. The Council wishes to preserve and enhance the character and quality of the Borough's eighteen London Squares, including that which results from particular relationship of buildings, streets, street furniture and landscaping. London Squares are often the focus of conservation areas and in these cases will also be subject to the conservation area policies elsewhere in this Chapter.

EQ29 Archaeological heritage

~~IN THE AREAS OF ARCHAEOLOGICAL PRIORITY SHOWN ON THE PROPOSALS MAP AND ELSEWHERE AS NECESSARY THE COUNCIL WILL NORMALLY REQUIRE:~~

- ~~(A) PRIOR ASSESSMENT AND PLANNING FOR THE ARCHAEOLOGICAL IMPLICATIONS OF DEVELOPMENT (IF NECESSARY BASED UPON A PRELIMINARY ARCHAEOLOGICAL SITE EVALUATION PRIOR TO A PLANNING DETERMINATION); AND~~
- ~~(B) FOR SITES REQUIRING IN SITU PRESERVATION, SUITABLE DESIGN, LAND USE AND MANAGEMENT; OR~~
- ~~(C) FOR SITES NOT REQUIRING IN SITU PRESERVATION, AN APPROPRIATE LEVEL OF ARCHAEOLOGICAL INVESTIGATION AND PRESENTATION TO THE PUBLIC OF ANY FINDS.~~

~~The Archaeological Heritage of Hackney is considerable and includes the internationally important Palaeolithic site between Stamford Hill/Upper Clapton, Medieval and Elizabethan remains in South Shoreditch as well as dozens of smaller sites throughout the Borough. The Council will use its available powers to ensure that such remains are not needlessly destroyed. The preservation of this valuable education and cultural asset is a legitimate objective against which the needs of development must be carefully balanced and assessed in line with Government advice. The physical preservation *in situ* of important sites will be sought, where desirable and feasible. Preservation by record (excavation) is a second best option and developers should not expect to obtain planning permission for archaeologically damaging development merely because they arrange for the recording of sites.~~

~~The Council encourages developers to consider the archaeological aspects of a development site as early as possible in order to reduce~~

~~uncertainty and conflict and will itself seek professional advice on assessing the archaeological importance and potential of a site. Where appropriate the Council will require an archaeological statement (a written assessment) and/or an archaeological field evaluation (on site assessment by trial work) before a decision on the application is taken. The policy will apply, particularly, in areas of archaeological priority but may be applied elsewhere, on the advice of English Heritage, should the archaeological evidence suggest that this would be appropriate.~~

~~The case for *in situ* preservation will be assessed on an individual basis, weighing the importance of the remains against the needs for development. Where presentation to the public of the preserved *in situ* remains is desirable and feasible, the Council will require the development design to accommodate this objective.~~

~~Where the preservation of known archaeological remains *in situ* is not justified, the Council will require that no development takes place on a site until archaeological investigations have been carried out by an investigating body, to be approved by the Council; such investigations shall be in accordance with a detailed scheme to be approved in writing in advance by the Council.~~

~~Investigations should be undertaken by a professionally qualified archaeological organisation or consultant. Developers are urged to contact at an early stage English Heritage who maintain the Sites and Monuments Record (SMR) and advise on the archaeological potential of sites both within and outside areas of archaeological priority.~~

~~Further guidance will be published as Supplementary Planning Guidance Notes.~~

EQ30 Areas of Special Landscape Character

THE COUNCIL WILL EXPECT PROPOSALS WITHIN, ADJACENT TO OR AFFECTING THE AREAS OF SPECIAL LANDSCAPE CHARACTER SHOWN ON THE PROPOSALS MAP TO RESPECT AND ENHANCE THE UNIQUE CHARACTER OF THESE AREAS THROUGH:

- (A) APPROPRIATE LAYOUT, DESIGN, BOUNDARY TREATMENT AND PLANTING;
- (B) PROTECTION OF OPPORTUNITIES FOR ACCESS TO ASSOCIATED TOWPATHS/PUBLIC FOOTPATHS;
- (C) RETENTION AND ENHANCEMENT OF SPECIAL FEATURES.

Trees**EQ31 Trees**

THE COUNCIL WILL SEEK TO PROTECT AND IMPROVE THE PUBLIC AMENITY VALUE OF TREES BY:

- (A) MAKING TREE PRESERVATION ORDERS WHERE APPROPRIATE ON INDIVIDUAL TREES OR GROUPS OF TREES WHICH CONTRIBUTE TO THE CHARACTER OF THE AREA AND/ARE OF PUBLIC AMENITY VALUE;
- (B) DISCOURAGING THE REMOVAL OF MATURE HEALTHY TREES AND IMPOSING CONDITION ON PLANNING PERMISSIONS WHERE APPROPRIATE TO ENSURE PROTECTION OF TREES ON DEVELOPMENT SITES;
- (C) ENCOURAGING PLANTING OF TREES ON DEVELOPMENT SITES;
- (D) IMPLEMENTING AND ENCOURAGING OTHER PUBLIC AUTHORITIES AND PRIVATE LANDOWNERS TO IMPLEMENT NEW TREE PLANTING THROUGHOUT THE BOROUGH.

The Council considers the Lee Valley and Regent's Canal to be corridors of outstanding waterside and landscape character which warrant special attention in recognition of their contribution to the Borough's overall environmental quality. New works should be designed to be in keeping with the particular character of the area and protect, and where possible create, opportunities for access. In all cases it is essential to preserve and enhance these areas and their special features which include water areas, views and vistas, mature planting, ecological areas, and items of industrial archaeological importance such as locks, railings and bollards.

The environmental quality of Hackney depends to a great extent on the quantity and quality of its trees and landscaping; for example, trees complement buildings, are townscape features along roads and in open spaces, and form part of the ecological network harbouring bird and animal life. Controls and guidelines are necessary to preserve this resource by preventing further mutilation and felling of trees and by promoting appropriate replacement planting and adequate maintenance. Where appropriate, tree planting is encouraged as part of new development proposals provided such planting does not cause damage to underground services.

Tree Preservation Orders may be made by the Council on individual trees or groups of trees, and express authorisation from the Council must be obtained before a tree with a TPO can be lopped, topped, felled or wilfully destroyed or damaged. Tree Preservation Orders will be rigorously enforced. Trees in a Conservation Area are similarly protected.

Shopfronts, Signs and Advertisements

EQ32 Shop Front and Shop Signs

THE COUNCIL WILL NORMALLY REQUIRE NEW SHOPFRONTS (INCLUDING INTEGRAL SHOP SIGNS) TO:

- (A) BE OF A HIGH STANDARD OF DESIGN AND MATERIALS AND RELATE TO THE ARCHITECTURAL COMPOSITION OF THE BUILDINGS ON WHICH THEY ARE FITTED;
- (B) BE IN KEEPING WITH THE SURROUNDING SCALE AND TOWNSCAPE AND ENHANCE THE STREET SCENE;
- (C) NOT RESULT IN THE LOSS OF A TRADITIONAL SHOP FRONT;
- (D) WHERE APPROPRIATE, UTILISE TRDITIONAL MATERIALS AND RETAIN EXISTING DETAILS SUCH AS PILASTERS, BRACKETS AND CORNICES;
- (E) ENSURE THAT ANY FASCIA OR PROJECTING SIGNS ARE LOCATED WITHIN THE TRADITIONAL FASCIA LEVEL AND ARE APPROPRIATELY POSITIONED AND ILLUMINATED FOR THE LOCALITY;
- (F) ENSURE THAT BLINDS ARE TRADITIONALLY DESIGNED AND RETRACTABLE AND THAT SHUTTERS ARE FULLY PERFORATED TO ENABLE A CLEAR VIEW OF THE SHOP WINDOW WHEN CLOSED;
- (G) PERMIT SAFE AND CONVENIENT ACCESS FOR PEOPLE WITH DISABILITIES AND PEOPLE WITH YOUNG CHILDREN;
- (H) PERMIT ACCESS TO UPPER FLOORS IN ACCORDANCE WITH POLICY R15.

Further guidance is available in Supplementary Planning Guidance Notes.

Shopfronts, particularly in Hackney's narrow streets, provide interest and detail for passers-by and form an important part of the overall street scene. Through sensitive design, new shopfronts, shop signs and associated features can upgrade the shopping environment and enhance the historic and architectural quality of the street scene. The proliferation of standardised styles, aluminium shopfronts, 'wet look' canopies and projecting signs is considered detrimental to the majority of street scenes. Greater emphasis will be given to preservation and introduction of period shopfronts and less intrusive signs and detailing.

Within conservation areas new shop fronts should preserve or enhance the character or appearance of the area.

Conservation Area Consent for demolition of shop fronts or parts of shop fronts which contribute towards the character and appearance of conservation areas will not, normally, be granted.

Shopfronts on listed buildings should, normally, accord with the style, period, details and materials of the building.

People with disabilities and people with young children often experience difficulty in gaining easy access to shops because of poor design. The Council is determined that such fundamental barriers to mobility should be removed when new shopfronts are installed.

Note:

The Council has also published Supplementary Planning Guidance Notes on these matters.

EQ33 External Advertisements

THE COUNCIL WILL NORMALLY REQUIRE ALL EXTERNAL ADVERTISEMENTS TO:

- (A) BE OF A HIGH STANDARD OF DESIGN;
- (B) RELATE ARCHITECTURALLY TO THE BUILDING ON WHICH THEY ARE FITTED;
- (C) BE IN KEEPING WITH THE SURROUNDING SCALE AND TOWNSCAPE AND NOT DETRACT FROM THE VISUAL AMENITY OF THE STREET SCENE;
- (D) BE DESIGNED AND LOCATED SO AS NOT TO CREATE A SAFETY HAZARD.

The proliferation of advertisements and pressure to increase their size and visibility can detract from the amenity of an area. The Council will seek to ensure that advertisements do not adversely affect the architecture of building(s); avoid clutter and confusion in an already busy street scene; and do not obscure or intrude into other features in the environment such as open spaces and waterways. Bright and distracting advertisements can also endanger safety, for example, by causing confusion for drivers at traffic signals.

‘Advertisements’ means any word, letter, model, sign, placard, board, notice, device or representation, whether illuminated or not, in the nature and for the purpose of advertisement; and includes any hoarding or similar structure or any balloon used for the display of advertisements.

The Council will place further restrictions on advertisements on Council-owned land requiring the content of the sign or advertisement to be in line with the Council’s Equal Opportunities Policy (prohibiting racist or sexist images being displayed).

The Council will seek to reduce fly posting.

EQ34 Projecting Advertisements

THE COUNCIL WILL NOT NORMALLY PERMIT PROJECTING ADVERTISEMENTS WHICH WOULD BE TO THE DETRIMENT OF THE STREET SCENE. WHERE ACCEPTABLE, SUCH ADVERTISEMENTS WILL BE LIMITED TO ONE PROJECTING ADVERTISEMENT PER ESTABLISHMENT EXCEPT FOR VERY LARGE FRONTAGES, OR WHERE THERE IS A SIGNIFICANT RETURN FRONTAGE.

Projecting advertisements must be controlled where they are visually intrusive or create unsightly clutter or where they are otherwise unacceptable on grounds of visual amenity or public safety.

EQ35 Illuminated Advertisements

THE COUNCIL WILL NOT NORMALLY PERMIT ILLUMINATED ADVERTISEMENTS WHICH WOULD CAUSE UNDUE HARM TO THE APPEARANCE OF THE BUILDING ON WHICH THEY ARE DISPLAYED OR OF THE SURROUNDING AREA OR TO THE AMENITY OF ANY RESIDENTIAL PROPERTY.

The Council wishes to control illuminated advertisements because they can harm the appearance of buildings and disturb the amenity of residential areas, particularly in a densely developed area such as Hackney. This Policy will be applied, therefore, to commercial properties within or adjacent to primarily residential areas where there are dwellings in close proximity.

EQ36 Advertisements in Relation to Conservation Areas and Listed Buildings

THE COUNCIL WILL NOT NORMALLY PERMIT INTERNALLY ILLUMINATED FASCIA, WALL, PROJECTING, NEON OR BOX ADVERTISEMENTS IN CONSERVATION AREAS AND ON/NEAR LISTED BUILDINGS, EXCEPT WHERE THEY WOULD PRESERVE OR ENHANCE THE CHARACTER OR APPEARANCE OF THE CONSERVATION AREA; OR PRESERVE THE LISTED BUILDING AND ITS SETTING.

The Council wishes to protect the amenity, character and quality of conservation areas, statutory and locally listed buildings and London Squares, and in such areas would prefer traditional painted fascia boards, hanging signs or individually lit letters.

IN SOME LOCATIONS A LOWER LEVEL OF LIGHTING SUCH AS DISCREET FLOODLIGHTING OR HALO LIT, INDIVIDUALLY MOUNTED LETTERS, MAY BE ACCEPTABLE. ILLUMINATED BOX SIGNS ARE ALSO LIKELY TO BE UNACCEPTABLE IN/NEAR OTHER SENSITIVE LOCATIONS SUCH AS OPEN SPACES, LOCALLY LISTED BUILDINGS, LONDON SQUARES AND AREAS OF SPECIAL LANDSCAPE CHARACTER.

EQ37 Advertisement Hoardings

THE COUNCIL WILL NORMALLY ONLY GIVE CONSENT FOR PERMANENT OUTDOOR ADVERTISEMENT HOARDINGS WHERE THEY ARE:

- (A) NOT LOCATED ON EXISTING BUILDINGS OR STRUCTURES;
- (B) NOT WITHIN AND NOT VISIBLE FROM SENSITIVE AREAS, SUCH AS RESIDENTIAL

Advertisement hoardings detract from the townscape quality of the Borough and often create 'dead', shabby areas around them. More specifically, poorly located advertisement hoardings can be an unsightly and incongruous feature in areas where there is a unified architectural or landscape character. In most cases hoardings will not be considered

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<p>AREAS, OPEN SPACES, THE VICINITY OF LISTED BUILDINGS, CONSERVATION AREAS AND AREAS OF SPECIAL LANDSCAPE CHARACTER;</p>	<p>acceptable because of their adverse impact on amenity or road safety but there may be some locations where hoardings are appropriate. In particular the Council wishes to protect the amenity, character and quality of conservation areas, statutory and locally listed buildings and London squares.</p>
<p>(C) WELL DESIGNED AND LANDSCAPED TO BE IN KEEPING WITH THE SCALE, ARCHITECTURE AND CHARACTER OF THE SURROUNDING AREA;</p>	<p>Where advertisement hoardings back onto a navigable waterway they should have regard to the impact of the rear elevation on the waterway and its setting.</p>
<p>(D) SAFE AND APPROPRIATE IN RELATING TO THE STREET SCENE AND SURROUNDING USES.</p>	<p>Note: The Council will place further restrictions where hoardings on Council-owned land requiring the content of advertisements to be in line with the Council's Equal Opportunities Policy (prohibiting racist or sexist images being displayed).</p>

Satellite and Telecommunications Equipment

~~EQ38 Satellite and telecommunications equipment~~

~~THE COUNCIL WILL NORMALLY PERMIT TELECOMMUNICATIONS DEVELOPMENTS, INCLUDING SATELLITE EQUIPMENT, PROVIDED THAT ANY APPARATUS IS, AS FAR AS PRACTICABLE, SITED SO AS TO MINIMISE ITS EFFECT ON THE APPEARANCE OF SURROUNDING AREAS.~~

~~WHERE PERMISSION IS SOUGHT FOR LARGE OR PROMINENT STRUCTURES, APPLICANTS SHOULD DEMONSTRATE THAT ALL POSSIBILITIES FOR SHARING FACILITIES, USE OF OTHER STRUCTURES AND BUILDINGS AND RESITING IN LESS OBTRUSIVE LOCATIONS HAVE BEEN EXPLORED. THE PREFERRED LOCATION FOR SUCH APPARATUS IS WITHIN DEFINED EMPLOYMENT AREAS. SCREENING THROUGH LANDSCAPING OR PLANTING WILL BE REQUIRED WHERE APPROPRIATE.~~

The Council recognises the benefits of encouraging new forms of telecommunications equipment, and wishes to facilitate their growth. When assessing development proposals for such equipment the Council will have regard to the technical and operational requirements of the operators but will have to be satisfied that all possible means of minimising any adverse effects on the character and visual amenity of the local environment have been explored. It is particularly important that the setting, character and appearance of Listed Buildings and Conservation Areas are not adversely affected.

For the siting of larger equipment operators should look to Defined Employment Areas as the area where there is likely to be the least conflict between the appearance of the apparatus and the character of the surrounding

POLICIES	JUSTIFICATION
<p>(C) POSTAL POUCHES, TELEPHONE BOXES, SEATING, BOLLARDS AND OTHER FORMS OF STREET FURNITURE ARE WELL LOCATED TO CAUSE MINIMUM DISTURBANCE TO PEOPLE WITH VISUAL IMPAIRMENT, WHEELCHAIR USERS AND PUSHCHAIRS;</p>	<p>difficulties the provision of ample well distributed seating can make the difference between being self sufficient or having to rely on others for assistance and mobility.</p>
<p>(D) SEATING IS WELL DISTRIBUTED THROUGHOUT BUSY PUBLIC AREAS TO ASSIST THOSE WITH WALKING DIFFICULTIES;</p>	<p>The Council will implement a phased programme of improvements to street furniture and surfacing along main thoroughfares. It is anticipated that many more recycling banks will be located within the Borough over the Plan period. This development is thoroughly endorsed by the Council; however great care will be taken in future to avoid locating them where they themselves will become an environmental eyesore, such as outside listed buildings or prominent public buildings. Council officers will work with operators to ensure that sufficient locations can be found which are both accessible and discreet.</p>
<p>(E) UNSIGHTLY AND REDUNDANT STREET FURNITURE WILL BE REMOVED, WHERE APPROPRIATE, AS PART OF THE COUNCIL'S PROGRAMME OF IMPROVEMENTS ON MAIN THOROUGHFARES.</p>	<p>The Council will implement a phased programme of improvements to street furniture and surfacing along main thoroughfares. It is anticipated that many more recycling banks will be located within the Borough over the Plan period. This development is thoroughly endorsed by the Council; however great care will be taken in future to avoid locating them where they themselves will become an environmental eyesore, such as outside listed buildings or prominent public buildings. Council officers will work with operators to ensure that sufficient locations can be found which are both accessible and discreet.</p>

Pollution Control

EQ40 Noise Control

THE COUNCIL WILL REQUIRE PROPOSALS LIKELY TO INTRODUCE A POTENTIAL NOISE NUISANCE INTO SENSITIVE AREAS OR TO INCREASE AMBIENT NOISE LEVELS OVER LARGE AREAS TO INCORPORATE APPROPRIATE MEASURES TO ENSURE THAT BACKGROUND NOISE LEVELS PERTAINING PRIOR TO THE DEVELOPMENT ARE NOT INCREASED TO AN UNACCEPTABLE DEGREE.

THE COUNCIL WILL NOT PERMIT DEVELOPMENT PROPOSALS WHICH COULD LEAD TO AN UNACCEPTABLE INCREASE IN NOISE LEVELS, AFFECTING EXISTING OR FUTURE OCCUPIERS OF ADJACENT PREMISES.

EQ41 Development Close to Existing Sources of Noise

WHERE DEVELOPMENT SENSITIVE TO NOISE IS TO BE LOCATED CLOSE TO A PERMANENT SOURCE OF NOISE GENERATION THE COUNCIL WILL REQUIRE THAT MEASURES ARE TAKEN TO MINIMISE THE EFFECTS ON FUTURE OCCUPANTS.

Over the past 30 years excessive noise has been recognised as a major source of environmental disturbance, and is now a matter of concern to a great many people. Noise has the capacity to irritate, annoy, interrupt sleep, increase stress, disrupt concentration and even to damage health. It affects everybody one way or another and whilst most people accept that some noise in a modern society is inevitable they also expect it to be mitigated wherever possible.

The Council aims to achieve a measure of control over the noise environment at the earliest stage of potentially noisy new development, and to protect the users of development permitted near to permanent sources of noise generation.

The Council has developed comprehensive standards which form the basis upon which planning applications for such developments will be considered. (These are published separately as Supplementary Planning Guidance).

EQ42 Air Pollution

THE COUNCIL WILL NOT PERMIT DEVELOPMENT PROPOSALS WHICH COULD GIVE RISE TO UNACCEPTABLE LEVELS OF ATMOSPHERIC POLLUTION, INCLUDING DUST, FUMES, SMOKE, GASES AND ODOURS.

Air-borne pollutants, including dust, fumes, smoke, gases and odours can prejudice health, adversely affect wildlife, damage vegetation and stain and corrode buildings.

Although the main legislative powers to control atmospheric emissions and nuisance from certain fixed installations lie with the Council's Head of Environmental Health, the use of planning powers can discourage proposals for industrial processes or commercial undertakings with a significant air pollution potential.

Furthermore, the major source of air pollution in Hackney is derived from the volume of transport, over which the Council has little control. The judicious use of planning powers may mitigate, prevent or contain the impact of new sources of air pollution from motor vehicles.

EQ43 Development of Contaminated Land

THE COUNCIL WILL REQUIRE PROPOSALS FOR THE DEVELOPMENT OF CONTAMINATED LAND TO INCLUDE APPROPRIATE MEASURES TO PROTECT FUTURE USERS OR OCCUPIERS OF THE LAND, THE PUBLIC, NEW STRUCTURES AND SERVICES, WILDLIFE, VEGETATION, GROUND WATER AND SURFACE WATER COURSES.

Pollution from contaminated land arising from industrial processes can cause adverse health effects, building damage, poisoning of wildlife and contamination of ground and surface waters. It is important, therefore, that remedial treatment is taken appropriate to the nature and extent of the contamination present.

Any drainage constructed in contaminated land should normally comply with Thames Water and the National River Authority's requirements and be adequately protected so that contaminants do not enter the sewers.

EQ44 Water Pollution

THE COUNCIL WILL CONSULT WITH THE NATIONAL RIVERS AUTHORITY, THAMES WATER UTILITIES AND BRITISH WATERWAYS AND WILL NOT PERMIT DEVELOPMENT WHICH WILL LEAD TO A DETERIORATION IN THE QUALITY OF UNDERGROUND OR SURFACE WATER.

New developments, especially those in the vicinity of rivers and canals can have significant effects on the quality of surface and ground water. The Council will, therefore, seek to prevent developments which it, in consultation with the NRA, Thames Water Utilities and British Waterways considers likely to place the quality of watercourses, and underground water at risk.

Waste Management and Recycling**EQ45 Waste Disposal**

~~THE COUNCIL MAY PERMIT PROPOSALS FOR WASTE DISPOSAL OPERATIONS PROVIDING THEY DO NOT HAVE AN ADVERSE EFFECT ON PUBLIC AMENITY OR SAFETY, NATURE CONSERVATION OR THE LOCAL ENVIRONMENT, SUBJECT TO OTHER POLICIES IN THE PLAN.~~

~~All of the domestic, and the vast majority of the commercial waste generated in Hackney, is disposed of at the incinerator at Edmonton where it helps to generate electricity for the national grid. There are no suitable sites available for a waste transfer station in Hackney. There is a site nearby in Waltham Forest. The waste disposal operations that do exist in Hackney are small scale ones involved with the private sector disposal of building or construction site waste. Policy EQ47 together with Policy EQ1 provides guidance on the factors that the Council will take into account in its assessment of such proposals.~~

~~The potential amenity, safety, nature conservation and local environmental impact of any proposed waste disposal operations will require very careful consideration. The Council will take into account National Policy on waste and recycling set out in "This Common Inheritance," SERPLAN's "Guidelines for Waste Disposal Planning in the South East," and the policies of the London Waste Regulation Authority, and North London Waste Authority when considering proposals involving waste disposal.~~

Chapter 3

Housing

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~~HO11 Sites with Constrained Street Frontages~~

~~THE COUNCIL MAY PERMIT THE DEVELOPMENT OF SITES WITH CONSTRAINED STREET FRONTAGES FOR RESIDENTIAL PURPOSES SUBJECT TO CONSIDERATION OF~~

- ~~(A) BUILDING DESIGN (WHICH SHOULD BE IN KEEPING WITH OR COMPLEMENTARY TO EXISTING TOWNSCAPE CHARACTER);~~
- ~~(B) IMPACT ON EXISTING AMENITY, OPEN SPACE OR MATURE TREES;~~
- ~~(C) VEHICULAR ACCESS AND PARKING PROVISION; AND~~
- ~~(D) ENVIRONMENTAL IMPACT STEMMING FROM ADJOINING LAND USES AND IMPACT STEMMING FROM ADJACENT SOURCES OF TRAFFIC NOISE AND DISTURBANCE OR EXISTING INDUSTRIAL ACTIVITIES.~~

~~Sites with constrained street frontages, such as backland and infill land, often not formerly in residential use, present particular redevelopment problems. The Council must ensure that proposals for residential redevelopment will not adversely affect the amenities of adjoining residents, nor the character of the adjacent townscape and local environment, through overdevelopment, inappropriate design and construction, or loss of amenity and open space. The Council must also ensure that the proposed new residents will have a satisfactory residential environment free of detrimental noise and other pollution sources.~~

HO12 Conversions

THE COUNCIL WILL NORMALLY PERMIT A CONVERSION SCHEME IN HOUSES OF NOT LESS THAN 120 SQ.M.(1,300 SQ. FT.) FLOORSPACE, INCLUDING INTERNAL CIRCULATION, UNLESS IT CONFLICTS WITH MEETING THE SOCIAL AND HOUSING NEEDS OF RESIDENTS OF A PROPERTY OR AREA WHICH THE COUNCIL HAVE SPECIFIED AS A RENEWAL AREA.

THE COUNCIL WILL NORMALLY EXPECT SUCH SCHEMES TO PROVIDE A VARIETY OF ACCOMMODATION, INCLUDING A MINIMUM OF ONE FAMILY UNIT OF 3 OR MORE BEDROOMS, SUITABLE FOR 4 OR MORE PERSONS, WITH ACCESS TO A GARDEN. IN MORE SUBSTANTIAL PROPERTIES, PROVISION SHOULD BE MADE FOR LARGER FAMILIES.

Note 1:

Floorspace of houses as it applies to policy HO12 means gross existing habitable floorspace. It

The Council considers it essential to maintain an adequate stock of houses suitable for occupation as 'single family dwellings' to meet a continuing need for such accommodation in the Borough. The threshold of 120 sq.m. will enable the retention of houses for households with children whilst permitting houses of greater floorspace to be converted to provide a range of dwelling sizes. In each conversion scheme the Council generally wishes to see at least one family unit (minimum 3 bedrooms) provided.

The Council estimates that the minimum floor area required to provide a three bedroom and another unit is 120 sq.m. and that the subdivision of smaller houses would not meet the requirements of this Policy. The Council also recognises that there are housing areas such as Renewal Areas (designated under the Local Government and Housing Act 1989) where

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includes hallways, landings, stairways, bathrooms and kitchens as well as habitable rooms. It does not include cellars, vaults or non-habitable basements, roof spaces, or detached outbuildings.

Note 2:

For the purpose of definition a ‘substantial property’ is a premise at least 50% (180 sq.m. minimum floorspace) larger than the conversion threshold size (120 sq.m. floorspace).

the conversion of properties will conflict with the Council’s objectives in meeting the needs of local residents.

A variety of size of accommodation in the older housing stock is essential to meet residents future needs. The high rate of conversions is such that there has been a substantial loss of accommodation suitable for households with children. This policy allows for use and sub-division to small units in schemes that provide a larger dwelling.

There is an acute need to maintain accommodation for larger households (eight or more persons) wherever possible. Large households have experienced extreme difficulty in gaining access to accommodation. This has particularly disadvantaged households from black and ethnic minority communities. The larger the dwelling, the wider the range and size of households that can be satisfactorily accommodated. The Council is obliged to plan for the needs of larger households by taking every opportunity to create and maintain accommodation of a suitable size.

The Council recognises that a different dwelling mix may be required to enable the refurbishment of Listed Buildings and those situated in Conservation Areas in order to retain their distinctive townscape character. Elsewhere a very poor external environment and inability to provide satisfactory external amenity space may mean that conversions which do not provide a family sized unit would be acceptable.

The Council also recognises that schemes to improve the accommodation and amenities of existing tenants of non-self contained accommodation may also require a different dwelling mix. Similarly it may not be appropriate to apply a specific dwelling mix policy in respect of those schemes undertaken as part of a wider rental or shared ownership programme which contributes to meeting the

Council's statutory housing responsibilities by the provision of nomination rights.

The Council will routinely review the operation of this policy in the light of emerging and other relevant information, including strategic advice and guidance, so as to ensure that the policy continues to be amenable to the provision of accommodation in accordance with housing needs and requirements. The Council will also monitor the undertaking of conversions to ensure that they do not further generate undue detriment, through traffic and parking congestion e.g., to residential amenities.

~~HO13 Conversions Within Original Envelope~~

~~THE COUNCIL WILL NOT NORMALLY PERMIT THE ERECTION OF SIGNIFICANT EXTENSIONS, NOR THE EXCAVATION OF HITHERTO NON-HABITABLE BASEMENTS OR THE ADAPTION OF ROOF SPACE FOR THE PRIMARY PURPOSE OF INCREASING THE NUMBER OF UNITS TO THE DETRIMENT OF EXISTING AMENITIES AND THE CHARACTER OF THE AREA'S TOWNSCAPE.~~

~~The Council recognises that the over-development of premises for the primary purposes of providing additional units, rather than improvement and the enhancement of dwelling living space through the erection of large extensions or adaption of non-habitable floor or roof space, may be unacceptably detrimental to both existing residential amenities and the character of the area's townscape. (See Policies EQ1, EQ5 and EQ6).~~

Houses in Multiple Occupation and Hostels

~~HO14 Houses in Multiple Occupation~~

~~THE COUNCIL WILL NORMALLY PERMIT THE USE OF HOUSES IN MULTIPLE OCCUPATION AS NON SELF-CONTAINED DWELLINGS PROVIDING:~~

- ~~(A) THE HOUSE HAS A FLOORSPACE OF MORE THAN 120 SQ.M. (1,300 SQ.FT.) INCLUDING INTERNAL CIRCULATION;~~
- ~~(B) THE DENSITY OF OCCUPATION WOULD NOT HAVE AN UNACCEPTABLE IMPACT ON THE CHARACTER OF THE SURROUNDING AREA OR ON LIVING CONDITIONS OF LOCAL RESIDENTS;~~

~~The Council recognises that there is a pressing shortage of accommodation for rent in the Borough. The constraints which have been imposed on the social house building programmes, the decline of the private rental sector and relatively high purchase prices means that many local people — particularly the low paid, the young, the single, women, and black and ethnic minorities — experience great difficulty in obtaining satisfactory accommodation. With the result that there is a high level of homelessness among such groups.~~

~~including external amenity space, that households with children require.~~

~~The Council must ensure that non-self contained dwellings provide satisfactory accommodation, without detriment to the amenities of adjacent residents or to the local environment and townscape. The Council will therefore publish, and periodically update, detailed Supplementary Planning Guidance as to how such accommodation can be provided. Appropriate planning conditions to restrict the use of approved houses in multiple occupation to specified numbers and types of occupiers, normally excluding family household use, may also be considered by the Council where circumstances warrant.~~

~~In determining proposals for use as a house in multiple occupation the Council will also have regard to the numbers of existing premises of this type within the local area in order to avoid increasing the potential stress on local amenities and services to the detriment of existing residents.~~

HO15 Residential Hostels

THE COUNCIL WILL NORMALLY PERMIT THE USE OF HOUSES AS RESIDENTIAL HOSTELS PROVIDING:

- (A) THE HOUSE HAS A FLOORSPACE OF MORE THAN 120 SQ.M. (1,300 SQ. FT.) INCLUDING INTERNAL CIRCULATION;
- (B) THE DENSITY OF OCCUPATION WOULD NOT HAVE AN UNACCEPTABLE IMPACT ON THE CHARACTER OF THE SURROUNDING AREA OR ON LIVING CONDITIONS OF LOCAL RESIDENTS;
- (C) THE ACCOMMODATION IS NOT UNACCEPTABLY SUBSTANDARD IN TERMS OF FACTORS SUCH AS DAYLIGHT, SUNLIGHT, ASPECT AND AMENITY SPACE;

The Council recognises that there is a pressing shortage of accommodation for rent in the Borough. The constraints which have been imposed on the social house building programmes, the decline of the private rental sector and relatively high purchase prices means that many local people — particularly the low paid, the young, the single, women, and black and ethnic minorities — experience great difficulty in obtaining satisfactory accommodation. With the result that there is a high level of homelessness among such groups.

In these circumstances, the provision of residential hostels can assist in widening the range of accommodation to meet housing needs and, in particular, those seeking transitional or medium stay accommodation.

POLICIES**JUSTIFICATION****(D) THE USE WILL NOT LEAD TO AN UNACCEPTABLE CONCENTRATION OF HOSTELS WITHIN A RESIDENTIAL AREA.****Note 1:**

For the purpose of definition hostels are defined as residential premises providing non self-contained, serviced (but without any significant element of care or supervision), temporary accommodation; occupied on general occupancy licence, rather than tenancy contractual basis.

Note 2:

The use of premises as a residential hostel is a 'suis generis' use (i.e.) specifically exempted from the Use Class Order as amended (April 1994).

Note 3:

Intending developers of residential hostels are also advised that the Council has adopted a Registration Scheme to ensure that such accommodation can comply or is capable of complying with the Council's Standards for Houses and Flats in Multiple Occupation, further details of which can be obtained from the Council's Environmental Protection Division. Intending developers are also strongly advised to contact the Council's Building Control Service to ascertain how their proposals can comply with 'means of escape' requirements.

Notwithstanding this, the Council recognises the need to control the use of residential hostels to ensure basic amenity and safety provision, in the interests of both occupiers and adjacent residents, in accordance with relevant housing and environmental protection legislative requirements. The Council has been enjoined by the Government to make specific provision for residential hostels in its Unitary Development Plan as part of a coherent corporate approach to this important housing issue ("The HMO Management Guide," DOE (1992)).

In determining a proposal for use as a residential hostel, the Council will consider the basic suitability of the premises in accordance with other policies of the Plan.

The Council will therefore not permit the use of houses of less than 120 sq.m. (1,300 sq. ft.) floorspace as residential hostels in order that a stock of houses suitable for households with children is retained (this also applies to conversion into self-contained units — See Policy HO12 — and use of Houses in Multiple Occupation — See Policy HO14).

The Council may not permit the use of a residential hostel to accommodate families with children, even for short stay purposes, unless an adequate level of amenities, including external amenity space suitable for family use, can be provided to the satisfaction of the Council.

The Council may also not permit a further residential hostel use where this would lead to an unacceptable concentration of hostels within a residential area to the detriment of existing residents, their amenities and, often stretched, local services and educational facilities.

The Council also recognises that the use of both statutory and locally listed buildings as residential hostels may not be appropriate if the necessary internal layout arrangements to comply with the relevant legislation would

result in unacceptable alterations to the character and layout of the premises.

The Council must ensure that the provision of residential hostels provides satisfactory accommodation, without detriment to the amenities of adjacent residents or to the local environment and townscape. The Council will therefore publish, and periodically update, detailed Supplementary Planning Guidance as to how such accommodation can be provided. Appropriate planning conditions to restrict the use of residential hostels to specified numbers and types of occupiers, which may exclude family household use, may be considered by the Council where circumstances warrant.

~~Housing for People with Disabilities,
Residential Accommodation for Care,
Sites for Travellers~~

~~HO16 Housing for People with Disabilities~~

~~THE COUNCIL WILL SEEK TO ENSURE THAT
SCHEMES FOR THE CONVERSION OF HOUSES
WITH LEVEL GROUND FLOOR ACCESS SHOULD BE
DESIGNED TO MOBILITY STANDARDS IN SO FAR AS
IS PRACTICABLE.~~

~~Strategic Guidance requires the Council to
make adequate provision for housing for
disabled people who need accommodation
constructed to Mobility Housing standards.~~

~~The Borough's potential to provide additional
accommodation for people with a mobility
disability through conversions (a very
important potential source of new dwellings)
is substantially circumscribed by existing
townscape and premise constraints. The
Council will therefore seek to encourage
developers to provide mobility standard
accommodation where level ground floor
access is practicable.~~

~~Households containing people with
disabilities cover the entire range of
household sizes and the Council will expect
Mobility Housing provision to reflect this. In
addition people with disabilities often have
lower than average incomes and are therefore
particularly dependent on social housing
provision.~~

Chapter 4

Employment

INTRODUCTION

STRATEGIC POLICIES

NATIONAL POLICY CONTEXT

REGIONAL POLICY CONTEXT

METROPOLITAN POLICY CONTEXT

LOCAL POLICY CONTEXT

New Development

- E1 Development Sites
- E2 Development within Defined Employment Areas
- E3 Development outside Defined Employment Areas
- E4 Storage and Distribution Development

Retention of Sites and Floorspace

- E5 Retention of Sites and Floorspace within Defined Employment Areas
- E6 Retention of Employment Sites and Premises outside Defined Employment Areas
- E7 Industrial and Commercial Improvement Areas

Nuisance, Special Industries, Car Repairs, Breakers and Open Site Uses

- E8 Employment Uses and Nuisance
- E9 Special Industries
- E10 Car Repairs
- E11 Car Breakers and Open Site uses

Office Development

- E12 Office Development

Small Firms, Provision for People with Disabilities, Training, Nurseries, Servicing

- E13 Small Firms
- E14 Access and Facilities for People with Disabilities
- E15 Training
- E16 Provision of Workplace Nurseries and Creches
- E17 Retention of Off-Street Service Facilities

Planning Standards

- E18 Planning standards

E7 Industrial and Commercial Improvement Areas

~~THE COUNCIL WILL CONTINUE TO SUPPORT EXISTING INDUSTRIAL AND COMMERCIAL IMPROVEMENT AREAS AND, WHERE APPROPRIATE, DECLARE FURTHER AREAS UNDER THE INNER URBAN AREAS ACT, 1978.~~

~~The Council has declared improvement areas in run down areas to upgrade their poor quality buildings and improve their environment, often thereby bringing sites and premises back into productive use. The Council can utilise additional powers and finances only available within improvement areas to encourage improvements to sites and premises by means of loans and grants to businesses, who often cannot afford all the cost of the necessary improvement works themselves. The Council will declare additional improvement areas when and where it is feasible and appropriate.~~

Nuisance, Special Industries, Car Repairs, Breakers and Open Site Uses

E8 Employment Uses and Nuisance

THE COUNCIL WILL ENCOURAGE IMPROVEMENTS TO THOSE SITES AND PREMISES WHERE THE USE CAUSES NUISANCE. FURTHER DEVELOPMENT WILL ONLY BE PERMITTED WHERE THE COUNCIL IS SATISFIED THAT IT WILL NOT LEAD TO AN INCREASE IN THE NUISANCE.

IN EXCEPTIONAL CIRCUMSTANCES THE COUNCIL WILL SEEK TO ASSIST THE RELOCATION OF THOSE USES WHICH CAUSE A SERIOUS NUISANCE IF NO SIGNIFICANT IMPROVEMENT CAN BE ACHIEVED ON THE EXISTING SITE.

Although industry and storage/distribution uses can often make good neighbours to the occupiers of nearby residential properties or to other commercial uses there are circumstances where the operation of a firm creates nuisance by virtue of unsociable working hours, on-street parking and loading/unloading, or as a result of noise, smells, dust, vibration, etc. It may be possible for businesses to make on-site improvements to minimise such nuisance and the Council will seek to encourage such improvements through negotiation where appropriate.

E9 Special Industries

THE COUNCIL WILL FAVOURABLY CONSIDER PROPOSALS INVOLVING THE ESTABLISHMENT OF SPECIAL INDUSTRIES WITHIN DEFINED EMPLOYMENT AREAS PROVIDING:

- (A) THERE ARE NO ADJOINING OR NEARBY DWELLINGS; AND

The Council recognises that there is a need for sites/premises for special industrial firms and that they can provide significant levels of employment. However it also recognises that the operations involved can cause environmental nuisance for adjoining commercial uses even when they are located away from residential properties.

POLICIES**JUSTIFICATION**

(B) THE COUNCIL BEING SATISFIED THAT THE USE WILL CAUSE NO NUISANCE OR LOSS OF AMENITY BY WAY OF NOISE, VIBRATION, SMELL, FUMES, SMOKE, SOOT, ASH, GRIT OR TRAFFIC GENERATION TO ADJOINING USES OR TO THE SURROUNDING AREA.

E10 Car Repairs

THE COUNCIL WILL PERMIT THE USE OF SITES OR PREMISES FOR CAR REPAIRS ONLY WHERE THIS WILL NOT RESULT IN UNACCEPTABLE ENVIRONMENTAL OR VISUAL INTRUSION PROVIDING THERE IS ADEQUATE OFF-STREET PARKING AND WORKING SPACE.

Car repair businesses frequently give rise to complaints. Problems most often occur where such businesses operate from inadequate premises in residential streets. Nevertheless it is estimated that car repair businesses in Hackney employ up to 1000 people, a high proportion of whom are from the black and ethnic minority communities, and the Council wishes to preserve this important source of employment and service to residents. The prospect of nuisance from car repair businesses is reduced if premises have adequate off-street facilities for parking and repairs, and hours of operation are controlled.

E11 Car Breakers and Open Site Uses

THE COUNCIL WILL NOT PERMIT CAR BREAKERS AND OPEN SITE USES (SUCH AS STORAGE, TRANSPORT DEPOTS, OR SIMILAR) IN RESIDENTIAL AREAS OR WHERE THEY WILL CREATE UNACCEPTABLE ENVIRONMENTAL OR VISUAL INTRUSION.

Although there is a demand for the products and services provided by such uses as car breakers, car sales and the storage of building materials, scaffolding and pallets etc, experience shows that they often prove environmentally and visually damaging. They tend to provide low levels of employment and they often generate high volumes of traffic. Unless they are dealt with elsewhere in the Plan most open site business and operational uses (excluding retail) will fall within the ambit of this policy. Examples would include those mentioned above together with other uses such as car pounds, and waste transfer stations.

POLICIES

JUSTIFICATION

~~Small Firms, Provision for People with Disabilities, Training, Nurseries, Servicing~~

E13 Small Firms

~~THE COUNCIL WILL ENCOURAGE THE PROVISION OF ACCOMMODATION FOR SMALL FIRMS IN NEW BUSINESS OR INDUSTRIAL DEVELOPMENTS.~~

~~Good accommodation is required for small and expanding firms. Large scale business or industrial development may provide opportunities for the provision of small firm accommodation.~~

~~The Policy is not intended to require accommodation for small firms in all new business or industrial developments, or in any particular scheme but the Council would wish to see this included where appropriate.~~

~~Meeting the needs of small firms is of considerable importance in generating employment growth. Its importance for the future of London is emphasised in Strategic Advice and Strategic Guidance. New or expanding firms generally require accommodation of between 280m² and 1000m² on accessible sites in good quality buildings and the Council wishes to see their needs met wherever possible. In doing so the Council recognises that Hackney is predominantly a small business economy. In 1986, 70% of Hackney's commercial occupiers had 5 employees or less and 92% of industrial firms had 25 employees or less. These proportions are unlikely to have changed since then which indicates that demand for smaller premises will inevitably remain high.~~

E14 Access and Facilities for People with Disabilities

~~THE COUNCIL WILL ENCOURAGE PROVISION OF ACCESS AND FACILITIES FOR PEOPLE WITH DISABILITIES IN ALL NEW EMPLOYMENT DEVELOPMENTS OR EXISTING BUILDINGS UNDERGOING REFURBISHMENT FOR EMPLOYMENT USE.~~

People with disabilities generally suffer disproportionately high levels of unemployment. What employment opportunities are available are often unnecessarily restricted by the physical design of buildings

which make access and use difficult or impossible. Whenever it is practicable or reasonable the Council will ensure that buildings are accessible and equipped to meet the needs of people with disabilities and so open up the range of employment opportunities available. The Council expects that there will be very few instances where it would not be practicable or reasonable to design new buildings to meet at least minimum standards. It is particularly important to ensure that main and principle entrances are accessible by people with disabilities.

E15 Training

~~THE COUNCIL WILL ENCOURAGE THE ESTABLISHMENT OF TRAINING CENTRES, AND TRAINING WORKSHOPS IN ORDER TO DEVELOP THE SKILLS OF THE RESIDENT WORK FORCE AND TO HELP GROUPS, SUCH AS WOMEN, BLACK AND ETHNIC MINORITIES AND PEOPLE WITH DISABILITIES FACING DISADVANTAGE IN THE LABOUR MARKET.~~

~~The decline of the manufacturing sector in Hackney and London generally has resulted in a mismatch between job opportunities and the skills of residents. Training will help reduce this skills mismatch and allow residents to compete for jobs in the growing sectors of the economy. Other groups of residents suffer from further disadvantages in competing for work and positive action to train them is necessary. Training will also serve to enlarge the availability of a skilled workforce and help attract firms to the Borough.~~

~~In considering the balance of advantage of major employment developments, local training provision will be a material factor. As a general guideline, the Council will consider all developments of over 6000m² gross floorspace likely to provide accommodation for over 300 jobs to be major employment developments.~~

~~Where planning obligations are appropriate, the Council will follow the guidelines set down in Policy ST3. The failure to provide benefits not related to the development or necessary to the granting of planning permission would not constitute grounds for the Council to refuse an otherwise acceptable planning application.~~

E16 Provision of Workplace Nurseries and Creches

THE COUNCIL WILL ENCOURAGE THE PROVISION OF CHILDCARE FACILITIES FOR USE BY EMPLOYEES OF MAJOR EMPLOYMENT DEVELOPMENTS.

A significant number of people who have valuable skills, qualifications and experience are deterred from taking up employment because of childcare responsibilities. The provision of childcare can also be beneficial to employers by helping them to attract and retain staff, reduce absenteeism and to overcome skills shortages. The Council will encourage major employment developments to provide nursery facilities within the development. In considering the balance of advantage of major employment developments, the provision of adequate childcare facilities will be a material factor. If on-site provision is not practicable or reasonable the Council will seek the provision of off-site nursery facilities or other alternative provision, provided there is a net addition of childcare places.

The nature and scale of facilities required will be judged on the individual circumstances of the scheme. Where planning obligations are appropriate, the Council will follow the guidelines set down in Policy ST3. The failure to provide benefits not related to the development or necessary to the granting of planning permission would not constitute grounds for the Council to refuse an otherwise acceptable planning application.

E17 Retention of Off-street Service Facilities

THE COUNCIL WILL NORMALLY REQUIRE THE RETENTION OF SERVICING FACILITIES (PARTICULARLY LOADING/UNLOADING BAYS, GOODS LIFTS, OPERATIONAL PARKING AREAS AND WIDENED DOORS) WHEN PROPOSALS ARE MADE FOR CONVERSION AND ADAPTION FOR OTHER EMPLOYMENT USES.

The Council seeks the retention of the servicing facilities of its building stock in order to protect flexibility in its future use. The extent and details of facilities to be retained will be assessed for each individual proposal, bearing in mind the existing proposed and possible future uses of the building.

Planning Standards**E18 Planning Standards**

THE COUNCIL WILL SEEK TO ENSURE THAT EMPLOYMENT DEVELOPMENTS ARE SATISFACTORY IN TERMS OF:

- (A) DESIGN, MATERIALS AND LANDSCAPING;**
- (B) ACCESS AND FACILITIES FOR PEOPLE WITH DISABILITIES**
- (C) CAR PARKING, LOADING/UNLOADING FACILITIES AND CIRCULATION SPACE;**
- (D) DRAINAGE AND SEWERAGE;**
- (E) THE IMPACT ON THE TOWNSCAPE AND THE POLICIES SET OUT IN THE ENVIRONMENTAL QUALITY CHAPTER;**
- (F) HEALTH HAZARD, POLLUTION AND NOISE CONTROL;**

AND WILL ISSUE SUPPLEMENTARY PLANNING GUIDANCE AS APPROPRIATE IN RESPECT OF SUCH CRITERIA.

The Council is concerned to ensure that development is carried out in accordance with current best practice in order to help secure and improve the amenity of the Borough and its residents. It has set out the general criteria upon which it will assess development proposals, in order to ensure that they can be taken into account when it is considering planning applications. It will expect all development to have regard to supplementary planning guidance which it will produce and update from time to time to provide guidance for developers.

Chapter 7

Retailing and Town Centres

INTRODUCTION

STRATEGIC POLICIES

NATIONAL POLICY CONTEXT

REGIONAL POLICY CONTEXT

METROPOLITAN POLICY CONTEXT

LOCAL POLICY CONTEXT

New Development

- R1 Town Centres
- R2 New Shopping Development and the Rebuilding or Extension of Existing Shops
- R3 Development within Shopping Frontages
- R4 Local Shops
- R5 Car Tyre/Exhaust/Service Centres; Self-Drive and Chauffeur Driven Car Hire Outlets

Changes of Use

- R6 Core Shopping Areas
- R7 Changes of Use in Shopping Centres
- R8 Protecting Local Shops
- R9 Redundant Shops Outside Shopping Centres
- R10 Cafes, Restaurants, Wine Bars and 'Take-Away' Hot Food Shops
- R11 Mini Cab and Driving School Offices
- R12 Amusement Arcades, Amusement Centres, Video Game Centres and Pool Halls

Shopfronts and Upper Floors

- R13 Shopfronts and Shop Sign
- R14 Access to Upper Floors
- R15 Use of Upper Floors

Street Markets

- R16 Street Markets
- R17 New Street Markets

Planning Standards

- R18 Planning Standards

POLICIES	JUSTIFICATION
<p>(1) PROPOSALS WHICH IMPROVE THE RANGE AND QUALITY OF SHOPPING, FOR EXAMPLE BY PROVIDING SPECIALIST SERVICES, REMEDYING DEFICIENCIES IN PROVISION OR MEETING THE NEEDS OF ETHNIC MINORITY COMMUNITIES; AND</p> <p>(2) PROPOSALS WHICH WOULD MAXIMISE LOCAL EMPLOYMENT OPPORTUNITIES.</p>	<p>of major retail development the Council will require a substantial contribution to costs from the developer.</p> <p>All of Hackney's shopping centres lie on busy, congested roads, therefore appropriate opportunities to provide rear servicing must be taken.</p> <p>Since many Hackney residents go shopping on foot or use public transport, the Council will expect the detailed design of the development to permit safe and easy access for those who do not arrive by car and, especially, for those with disabilities. The provision of adequate access and facilities for people with disabilities is, therefore, considered vital. Similarly, the provision of creche facilities, and facilities for feeding and changing children and public toilet accommodation will particularly benefit women, who traditionally bear the main responsibility for shopping and childcare. The requirement for the provision of the latter facilities will be related to the scale of proposed development.</p>

R3 Development within Shopping Frontages

WHERE REDEVELOPMENT IS PROPOSED WITHIN A SHOPPING FRONTAGE, THE COUNCIL WILL SEEK TO MAINTAIN THE CONTINUITY OF THE SHOPPING FRONTAGE AND, IF SHOPS ARE REDEVELOPED, WILL GENERALLY REQUIRE THE PROVISION OF REPLACEMENT SHOP UNITS.

A continuous shopping frontage of shopping windows and displays is central to the identity and image of a shopping area. Informative and interesting shop window displays attract customers and create life and character in a shopping area.

In requiring replacement shop units in redevelopment schemes, the council will not exclude non-retail uses appropriate to a shopping area, notably those in classes A2 and A3 of the Use Classes Order, which are akin to shops in function and appearance.

R4 Local Shops

WHERE LOCAL SHOPPING IS INADEQUATE AND THIS INADEQUACY WOULD BE SIGNIFICANTLY EXACERBATED BY MAJOR HOUSING OR OTHER DEVELOPMENT SCHEMES, THE COUNCIL WILL SEEK PROVISION OF SHOP UNITS AS PART OF THAT SCHEME.

Reasonable access to local shops is essential for the day-to-day needs of all members of the community. New housing and other schemes offer the opportunity to provide shops in locations which are currently poorly served. Redevelopment schemes should avoid the inclusion of existing shop premises unless it is essential to the proper development of the sites concerned.

For the purposes of this policy “major housing schemes” refers to new housing development on large housing sites of 0.4 hectares (1 acre) or more, while “major other development schemes” relate to new developments in prominent and accessible locations such as those on or close to the junction of two frontages and which bring substantial numbers of additional workers into an area. Each case will be judged on its individual merits.

~~R5 Car Tyre/Exhaust/Service Centres; Self-Drive and Chauffeur-Driven Car Hire Outlets~~

~~THE COUNCIL WILL ONLY PERMIT THE ESTABLISHMENT OF CAR TYRE/EXHAUST/SERVICE CENTRES, SELF-DRIVE AND CHAUFFEUR-DRIVEN CAR HIRE OUTLETS WHERE:~~

- ~~(A) THERE WILL BE NO SIGNIFICANT ADVERSE IMPACT ON THE AMENITY AND ENVIRONMENT OF NEARBY OCCUPIERS;~~
- ~~(B) THERE WILL BE NO SIGNIFICANT LOSS OF EMPLOYMENT OPPORTUNITIES (SEE EMPLOYMENT CHAPTER);~~
- ~~(C) ADEQUATE OFF-STREET PARKING IS PROVIDED; AND~~
- ~~(D) IN THE CASE OF CAR TYRE/EXHAUST/SERVICE CENTRES, THERE IS SUFFICIENT ROOM ON-SITE TO ENABLE VEHICLES TO BE SERVICED CLEAR OF THE PUBLIC HIGHWAY.~~

~~These uses can have a significant impact on local amenity through excessive on-street parking of customers' cars, noise and servicing of vehicles in the street. Assessment of proposals against the criteria set out in this policy will ensure that unacceptable intrusion is avoided and that sites suitable for more job intensive industrial/commercial uses are protected.~~

Changes of Use

R6 Core Shopping Areas

IN THE TOWN CENTRES, THE COUNCIL WILL NOT NORMALLY PERMIT CHANGES OF USE INVOLVING A LOSS OF GROUND FLOOR RETAIL FLOORSPACE WITHIN THE CORE SHOPPING AREAS SHOWN ON THE PROPOSALS MAP WHERE THIS WOULD UNACCEPTABLY HARM THE RETAIL FUNCTION, CHARACTER AND VITALITY OF THE SHOPPING AREA.

In the Borough's town centres it is important to protect the central area of retailing. Changes of use which break up these areas will affect the vitality, character and appearance of each centre as a whole. In assessing any proposal for a change of use, the Council will take into account the appearance, method of operation and likely customer attraction of the proposed use, as well as the character of the surrounding area in terms of appearance, pedestrian flows, and balance of uses.

In a core shopping area, shopping is the principal and dominant land-use. Usually it contains the most important shopping facilities, those which attract the greatest number of customers and which contribute most to the vitality of the centre. In all the centres there will be ample opportunity outside the core area for non-retail uses, to provide the services which complement shopping facilities.

The Council has designated core shopping areas only in the town centres in the Borough and, within them, only in the main or primary parts of the centres.

Note:

Core shopping areas have been identified for Dalston, Mare Street and Stoke Newington. The Schedule of Proposals at the rear of the Plan lists the properties affected.

R7 Changes of Use in Shopping Centres

SUBJECT TO THE PROVISION OF POLICIES R6 AND R8 THE COUNCIL WILL PERMIT CHANGES OF USE OF GROUND FLOOR ACCOMMODATION WITHIN TOWN CENTRES AND LOCAL SHOPPING CENTRES DEFINED ON THE PROPOSALS MAP PROVIDED THAT:

- (A) **THE USE IS APPROPRIATE TO A SHOPPING CENTRE IN TERMS OF FUNCTION, MODE OF OPERATION AND APPEARANCE;**
- (B) **THE PROPOSAL AVOIDS CREATING A DEAD FRONTAGE BY CAREFUL ATTENTION TO DETAILED DESIGN, WHICH MAY INCLUDE PROVISION OF AN APPROPRIATE WINDOW DISPLAY.**

Shopping centres are important for commercial and leisure activities as they contribute to the range of shopping services and facilities offered. However, whilst allowing for a suitable mixture of retail and non-retail uses, the Council does not wish to see non-retail uses dominating the core frontages of its shopping centres. Rather, the Council wishes to maintain the primary retail function of its shopping centres by controlling the number of non-retailing uses in them. A concentration of non-retailing uses can threaten the prosperity of a retail frontage. At the same time, the Council will guard against the creation of breaks in the shopping frontage by requiring shop window displays in appropriate circumstances.

The following uses are considered acceptable in principle:

- Bank, building society, estate agent, insurance broker, betting office, employment agency, solicitor;
- Social, community or health use (e.g. meeting places for women, black or ethnic minorities, lesbians or gay men, the unemployed, or doctor's surgery);
- Cafe, restaurant, wine bar 'take-away' hot food shop (subject to compliance with policy R10);
- Mini-cab office, driving school (subject to compliance with policy R11);
- Amusement centre, pool hall, leisure or recreational use (subject to compliance with policy R12);
- Launderette, pet shop;
- Car showroom;
- Arts and cultural uses.

Other uses will be considered on their merits.

R9 Redundant Shops Outside Shopping Centres

OUTSIDE THE TOWN CENTRES AND LOCAL SHOPPING CENTRES DEFINED ON THE PROPOSALS MAP, IF IN THE OPINION OF THE COUNCIL A SHOP UNIT IS REDUNDANT, THEN THE COUNCIL MAY PERMIT CHANGES OF USE TO:

- (A) ANY OF THE USES LISTED IN POLICY R7;
- (B) BUSINESS USES (CLASS B1);
- (C) STORAGE;
- (D) RESIDENTIAL

SUBJECT TO DETAILED CONSIDERATION OF THE LIKELY IMPACT ON ADJOINING USES.

POLICIES R6-R9 ESTABLISH IN GENERAL TERMS WHETHER OR NOT PLANNING PERMISSION WILL BE GIVEN FOR CHANGES OF USE FROM SHOPS TO NON-RETAIL USES. THE COUNCIL ALSO NEEDS TO CONSIDER IF THE PARTICULAR USE PROPOSED IS AN APPROPRIATE ONE. THE FOLLOWING POLICIES SPECIFY WHAT THE COUNCIL WILL CONSIDER IN ASSESSING THE LIKELY IMPACT ON LOCAL AMENITY.

R10 Cafes, Restaurants, Wine Bars and 'Take-away' Hot Food Shops

IN CONSIDERING A PROPOSAL FOR A CHANGE OF USE TO A CAFE, RESTAURANT, WINE BARS, OR 'TAKE-AWAY' HOT FOOD SHOP THE COUNCIL WILL TAKE INTO ACCOUNT:

- (A) THE LIKELY IMPACT ON THE AMENITIES OF ADJOINING RESIDENTIAL ACCOMMODATION; AND
- (B) THE CUMULATIVE ENVIRONMENTAL IMPACT ON THE LOCALITY WHERE A NUMBER OF SUCH USES ALREADY EXIST; AND
- (C) THE LIKELY EFFECT OF CAR PARKING ON THE FREE FLOW OF TRAFFIC.

The Council recognises that in some locations, particularly on the fringes of the town centres, there is much reduced demand for shop units and that this can lead to long-term vacancies. Where there is little prospect of these vacant units becoming occupied by new retail uses then their continued vacancy represents a lost opportunity for other uses which could provide accommodation for new businesses or community and black and ethnic minority initiatives. Accordingly, in the circumstances specified by this policy the Council will consider the acceptability of other uses. This policy will also be applied to isolated units which do not provide an essential local shop.

The Council recognises that restaurants and 'take away' hot food shops are particularly important business opportunities for the black and ethnic minority communities. Restaurants and cafes also provide a cultural and recreational service to the community. (Policy ACE1 deals with entertainment and in general with the particular need in Hackney for banqueting halls to accommodate cultural and social events).

These uses can cause considerable pedestrian and vehicular activity which is likely to be greater than a retail use. The main objectives of this policy are to control both the operation and location of these entertainment uses so as to

POLICIES

WHERE COOKING SMELLS AND FUMES WILL BE CREATED THE COUNCIL WILL REQUIRE THE INSTALLATION OF VENTILATION AND FUME EXTRACTION EQUIPMENT. IF THIS WOULD BE DETRIMENTAL TO VISUAL AMENITY THEN PLANNING PERMISSION MAY BE REFUSED. WHERE THERE IS RESIDENTIAL ACCOMMODATION ON UPPER FLOORS THE COUNCIL WILL NORMALLY REQUIRE DUCTING TO DISCHARGE ABOVE EAVES LEVELS AND THE PROVISION OF ADEQUATE SOUNDPROOFING. THE COUNCIL WILL REQUIRE SUBMISSION WITH THE PLANNING APPLICATION OF THE FULL DETAILS OF VENTILATION AND FUME EXTRACTION EQUIPMENT SHOWING LOCATION OF THE FLUE AND MOTOR, DIMENSIONS, COLOUR/MATERIAL, MODEL AND NOISE LEVELS. IT WILL ALSO REQUIRE DETAILS OF THE REFUSE CONTAINMENT FACILITIES.

JUSTIFICATION

minimise their adverse impacts. The Council will need to consider the likelihood of noise and disturbance to nearby residents, particularly at the weekend and late at night. Late closing cafes and restaurants should generally be located in the town centres and near places of entertainment. In some circumstances, the Council may impose restricted permissions to prevent uses changing to other uses within the same use class without the need for planning permission. For instance, the Council may impose restricted permissions for cafe uses to prevent them from being used as wine bars or public houses, since these uses would be likely to have a markedly different impact on the amenities of occupiers of upper floor flats or adjoining residential properties.

The Council has powers under the GLC (General Powers) Acts 1968 and 1976 to require 'take away' hot food shops to close between midnight and 05.00 hours. In some areas the protection of residential amenities will demand more restricted opening hours and, where appropriate, the Council will impose these as conditions on planning permissions.

The Council recognises that, in Hackney, most customers are likely to arrive on foot rather than by car. Parking may cause problems, however, and the Council will take into account the availability of short-term on-street parking and the likelihood of congestion. Ventilation, ducting and filtration arrangements are essential to avoid cooking smells and fumes causing nuisance and polluting the air. Consequently, the Council will require the full details of ventilation and fume extraction equipment including refuse containment facilities to be submitted with planning applications to ensure early resolution of the causes of nuisance and pollution. Because equipment can be visually intrusive, there will be instances where it may not be possible to give permission to the use itself without damage to the visual amenity (for example, where a flue can only be installed on a front elevation of a building). Detailed requirements are set out in a Supplementary Planning Guidance Note.

Note:

In addition to planning powers the Council is responsible for the registering of cafes, restaurants and 'take away' hot food shops under the Greater London Council (General Powers) Act 1968, and the Late Night Refreshment House Act 1969 (where a late closing hour is requested).

The Food and Drink Class (A3) in the Use Classes Order 1987 includes a number of related uses, for example, restaurants, cafes, snack bars, wine bars and public houses.

R11 Mini-cab and Driving School Offices

THE COUNCIL MAY PERMIT MINI-CAB OFFICES OR DRIVING SCHOOL OFFICES SUBJECT TO THE LIKELY IMPACT ON:

- (A) EXISTING SHOPPING FACILITIES (AS SET OUT IN POLICIES R6, R7 AND R8);
- (B) THE AMENITY OF NEARBY RESIDENTS; AND
- (C) ON-STREET PARKING, THE FREE FLOW OF TRAFFIC AND CONGESTION.

IN CONSIDERING A PROPOSAL, PARTICULAR REGARD WILL BE GIVEN TO FACTORS WHICH WOULD LESSEN THE IMPACT OF THE PROPOSAL, SUCH AS THE USE OF RADIO-CONTROLLED VEHICLES FOR MINI-CAB BUSINESSES.

IN MOST CASES, THE PROVISIONS OF OFF-STREET PARKING WILL NOT BE REQUIRED, ONLY WHERE THERE IS LIKELY TO BE SERIOUS INTERFERENCE WITH THE FREE FLOW OF TRAFFIC (SUCH AS CLOSE TO A ROAD JUNCTION OR WHERE THE ROAD IS ESPECIALLY NARROW OR HEAVILY TRAFFICKED) WILL OFF-STREET PARKING BE ESSENTIAL FOR PERMISSION TO BE GIVEN.

These uses provide new business opportunities and employment, particularly for members of the black and ethnic minority communities. Mini-cabs make an important contribution to public transport, especially at night and for hospital visiting, shopping and group travel.

However, the Council must balance the needs of the mini-cab and driving school offices with the need to protect residents from undue disturbance arising from noise and pollution from traffic and to minimise traffic congestion. Proposals close to housing are unlikely to be acceptable unless the applicant can demonstrate that the proposals will not adversely affect amenity.

The use of radio controlled vehicles will be welcomed because the reduced need for drivers to return to the office for each fare will be likely to lessen, to some extent, disturbance to nearby residents, and reduce the possibility of traffic congestion.

The Council must give consideration to the impact of on-street parking. In many locations, this need not lead to increased congestion. Where it is likely that the free flow of traffic, especially buses, will be seriously impeded then permission is likely to be refused unless nearby off-street parking is available.

Note:

Detailed requirements for mini-cab hire offices and driving school offices are set out in a Supplementary Planning Guidance Note. In exceptional circumstances where the likely impact of these uses is difficult to assess, the Council may grant a temporary permission for a 'trial period', usually a minimum of one year.

R12 Amusement Arcades, Amusement Centres, Video Game Centres and Pool Halls

THE COUNCIL WILL ONLY PERMIT AMUSEMENT ARCADES, AMUSEMENT CENTRES, VIDEO GAMES CENTRES AND POOL HALLS WITHIN THE TOWN CENTRES AND LOCAL SHOPPING CENTRES DEFINED ON THE PROPOSALS MAP, OUTSIDE OF THE CORE SHOPPING AREAS.

IN CONSIDERING THESE USES PARTICULAR REGARD WILL BE GIVEN TO:

- (A) THE TYPE OF BUSINESS (EG. AMUSEMENTS WITH PRIZES, VIDEO GAMES ONLY, ETC.);
- (B) THE PROPOSED OPENING HOURS;
- (C) THE IMPACT ON THE AMENITIES OF SURROUNDING RESIDENTIAL ACCOMMODATION;
- (D) THE NUMBER OF OTHER SIMILAR USES WITHIN THE PARADE OR AREA OF THE SHOPPING CENTRE;
- (E) THE IMPACT ON VISUAL AMENITY (ESPECIALLY IN CONSERVATION AREAS).

There has been increasing pressure in recent years for the use of shop units for various types of amusement. Whilst larger shopping centres may be able to integrate these uses with other 'town centre' activities, the local impact on nearby occupiers will be given careful consideration. The Council appreciates that although these uses can be conveniently grouped together under one policy, their characteristics differ and are changing.

The main planning issue with these uses is the likely scale of noise and disturbance, and the extent to which these need to be controlled to protect local amenity. This is likely to depend upon the type of amusement proposed and the extent to which these need to be controlled to protect local amenity. This is likely to depend upon the type of amusement proposed and the expected clientele: for example, amusement machines may often find a market among shoppers. It is therefore necessary to have regard to the type of amusement centres proposed in relation to the character and amenity of the shopping area. In accordance with national planning policy guidance, proposals close to housing, or near schools, churches, hospitals and hotels are unlikely to be acceptable, unless the applicant can demonstrate that the proposal will not adversely affect amenity. It is also appropriate to consult with the Council's Directorate of Education to ensure that such facilities are located satisfactorily in relation to school and youth facilities.

Shopfronts and Upper Floors

R13 Shopfronts and Shop Signs

THE COUNCIL WILL REQUIRE NEW SHOPFRONTS (INCLUDING INTEGRAL SHOP SIGNS) TO COMPLY WITH POLICY EQ34.

Shopfronts form an important part of Hackney's environment and street scene.

R14 Access to Upper Floors

THE COUNCIL WILL REQUIRE PROPOSALS FOR THE ALTERATION OF SHOP FRONTS TO RETAIN ANY EXISTING INDEPENDENT GROUND FLOOR FRONT ACCESS TO THE UPPER FLOORS EXCEPT WHERE A SAFE AND CONVENIENT REAR OR SIDE ACCESS IS AVAILABLE OR IS PROVIDED AS PART OF THE DEVELOPMENT OR WHERE THERE ARE SPECIAL SECURITY OR OPERATIONAL CONSIDERATIONS WHICH PRECLUDE INDEPENDENT ACCESS TO UPPER FLOORS.

The Council wishes to ensure that upper floors are kept available for use. It is important that access to them is attractive, safe and convenient to use.

R15 Use of Upper Floors

WHERE ACCOMMODATION ABOVE SHOP UNITS IS DISUSED THE COUNCIL WILL WELCOME APPLICATIONS FOR NEW USES, PARTICULARLY THOSE WHICH CREATE EMPLOYMENT OPPORTUNITIES OR COMMUNITY FACILITIES PROVIDED THAT:

- (A) WHERE THE ACCOMMODATION WAS PREVIOUSLY IN RESIDENTIAL USE, IT IS IN SUCH A SERIOUS STATE OF DISREPAIR THAT IT WOULD BE UNREASONABLE TO EXPECT IT TO BE BROUGHT INTO AN ACCEPTABLE CONDITION FOR RENEWED RESIDENTIAL USE; AND
- (B) THE PROPOSED USE WILL NOT CAUSE DISTURBANCE OR NUISANCE TO ADJOINING RESIDENTIAL ACCOMMODATION.

Most accommodation above shop units was provided for residential use and there is a shortage of homes in Hackney. The Council recognises, however, that it may be unreasonable to expect some unused residential space, particularly that which has been vacant for a considerable time, to be brought back into use. (See policy HO6).

Repair costs may be prohibitive or the environment of the area may be unsuitable for renewed residential use due, for example, to disturbance from commercial or industrial activities.

If residential use cannot be reintroduced then alternative uses may be appropriate. Upper floors may provide suitable premises for small businesses or for the diverse community advice and support organisations in the Borough. The Council may be able to assist new occupiers with loans and grants to adapt premises to suit their needs.

Where a change of use is acceptable in principle the Council must be satisfied that the new use will be compatible with any adjoining use.

Street Markets

R16 Street Markets

~~THE COUNCIL WILL SEEK TO SAFEGUARD AND IMPROVE THE EXISTING STREET MARKETS SHOWN ON THE PROPOSALS MAP BY:~~

- ~~(A) ALLOCATING THE SITES SHOWN ON THE PROPOSALS MAP FOR THE STORAGE OF BARROWS, FOR MARKET FACILITIES AND FOR PARKING OF TRADERS' VEHICLES;~~
- ~~(B) NORMALLY REFUSING PERMISSION FOR DEVELOPMENTS WHICH WOULD RESULT IN THE LOSS OF STREET MARKET PITCHES; AND~~
- ~~(C) NORMALLY REFUSING PERMISSION FOR STREET MARKET TRADING OR SALES FROM OPEN LAND OUTSIDE OF THE EXISTING TRADING AREAS.~~

~~The Council wishes to protect street markets because they are central to the identity and character of the shopping areas where they are situated. There are six street markets within existing shopping centres; their extent is shown on the proposals map. They provide services which may not be viable or suitable in normal premises.~~

~~Street markets can give rise to problems of litter, traffic congestion and obstruction of footways. Land is therefore required close to established street markets to store equipment, park traders' vehicles, prepare goods for sale and for the collection and disposal of rubbish.~~

~~Market trading on new sites and pitches outside the established trading area is undesirable and could lead to the loss of vitality and viability of existing shops and street markets and create environmental problems of additional congestion and poor hygiene practices.~~

~~To protect the character and vitality and viability of existing street markets, planning permission for trading from adjoining sites will only be considered where it is clear that all potential street market pitches are in use.~~

New Street Markets

R17 New Street Markets

~~THE COUNCIL WILL ENCOURAGE THE PROVISION OF ADDITIONAL STREET MARKETS WITHIN DEFINED SHOPPING AREAS PROVIDED EXISTING PITCHES ARE REGULARLY USED AND THE PROPOSED MARKET CONFORMS TO OTHER POLICIES IN THE PLAN.~~

~~Street markets are important for the establishment of new businesses by Hackney residents, particularly by the black and ethnic minority communities. The Council will therefore consider sympathetically proposals to create new and additional street markets within defined shopping areas.~~

Chapter 8

Open Spaces and Nature Conservation

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OS5 Development Affecting Open Spaces and Parks

OS6 Green Chains

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OS14 Areas of Nature Conservation Interest

OS15 Restriction of development affecting the proposed Walthamstow reservoirs Special Protection Area, Sites of Special Scientific Interest, and Local Nature Reserves

OS16 Development and areas of nature conservation importance

OS17 Wildlife Habitats

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OS5 Development Affecting Open Spaces and Parks

THE COUNCIL WILL REQUIRE PROPOSALS FOR DEVELOPMENT IN OR ADJACENT TO OPEN SPACES AND PARKS TO:

- (A) RESPECT AND NOT DETRACT FROM ANY SPECIAL CHARACTER OF THE OPEN SPACE/PARK AND ITS SURROUNDINGS;
- (B) AVOID NUISANCE, INCONVENIENCE OR OTHER LOSS OF AMENITY TO USERS OF THE OPEN SPACE/PARK AND SURROUNDING AREAS;
- (C) RETAIN, IMPROVE OR PROVIDE SAFE AND CONVENIENT PUBLIC ACCESS, AS APPROPRIATE;
- (D) TAKE ACCOUNT OF THE STANDARDS SET OUT IN POLICY OS17.

The special landscape qualities of all open spaces and parkland make an important contribution to the quality of Hackney's overall environment which can be destroyed by careless development of poorly located buildings and structures. Inclusion in Conservation Areas, Areas of Special Landscape Character, and/or Metropolitan Open Land, plus Common Land status helps safeguard these qualities in certain areas, but the environmental value of smaller open spaces and parks must also be recognised. Of particular concern is the need to protect the open landscape character of the Borough's larger Victorian open spaces and parks.

Proposals in or near open spaces will also be expected to comply with the relevant policies contained in the Environmental Quality Chapter in order to ensure a standard of design commensurate with their prominent and landscaped setting.

The need to cross dangerous roads, take long routes or risk attack in poorly lit or isolated paths to reach parks and other open spaces, discourages many residents, particularly people with disabilities, the elderly, women, and people with young children, from visiting such areas. Opportunities to create safe and convenient pedestrian and cycle access will be sought to increase the attractiveness, awareness and therefore use of parks, open spaces and other recreation facilities. The redevelopment or reuse of certain sites can offer opportunities to improve existing access or create new access. In these circumstances the Council will seek to ensure that such opportunities are realised or safeguarded.

Nature Conservation

~~OS14 Areas of Nature Conservation Importance~~

~~THE COUNCIL HAS IDENTIFIED SITES OF NATURE CONSERVATION IMPORTANCE ON THE PROPOSALS MAP, AND IS CONSIDERING THE DESIGNATION OF FURTHER SITES. THE COUNCIL WILL SEEK TO DESIGNATE ONE OR MORE OF THESE AS STATUTORY NATURE RESERVES, FOLLOWING DISCUSSIONS WITH ENGLISH NATURE AND THE RELEVANT LAND OWNER AND THE PREPARATION AND AGREEMENT OF AN APPROPRIATE MANAGEMENT PLAN.~~

~~Note: Further policies applying to nature conservation can be found in the Environmental Quality Chapter.~~

~~OS15 Restriction of Development Affecting the Proposed Walthamstow Reservoirs Special Protection Area, Sites of Special Scientific Interest and Local Nature Reserves~~

~~DEVELOPMENT WILL NOT BE PERMITTED CLOSE TO THE PROPOSED WALTHAMSTOW RESERVOIRS SPECIAL PROTECTION AREA, OR WITHIN OR CLOSE TO SITES OF SPECIAL SCIENTIFIC INTEREST AND LOCAL NATURE RESERVES UNLESS IT CAN BE SHOWN THAT THERE WOULD BE NO SIGNIFICANT DAMAGE TO THE NATURE CONSERVATION INTEREST.~~

~~Note: Further policies which apply to the Regent's Canal, Lee Navigation/Lee Valley, Stoke Newington Reservoirs, and the New River can be found elsewhere in the Open Spaces and Nature Conservation Chapter, and in the Environmental Quality Chapter.~~

~~Some land in the Borough has nature conservation interest, which can contribute to the education and enjoyment of local residents. In recognition of this, the Council has identified 'Areas of Nature Conservation Importance'. This designation need not preclude other uses and activities within the areas, but seeks to assure that any proposals within or adjacent to areas of nature conservation importance are properly assessed.~~

~~The Council is empowered to declare areas as Statutory Local Nature Reserves to facilitate the protection and appropriate management of important wildlife habitats, particularly those with educational potential. Some of the areas of nature conservation interest may justify Local Nature Reserve status, but these designations will be a long-term aim due to the complexities of legal and management requirements (See Proposal 167 regarding Wenlock Basin).~~

English Nature designates Sites of Special Scientific Interest, of which there are currently none within the Borough. However, the Borough adjoins the Walthamstow Reservoirs SSSI, which is part of a Special Protection Area for the conservation of wild birds. The Council will consult English Nature regarding development proposals adjoining this site or those nearby which it considers may have an impact on it and on all proposals which also require approval under the Environmental Protection Act which are within 2km of its boundary.

Chapter 9

Community Services

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- CS7 Sites and Premises for Community and Voluntary Projects
- CS8 Places of Religious Worship

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- CS9 Provision of Childcare Facilities
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~~CENTRES THE COUNCIL WILL HAVE REGARD TO THE CULTURAL, RELIGIOUS AND WELFARE NEEDS OF BLACK AND ETHNIC MINORITY GROUPS IN HACKNEY.~~

~~necessary to give sympathetic consideration to the adaption of residential and similar properties for community purposes. Furthermore, the retention of these services is vital and so any development in the areas mentioned must be assessed by its impact upon them.~~

CS8 Places of Religious Worship

THE COUNCIL WILL FAVOURABLY CONSIDER PROPOSALS FOR CHURCHES, MOSQUES, SYNAGOGUES, GURUDWARAS, TEMPLES AND OTHER PLACES OF RELIGIOUS WORKSHIP, SUBJECT TO OTHER POLICIES IN THIS PLAN.

Many of the Borough's communities and, in particular, the black and ethnic minorities, require appropriate premises and facilities for the purpose of religious worship. The Council will favourably consider the retention of existing places of religious worship located in residential areas subject to other Plan policies and, in particular, Policy HO8(D).

Note: The Council's policies towards the use for community services of shop units or accommodation above shop units are set out in Chapter Seven, Retailing and Town Centres; Policy R7 is particularly relevant.

General Planning Requirements

CS9 Provision of Childcare Facilities

IN ALL NEW PUBLIC BUILDINGS AND WORKPLACES THE COUNCIL WILL SEEK TO ENSURE ADEQUATE PROVISION IS MADE FOR CHILDCARE FACILITIES BY THE PROVISION OF BABY CHANGING ROOMS, CRECHES OR NURSERIES APPROPRIATE TO THE NEEDS OF PEOPLE WITH CHILDCARE RESPONSIBILITIES WHO USE OR VISIT THE PREMISES, AND TO THE SCALE AND CHARACTER OF THE DEVELOPMENT.

The Council is concerned to take every opportunity for childcare provision, particularly where this will ensure equal opportunity for people with children to enjoy the facilities of public buildings and in gaining access to job opportunities in workplaces where the enterprise scale warrants the provision of childcare facilities for employees.

New development which will attract substantial numbers of visitors or workers will be expected to include childcare facilities. The nature and scale of facilities required will be judged on the individual circumstances of the scheme. Where planning obligations are

appropriate, the Council will follow the guidelines set down in Policy ST3. The failure to provide benefits not related to the development or necessary to the granting of planning permission would not constitute grounds for the Council to refuse an otherwise acceptable planning application.

Provision of childcare facilities must conform with the appropriate regulations of the Children's Act 1989 and the relevant registration, supervision and amenity requirements of the Borough's Social Services.

CS10 Planning Standards

~~THE COUNCIL WILL SEEK TO ENSURE THAT COMMUNITY SERVICES DEVELOPMENTS ARE SATISFACTORY IN TERMS OF THE FOLLOWING CRITERIA AND WILL ISSUE SUPPLEMENTARY PLANNING GUIDANCE AS APPROPRIATE IN RESPECT OF THESE CRITERIA~~

- ~~(A) THE DISTRIBUTION OF SIMILAR FACILITIES WHICH SERVE THE SAME GROUP OF RESIDENTS;~~
- ~~(B) THE DISTRIBUTION AND COMPOSITION OF BLACK AND ETHNIC MINORITY RESIDENTS OR OTHER CLIENT GROUPS;~~
- ~~(C) IMPACT ON SURROUNDING RESIDENTS;~~
- ~~(D) CAR AND CYCLE PARKING, SERVICING AND ACCESS;~~
- ~~(E) ACCESS AND FACILITIES FOR PEOPLE WITH DISABILITIES AND PEOPLE WITH YOUNG CHILDREN;~~
- ~~(F) THE IMPACT ON THE TOWNSCAPE, AND THOSE POLICIES SET OUT IN THE ENVIRONMENTAL QUALITY CHAPTER.~~

~~The Council is concerned to ensure that community service development is carried out in accordance with current best practice in order to help secure and improve the amenity of the Borough and its residents. It has set out the general criteria upon which it will assess community services development proposals, in order to ensure that they can be taken into account when it is considering planning applications. It will expect all community services development to have regard to supplementary planning guidance which it will produce and update from time to time to provide guidance for developers.~~

~~The Council expects all community service facilities to be properly integrated with neighbouring uses and incorporate the highest possible design, access and environmental standards.~~

~~The Council will require all new developments providing community services to provide satisfactory childcare and access facilities and to be constructed in a design appropriate to the local townscape. The Council is anxious to ensure that community services and facilities are provided appropriate to the area and the particular client group.~~

Chapter 10

Arts, Culture and Entertainment

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- ACE 1 New Arts, Culture and Entertainment Development
- ACE 2 Promoting the development of Arts, Culture and Entertainment Facilities
- ACE 3 Retention of Arts, Culture and Entertainment Buildings

Incorporating Arts, Culture and Entertainment in the Physical Environment

- ACE 4 Art and Art Space
- ACE 5 Percent for Art
- ACE 6 Arts and Open Space

Tourism

- ACE 7 Hotel Development

Planning Standards

- ACE 8 Planning Standards

Arts, Culture and Entertainment Development**ACE1 New Arts, Culture and Entertainment Development**

THE COUNCIL WILL SUPPORT THE DEVELOPMENT OF NEW ARTS, CULTURE AND ENTERTAINMENT FACILITIES SUBJECT TO OTHER POLICIES IN THE PLAN AND CONSIDERATION OF:

- (A) LONDONWIDE AND LOCAL COMMUNITY NEEDS;
- (B) DETAILED DESIGN, LAYOUT AND ACCESS CONSIDERATIONS, PARTICULARLY THE LIKELY IMPACT ON NEIGHBOURING USES AND THE ENVIRONMENT OF THE IMMEDIATE AREAS;
- (C) THE PROVISION OF SATISFACTORY MEANS OF ACCESS AND FACILITIES FOR PEOPLE WITH DISABILITIES AND FOR PEOPLE WITH YOUNG CHILDREN.

As a general principle the Council wishes to support the development of new Arts, Culture and Entertainment buildings and facilities, particularly where they meet unmet demands from the local community and London as a whole. ACE facilities provide welcome employment and can act as an aid to economic regeneration.

Large ACE developments would normally be considered unsuitable in residential areas due to their effects on the amenity and character of such areas, although small schemes serving a local need may be acceptable. Large proposals will only be permitted in town centres which can support and benefit from the proposal.

The provision of adequate access and facilities for people with disabilities is considered vital. Similarly, the provision of facilities for people with children will particularly benefit women who bear the main responsibilities for the care of children.

ACE2 Promoting the Development of Arts, Cultural and Entertainment Facilities

THE COUNCIL WILL GIVE FAVOURABLE CONSIDERATION TO MIXED USE DEVELOPMENTS WHICH INCORPORATE ARTS, CULTURE AND ENTERTAINMENT FACILITIES, SUBJECT TO OTHER POLICIES IN THE PLAN.

The benefits of ACE activities to the community are enhanced if their provision is integrated with that for other land uses e.g. by generating an “evening economy” in a town centre, by using public art to improve the attractiveness of housing estates or shopping areas, or by extending the uses of open space by encouraging use for performing arts.

ACE3 Retention of Arts, Culture and Entertainment Buildings

THE COUNCIL WILL NORMALLY RESIST THE LOSS OF AN ARTS, CULTURE AND ENTERTAINMENT FACILITY UNLESS IT IS SATISFIED THAT AN ADEQUATE REPLACEMENT WILL BE MADE OR A CONTINUED ARTS, CULTURE OR ENTERTAINMENT USE IS NO LONGER REQUIRED.

Incorporating Arts, Culture and Entertainment in the Physical Environment

ACE4 Art and Art Space

THE COUNCIL WILL ENCOURAGE THE PROVISION OF NEW WORKS OF ART OR PERFORMING ART SPACE AS PART OF NEW DEVELOPMENT.

ACE5 Percent for Art

THE COUNCIL WILL ENCOURAGE THE VOLUNTARY PROVISION OF PUBLIC ART AS A COMPONENT OF MAJOR DEVELOPMENTS BY ADOPTING THE ARTS COUNCIL'S 'PERCENT FOR ART' SCHEME.

ACE buildings often act as local landmarks, helping give a place a sense of identity. They provide much valued facilities for activities and leisure needs within the local, and wider community. The sites and buildings ACE uses occupy are frequently vulnerable to competition from other land uses and hence need the protection of the planning process.

In order to reduce the 'hope value' associated with redevelopment, the Council will normally resist the redevelopment of ACE buildings for other than ACE use.

Art plays an important role in improving the fabric of the physical environment, imparting a sense of place and identity. All aspects of the built environment, including the urban spaces between buildings can benefit from the incorporation of art into the physical fabric. The provision of space for performing art adds to the quality and cultural experience of life and provides opportunities for social interaction.

'Percent for Art' is a national scheme promoted by the Arts Council which involves setting aside a proportion of the development costs for a building or other development for the provision of works of art, craft or decoration associated with it. The Arts Council suggest a sum equivalent to 1% of the development costs. In addition, contributions may also be directed towards the development of art, cultural or entertainment provision that meets the needs of the community. The percent for art scheme should not be confused with the promotion of art through the design

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and layout of buildings, but should be in addition to the existing development budget.

Percent for art benefits developers by creating more attractive buildings, giving developers greater prestige, interest or individuality which enhances corporate image and reputation, and enhances the long term value of developments. In addition such buildings will contribute to upgrading the areas in which they are located, thereby indirectly benefiting the development.

ACE6 Arts and Open Space

THE COUNCIL WILL GIVE FAVOURABLE CONSIDERATION TO ARTS, CULTURE AND ENTERTAINMENT FACILITIES WHICH ENHANCE OPEN SPACES THROUGH THE PROVISION OF OPEN-AIR PERFORMANCE SPACES, SCULPTURE AND VISUAL IMAGERY AND AREAS FOR CULTURAL EXHIBITIONS, SUBJECT TO OTHER POLICIES IN THIS PLAN.

Open spaces offer suitable locations for certain ACE initiatives, which in turn increase the attractiveness of spaces often criticised for their lack of interest and facilities. A prime example of this is the Broadgate development (which due to the boundary changes has now been transferred to the City.)

Tourism

ACE7 Hotel Development

THE COUNCIL WILL FAVOURABLY CONSIDER HOTEL DEVELOPMENT SUBJECT TO OTHER POLICIES IN THE PLAN, IN THE FOLLOWING LOCATIONS SHOWN ON THE PROPOSALS MAP:-

- (A) THE HOTEL DEVELOPMENT SITE(S);
- (B) THE DALSTON TOWN CENTRE AND THE MARE STREET AND STOKE NEWINGTON MAIN SHOPPING CENTRES; AND
- (C) ELSEWHERE ON SITES HAVING GOOD PUBLIC TRANSPORT LINKS WHICH ARE NOT LOCATED IN PREDOMINANTLY RESIDENTIAL AREAS.

~~The joint London Tourist Board/LPAC Tourist Impact study calculated that approximately 19,000 additional hotel rooms would be required in London by the end of the century, based on a continued growth in tourism expected throughout the 1990s predominantly from overseas visitors.~~

~~The Council accepts these forecasts and will work with the London Tourist Board and Convention Bureau to promote tourist related development in the Borough within a Londonwide framework, and to secure the economic benefits of this form of development for local people. However, hotels should be sensitively located as they constitute an intensive form of land use and can create severe environmental problems in surrounding areas.~~

Planning Standards

ACE8 Planning Standards

THE COUNCIL WILL SEEK TO ENSURE THAT ARTS, CULTURE AND ENTERTAINMENT DEVELOPMENTS ARE SATISFACTORY IN TERMS OF:

- (A) AVOIDANCE OF NUISANCE, DISTURBANCE OR LOSS OF AMENITY TO SURROUNDING RESIDENTS AND OCCUPANTS;
- (B) ADEQUACY AND IMPACT OF ACCESS, SERVICING, CAR PARKING, REFUSE STORAGE AND OTHER ANCILLARY FACILITIES;
- (C) ACCESS AND FACILITIES FOR PEOPLE WITH DISABILITIES AND PEOPLE WITH YOUNG CHILDREN;
- (D) DESIGN, MATERIALS AND IMPACT OF STRUCTURES, BUILDINGS, LANDSCAPING AND ANCILLARY FACILITIES; AND
- (E) THE IMPACT ON THE TOWNSCAPE AND THE POLICIES SET OUT IN THE ENVIRONMENTAL QUALITY CHAPTER.

The Council is concerned to ensure that development is carried out in accordance with current best practice in order to help secure and improve the amenity of the borough and its residents. It has set out the general criteria upon which it will assess development proposals, in order to ensure that they can be taken into account when it is considering planning applications. It will expect all development to have regard to supplementary planning guidance which it will produce and update from time to time.