

# **PART TWO: PLANNING CONTRIBUTIONS**

# 5. AFFORDABLE HOUSING

## Introduction

5.1. Policy 3A.6 of the London Plan defines affordable housing as:

*'.....housing designed to meet the needs of households whose incomes are not sufficient to allow them to access decent and appropriate housing in their Borough. Affordable housing comprises social housing, intermediate housing and in some cases, low-cost market housing. UDP policies should ensure that new affordable housing provision seeks to meet the full spectrum of housing need.'*

5.2. Hackney's Affordable Housing SPD (Approved July 2005) supports the London Plan in terms of providing a local policy context for the provision of affordable housing within Hackney. This section of the Planning Contributions SPD reinforces the requirement for on-site provision of Affordable Housing as stipulated within Hackney's Affordable Housing SPD. It also introduces a formula whereby a monetary contribution can be calculated in exceptional circumstances where money in lieu of on-site or offsite provision is considered acceptable. The formula for calculating a monetary contribution is outlined in Appendix 1.

5.3. This section of the Planning Contributions SPD should be read in conjunction with the Affordable Housing SPD.

5.4. Affordable Housing is a key priority of Hackney Council. The 2003 Hackney Housing Needs Survey established that the minimum requirement of affordable housing to be provided to meet all housing needs is an additional 1,397 affordable dwellings per annum for the next five years which is over double the Borough's proposed housing targets per annum (annual target is 1,085, 50% of which should be affordable) as set out by the GLA<sup>1</sup>. The additional 1,397 affordable dwellings allows for projected household and population growth, addressing levels of overcrowding and homelessness in the Borough, and the backlog of housing repairs.

## Qualifying Development

5.5. The Affordable Housing SPD requires 50% Affordable Housing for new residential development of 10 or more residential units. The affordable housing percentage should be based on the number of units or habitable rooms whichever is the greater.

5.6. Of the affordable housing secured, there is a London-wide expectation that 70% should be social housing and 30% intermediate provision. Sites in areas of predominantly social housing may be appropriate for higher proportions of intermediate housing to assist in the creation of mixed and balanced communities. Where the Council considers that it would be more appropriate to provide a different tenure mix which is

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1 Revised figures based on the 'Draft Further Alterations to the London Plan' (Spatial Development Strategy for Greater London) – May 2006, including the Housing Provision Targets Waste and Minerals that was subject to Public Consultation in October 2005.

more consistent with housing need, the applicant will be advised early in the planning application process.

- 5.7. Affordable Housing is a key priority of the Council and is applicable to all Qualifying Development regardless of its location.

## General Principles

- 5.8. Ultimately the provision of Affordable Housing should comply with the following:
- Planning Policy Guidance (PPG3) Note 3 – Housing (2000). PPG3 encourages the use of positive mechanisms from which certain kinds of housing development and tenure can be secured. These include formalising the use of planning contributions to secure an element of social housing provision as a part of mixed use development.
  - Draft Planning Policy Statement 3 (PPS3) – Housing (2005) proposes to replace PPG3. The draft states that the presumption of affordable housing should be provided on the application site. Local Development Documents (including SPDs) may set out circumstances in which provision would not be required on an application site or in which a financial contribution would be accepted in lieu. In such instances, any off-site provision of affordable housing, or a financial contribution in lieu of on-site provision, must be of broadly equivalent value and should contribute towards the plan objectives for mixed communities.
  - The London Plan in terms of achieving general conformity with the Affordable Housing targets and negotiating affordable housing in individual private residential and mixed use schemes.
  - Hackney’s Adopted Affordable Housing SPD (July 2005) which provides guidance on policies HO9, HO10 and HO12 of the Adopted Unitary Development Plan (UDP).
  - Section 106 Agreements will ensure that all the units forming the affordable housing provision are used exclusively for the provision of affordable housing. If private residential units are being provided as part of the scheme, a legal agreement will usually restrict or prevent their occupation until the affordable housing is completed and transferred to a Registered Social Landlord (RSL). This may be varied slightly where the affordable housing is to be provided away from the main development.
- 5.9. The Affordable Housing SPD places the onus on the developer to provide Affordable Housing within the development site. A monetary contribution will only be acceptable as a last resort in exceptional circumstances where it is not possible even to meet the affordable housing obligation on an alternative site. In this scenario developers must demonstrate why on-site and off-site provision is not achievable. Any monetary contribution will be calculated using the formula outlined in Appendix 1.

- 5.10. To ensure that affordable housing units are used, occupied and retained in perpetuity for the purposes of affordable housing, affordable housing will be secured in perpetuity through a Section 106 Agreement.
- 5.11. An independent financial viability assessment will be sought by the Council for schemes where compliance with the affordable housing provision is considered potentially unviable. Under these circumstances the Council will use the GLA's Affordable Housing Development Control Toolkit (or similar as specified by the Council) to inform its decision on the viability of schemes.
- 5.12. In addition to the above mentioned 'General Principles' the provision of Affordable Housing is to comply with all relevant policies including Hackney's Community Strategy, London Plan, Government Guidance, Hackney's Unitary Development Plan (which is gradually being replaced by the LDF) and other relevant emerging policies. Relevant policies relating to Affordable Housing are outlined in Appendix 2.

## **Monetary Contribution**

- 5.13. See Appendix 1 for the monetary contribution formulae. As discussed under Section 4 (How to Apply this SPD) the formulae are intended as a basis for negotiation. The exact planning contributions triggered by a development will be negotiated on a site-by-site basis. If more up to date, relevant and specific information is provided (and deemed appropriate by the Council) the Council may choose to use this information as a basis for determining a monetary contribution.

## 6. TRANSPORT IMPACTS ASSOCIATED WITH ALL DEVELOPMENT

### Introduction

#### *Local Policy and Priorities*

- 6.1. Hackney's Draft Transport Strategy will guide transport development in the Borough over the next 5 years, through the following objectives:
- Improve safety and security for all travellers;
  - Improve transport sustainability and choice of travel for all;
  - Manage the demand on the network;
  - Reduce the harmful environmental impacts of transport such as noise, pollution and visual impacts;
  - Reduce the need for car dependency; and
  - Support the physical and economic regeneration of the Borough.
- 6.2. Planning contributions that are made towards sustainable modes of transport to mitigate the transport impacts of a development will be sought where appropriate according to Circular 05/2005. Section 106 Agreements can also be sought to secure certain planning conditions, such as car-free developments, and the implementation and monitoring of travel plans.
- 6.3. Transport Assessments are conducted for new developments with significant transport implications to promote compliance with PPG13 (2001). The scope of Transport Assessments should be related to the proposed development and outline accessibility by all modes, including the likely modal split and traffic generation with proposed measures to improve access by public transport, walking and cycling.

#### *Hierarchy of Road Users*

- 6.4. The Draft Hackney Transport Strategy proposes a hierarchy of road users. When providing new or upgrading existing transport infrastructure the hierarchy provides a guide to the priority in which the different users should be considered:
- Pedestrians;
  - Cyclists;
  - Public transport users;
  - Freight distribution (local);
  - Car users (multi-occupancy);
  - Car users (local); and
  - Car users (non-local).

- 6.5. However, this hierarchy must also be balanced against the road network hierarchy. For example, on the strategic road network, pedestrians would not normally have priority over other traffic but nevertheless they should be the first user that is taken into consideration in the design and layout of the road. In this way, the most vulnerable road users are integrated into the design of new infrastructure from the outset.
- 6.6. To facilitate the achievement of Hackney's transport aims and objectives as described above, mitigation of transport impacts of developments may include but are not limited to:
- Provision and improvement of local pedestrian and cycling routes;
  - Provision of local linkages to strategic cycling routes;
  - Improvements of pedestrian facilities such as upgrades to intersections or pedestrian crossings in close proximity to the development site;
  - Removal or altering existing on-street parking to provide cross over splays and maintain adequate site lines;
  - Improving / increasing public transport access and capacity;
  - Works to upgrade public transport infrastructure in close proximity to the development site;
  - Implementation and monitoring of a travel plan and/or a 'no car' agreement;
  - Provision of a car club or car pool;
  - Traffic management initiatives in close proximity the development site;
  - Funding to undertake consultation for new Controlled Parking Zones; and
  - Environmental/public realm improvements.

### ***Highways Implications of Developments***

- 6.7. The Secretary of State, through the Local Highway Authority (London Borough of Hackney), is able to secure developer funding for highway improvements under Section 278 of the Highways Act 1980. Under Section 278 of the Act works to a public highway can only be secured where the works are related to development as outlined under sub-section (3) of section 278 of the Highways Act 1980:

*For alterations to the existing highways, carried out under Section 278 Agreements, where they are required solely to serve the development and provide no general benefits to the public or the Highway Authority.*

- 6.8. Highway improvements secured under Section 278 of the Highways Act (1980), should not be confused with planning contributions secured through Section 106 Agreements.

### **Qualifying Development**

- 6.9. Mitigation of transport impacts of a development applies to all development proposals in Hackney. Where appropriate, these impacts will be identified in a Transport Assessment.

## General Principles

- 6.10. For every planning application, pre-application discussion and transport scoping (in discussion with the Council's Highways Team and Traffic and Transportation Team) will identify the relevant policies and studies required to assess the application.
- 6.11. It is expected that provision and monitoring of travel plans and car clubs will also be secured and detailed in Section 106 Agreements.
- 6.12. Assessment of the likely impact of any development on the public highway will be made on a case by case basis. The cost of any works under Section 278 to the public highway will be estimated by the Council's Highways Department. Hackney's Public Realm Design Guide will be referred to where appropriate.
- 6.13. All works to the public highway are to be undertaken by a Hackney approved term contractor.
- 6.14. Section 278 agreements under the Highways Act 1980 will exclude statutory undertaker's works. The costs of these works are to be negotiated between the developer and the statutory undertaker.
- 6.15. Section 278 Agreements are agreements between the Council as the Local Highway Authority and the developer. It should be noted that a Section 106 Agreement can include a Section 278 Agreement.
- 6.16. If a road is part of the Transport for London Network or the Strategic Road Network, TfL are the relevant Highway Authority.

## Monetary Contribution

### *Section 106 Agreements (sustainable transport)*

- 6.17. The size of the monetary contribution required to mitigate the transport impacts of a development, if any, is determined through negotiations between the developer and Hackney Council.

### *Section 278 Agreements (essential highways works)*

- 6.18. The cost of any works to the public highway will be costed on a case by case basis by the Council's Highways Engineer. The basis of any costing will be subject to Hackney's Public Realm Design Guide as well as other relevant standards. The final costing will be agreed by the developer and the Council. The developer will be required to pay the Council should the cost of works exceed the original costing. Conversely the developer will be entitled to a refund should the actual cost of works be less than the original estimate.
- 6.19. Included in any costing will be a requirement for the developer to pay for the maintenance of the works for a minimum of 12 months, after which the Council will be responsible for maintenance costs.

# 7. EDUCATION FACILITIES AND LIFE LONG LEARNING

## Introduction

### *Education Facilities*

- 7.1. Education facilities are essential infrastructural requirements within the local community, not only as places of learning for school age children, but increasingly as community facilities capable of providing life long family learning and support outside of school hours.
- 7.2. Currently, Hackney's School Organisation Plan sets out the requirements for school places over a five year time frame. The Plan sets out the general policy and principles against which specific proposals can be later measured and judged so that decisions on the provision of school places reflect capacity and quality issues. In each planning area, the aim is to provide sufficient places to meet demand with a margin of surplus to cater for some expected changes, given the mobility of the school population in the Borough.
- 7.3. Within the broader context of children's services, the strategic direction for education in Hackney is set by the statutory Children and Young People's Plan (CYPP). This plan links national outcomes, as expressed in the Every Child Matters agenda to the local priorities expressed in the Community Strategy – Mind the Gap. The CYPP links to a range of other statutory plans, such as the Learning and Skills Council (LSC) London East Strategic Development Plan, as well as statutory plans in health, police and social services.
- 7.4. Schools have the potential to make a significant contribution to community life and community cohesion. Opportunities to extend uses of the school in this way are encouraged particularly in combination with mutually beneficial community facilities such as libraries. Coordinating the services of school and library facilities will allow principles of life long learning to be pursued more effectively.

### *Library Facilities*

- 7.5. The Council has a Library Development Strategy (LDS) 2005-2010 which identifies priorities and demands for library provision and improvements within the Borough. The location of public libraries in Hackney meets the accessibility standards set by the Department of Culture, Media and Sport. However, the Council currently fails to meet a number of the Public Library Standards set by Central Government, which all authorities are required to meet. The Library Development Strategy identifies, among other initiatives, the need to improve and develop the current building infrastructure, alongside establishing a network of virtual libraries across the Borough. Where it is justified the Council will attempt to improve the distribution and accessibility of libraries through planning contributions from developers.

- 7.6. According to the Standard for Public Libraries, published by the International Federation of Library Associations, a minimum provision of 28sqm of library space is required per 1000 population. Developments which generate an increase in population, which is likely to exceed the Standard for Public Libraries within its locality, may be required to make a contribution towards improvements to existing libraries or new library facilities.
- 7.7. New development within the Borough will result in more pressure on education and local library infrastructure and services. Both large and relatively small developments (i.e. 5 units or more) contribute to the cumulative effect and should make a contribution to provision of new or improved facilities. The Local Planning Authority will seek to secure provision through planning contributions based on the formula outlined in Appendix 1.
- 7.8. Planning contributions received for education and/or library facilities will be used for, but not limited to:
- The provision of additional school places;
  - Adapting and/or extending education facilities;
  - Building new education facilities;
  - Day care nurseries including additional early years childcare places for the benefit of local workers - this may be in the form of a start-up grant for a new childcare provider or a financial contribution to expand existing childcare provision;
  - Before and after school/holiday care;
  - Extending school provision (i.e. family learning and support).
  - Construction and fitting out of new library buildings;
  - Refurbishment or extension of existing library buildings;
  - Environmental/public realm improvements in and around library facilities;
  - Car parking improvements associated with library facilities;
  - Improved or new fittings, IT equipment and/or book stock;
  - Supply of land for library facilities (will be identified as part of pre-application discussions); and
  - Mobile library facilities.

## Qualifying Development

### *Education Facilities*

- 7.9. Planning contributions for Education Facilities will be required for all residential development of 5 or more units.

## **Library Facilities**

- 7.10. Planning contributions for Library Facilities will be required for:
- All residential development of 5 or more units; or
  - Other uses classified as Major Development by the General Development Order 1995.
- 7.11. A planning contribution for Library Facilities will generally be required in addition to that for Education Facilities. The requirement to contribute to Library Facilities in addition to Education Facilities will be identified early in the Development Control Process, namely during pre-application discussions.

## **General Principles**

- 7.12. Generally monetary contributions for education and/or library facilities will be collected and pooled for future allocation.
- 7.13. In the first instance pooled monetary contributions for education facilities should aim to mitigate the impacts of the development and where possible bear association to the development.
- 7.14. Where the opportunity arises, an education and/or library facility may be able to be incorporated into a new major development. For instance where a developer:
- Through certain economies of scale is able and willing to build and fit out an identified education and/or library facility to an appropriate standard cheaper than the equivalent monetary contribution; or
  - After negotiations with the Council, the developer is willing to build out a library and/or education facility incorporating match funding from previously pooled monetary contributions.
- 7.15. In doing so, the developer would save on any economies of scale associated with undertaking works as part of the wider development. The exact nature, scale and design of any works undertaken by the developer will be agreed between the Council and the developer and have regard to the 'Education and Library Facility General Principles' set out in Appendix 3.
- 7.16. The Council recognises that the delivery of the Estate Renewal Programme is critical to addressing housing need in Hackney. As such, when assessing the Education Facilities Contribution for Estate Renewal schemes the Council will closely examine the viability of schemes in cases where the cross-subsidy from surplus generated by private housing is used to fund affordable housing.
- 7.17. Relevant policies relating to education and library facilities are outlined in Appendix 2.

## Monetary Contribution

- 7.18. See Appendix 1 for the monetary contribution formulae. As discussed under Section 4 (How to Apply this SPD) the formulae are intended as a basis for negotiation. The exact planning contributions triggered by a development will be negotiated on a site-by-site basis. If more up to date, relevant and specific information is provided (and deemed appropriate by the Council) the Council may choose to use this information as a basis for determining a monetary contribution.
- 7.19. Due to the high proportion of local 'take up' of new affordable housing by existing Hackney residents, the affordable component of a development will be eligible for a discounted rate which will be applied to the education facilities formula in recognition of proportion of local 'take up'. This variation to the formula has been outlined under Appendix 1.

## 8. PROVIDING FOR EMPLOYMENT AND REMOVING BARRIERS TO WORK

### Introduction

#### *Employment Land and Floorspace Provision*

- 8.1. Over the last ten years, the Hackney economy has experienced steady year on year growth, with the total business stock growing by 42%. This has outstripped growth in the wider London economy by 19%, and shows that Hackney has become increasingly mature as a sustainable business location. On average the business stock grew by 215 businesses each year and there are now over 7,300 VAT registered businesses.
- 8.2. Hackney's economy is largely made up of small businesses. In 2002, 88% of businesses in Hackney employed less than 10 people, a significant increase from 1991 when they accounted for 76%.
- 8.3. Maintaining sufficient employment land in the borough is essential to ensuring a vibrant local economy that provides jobs for local people and provides a range of goods and services for residents and visitors.
- 8.4. While the base assumption within the Adopted UDP (and emerging LDF policies) is for no net loss of employment generating land and floor space, the employment hierarchy is supported by a varying policy framework that responds to the different characteristics of Hackney's Designated Employment Areas. This hierarchy is being informed by the finalised Employment Growth Options Study (March 2006) which provides a review / assessment of employment land and premises in the Borough. The majority of development within Designated Employment Areas (including mix use development) is classified as B-Use Class to ensure that designated areas are principally employment led in character and retain coherency for B1/B2 and B8 uses.
- 8.5. It is the Council's position that where development fails to meet the employment policies in relation to the level of provision (as set out in policies contained within the Adopted UDP and emerging LDF) the application will be refused as part of the development control process.

#### *Construction Industry and Removing Barriers to Work*

- 8.6. In 2006, unemployment in Hackney remains significantly higher than both the regional and national averages. In addition, fewer people are economically active and employment rates are lower than the rest of the country which reinforces the significance of income and employment deprivation historically endured by Hackney residents. Latest data suggests that Hackney's employment rate is 55.5%, some 13.6% lower than that of the wider London economy, which is currently at 69.1%. For Hackney to increase its employment rate to the London average it will need to bring an additional 18,749 people into the labour market.

- 8.7. Reducing economic and social polarisation in Hackney is a major priority for the Council. For this reason there is a need to improve the supply of appropriate local jobs in Hackney in parallel with labour market and training initiatives to raise the skills of residents living in the Borough's most deprived communities, so that they can access jobs in the wider London economy.

## Qualifying Development

- 8.8. The Council's Planning Department in conjunction with the Economic Development Unit will evaluate the impact of development to assess the type of contributions a development may deliver. This will inform the Development Control process in establishing the employment/local labour training/removing barriers contributions appropriate to the development.

### *Employment Land and Floorspace Provision*

- 8.9. Planning contributions for Employment Land and Floorspace Provision will apply to all development within current employment areas identified within the Adopted Hackney UDP (and the emerging hierarchy of employment areas) where the employment generating floorspace requirements are not met and this is deemed acceptable in policy terms.

### *Construction Industry and Removing Barriers to Work*

- 8.10. Planning contributions for Local Training and Removing Barriers to Work are required to address two areas:

1) Local Labour in Construction and Construction Industry Training:

Planning contributions for Local Training and Local Labour in Construction will be required for all major development within the General Development Procedure Order 1995.

2) Removing Barriers to Work:

All development which generates employment and will employ 10 persons or more (see Appendix 4 for employment densities).

## General Principles

### *Employment Land and Floorspace Provision*

- 8.11. Policies regarding employment land and premises are outlined in the Adopted Hackney UDP (and emerging LDF policies).

- 8.12. Policy 3B.5 of the London Plan states that boroughs should develop local policies for employment sites outside Strategic Employment Locations, having regard to:

- Accessibility to the local workforce, public transport and where appropriate, freight

movement;

- Quality and fitness for purpose of sites; and
- The release of surplus land for other uses in order to achieve the efficient use of land in light of strategic and local assessments of industrial demand.

8.13. In this respect, areas of land have been designated in the Adopted Hackney Unitary Development Plan as Defined Employment Areas (DEAs). Policies ST24, ST25, E2 and E5 specifically carry a presumption in favour of encouraging employment generating developments in DEAs and normally resist any proposal which result in a reduction of site area or floorspace used for employment generating land uses.

8.14. As a result of the Employment Growth Options Study a hierarchy of employment areas have been developed in recognition of the development pressures on Hackney's employment land and premises and to assist the growth of quality employment opportunities in the Borough. The areas of land designated within the hierarchy are considered to be the minimum amount of land required to accommodate employment generating uses (B1, B2 & B8) in the Borough over the Plan period (up to 2016) to reflect both the short term demand and strategic demand for industrial, warehousing and office activities.

8.15. The hierarchy strengthens the need to provide greater protection for key employment sites, whilst maintaining sufficient flexibility to allow a more controlled loss of employment land in other locations.

8.16. The onus is on developers to provide useable employment floor space on-site as part of any development or redevelopment in employment areas. In pursuit of high quality employment space it may be possible to use non monetary clauses to secure the following, but not limited to:

- Space/premises suitable for small and medium sized enterprises (SMEs);
- The design and fit out of premises;
- The configuration of units including access arrangements;
- The level of affordability; and
- The management and operation of the units.

8.17. The 'Study of Small Business Workspace Provision in Hackney' portrays a picture of continuing significant demand in the Borough for small premises of less than 100sqm for both B1 and B2 uses. The provision of a proportion of such units in redevelopment schemes will be required in order to meet the needs of start-up firms and other small businesses seeking to locate in the Borough.

8.18. The London Plan complements the Mayor's Economic Development Strategy, by supporting the use of the planning system to secure suitable and affordable premises for business (Policies 6A.4 and 6A.5).

8.19. Generally, development that fails to meet the employment policies in relation to required level of provision will be refused as part of the development control process. Only in exceptional circumstances will on-site provision be waived in lieu of a monetary contribution using the formula outlined in Appendix 1.

8.20. If a monetary contribution is allowed it may be used for, but not limited to:

- Constructing new employment premises;
- Refurbishing existing employment premises;
- Promoting the growth of key priority sectors for London;
- The provision of workspace that is affordable and/or incubator units;
- Business support;
- Environmental/public realm improvements; and/or
- Improvements to public transport.

8.21. In securing high quality and successful employment generating floor space the Council supports joint ventures with specialist agencies (managed workspace providers) working in the Borough to create, operate and manage workspace in a commercial context. This is particularly beneficial if such partnerships are formed in the early stages of the development process.

### ***Construction Industry and Removing Barriers to Work***

8.22. The 'Mayor of London's Childcare Strategy' recognises that there is formal day care (i.e. nurseries and childminders) for less than 17 per cent of London's under fives, while 44 per cent of women with children under five are in full time employment in London. Even in the case where each of these women only had one child under five, at least half of the amount of formal provision needed to meet the needs of women currently in employment exists (not including those women wanting to move into employment or pursue training or education). This is specifically identified as one of the barriers to work facing Hackney residents, particularly women.

8.23. The construction industry is a particular target for local labour and training. The Construction industry is rapidly growing and will need almost half a million new recruits between now and 2010, with the traditional pool of workers not big enough to fulfil this need. To ensure there is a fully qualified workforce by 2010, there is a need to provide training courses for specialist trades, safely integrate migrant workers, and licence skilled workers who lack formal qualifications. Hackney needs to take its share of this growing industry.

8.24. The training of local people and the employment of local residents promotes social inclusion and sustainable development, both of which are key planning objectives. In recognition of these objectives, the response is two-fold:

1) Local Labour in Construction and Construction Industry Training comprising of:

- The use local labour during the construction phase; and
- The use of training funds to secure more skilled employment for the construction industry sector.

2) Removing Barriers to Work:

Pooled monetary contributions will be used to cover a range of initiatives aimed at removing barriers to work, including, but not limited to:

- Training funds to place local residents into training and employment schemes;
- Facilities and or schemes to assist people into employment;
- End use employment opportunities;
- Access to information;
- Apprenticeships;
- Childcare;
- Disability access; and
- Improved access to jobs (transport).

8.25. In some circumstances, particularly in the case of significant developments, there may be an opportunity to incorporate on-site training facilities/premises as part of the development which would be in lieu of providing a monetary contribution. This would be negotiated between the developer and the Planning Department in conjunction with Hackney's Economic Development Unit.

8.26. In addition to the above mentioned general principles all activities and land uses relevant to 'Providing for Employment and removing Barriers to Work' section are to comply with all relevant policies including Hackney's Community Strategy, London Plan, Government Guidance, Hackney's UDP (which is gradually being replaced by the emerging LDF) and other relevant emerging policies. Relevant policies relating to the Providing for Employment and removing Barriers to Work section are outlined in Appendix 2.

## Monetary Contribution

8.27. See Appendix 1 for the monetary contribution formulae. As discussed under Section 4 (How to Apply this SPD) the formulae are intended as a basis for negotiation. The exact planning contributions triggered by a development will be negotiated on a site-by-site basis. If more up to date, relevant and specific information is provided (and deemed appropriate by the Council); the Council may choose to use this information as a basis for determining a monetary contribution.

## 9. SUSTAINABLE DESIGN AND DEVELOPMENT

### Introduction

- 9.1. The protection and improvement of the environment is an essential part of the Council's commitment to sustainable development. Hackney is moving towards more energy efficient and environmentally responsible development, improving the quality of the air, reducing the contribution to global warming and dramatically increasing the amount of recycled waste. The Council will not accept any development that compromises this vision.
- 9.2. On a strategic basis the Council in accordance with the London Plan (and emerging LDF policies) will pursue sustainability through the efficient use of land, by ensuring development occurs in accessible locations with sufficient infrastructure and by promoting mixed use development. On a site by site basis, the Council will expect individual schemes to incorporate sustainable design and development principles such as –
- Maximising development potential based on the characteristics of a site;
  - Protection of conservation areas and historic buildings;
  - Renewable energy;
  - Sustainable construction;
  - Sustainable waste management;
  - Air quality management;
  - Water pollution management;
  - Control of noise pollution; and
  - Flood mitigation and rainwater runoff.
- 9.3. Note: Hackney's sustainable transport initiatives and objectives are outlined within the Hackney Transport Strategy and associated strategy plans. Planning contributions to assist sustainable transport initiatives are outlined in Section 6 and Section 10. Both of these sections include environmental/public realm improvements.

### Qualifying Development

- 9.4. All development is required to reflect sustainable design and development principles. Sustainable design and development is a key priority of the Council and is applicable to all development regardless of its location, size or type.
- 9.5. In addition to incorporating sustainable design and development principles, large strategic development may be asked to provide a monetary contribution for strategic

initiatives such as (but not limited to):

- Developing strategic/regional waste management plans;
- Recycling strategies and action plans;
- Air Quality Management Areas (AQMAs);
- Developing a renewable energy strategy; and/or
- Additional works such as wind farms and the like.

9.6. Large strategic development is considered to be:

- Development of 50 or more residential units; or
- 5,000sqm gross floor area (GFA).

## General Principles

9.7. Monetary contributions in lieu of works associated with development schemes will only be permissible in exceptional circumstances. Large strategic development may be asked to make a monetary contribution for strategic initiatives as outlined in the 'Qualifying Development' section above.

9.8. PPS22 (Renewable Energy) and The Mayor's Energy Strategy expects a minimum of 10% of UK electricity to be generated by renewable energy (by 2010) and an aspirational figure of 20% renewable energy (by 2020). Most of the requirements relating to sustainable design and development will be contained within emerging policies under the LDF which will provide further localised guidance to that required under the London Plan.

9.9. Hackney's Environmental Health and Environmental Protection Departments will be involved during the development control process to ensure development schemes appropriately incorporate sustainable design and development principles.

9.10. In addition to the above mentioned 'General Principles' all development which incorporates sustainable design and development principles are to comply with all relevant policies including Hackney's Community Strategy, London Plan, Government Guidance, Hackney's UDP (which is gradually being replaced by the LDF) and other relevant emerging policies. Relevant policies relating to sustainable design and development are outlined in Appendix 2.

## Monetary Contribution

9.11. There is no pre-determined formula for monetary contributions. Any monetary contributions for large strategic development to support strategic initiatives will be negotiated on a case by case basis.

# 10. STRATEGIC TRANSPORT IMPACTS ASSOCIATED WITH MAJOR DEVELOPMENT

## Introduction

- 10.1. Major developments in particular can place increasing pressure on the capacity of public transport, the road network and the urban realm by attracting additional people to the area. Major developments therefore have a responsibility to improving the broader areas in which they are located for the residents, visitors and employees.
- 10.2. It is therefore proposed that in addition to mitigating the immediate transport impacts (see Section 6); major developments in certain Special Planning Areas require a planning contribution to strategic transport and environmental/public realm improvements. The Council may require other major development that does not meet the above criteria to provide a planning contribution to strategic transport and environmental/public realm improvements.
- 10.3. Public transport is a core element in the Hackney Transport Strategy and therefore development proposals must address linkages to existing and future public transport networks. Where appropriate, contributions to public transport infrastructure or operations will be sought.
- 10.4. Hackney's transport priorities as outlined in the Hackney Transport Strategy and Local Implementation Plan (LIP) consist of projects with London wide impact; these include the East London Line extension, North London Line upgrades and London Strategic Cycle Network. More Hackney specific projects include: station upgrades, environmental improvements, local cycle and walking route improvements, access to parks, canals and rivers and road safety measures.
- 10.5. The public realm is defined as 'the space between buildings' – the streets, spaces and movement corridors which form the basis for our use and perception of an area. A high quality public realm can enhance the public's experience of the built environment. It plays an important role in improving the fabric of the physical environment and imparting a sense of place and identity. Tackling crime and anti- social behaviour and improving the environment is an important priority for the Council.

## Qualifying Development

- 10.6. Major Developments, as defined by the General Development Procedure Order 1995 are required to contribute to strategic transport and environmental/public realm improvements where the development site is located in the following Special Planning Areas identified in the Planning Contributions Priorities Table (Table 2) (as discussed

above and noted under Chapter 4, the Council may require other development outside of these areas to contribute to improvements):

- The emerging Hackney Central Area Action Plan area;
- The emerging Dalston Area Action Plan area;
- The Shoreditch SPD area; and
- The Woodberry Down AAP Supplementary Planning Guidance area.

PARTICULARLY WHERE:

- Fronting a major road (i.e. a Transport for London Road Network (TLRN roads), secondary or local distributor road);<sup>2</sup> and/or
- On a designated or future designated pedestrian and/or cycle route (includes London Cycle Network – LCN+, Green Links and walking paths).

## General Principles

- 10.7. As specified above, major developments within the identified Special Planning Areas under Figure 2 (and in some cases development outside of these areas) will be asked to contribute to the strategic transport projects or environmental/public realm improvements in addition to contributions relating to the mitigation of transport impacts directly associated with the developments (specified under ‘Transport Impacts Associated with All Development’ – Section 6).
- 10.8. The nature, scale, design and cost of works to the public realm to be undertaken by the developer will be negotiated and agreed with the Council.
- 10.9. In most cases, a monetary contribution will be collected and pooled for strategic transport and environmental/public realm improvements. The method for calculating monetary contributions is outlined below.

## Monetary Contribution

- 10.10. The size of the monetary contribution for strategic transport and environmental/public realm improvements will be determined through negotiations on a case by case basis between the developer and Hackney Council. It is imperative that the Council’s Traffic and Transportation Team are engaged in pre-application discussions as early in the process as possible.

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<sup>2</sup> Refer to Hackney Transport Strategy for the location and description of the different types of road, cycle paths and walk ways within the Borough

# 11. OTHER COMMUNITY FACILITIES

## Introduction

- 11.1. Planning contributions for Other Community Facilities applies to all facilities used by local people, other than for the purposes of a library, health or education facility which are outlined separately in this SPD.
- 11.2. Community facilities provide an important focus for local people and contribute to the economic, social and cultural life of neighbourhoods by providing leisure, recreation, education and job training opportunities. Community facilities can help to sustain neighbourhood centres and contribute to the local economy by providing affordable space for meetings, training and functions, and workspace for local businesses, arts-based organisations and community enterprises. They are important in residential developments, as they provide space where local people and groups can meet and interact.

## Qualifying Development

- 11.3. All residential development (excluding residential extensions that don't create self contained units) where identified within the Planning Contributions Priorities Table (Table 2).
- 11.4. However, (as noted under Chapter 4) where the Council deems it appropriate contributions for Other Community Facilities may be sought for development that is not identified in the Planning Contributions Priorities Table.

## General Principles

- 11.5. In most cases planning contributions for Other Community Facilities will be pooled until a sufficient level of funding is reached and an appropriate site is located. However, where opportunities arise a community facility may be able to be incorporated within a new major development. For instance where a developer:
- Through certain economies of scale is able and willing to build out an identified community facility to an appropriate standard cheaper than the equivalent monetary contribution; or
  - After negotiations with the Council, the developer is willing to build out a facility incorporating match funding from previously pooled monetary contributions.
- 11.6. The developer may save on any economies of scale associated with undertaking works as part of the wider development. The exact nature, scale and design of any works undertaken by the developer would be agreed between the Council and the developer but is to have regard to the following general principles:
- The location of the development is situated in highly accessible locations (and where possible close Strategy and associated Proposals Map, or within a special planning

area for Other Community Facilities as outlined in the Planning Contributions Priorities Table (Table 2). A community facility will only be permitted in an alternative area where there is an identified need and the facility is designed, located and operated to the satisfaction of the Council so as to protect residential amenity;

- The development is integrated within the design of the overall development (when part of a larger mixed use development) by providing:
  - An active frontage to public areas; and
  - Clearly lit and defined entrances, accessible to all users including those with a disability.
- The size and standard is suitable for the intended users;
- The design is easily adaptable for conversion to alternative users should this be necessary during the operational life of the subject facility;
- The development incorporates suitably designed and located toilet facilities;
- The development incorporates suitable service vehicle access and on-site waste storage;
- The development incorporates suitable noise attenuation measures to protect noise impacts on surrounding uses; and
- The development demonstrates the integration of 'designing out crime' principles.

11.7. In addition to the above mentioned General Principles all activities and land uses relevant to Other Community Facilities are to comply with all relevant policies including Hackney's Community Strategy, London Plan, Government Guidance, Hackney's Unitary Development Plan (which is gradually being replaced by the LDF) and other relevant emerging policies. Relevant policies relating to Other Community Facilities are outlined in Appendix 2.

## Monetary Contribution

11.8. Given the wide range of community uses that may be applicable, any contribution sought for a community facility will be determined on a case by case basis following negotiation between the Council and the developer. This does not apply to health, education and library facilities which are outlined separately within this SPD.

## 12. HEALTH FACILITIES

### Introduction

- 12.1. Both large and small residential development will place increasing cumulative pressure on local health facilities. The use of standard planning contribution charges ensures that a contribution towards new health facilities required as a direct result of a proposed development is related to the scale and type of development. As all residential development has the potential to increase the need for health facilities, it is reasonable that the Council may require residential developments contribute to additional provision. Standard charges will be calculated on a per residential dwelling unit basis using average household size and the actual cost of providing new health facilities. These calculations will be determined using the Healthy Urban Development Unit (HUDU) model outlined below.
- 12.2. Pooled monetary contributions or works in kind will generally be used for, but not limited to, the following services:
- Primary Care: GP Services;
  - Intermediate Care: Day places and beds;
  - Acute Facilities: Elective, non-elective and day care beds;
  - Mental Health Services; or
  - Revenue Contributions: Covering running costs of the above and the full range of community health services.

### Qualifying Development

- 12.3. Planning contributions for Health Facilities will be required for all residential development (excluding residential extensions that don't create self contained units) identified within the Planning Contributions Priorities Table (Table 2).
- 12.4. However, (as noted under Chapter 4) where the Council deems it appropriate contributions for Health Facilities may be sought for development that is not identified in the Planning Contributions Priorities Table.

### General Principles

- 12.5. In most cases planning contributions for Health Facilities will be pooled until a sufficient level of funding is reached and an appropriate site located. However, where the opportunity arises a health facility may be able to be incorporated within a new major development. For instance where a developer:
- Through certain economies of scale is able and willing to build out an identified health facility to an appropriate standard cheaper than the equivalent monetary contribution; or

- After negotiations with the Council, the developer is willing to build out a facility incorporating match funding from previously pooled monetary contributions.

12.6. The developer may save on any economies of scale associated with undertaking works as part of the wider development. The exact nature, scale and design of any works undertaken by the developer would need to be agreed between the Council and the developer and would be subject to the normal planning process.

12.7. The Hackney and City PCT will be consulted as part of the development control process where a health facility is to be provided as part of a development. All activities and land uses relevant to Health Facilities are to comply with all relevant policies including Hackney's Community Strategy, London Plan, Government Guidance, Hackney's UDP (which is gradually being replaced by the LDF) and other relevant emerging policies.

12.8. Consideration should be also be given to the requirements identified in the emerging Primary Care Trust (PCT) Primary Care Estates Strategy. **Relevant policies regarding Health Facilities** are outlined in Appendix 2.

## Monetary Contribution

12.9. Matrix Research and Consultancy has developed a Microsoft Excel-based model for the HUDU. This model and associated inputs from the City and Hackney's Teaching Primary Care Trust will set the basis for calculating monetary contributions towards Health Facilities.

12.10. The model is designed to forecast at a high level the additional health demand that might result from a new residential development and to quantify the impact in terms of physical space and subsequent cost. The series of calculations and formulae used are described in detail in the guidance notes which accompany the model.

12.11. An electronic (excel) version of the HUDU Model and user guide can be downloaded from the following link:

[www.healthyurbandevelopment.nhs.uk/pages/s106\\_health\\_model/planning\\_contribution\\_tool.htm](http://www.healthyurbandevelopment.nhs.uk/pages/s106_health_model/planning_contribution_tool.htm)

# 13. OPEN SPACE, CHILDREN'S PLAY AREAS AND RECREATION FACILITIES

## Introduction

- 13.1. Access to well planned and maintained open space (including greens space and the Blue Ribbon Network), child play areas and recreational facilities form an important role in promoting sustainable communities. The Council views such provision and participation in sport and physical activity as important to individual's physical, mental and social well-being; all of which are characteristics of thriving and healthy communities as envisaged within Hackney's Community Strategy.
- 13.2. New development will place increasing pressure on the Borough's green spaces and recreational facilities and therefore should contribute to ensure their supply and quality increases consistent with demand. It should be noted however that green space and recreation facilities do not include any amenity space required by the development itself. Amenity space is in addition as it is required to be provided as part of a development within the development site and will be required as a condition of development. Section 106 Agreements may be used to ensure sufficient amenity space is provided within a development site.
- 13.3. Government Policy PPG17 (2002) states that '*planning obligations should be used as a means to remedy local deficiencies in the quantity or quality of open space and recreational provision. Local authorities will be justified in seeking planning obligations where the quantity or quality of provision is inadequate or under threat, or where new development increases local need.*'
- 13.4. In line with PPG17 and the accompanying Good Practice Guide Assessing Needs and Opportunities, the Council has carried out an Open Space Study and Sports Assessment (2005) to assess local needs for open space. The Council is currently preparing a 'Green Spaces Strategy', which will set out how the Council intends to tackle any deficiencies in provision and setting local standards for open space provision.

## Green Space

- 13.5. Hackney's Open Space Study and Sports Assessment identified a number of wards with green space deficiency as outlined in Table 3 below.

**Table 3 - Area of Green Space Deficiency by Ward**

Ward	Total Area of Green Space Deficiency (Ha)	Ward	Total Area of Green Space Deficiency (Ha)
Brownswood	1.79	Kings Park	0.00
Cazenove	20.18	Leabridge	1.26
Chatham	1.05	Lordship	21.45
Clissold	1.27	New River	22.11
Dalston	60.05	Queensbridge	5.75

Ward	Total Area of Green Space Deficiency (Ha)	Ward	Total Area of Green Space Deficiency (Ha)
De Beauvoir	7.96	Springfield	2.20
Hackney Central	12.24	Stoke Newington Central	0.47
Hackney Downs	35.52	Victoria	0.28
Haggerston	1.65	Wick	1.47
Hoxton	0.33		
<b>Total Area of Green Space Deficiency</b>			<b>197.03</b>

13.6. Areas of the Borough that are considered to be deficient in green space (Regional Parks, District Parks, Local Parks, Small Local Parks and Linear Open Spaces – defined in the London Plan within the public space hierarchy) are identified as those which are further than 400m from any form of green space. Table 3 demonstrates that the Dalston ward has the greatest total area of green space deficiency in terms of access with over 60ha of the ward outside of the 400m catchment area. Hackney Downs, Cazenove, Hackney Central, Lordship and New River also have significant park deficiencies in terms of total area of the ward outside of the 400m catchment areas.

13.7. Hackney’s Open Space Study and Sports Assessment identified that an additional 55.2ha of small local parks, 54.3ha of local parks and 24.6ha of District Parks would be required in order to meet the needs of the whole Borough. Obviously providing 131.4ha of additional green space in an inner city London Borough such as Hackney is extremely difficult. Therefore contributions will be used to not only increase the supply of green spaces but improve the capacity and quality of existing green spaces. Contributions may also be used for improving accessibility to existing parks such as creating more gates, ‘greening of routes’ and better signposting.

13.8. To meet the needs of the Borough up to 2016, it is recommended that the quantity of green space provision should increase by 13.5ha (4.5%). The standard of provision to meet the needs of the Borough up to 2016 is therefore 1.36ha of green space provision per 1,000 population (population based upon GLA projections for 2016).

### *The Blue Ribbon Network*

13.9. In Waterside Development Areas (which is intended to be defined in the emerging Core Strategy and Proposals Map) the Council may negotiate planning contributions in line with Circular 05/2005 to:

- Improve the recreational, amenity and community value of the waterways for boaters, anglers, walkers and cyclists;
- Address the issue of national shortage of offline moorings;
- Secure waterway improvements; and
- Promote more sustainable transport choices.

13.10. Specific contributions will be identified in the emerging Waterside Development SPD.

### *Child Play Areas*

13.11. Open space provides an important role in serving children's play needs. It is widely acknowledged that the importance of children's play extends far beyond the activity itself but contributes towards child development through the development of a wide range of physical, social and emotional skills and abilities.

13.12. The National Playing Fields Association (NPFA) recommends a minimum standard of outdoor space for children's play of 0.8 hectares per 1000 people by:

- Providing Local Areas for Play (LAPs), Local Equipped Areas for Play (LEAPs) and Neighbourhood Equipped Areas for Play (NEAPs) in locations based upon walking time; and
- Providing the balance as casual playing space within areas of amenity space.

13.13. There are significant areas within Hackney where open spaces are not provided with dedicated children's play areas within 400m. In order to ameliorate these deficiencies access to both formal and informal children's play areas should be increased. Area's deficient in child play areas are identified within the Open Space Study and Sports Assessment.

### *Recreational Facilities (outdoor and indoor):*

13.14. Recreational Facilities, whether indoor or outdoor, are important assets in promoting sport and physical activity vital to an active and healthy lifestyle. Hackney's Open Space Study and Sports Assessment assessed the provision and demand for outdoor and indoor recreational facilities within the Borough.

13.15. The Study concluded that outdoor recreational facilities, namely outdoor playing pitches are below the national standards for local pitch/per person. Table 4 summarises the potential additional pitch requirements which may be required up to 2016.

**Table 4 - Summary of Pitch Requirements**

Pitch Type	Additional Pitch Requirements 2004 – 2016	Additional Pitch Space Requirements (ha) (inc allowance)	Sites with Scope for Additional Pitches (no. pitches)	Total Area of Reserve (ha) Assumes 1 Full Size Pitch Per Site
Football Full Size	0	0	7	11.76
Football Junior	19	11.4	0	0
Football Mini	10	3.6	0	0
Cricket	0	0	0	0
Rugby	0	0	0	0
Hockey / ATP	1	0.72	0	0
<b>Total Space Requirements 2016</b>		<b>15.72ha</b>		<b>11.76ha</b>

- 13.16. An additional pitch space equivalent to 15.72ha would be required to meet the needs of the Borough up to 2016. The site assessment identified that potential opportunities exist for a minimum of 11.76ha of pitch space to be brought forward at existing open space sites in secure community use. The study proposes a playing pitch standard of 0.65ha per 1000 population to meet demand to 2016.
- 13.17. The Open Space Study and Sports Assessment generally concluded that Hackney has an inadequate provision of indoor recreational facilities across a number of sports, with the exception of large swimming pools due to insufficient unmet demand to justify the provision of further large swimming pools within the Borough to 2016. This does not preclude bringing former facilities back into use to serve community needs. The Study also noted it desirable to incorporate / co-locate health and fitness centres within indoor sports halls so that they can be managed efficiently.
- 13.18. The total sports hall space that will be needed to meet the Borough's needs in 2016 is 12,960sqm. This equates to 56sqm of hall space per 1,000 head of population.

### ***Combined Deficiency Areas***

- 13.19. The relevant deficiency areas for green spaces, child play areas and sports halls identified within the Open Space Study and Sports Assessment have been combined to create a combined Special Planning Area for green spaces, child play areas and recreational facilities. The Special Planning Areas (see Figure 2) for green spaces, child play areas and recreational facilities are outlined in the Planning Contributions Priorities Table (Table 2) (in some cases contributions will be sought outside of these areas). The relevant type of deficiency within Special Planning Areas will determine whether planning contributions will be used for improving green spaces, child play areas, sport halls or a combination. Improvements may include the provision or new spaces / facilities or increasing the capacity and quality of existing spaces and facilities. Hackney's emerging Green Spaces Strategy will determine the future management and development of the Borough's Green Spaces and therefore will also set priority for allocating Section 106 monies for green spaces, child play areas and recreational facilities.

### **Qualifying Development**

- 13.20. Major Developments, as defined by the General Development Procedure Order 1995, will be required to contribute where identified within the Planning Contributions Priorities Table (Table 2).<sup>3</sup>
- 13.21. However, (as noted under Chapter 4) where the Council deems it appropriate contributions for Open Space, Children's Play Areas and Recreational Facilities may be sought for development that is not identified in the Planning Contributions Priorities Table.

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<sup>3</sup> This does not include rest homes, nursing homes and hostels which will not be required to make a contribution for green spaces, children's play or recreation facilities. They will however be required to provide a suitable level of amenity space as a condition of development.

## General Principles

- 13.22. Where the opportunities arises green space provision, child play areas and/or recreational facilities may be able to be incorporated within a new major development. For instance where a development is of a size where the developer:
- Through certain economies of scale is able and willing to provide a green space, child play area (either on-site or nearby) and/or recreational facility (either on-site or nearby) to an appropriate standard cheaper than the equivalent monetary contribution; or
  - After negotiations with the Council, the developer is willing to build out one of the above incorporating match funding from previously pooled monetary contributions.
- 13.23. The developer may save on any economies of scale associated with undertaking works as part of the wider development. The exact nature, scale and design of any works undertaken by the developer would be agreed between the Council and the developer but is to have regard to the following policy principles:
- Green spaces are to meet the 'Green Flag' good quality statement;
  - Children's play areas are to achieve the range and quality of provision standards set out within NPFA 6 Acre Standard (2001) as well as criteria for LEAPs and NEAPs;
  - Playing Pitches are to meet the standards outlined in Towards a Level Playing Field (Sport England, 2003); and
  - Sports Hall are to meet relevant Sports England Criteria.
- 13.24. Where provision is made on-site, developers will be required to involve the Council's Parks Department in the design and development stage.
- 13.25. In addition to the above mentioned General Principles all development which incorporates Green spaces, Children's Play Areas and/or Recreation Facilities are to comply with all relevant policies including Hackney's Community Strategy, London Plan, Government Guidance, Hackney's Unitary Development Plan (which is gradually being replaced by the LDF) and other relevant emerging policies. Relevant policies relating to Green Spaces, Children's Play Areas and/or Recreation Facilities are outlined in Appendix 2.

## Monetary Contribution

- 13.26. See Appendix 1 for the monetary contribution formulae. As discussed under Section 4 (How to Apply this SPD) the formulae are intended as a basis for negotiation. The exact planning contributions triggered by a development will be negotiated on a site-by-site basis. If more up to date, relevant and specific information is provided (and deemed appropriate by the Council) the Council may choose to use this information as a basis for determining a monetary contribution.

# 14. LIVE-WORK UNITS TO RESIDENTIAL

## Introduction

- 14.1. Live-work units were once championed by the Council as a flexible approach to the provision of affordable workspace in Hackney. After working well for an initial period, Live-work permissions were soon exploited by developers as a “back door” entry to gain planning permission for residential use. Live-work enabled developers to avoid requirements for employment provision and affordable housing that would otherwise be a requirement of residential development. As such the Council commissioned a study to review the Live-work policy in April 2005 (‘Review of Live-Work Policy in Hackney’, undertaken by London Residential Research). The study confirmed that a large proportion of Live-work units are being used as an unlawful residential use.
- 14.2. The report suggests that overall the contribution of Live-work development to small business accommodation is not likely to be significant. In the first place, the report concludes that Live-work does not actually offer occupiers “cheap” workspace to run a home based business. Secondly it indicates that a very high proportion of Live-work units are *de facto* residential.
- 14.3. Therefore it is the position of the Council that no further integrated units combining living and working will be approved in the Borough. It is considered best practice for employment generating floorspace to have a physical separation including separate entrances in mixed use proposals. However, the Council continues to support ‘home working’ which does not normally require planning permission.
- 14.4. As a result of this policy shift, there are a number of Live-work units for which residents/ developers are seeking a lawful change of use to pure Residential (C3 use class) to legalise their situation. The number of such requests will probably rise in the short term as the enforcement of original Live-work planning permissions granted takes place.
- 14.5. The Council will take a financial contribution from such change of use applications to reflect the lost potential from the employment generating floorspace that was contained within the Live-work unit. Contributions will be pooled and reinvested in the top order of the Employment Hierarchy.

## Qualifying Development

- 14.6. Planning contributions will be required for all granted change of use applications from Live-work units to Residential (C3).

## General Principles

- 14.7. Live-work units are classified as Sui Generis under the Use Classes Order, which basically mean they are “unique” and don’t have a specific use class like other uses. The Council introduced specific policies pertaining to Live-work units as Supplementary

Planning Guidance (SPG) in June 1996 followed by Interim Policy Guidance in 1999. Both documents defined Live-work development as ‘the provision of integrated living and working accommodation within a single self contained unit.’ The 1999 Interim Policy Guidance elaborated on the definition of the work element further as ‘The Work element can be anything from photography to art, as long as the work element is compatible to a residential use.’

- 14.8. Live-work describes accommodation that is specifically designed to enable both residential and business use. It differs from ordinary home working in its nature and in the intensity of business use that may be involved.
- 14.9. Many people do wish to work from home, but in most cases the work use of the home is small-scale, and very much secondary to the domestic use of the premises and therefore permissible under a Residential use.
- 14.10. With Live-work accommodation, buildings or units are specifically designed to have a higher intensity of business use. This may be in terms of the amount of space devoted to the work use. It may also be that the work element is designed to accommodate more workers than just the resident, and may be set up to encourage company growth.
- 14.11. In recognition of the particular ‘type’ of development intended through Live-work permissions, it is clear that a functioning unit should offer vital business space for a small number of workers (for example 1-4 persons), with one of the workers linked to the residential element of the unit.
- 14.12. In 2003, Hackney revoked the Council’s Supplementary Guidance Note on Live-work Developments. The report to the Cabinet and Regulatory Committee highlighted a number of shortcomings of Live-work developments including:
- a) Concern about the “genuine” nature of Live-work development;
  - b) Lack of clarity about the unsuitability of buildings for continued employment use and how these buildings might be suitable for the employment use envisaged in Live-work;
  - c) Buildings were being deliberately vacated with the accompanying relocation or loss of local jobs in order to fulfil the vacancy criteria of the SPG ; and
  - d) Lack of evidence that Live-work use provided either employment or housing for local people.
- 14.13. The consultants, who produced the Study of Small Business Workspace Provision in Hackney, expressed the view that in practice, Live-work does not offer cheap workspace and it does not fundamentally address the priority needs of start up and micro businesses. Whilst there is a continuing role for Live-work, it is in reality only suitable for very well established and successful businesses who can afford to purchase premises at the prices developers demand. As such, it represents only a small part of the supply equation and appears to play a limited part in addressing those areas where workspace is found to be in short supply.

- 14.14. Live-work schemes have spread right across the Borough, particularly within Defined Employment Areas (DEAs) where there was a presumption against residential development, but where Live-work could achieve equivalent values and apparently meet the employment retention policy criteria.
- 14.15. Within a DEA (i.e. allocated in the Adopted UDP or the emerging LDF and shown on the Proposals Map) change of use from Live-work to residential will not likely be considered appropriate where the Live-work unit is considered to be appropriately designed offering both functional work and living space.
- 14.16. For other employment sites where the lawful use is for employment generating uses (B Use Class), but the site is not allocated in the Adopted UDP (or the emerging LDF) and not shown on the Proposals Map, a change of use from Live-work to Residential will be considered acceptable.
- 14.17. The contribution is to be pooled and reinvested in the higher priority employment areas where the monetary contribution can be put to the most effective use in maximising the employment opportunities within the Borough.
- 14.18. In addition to the above mentioned 'General Principles' all activities and land uses relevant to changing Live-work to Residential (C3) are to comply with all relevant policies including Hackney's Community Strategy, London Plan, Government Guidance, Hackney's Unitary Development Plan (which is gradually being replaced by the LDF) and other relevant emerging policies. All relevant policies relating to a change of use from Live-work to Residential (C3) are outlined in Appendix 2.

## Monetary Contribution

- 14.19. See Appendix 1 for the monetary contribution formulae. As discussed under Section 4 (How to Apply this SPD) the formulae are intended as a basis for negotiation. The exact planning contributions triggered by a development will be negotiated on a site-by-site basis. If more up to date, relevant and specific information is provided (and deemed appropriate by the Council) the Council may choose to use this information as a basis for determining a monetary contribution.