

<b>ADDRESS:</b> The House, 41 Boundary Street, Hackney E2 7JQ	
<b>WARD:</b> Hoxton East and Shoreditch	<b>REPORT AUTHOR:</b> Claire Moore
<b>APPLICATION NUMBER:</b> 2020/1102 <b>DRAWING NUMBERS:</b>  Design and Access Statement, prepared by Featherstone Young Architects; dated April 2017  Daylight calculation, prepared by FES Group, Issue 7; dated February 2017 Letter from FES Group, dated 23 April 2020.  Cooling Hierarchy Assessment, prepared by Featherstone Young Architects, dated July 2020  Drawing no. 00 001 Rev A; 002; 003; 004 Rev A; 005; 006 Rev A; 100 Rev D; 101 Rev D; 102 Rev F; 103 Rev E; 104 Rev F; 105 Rev F; 106 Rev F; 107 Rev A; 200 Rev E; 201 Rev F; 202 Rev D; 300 Rev B; 301 Rev A; 302 Rev A; 303 Rev A; 400 Rev A; 401 Rev A; 402  Drawing no. 01 005 Rev A	<b>VALID DATE:</b> 28/04/2020
<b>APPLICANT:</b> Mr and Mrs Lucy and James Viggers	<b>AGENT:</b> Featherstone Young Architects C/- Sarah Featherstone
<b>PROPOSAL:</b>  Erection of 3 - 4 storey dwelling (use class C3) at rear of the site following demolition of existing 2 storey dwelling.	

**POST SUBMISSION REVISIONS:**

Revised plans were received on 10 June; the revisions altered annotations on the resubmitted plans to clearly detail that the building mass proposed (as shown by the red line) is the building mass that was permitted under reference no. 2017/1841.

No reconsultation was undertaken following the receipt of these amendments as the development has not been materially altered.

**RECOMMENDATION SUMMARY:**

Grant planning permission subject to conditions.

**NOTE TO MEMBERS:**

This application is presented to the Planning Sub-Committee due to the substantial level of response received.

**ANALYSIS INFORMATION**

ZONING DESIGNATION: (Yes) (No)

CPZ	Yes- Shoreditch	
Conservation Area		No
Listed Building (Statutory)		No- adjoins Grade II listed 'Cleeve Workshops'
Listed Building (Local)		No
Priority Office Area	Yes- Shoreditch	

LAND USE:	Use Class	Use Description	Floorspace Sqm
<b>Existing</b>	C3 (dwellinghouse)	Two storey, two bedroom (4person) single family dwellinghouse	88.88
<b>Proposed</b>	C3 (dwellinghouse)	Two to Four storey, three bedroom (6 person) single family dwellinghouse	232.44

<b>PARKING DETAILS:</b>	Parking (General) Spaces	Parking Spaces (Disabled)	Bicycle storage
<b>Existing</b>	0	0	0
<b>Proposed</b>	0	0	2

Existing	<u>1-bed</u>	<u>2-bed</u>	<u>3-bed</u>	<u>4-bed</u>	<u>Total</u>
<b>Social Rent</b>	0	0	0	0	0
<b>Intermediate – Shared ownership</b>	0	0	0	0	0
<b>Private</b>	0	1	0	0	1
<b>Total</b>	0	1	0	0	1
Proposed	<u>1-bed</u>	<u>2-bed</u>	<u>3-bed</u>	<u>4-bed</u>	<u>Total</u>
<b>Social Rent</b>	0	0	0	0	0
<b>Intermediate – Shared ownership</b>	0	0	0	0	0
<b>Private</b>	0	0	1	0	1
<b>Total</b>	0	0	1	0	1

### **CASE OFFICER’S REPORT**

#### **1.0 SITE CONTEXT**

- 1.1 The site contains a two-storey single dwellinghouse situated to the rear of a five-storey residential block (41 Boundary Street) on the western side of Boundary Street, with access to the subject site provided through this adjoining building.
- 1.2 The five storey Ace Hotel is situated to the west and a row of Grade II listed, single storey workshops are situated immediately to the north of the site, adjoining the boundary wall.
- 1.3 The site does not include any on-site parking or vehicle access. The site is located within a PTAL rating of 6b (excellent), being located in a sustainable location with excellent access to sustainable modes of transport. .
- 1.4 The surrounding area is characterised by mixed use development and the site and surrounds are located within the Central Activity Zone (CAZ).

#### **2.0 CONSERVATION IMPLICATIONS**

- 2.1.1 Whilst the site is not located within a conservation area, the northern boundary of the site adjoins both the South Shoreditch Conservation Area and the Grade II listed Cleeve Workshop.
- 2.1.2 The Grade II listed building, Cleeve House, at 6-20 Calvert Avenue is located further to the north of the site, adjoining the northern boundary of Cleeve Workshops.

#### **3.0 HISTORY**

##### **3.1 Development site**

- 3.1.1 2017/1841 - Erection of 3 - 4 storey dwelling (use class C3) at rear of the site following demolition of existing 2 storey dwelling - Granted 03/07/2017

# **Planning Sub-Committee – 29/07/2020**

- 3.1.2 2014/3908 - Erection of two storey roof extension at fifth and sixth floor level in order to provide additional floorspace within existing residential unit - Refused 26/01/2015
- 3.1.3 2014/0863 - Erection of two storey roof extension at fifth and sixth floor level in order to provide additional living accommodation to existing fourth floor residential unit; provision of roof terrace at seventh floor level; reconfiguration of ground floor plan and alterations to Boundary Street frontage a ground floor level - Refused - Appeal dismissed 01/10/2014
- 3.1.4 2013/1331 - Erection of second and third floor extensions to existing dwelling - Granted 20/06/2013
- 3.1.5 2009/2051 - Relocation of bin store front entrance to create enlarged bin store - Granted 03/12/2009
- 3.1.6 SOUTH/103/00/FP - Erection of 4 storey & single storey buildings to form 4x 2 bed flats and 1x 1 bed unit with demolition of existing garage - Granted 22/05/2000
- 3.2 Relevant development adjacent to the site
- 3.2.1 2020/1039 - 1 Cleeve Workshops  
Refurbishment of existing workshops and erection of two-storey building to provide additional office space - Not determined
- 3.2.2 2019/1664 - Cleeve Workshops  
Refurbishment of existing workshops, erection of three new buildings (Class B1) in the courtyard, and other associated external alterations to include hard and soft landscaping - Granted subject to conditions 03/07/2019
- 3.2.3 2019/1596 - Cleeve Workshops  
Refurbishment of existing workshops, erection of three new buildings (Class B1) in the courtyard, and other associated external alterations to include hard and soft landscaping - Granted subject to conditions 03/07/2019
- 3.2.4 2011/1295 - Anlaby House, 37 Boundary Street  
The erection of a rooftop extension to the existing 6 storey building to provide for the creation of 3 residential units (3x 2 bed) - Granted 20/02/2012
- 3.2.5 2012/2767 - 108 Shoreditch High Street  
Erection of new 2 storey roof extension to form 2x1 bed flats with roof terrace at roof level and demolition of existing roof - Granted 13/12/2012
- 3.2.6 2007/0600- 103-106 Shoreditch High Street  
Demolition of existing building and erection of a 6 storey building comprising a 75 bedroom extension to St Gregory's Hotel (now renamed Ace Hotel) and a 634sqm ground floor restaurant (Use Class A3), associated roof plant and service access at rear to Boundary Street - Granted 07/10/2009

#### **4.0 Consultations**

##### **4.1 Dates**

4.1.1 Date Statutory Consultation Period Started: 29/04/2020

4.1.2 Date Statutory Consultation Period Ended: 23/05/2020

4.1.3 Site Notices: Yes - 07/05/2020

4.1.4 Press Advert: Yes - Hackney Gazette 07/05/2020

##### **4.2 Neighbours**

4.2.1 Letters of consultation were sent to 164 adjoining owners/occupiers. At the time of writing the report, 31 objections had been received. These representations are summarised below:

- Concerns about noise associated with development in an area that already suffers from the night economy
- Loss of sunlight experienced by neighbouring properties
- Impact on heritage of neighbouring sites and surrounding context
- Detrimental to the character of the Boundary Estate
- Impact of dust from demolition and construction
- Impact of privacy of neighbouring properties
- Increased occupancy and resulting congestion
- Concerned that the new build will compromise the foundations of the Grade II listed Cleve Workshops
- Is an over-development of the site
- The proposed development fails to take note of the local architecture and shows no sympathy for local needs
- The consultation and advertising of the application was inadequate
- Surrounding buildings and residents of Cleeve House will directly overlook this bulk new modern construction
- It will be seen as a striking contrast to pedestrians on Boundary Street
- The commercial value extracted will share no benefit with the community, with no affordable housing or amenities.
- The drawings are difficult to decipher and make the visual impact that this building would have on the adjoining buildings, unclear.
- The timing of the application is inappropriate; everyone is in lockdown and may not be able to comment within the specified timeframes. It is unethical and the deadline for comments should be extended.

The above comments, where representing a material planning consideration are addressed within the assessment section of this report.

4.2.2 With regards to comments on the consultation and advertising of the application, it is emphasised that the Council's Statement of Community Involvement requires applications of this scale to be consulted by either a site notice or consultation letters. The Council has exceeded this requirement through posting both a site notice and a

public notice in the Hackney Gazette, in addition to sending consultation letters to 164 neighbouring properties/units.

4.2.3 In terms of the legibility of the submitted plans, the submitted documents are sufficiently clear to allow for an accurate assessment of the application.

4.2.4 The matter of the timing of the application is not a matter the Council has control over and Central Government guidance has been given to ensure Local Planning Authorities continue to determine planning applications over this period, despite the imposed lockdown and associated constraints. Objections and comments received after 23 May 2020, being the statutory deadline for comments, have been taken into consideration with the assessment of the proposal.

#### 4.3 **Statutory / Local Group Consultees**

4.3.1 English Heritage: no comment received

4.3.2 Greater London Archaeology Advisory Service (GLAAS): no comment received

4.3.3 Thames Water: no comment received

4.3.4 Shoreditch Conservation Area Advisory Committee: No objection

#### 4.4 **Council Departments**

4.4.1 Transportation: No objection

The proposal would not have an impact on existing transport facilities.

The area surrounding the site is within a CPZ. Given that the proposal is to replace and existing building and in terms of accommodation, will only introduce an additional bedroom, it would be acceptable for the current parking situation to continue and the site would not be required to be 'car-free'

The proposal will provide two cycle parking spaces within private land in line with LBH cycle parking standards.

A Demolition and Construction Management and Logistics Plan should be imposed via condition, to adequately control any impacts associated with this phase of the development.

4.4.2 Drainage: No objection

The site is shown to have a 'high' risk of surface water flooding and an increased potential for elevated groundwater.

The Drainage Engineer has raised no objections to the proposed development, subject to imposing conditions requiring a scheme for the provision and implementation of flood resilient and resistant construction details and measures for the site against surface water flood risk be submitted to and approved by the LPA, and the inclusion of at least one suitable sustainable drainage system within the development.

4.4.3 Waste: No objection.

## **5.0 POLICIES**

### 5.1 London Plan (2016)

- 3.1 Ensuring Equal Life Chances for All
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 3.8 Housing Choice
- 3.10 Definition of Affordable Housing
- 3.11 Affordable Housing Targets
- 3.12 Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes
- 3.13 Affordable Housing Thresholds
- 5.1 Climate Change Mitigation
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.5 Decentralised Energy Networks
- 5.6 Decentralised Energy in Development Proposals
- 5.7 Renewable Energy
- 5.9 Overheating and Cooling
- 5.10 Urban Greening
- 5.11 Green Roofs and Development Site Environs
- 5.12 Flood Risk Management
- 5.13 Sustainable Drainage
- 5.17 Waste Capacity
- 5.21 Contaminated Land
- 6.3 Assessing Effects of Development on Transport Capacity
- 6.9 Cycling
- 6.10 Walking
- 6.13 Parking
- 7.3 Local Character
- 7.6 Architecture
- 7.8 Heritage Assets and Archaeology
- 7.14 Improving Air Quality
- 7.15 Reducing Noise and Enhancing Soundscapes
- 7.19 Biodiversity and Access to Nature
- 8.2 Planning Obligations
- 8.3 Community Infrastructure Levy

### 5.2 London Plan - Intend to Publish 2019

- D4 Delivering good design
- D6 Housing quality and standards
- H10 Housing size mix
- HC1 Heritage conservation and growth
- G6 Biodiversity and access to nature
- SI 1 Improving air quality

SI 2	Minimising greenhouse gas emissions
SI 5	Water infrastructure
SI 12	Flood risk management
SI 13	Sustainable drainage
T4	Assessing and mitigating transport impacts
T5	Cycling
T6	Car parking
T7	Deliveries, servicing and construction

5.3 Hackney Local Plan 33 (LP33)

PP8	Shoreditch and Hoxton
LP1	Design quality and local character
LP2	Development and Amenity
LP12	Housing supply
LP14	Dwelling size mix
LP17	Housing design
LP24	Preventing the loss of housing
LP42	Walking and cycling
LP43	Transport and development
LP45	Parking and car free development
LP51	Tree management and landscaping
LP53	Water and flooding
LP54	Overheating and Adapting to Climate Change
LP55	Mitigating Climate Change
LP56	Decentralised Energy Networks (DEN)
LP57	Waste
LP58	Improving the Environment - Pollution

5.4 Supplementary Planning Documents / Guidance

*Greater London Authority:*

Housing (2016)

Sustainable Design and Construction (2014)

*London Borough of Hackney*

Sustainable Design and Construction SPD (2016)

Residential Extensions and Alterations SPD (2010)

Planning Contributions SPD

Transport Strategy 2015-2025

5.5 National Planning Policies/Guidance

National Planning Policy Framework (2019)

Planning Practice Guidance



## 5.6 Emerging planning policy

- 5.6.1 The GLA is producing a new London Plan, which was subject to Examination in Public between January 2019 and May 2019. The Inspectors' Panel report was published on 21 October 2019. This contained a series of recommendations on amendments to the Plan, some of which the Mayor chose to accept and some which he chose to reject. The reasons for his rejections accompany the London Plan "Intend to Publish" version which was sent to the Panel of Inspectors on 9th December. The Panel will be responding to the Mayor's responses on or before 16 March 2020. The Plan will also soon be submitted to the London Assembly for their final consideration before being published.
- 5.6.2 The NPPF sets out that decision takers may also give weight to relevant policies in emerging plans according to their stage in preparation, the extent of unresolved objections and degree of consistency with the NPPF. Both Plans are material planning considerations but carry limited weight in decision making at this stage.
- 5.6.3 Where relevant, emerging content within this document is discussed in the body of this report.
- 5.6.4 Adoption of the Council's Local Plan (LP33) is expected on 22 July 2020 and as such will be part of the adopted Development Plan by the time this matter is considered by the Planning Sub-Committee. If LP33 is not adopted by the time of the meeting, the implications for this report will be addressed in an addendum.

## **6.0 Planning Considerations**

### 6.1 Overview and Background

- 6.1.1 The current planning application is identical to that granted planning permission under reference no. 2017/1841 on 3 July 2017. The current planning application was submitted on 28/04/2020 in anticipation of the previous planning permission expiring on 3 July 2020. It should be noted that, on 25 June 2020, the Business and Planning Bill sought to introduce scope to extend the time limit of planning permissions which have expired during the coronavirus period. At the time of the publication of this report, the Bill has still to receive Royal Assent and, as such, there is currently no extant planning permission.
- 6.1.2 The proposal seeks permission for the demolition of existing two storey dwelling and erection of new replacement dwelling; part 2-4 storeys with a third floor roof terrace.
- 6.1.3 The building will have a width of 5.7 metres, a depth of 14.75 metres at ground floor, reducing to a depth of 7 metres at the third floor. The building will have an irregular roof scape, with a height ranging between 6.2 metres and 14.8 metres.
- 6.1.4 The dwelling will continue to be accessed via the five storey residential building adjoining the eastern boundary of the site. The design includes an entrance courtyard separating the proposed building and the existing five storey building, and an internal courtyard within the footprint of the building.

6.1.5 The new dwelling will contain 3x double bedrooms. The entrance courtyard includes a store for bikes and bins associated with the dwelling.

6.1.6 The main considerations relevant to this application are:

- Land use
- Housing Mix and Tenure
- Design, appearance and heritage/conservation impacts
- Quality of Accommodation
- Residential Amenity
- Transportation
- Sustainability
- Flood Risk
- Biodiversity
- Air Quality
- Community Infrastructure Levy

Each of these considerations is discussed in turn below.

## **6.2 Land Use**

6.2.1 Policy PP8 of Local Plan 33 states that within the Shoreditch and Hoxton areas, development should intensify the use of land to optimise the capacity of Shoreditch and ensure mixed land uses.

6.2.2 The proposal will replace a 2 bed dwelling house with a new 3 bed dwellinghouse, thereby retaining the residential use on the subject site and resulting in the increased provision of residential accommodation on site. As such, the lack of mixed use within the development is considered acceptable in this context and moreover, it is noted that within this context the intensified use, subject to impacts, is encouraged.

6.2.3 For these reasons, coupled with the fact that an identical planning permission was granted in 2017, the principle of continued and optimised use of the site for residential purposes is acceptable in principle in land use terms, subject to further considerations as set out below.

## **6.3 Housing Mix and Tenure**

6.3.1 As previously mentioned, the proposed development will see an existing 2 bedroom dwellinghouse replaced with a 3 bedroom dwellinghouse. Policy LP14 of LP33 encourages a particular mix of dwelling sizes within developments, and has an emphasis on the provision of family sized (3+ bedrooms) dwellings across the borough to meet the acute need for larger dwellings that has been identified at both a regional and local level. The proposed development would therefore meet the objective of this policy.

6.3.2 Objections received have raised concerns regarding the public benefit of this application, particularly referring to affordable housing contributions. It is emphasised that as this development does not result in the net uplift of residential units, it would not be liable for an affordable housing contribution under policy LP13 of Local Plan 33.

**6.4 Design, Heritage and Conservation**

6.4.1 The Council's adopted Local Plan 33 seeks to require a rigorous design approach and ensure a good and optimum arrangement of the site in terms of form, mass and scale. London Plan policy 7.6 states architecture should make a positive contribution to a coherent public realm, streetscape and wider cityscape. It should incorporate the highest quality materials and design appropriate to its context. Moreover, London Plan policy 7.8 states that development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail.

6.4.2 The principle of a 4 storey building was established under previous permissions 2013/1331 and 2017/1841.. However, given this proposal will be (in part) assessed under the Council's new adopted Development document LP33, an up to date assessment on the relevant conservation and design considerations is provided.

Site Context and Townscape

6.4.3 The site is located in an area characterised by a predominantly mid-range mix of building heights and designs. The site is adjoined by a five storey residential block to the east, a seven storey residential block to the south, a five storey hotel to the west and a four storey Grade II listed residential block to the north, just beyond a small courtyard and a row of single storey Grade II listed workshops.

Grade II Listed Buildings

6.4.4 The Council is under a duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to "have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses". The site is located adjacent to the Grade II listed Cleeve House and separately listed Cleeve Workshops. Development behind Cleeve Workshops is not uncharacteristic, emphasising that both the existing environment and previous permissions granted on the subject site have reinforced the principle of introducing a new building within this context.

6.4.5 The setting of the listed buildings has already been heavily impacted by the adjacent developments to the south which at 5-7 storeys, appear overbearing. However, the new proposal will help mark a transition in height from the single storey workshops to the taller buildings and thereby assist in the greater integration of the built form of this site with the adjoining Grade II listed buildings.

6.4.6 The contemporary style which has been previously approved will mark as an interesting and characterful juxtaposition to the workshops and blank flank walls behind. Moreover, the use of hanging slates carefully links the new development to the original slate pitched roofs of the workshops (now largely replaced by felt but likely with surviving battens and possibly slate beneath). The materials and finish will be carefully conditioned to ensure the highest quality materials and design.

6.4.7 Impact on adjacent Conservation Areas

6.4.8 The Council is under statutory duties contained within section 72 of the Planning (Listed Buildings and Conservation Areas Act) to grant permission only to applications which preserve or enhance Conservation Areas.

6.4.9 Cleeve House and workshops are located on the very edge of the Boundary Estate where the overarching character and uniformity of the estate becomes more mixed as a result of greater levels of change.

6.4.10 41 Boundary Street and the taller buildings behind are already considered to have a dominant impact on both the listed buildings and the two conservation areas (South Shoreditch Conservation Area and the Boundary Estate Conservation Area. As such, in this location the building is not considered to have an unduly prominent relationship.

6.4.11 Conclusion

6.4.12 Whilst it is acknowledged the proposed development would cause some harm to the setting of nearby listed buildings and adjacent conservation areas, this harm is assessed to be less than substantial. This in turn triggers para 196 of the NPPF which requires the public benefit to be weighed against the harm.

6.4.13 In this instance, the public benefit offered by the proposal is through the re-provision of housing, through the introduction of a family sized dwellinghouse of which both regionally and locally there is an acute need acknowledged through policies (3.8 of the London Plan and LP14 of LP33). Moreover, the re-provision of an intensified residential use within a sustainable, well-connected location, built of modern building standards is deemed to outweigh the identified harm.

6.4.14 The proposal is considered to have an acceptable impact with regards to the design and appearance of the subject site, the setting of the adjoining conservation area and the character and setting of the Grade II listed buildings to the north.

6.4.15 Other related matters

6.4.16 Comments have also been received with regards to the impact of the proposed building and construction works on the physical integrity of the adjoining listed workshops. It is evident from the site history that there have always been buildings in this location and it is considered that the foundations are sufficient. However, owing to the proximity of the workshops it is recommended that a condition be imposed requesting additional details of the foundations.' Whilst such a condition would be conservative, and was not imposed through the original permission granted under 2017/1841, it is considered to be a reasonable request to ensure that the proposed development would not impact on the structural integrity of the Grade II listed buildings.

6.4.17 Objections have been received citing the overdevelopment of the site. In addition to the above assessment regarding height, massing and design, in terms of the proposed footprint, whilst it is appreciated that the proposed building will occupy the majority of the curtilage of the site; this, in conjunction with the increased height and massing on site, is not uncharacteristic for development in this central setting and it is not considered to be an indication of the overdevelopment of the site.

**6.5 Quality of Accommodation**

- 6.5.1 New residential developments are expected to provide a good standard of amenity for future occupiers. New residential units are expected to comply with the minimum floorspace standards of London Plan policy 3.5 and the requirements of the Mayor's Housing SPG and the Nationally Described Space Standards.
- 6.5.2 The site is considerably enclosed by its surrounding context and benefits from little natural light or outlook. The proposed building has been designed to maximise the area of the existing site and improve levels of natural daylight and amenity space through the incorporation of an internal courtyard, balconies, a roof terrace, increased internal spaces within the building and rooflights. As a result of these design features, the proposed dwelling will be multi-aspect and would meet BRE Guidance for Average Daylight Factor.
- 6.5.3 Additionally, the proposal will create a positive entrance space to separate the building from the five storey residential building to the east of the site, and enable ease of access to refuse/recycling and cycle storage that will adjoin this courtyard.
- 6.5.4 Policy 3.5 of the London Plan requires new dwellings to meet minimum standards set out through the Nationally Described Space Standards document. The proposed unit, being a 3x double bed dwelling, would meet the respective minimum standard, and would be an improvement on the existing accommodation provided on site as a result of the abovementioned design features.
- 6.5.5 Overall, the proposal is considered to result in the provision of high quality residential accommodation.

**6.6 Residential Amenity**

- 6.6.1 Proposals must have regard to policy LP2 'Development and Amenity' in that it should not cause significant harm to the amenity of neighbouring properties. The potential impacts of the proposal on the amenity of neighbouring properties relate to daylight/sunlight, outlook (including bulk and dominance issues), privacy matters and noise and disturbance.

Privacy

- 6.6.2 The northern elevation of the proposed building will adjoin the southern boundary of Cleeve Workshops; these are not used for residential purposes and the workshops do not have windows facing the subject site, nor are there rooflights included within the buildings. Therefore any impact associated with the loss of privacy is considered to be acceptable.
- 6.6.3 Cleeve House to the north of the site has several windows facing the subject site, with some of the units also benefiting from balconies on this elevation. The proposed development is situated between 13-15 metres away from these windows and balconies, with the separation distance increasing to approximately 25 metres towards the north-west. Such separation distances are common in London locations characterised by tight urban grain and, nonetheless, are considered sufficient to

mitigate any potential overlooking from the proposed dwelling on this neighbouring building.

- 6.6.4 The proposal includes a terrace located at second floor level, and a roof terrace at third floor level; both of which are located on the northern boundary of the site. The roof terrace at third floor level will have views to the north and east obstructed via a 1.8 metre high wall and is not considered to result in any overlooking into the neighbouring units. Whilst the second floor terrace is not shown to have privacy screening, this is also located at a distance away from the adjoining windows and balconies of Cleeve House that would mitigate any potential overlooking and loss of privacy experienced by these neighbouring units.
- 6.6.5 The proposed building does not include any glazing, other than rooflights, on the eastern elevation facing the five storey residential building at the same address, and therefore the impact of the proposal on the privacy of these adjoining units is considered to be acceptable.

#### Daylight and Sunlight

- 6.6.6 The proposal would result in increased building mass on the subject site, and therefore has the potential to result in adverse impacts associated with daylight access experienced by neighbouring properties. As previously mentioned, the proposed building is located in a setting that is, with the exception of the north boundary, entirely surrounded by five to seven storey buildings. As such, the increased mass would be against the six storey building of Anlaby House and is not considered to result in any further loss of daylight access experienced by the units to the north, nor the courtyard located between Cleeve Workshops and Cleeve House.
- 6.6.7 To address concerns of daylight access impacts the proposal may have on the residential units to the east at 41 Boundary Street, the applicant had a daylight assessment prepared; this was submitted with the application made under 2017/1841 and an addendum was included with the subject application stating that the assessment remains accurate and should be given full weight.
- 6.6.8 In assessing the rear (west facing) windows of adjoining 41 Boundary Street to the east, the submitted daylight assessment found that the proposed development was in compliance with BRE Guidance for Vertical Sky Component (VSC) with windows tested having no greater impact than a 20% reduction from existing conditions. Average Daylight Factor calculations also demonstrated BRE compliance above the relevant thresholds for habitable accommodation.
- 6.6.9 As such, the proposal is considered to have an acceptable impact on the daylight and sunlight access of neighbouring residential units.

#### Outlook

- 6.6.10 As mentioned above, the proposed building is located in a setting that is, with the exception of the north boundary, entirely surrounded by five-seven storey buildings. As a result, the new building is not considered to obstruct the outlook of neighbouring properties, emphasising that for the most part there are acceptable levels of separation between the proposed building mass and neighbouring elevations. In the instance of

the five storey residential building to the east, it is noted that the mass of the building slopes away from the rear elevation of the adjoining units and their balconies. Additionally, the applicant has demonstrated that the 45 degree line of sight from these units would be preserved.

- 6.6.11 As such, the proposal is considered to have an acceptable impact on the outlook of neighbouring residential properties.

#### Noise and disturbance

- 6.6.12 The proposed development would replace an existing 2 bed residential dwellinghouse with a 3 bed residential dwellinghouse. Residential uses are not noise generating uses per se; the retention of residential use on the site and the small increase of accommodation is not considered to result in any additional noise impacts experienced by neighbouring properties, particularly when considering the central location of the site.

#### Other nearby buildings:

- 6.6.13 The proposed building will adjoin a blank wall of the property to the south and will face opaque glazing of the Ace Hotel to the west. Properties Given this context, the proposed development is considered to have an acceptable impact on these properties.
- 6.6.14 Properties to the north-west, are removed from the western boundary of the site by at least 18 metres; this, in conjunction with the obscure angled relationship between the subject site and these properties, is considered to mitigate any potential impact the proposal could have on the residential amenity of these properties.

#### Conclusion

- 6.6.15 In accordance with the above assessments, the impact of the development on the amenity of neighbouring properties is considered to be acceptable.

### 6.7 **Transport and Highways**

- 6.7.1 The site is located within the Central Area Zone and has a PTAL rating of 6b (best). The dwelling does not currently benefit from an on-site parking space.

#### Parking

- 6.7.2 Concerns have been raised through the public consultation process with regards to the impact of the proposal on congestion of the surrounding area. The council's Highways Officer has reviewed the proposal and considers that given the scale of development, ultimately resulting in one additional bedroom in comparison to the existing environment; this would not result in any increased pressure on the surrounding parking and highway network. Moreover, the absence of any on-site parking is in accordance with policy LP45.

- 6.7.3 The council's Highways Officer has confirmed the above position, stating that given the minimal increase in accommodation, it is not considered necessary to impose a 'car-free' requirement in order to make the development acceptable.

### Cycle Storage

- 6.7.4 The proposal includes the creation of a store area in the front courtyard; this will facilitate the storage of 2x bicycles which is in accordance with the minimum requirements of policy 6.9 of the London Plan and is an improvement from the current situation that does not benefit from a formal storage area.

### Servicing

- 6.7.5 The subject site currently utilises the refuse store area within the ground floor of the adjoining five storey residential building to the east, at 41 Boundary Street; this opens out onto Boundary Street and therefore has ease of access for collection. The proposal would introduce the creation of an independent storage area for the dwellinghouse, which would be combined with the abovementioned cycle store area.
- 6.7.6 The area provided is relatively small; however, given the scale of the development it would likely be acceptable in meeting minimum requirements. For assurance, it is considered reasonable to impose a condition requiring detailed plans of this space, demonstrating an internal layout, prior to undertaking works on site.
- 6.7.7 Moreover, whilst it is appreciated that independent storage would be provided through this proposal, given the removal of the storage area from the public highway, it is considered necessary to impose a condition to require the submission and approval of a waste collection strategy.

### Construction Impacts

- 6.7.8 Whilst details of the demolition and construction management have not been provided at this stage, this is a matter that is often dealt with through imposing a pre-commencement condition that would require all necessary detail to ensure that the temporary impacts of demolition and construction are managed. It is acknowledged that such a condition was not imposed on reference no. 2017/1841; however, given the constraints of the site, and the central location, it is considered necessary to apply such a condition, along with a construction logistics plan, thereby ensuring the impact of the scheme sought under this permission will be managed to a greater extent than through the permission already granted.

## **6.8 Sustainability**

- 6.8.1 All new developments need to consider statutory requirements to reduce pollution, energy and carbon emissions, and should incorporate best practice design principles and guidance where appropriate.
- 6.8.2 Policy 5.5 of the London Plan and LP54 of LP33 requires all development to regulate internal and external temperatures through orientation, design, materials and technologies which avoid overheating, in response to the Urban Heat Island Effect and addressing climate change. This was not a matter addressed under 2017/1841;



however, the applicant has provided an assessment detailing how the design has considered and implemented the cooling hierarchy, in accordance with these policies. Based on the Cooling Hierarchy Assessment submitted, and the minor scale of the development, the design of the building is considered to have appropriately adopted measures to address overheating and the Urban Heat Island Effect.

6.8.3 Policy LP55 applies to all new developments and states that these must actively seek to mitigate the impact of climate change through design which minimises exposure to the effects, and technologies which maximise sustainability. Under LP33, it is generally expected that new residential buildings will achieve zero carbon emissions over the lifetime of the building. The draft Planning Contributions SPD, which should be afforded some weight, details that where no energy statement is provided, the requirement should be managed through a one-off payment of £1,500 per house. As such, this contribution will be required through a section 106 legal agreement.

6.8.4 Overall, the proposal is considered to result in a sustainable form of development.

## 6.9 **Flood Risk**

6.9.1 London Plan policy 5.12 states that development proposals must comply with the flood risk assessment and management requirements over the lifetime of the development and have regard to measures proposed in flood management plans. Policy LP53 of LP33 requires all development to have regard to reducing flood risk, both to and from the site, over its expected lifetime. The policy further states that all development should decrease vulnerability to flooding through appropriate siting, design and on-, and off-site mitigation.

6.9.2 The council's Drainage Engineer has reviewed the proposal, stating that the site is shown to have a 'high' risk of surface water flooding and an increased potential for elevated groundwater. The Officer has raised no objection to the scheme on the proviso that a condition requiring a scheme for the provision and implementation of flood resilient and resistant construction details and measures for the site against surface water flood risk be submitted to and approved by the LPA, and the inclusion of at least one suitable sustainable drainage system within the development.

6.9.3 Subject to compliance with the conditions requested by the Drainage Engineer, the proposal is considered to have an acceptable impact on flood risk.

## 6.10 **Biodiversity**

6.10.1 Policy 5.11 of the London Plan and LP46 of Local Plan 33 requires that all development should enhance the network of green infrastructure and seek to improve access to open space. Moreover, policy LP46(F) of LP33 encourages such developments to include green roofing; however, given the constraints of the site and acknowledging the current lack of biodiversity both on the site and the surrounding environment, the level of landscaping that has been shown within the internal courtyard is considered acceptable at this stage.

6.10.2 A condition has been imposed requiring a hard and soft landscaping scheme to be submitted to and approved by the LPA; this should provide all details of planting within the internal courtyard, and additional planting within the front courtyard to increase the

greening of the site and the overall contribution to the biodiversity of the surrounding area.

#### **6.11 Air Quality**

6.11.1 Policy LP58 requires all new development, as a minimum, to not exceed air quality neutral standards or contribute to a worsening of air quality at the construction or operation stage, over the lifetime of the development. In order to address this, a condition is recommended, requiring that the proposed does not worsen air quality and that all non-Combined Heat and Power space and hot water fossil fuel (or equivalent hydrocarbon based fuel) boilers achieve dry NOx emission levels equivalent to or less than 40 mg/kWh.

#### **6.12 Community Infrastructure Levy**

6.12.1 As the development involves the demolition of an existing residential building, and the construction of a new residential dwelling with additional floorspace, the development would be CIL liable under both the Mayor of London's and the London Borough of Hackney charging schedules

6.12.2 The Mayoral CIL is chargeable at a rate of £60 per square metre of development.

6.12.3 Hackney CIL is applicable at a rate of £190 per square metre of residential floorspace.

### **7.0 CONCLUSION**

7.1 On balance, the proposed development is considered to result in a greater form of sustainable development on the subject site, whilst contributing to the increased provision of family sized accommodation within the Borough and ensuring the impacts of the development on the surrounding environment, adjoining Grade II listed buildings and residential amenities of neighbouring properties are acceptable.

7.2 Subsequently, the proposed development is deemed to comply with pertinent policies in the adopted Local Plan 33, the London Plan (2016) and the NPPF, and the granting of permission therefore is recommended subject to conditions and the completion of a section 106 agreement.

### **8.0 RECOMMENDATIONS**

#### **Recommendation A**

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

#### **8.1.1 Commencement within three years**

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

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

**8.1.2 Development in accordance with plans**

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

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

**8.1.3 Materials to be approved**

Notwithstanding the details shown on the drawings hereby approved, full details, with samples, of the materials to be used on the external surfaces of the building shall be submitted to and approved by the Local Planning Authority in writing before any work on the site is commenced. The development shall not be carried out otherwise than in accordance with the details thereby approved.

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

**8.1.4 Demolition and Construction Management and Logistics Plan**

No development shall take place until a detailed Demolition and Construction Management and Logistics Plan covering the matters set out below has been submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the details and measures approved as part of the demolition and construction management plan, which shall be maintained throughout the entire demolition and construction period.

- a. A demolition and construction method statement covering all phases of the development to include details of noise control measures and measures to preserve air quality (including a risk assessment of the demolition and construction phase);
- b. A demolition and construction traffic management plan to include the following: the construction programme/ timescales; the number/ frequency and size of construction vehicles; construction traffic route; location of deliveries; pedestrian and vehicular access arrangements; any temporary road/ footway closures during the construction period;
- c. A demolition and construction waste management plan setting out how resources will be managed and waste controlled at all stages during the construction project;

REASON: In order to ensure that the development does not prejudice highway safety and to ensure the proper management of construction traffic in the interests of highways safety and the amenity of the area.

**8.1.5 Scheme for demolition and construction of foundations and groundworks**

No work shall begin within the site, indicated on drawings no. 00 002 and 00 100 Rev D, until a detailed scheme for demolition of the existing building and all foundation and groundwork has been approved in writing by the Local Planning Authority and subsequently implemented only in accordance with that detailed scheme

REASON: In the interests of the structural stability of the adjoining Grade II listed buildings.

**8.1.6 Hard and soft landscaping scheme**

The development hereby permitted shall not be occupied until full details of a hard and soft landscaping scheme, illustrated on detailed drawings shall be submitted to and approved by the Local Planning Authority, in writing, for the planting of trees and shrubs showing species, type of stock, numbers of trees and shrubs to be included and showing areas to be grass seeded or turfed, and details of hard surfacing.

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

REASON: To accord with the requirements of Section 197(a) of the Town and Country Planning Act 1990 and to provide reasonable environmental standards in the interests of the visual amenity of the Blue Ribbon Network and the area.

**8.1.7 Surface water flood risk mitigation**

A scheme for the provision and implementation of flood resilient and resistant construction details and measures for the site against surface water flood risk shall be submitted to and agreed, in writing with the LPA in consultation with the LLFA prior to the construction of the measures. The scheme shall be carried out in its entirety before the site is occupied and; constructed and completed in accordance with the approved plans in line with BS 8582:2013 code of practice for "surface water management for development sites".

REASON: To promote flood resilience on the site and in the surrounding area.

**8.1.8 Sustainable Drainage Systems**

Prior to superstructure works, detailed specification and a drainage layout of at least one suitable sustainable drainage systems (i.e. water butt, raingarden, bioretention planter box, living roof (substrate depth of 80-150mm excluding the vegetative mat), permeable paving etc.) shall be submitted to, and approved by the LPA, in consultation with the LLFA. If soakaways i.e. plastic modules and soakaway rings are used, an infiltration test must be carried out to ensure that the capacity of the soil is suitable for infiltration. It must be demonstrated that there will be no increase in surface water flow being discharged offsite and an overall reduction in peak flow rate and volume for all return periods up to the 1 in 100 year storm events plus an allowance for climate change.

REASON: To promote flood resilience on the site and in the surrounding area.

**8.1.9 Cycle storage**

Prior to the first occupation of the development, detailed internal layouts of the cycle storage space shown on drawing no. 00 102 Rev F, shall be submitted to, and approved by the LPA in writing.

The space must be provided in accordance with the approved details prior to the first occupation of the development and shall thereafter be retained and maintained.

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

**8.1.10 Waste storage**

Prior to the first occupation of the development, detailed internal layouts of the bin storage space shown on drawing no. 00 102 Rev F shall be submitted to, and approved by the LPA in writing.

The space must be provided in accordance with the approved details prior to the first occupation of the development and shall thereafter be retained and maintained.

REASON: To ensure that adequate provision for the storage of refuse, recycling and food waste is made for future occupiers and in the interest of safeguarding highway safety.

**8.1.11 Waste collection strategy**

Prior to undertaking above ground works on site, a refuse strategy for the bin store labelled on drawing no. 00 102 Rev F, shall be submitted to and approved in writing by the Local Planning Authority.

Refuse collection shall only be carried out in accordance with the details thus approved, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure the development is satisfactorily served in terms of refuse collection and safeguard against the build-up of pollution.

**8.1.12 Swift nesting**

Prior to the first occupation of the development hereby approved at least one Swift nesting box and/or bricks shall be provided at or close to eaves level of the development hereby approved. The bricks/boxes shall be retained thereafter in perpetuity.

REASON: in the interests of biodiversity.

**8.1.13 Air quality**

All non-Combined Heat and Power (CHP) space and hot water fossil fuel (or equivalent hydrocarbon based fuel) boilers installed as part of the development hereby approved shall achieve dry NO<sub>x</sub> emission levels equivalent to or less than 40 mg/kWh.

REASON: To protect air quality and people's health by ensuring that the production of air pollutants, such as nitrogen dioxide and particulate matter, are kept to a minimum as a result of the development and to contribute towards the maintenance or to prevent further exceedances of National Air Quality Objectives.

**Recommendation B**

- 8.2 That the above recommendation be subject to the applicant, the landowners and their mortgagees enter into a deed of planning obligation by means of a Section 106 agreement in order to secure the following matters to the satisfaction of the Corporate Director, Legal, Human Resources and Regulatory Services:

- 8.3 Payment of £1,500 towards the Carbon Offset Fund
- 8.4 Considerate Contractor Scheme – the applicant to carry out all works in keeping with the National Considerate Contractor Scheme.
- 8.5 Payment by the landowner/developer of all the Council’s legal and other relevant fees, disbursements and Value Added Tax in respect of the proposed negotiations and completion of the proposed Unilateral Undertaking Agreement.

**Recommendation C**

- 8.6 Sub-Committee grants delegated authority to the Growth Team Manager or Major Applications Team Leader to make any minor alterations, additions or deletions to the recommended conditions as set out in this report provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice-Chairman) of the Sub-Committee (who may request that such alterations, additions or deletions be first approved by the Sub-Committee).

**9. INFORMATIVES**

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

**ALED RICHARDS**  
 Director, Public Realm

NO.	SUBMISSION DOCUMENTS, POLICY/GUIDANCE/ BACKGROUND PAPERS	NAME/DESIGNATION AND TELEPHONE EXTENSION OF ORIGINAL COPY	LOCATION CONTACT OFFICER
1.	Hackney Local Plan 33 (2020) and the London Plan (2016)  Application documents and LBH policies/guidance referred to in this report are available for inspection on the Council's website  Policy/guidance from other authorities/bodies referred to in this report are available for inspection on the website of the relevant authorities/bodies	Claire Moore x4430	2 Hillman Street, London E8 1FB