



**Planning Sub-Committee –
03/11/2021**

ADDRESS: Portico City Learning Centre, 34 Linscott Road, Hackney, London, E5 0RD	
WARD: Lea Bridge	REPORT AUTHOR: Catherine Slade
APPLICATION NUMBER: 2021/1651 (FPP) and 2021/1653 (LBC)	VALID DATE: 25/05/2021
DRAWING NUMBERS: ADP-00-XX-DR-A-0900 rev S2P 2, ADP-00-XX-DR-A-0901 rev S2P 3, ADP-00-00-DR-A-0910 rev S2P 3, ADP-00-00-DR-A-0911 rev D2T 11, ADP-00-B1-DR-A-0920 rev S2P 4, ADP-00-DR-A-0921 rev S2P 4, ADP-00-01-DR-A-0922 rev S2P 4, ADP-00-02-DR-A-0923 rev S2P 4, ADP-00-XX-DR-A-0925 rev S2P 4, ADP-00-XX-DR-A-0940 rev S2P 1, ADP-00-XX-DR-A-0941 rev S2P 1, ADP-00-XX-DR-A-0950 rev S2P 3, ADP-00-XX-DR-A-0951 rev S2P 4, ADP-00-B1-DR-A-1010 rev S2P 10, ADP-00-00-DR-A-1011 rev D2T 13, ADP-00-01-DR-A-1012 rev S2P 6, ADP-00-02-DR-A-1013 rev S2P 8, ADP-00-R1-DR-A-1020 rev S2P 6, ADP-XX-XX-DR-A-1200 rev S2P 8, ADP-00-XX-DR-A-1201 rev S2P 6, 00-XX-DR-A-1202 rev P2, 00-XX-DR-A-1300 rev P6, 00-XX-DR-A-1301 rev P6, ADP-00-XX-DR-A-1302 rev S2P 6, ADP-00-XX-DR-A-1311 rev S2P 3, ADP-00-XX-DR-A-1312 rev S2P 1, ADP-XX-00-DR-L-1900 rev S2 P10, ADP-XX-00-DR-L-1901 rev S2 P10, ADP-XX-00-DR-L-1902 rev S2 P10, ADP-XX-00-DR-L-1903 rev SO P11, ADP-XX-00-DR-L-1904 rev S2 P11,	

<p>ADP-XX-00-DR-L-1905 rev S2 P8, ADP-XX-00-DR-L-1906 rev S2 P4, ADP-XX-00-DR-L-1907 rev S2 P4, ADP-XX-00-DR-L-1920 rev S0 P3, ADP-XX-00-DR-L-1921 rev S0 P3, ADP-XX-00-DR-L-1922 rev S0 P3, ADP-XX-00-DR-L-1923 rev S0 P4, ADP-XX-XX-M2-A-1650 rev D2T 7, ADP-00-XX-DR-A-1651 rev D2T 8, ADP-00-XX-DR-A-1652 rev D2T 6, ADP-00-XX-DR-A-1653 rev D2T 4, ADP-00-XX-DR-A-4010 rev D2T 2, A-0970 rev D2T 2, A-0971 rev S2P 3, A-0972 rev S2P 3, A-0973 rev S2P 1, 001086-AKSW-XX-ZZ-DR-S-4101 rev P03</p> <p>Air Quality Assessment ref 01-21-86204 dated March 2021 by Stroma, Ecological Appraisal ref 11211 rev 1 dated 02/11/2021 by LUC, Building Survey dated June 2018 by Daniel Connal Partnership, Daylight & Sunlight Report ref SG/20496 rev 4 dated May 2021 by Delva Patman Redler, Design and Access Statement rev C dated August 2021 by ADP, Drainage Strategy and Water Quality Management Report ref L201026 rev P02 dated 11/05/2021 by AWKSWard, Energy Statement rev P02 dated 10/05/2021 by KJ Tait Engineers, Fire Engineering Stage 3 Report - Fire Safety Strategy ref REP-1921045-05-IDL-20201021-Portico GP S3-Rev01 dated 12/05/2021 by Hoare Lea, Heritage Statement dated August 2021 by ADP, Noise Control Strategy ref REP-1012139-05-NC-20210318-Noise Control strategy-Rev01 dated 14/05/2021 by Hoare Lea, Planning Statement dated May 2021 by Bidwells, Statement of Community Involvement red LN28464 rev B dated 12/05/2021 by RLF, Structural Inspection Report ref 001086-AKSW-XX-XX-RP-S-1001 rev B dated 13/08/2021, Sustainability Statement and BREEAM Pre-assessment dated March 2021 by Tracey Thomas, Transport Statement rev 3 dated 03/09/2021 by Motion, Travel Plan rev 2 dated 03/09/2021 by Motion</p>	
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AGENT: Bidwells 25 Old Burlington Street LONDON W1S 3AN	APPLICANT: London Borough of Hackney Property Services
PROPOSAL: Change of use of the building from Use Class F.1 (learning and non-residential institutions) to Use Class E(e) (commercial, business and service) for use as a health centre. Partial demolition of existing rear two storey extension (stair core) and replacement with two storey rear extension and erection of a two storey side extension with associated means of access, roof-top plant and landscaping	
POST SUBMISSION REVISIONS: <ul style="list-style-type: none">● Amendments to accessible access arrangements in north of site;● Amendments to the car parking arrangements;● Additional information provided in respect of the junction between the proposed extension and southern colonnade, details of staff cycle storage, parking, deliveries, waste storage and electricity sub-station and urban greening factor;● Revision of Fabric Repair Schedule Drawings, Heritage Statement (incorporating Heritage Appraisal), demolition drawings, Transport Statement and Travel Plan;● Submission of Building Condition Survey and Structural Inspection Report;● Amendments to design and access statement to include the amendments and additional information set out above;● Contribution of £10,750 towards monitoring of the Travel Plan and Construction Logistics Plan and £14,498 towards carbon offset <p>A reconsultation has been undertaken in respect of key revisions to the proposals and amended or additional information other than contributions, the outcomes of which are included within this report.</p>	
RECOMMENDATION SUMMARY: Grant planning permission and listed building consent subject to conditions and completion of a Unilateral Undertaking.	
NOTE TO MEMBERS: This application is presented to Planning Sub-Committee as it constitutes ‘major development’ and has received a significant number of objections. The application was previously reported to Planning Sub-Committee on 06/10/2021 and the report amended subsequently.	

ANALYSIS INFORMATION

ZONING DESIGNATION: (Yes) (No)

CPZ	Zone S Hackney North	
Conservation Area		No
Listed Building (Statutory)		Yes, Grade II
Listed Building (Local)		No
Priority Industrial or Office Area		No

LAND USE:	Use Class	Use Description	Floorspace Sqm
Existing	F1	Learning and non-residential institutions	679
Proposed	E(e)	Commercial, business and service (provision of medical or health services)	1,017

PARKING DETAILS:	Parking Spaces (General)	Parking Spaces (Disabled)	Bicycle storage
Existing	11	0	0
Proposed	2 (for on call medical staff use only) plus an ambulance drop off point and space for 2 mobility scooters	2 (1 for on call medical staff use only and 1 for patient use)	20 for staff 14 for patients

CASE OFFICER'S REPORT

1.0 Site Context

- 1.1 The site comprises a roughly triangular parcel of land located at the eastern end of Linscott Road. The site has varied ground levels and contains a Grade II listed building known as The Portico, together with associated car parking and landscaping, including a number of mature trees. The existing building, which has been extensively altered over the years, comprises a Doric portico with two colonnaded wings with vaults beneath which constitutes the remains of a London Orphan Asylum facility dating from 1825, which subsequently passed to the Salvation Army, and latterly to the London Borough of Hackney, while much of the land historically associated with the premises is now occupied by Clapton Girls Academy, resulting in the cramped and artificially truncated site boundaries. The building was extended in early 2005 through the introduction of a four storey rear extension to allow use of the premises as a Learning Resource Centre specialising in computer sciences. This activity ceased in 2017 and the building was added to the Historic England Buildings at Risk Register in 2020. The building, and its history, is described in more detail below under conservation implications.
- 1.2 For the avoidance of doubt, The Portico represents a fragment of a larger building which served an ongoing institutional use for a significant period of time before being largely demolished in the mid 1970s. Since then, it has been extended through the introduction of a four storey rear extension and was in active educational use until 2017, since when it has been in a variety of ancillary uses such as storage and office space serving the needs of Hackney's Education Services. The use of the building in planning terms has not been abandoned or otherwise lost by way of the passage of time or any intervening use.
- 1.3 The site is bounded to the north and east by playing fields associated with Clapton Girls Academy, and to the south by the gardens of two storey Victorian dwellings fronting onto Powerscroft Road. The site has an access to Linscott Road along its western boundary, to the north of which is a car park used by Clapton Girls Academy which adjoins the site's west boundary. A three storey block of mid-twentieth century flats and associated amenity space is located adjacent to the site boundary to the south of Linscott Road. Elsewhere on Linscott Road are two and three storey Victorian terraced properties in residential use.
- 1.3 In terms of land use constraints, the site is located within an Archaeological Priority Area, adjacent to a local open space (the playing fields associated with Clapton Girls Academy, recognising that these are not turfed pitches), and to the north east of the Clapton Square Conservation Area (although it is not visible in views from the conservation area) and is within the setting of several locally listed buildings.
- 1.4 The site has a Public Transport Accessibility Level (PTAL) of 5 (where 1 is the lowest and 6 is the highest). Linscott Road is an unclassified no-through road which forms part of the London Borough of Hackney highway network. Lower Clapton

Road, which Linscott Road joins, is a red route within the control of TfL. The site and Linscott Road are within the Hackney North controlled parking zone (zone S) in which on street parking is restricted between the hours of 0830 and 1830, Mondays to Saturdays.

2.0 Conservation Implications

- 2.1 The Portico building is Grade II listed. The portico was nationally listed by Historic England at Grade II (LEN: 1265630) in 1951, with the following listing description: “Circa 1823. Formerly the London Orphan Asylum. W.S. Inman, architect. Tetrastyle Doric pedimented portico centre with 5 window links, ground floor with Doric colonnade, to 2 window wings. Centre and links in stucco, wings of amber brick with stucco pilasters at angles, Sash windows with glazing bars or margin lights, those in links in moulded architraves, in wings under gauged brick flat arches. Very tall double doors in eared and battered architrave.”
- 2.2 The gates and forecourt walls are separately nationally listed by Historic England at Grade II (LEN: 1226885) with the following listing description: “Central double gate and flanking side gates with stuccoed walls between and at sides. Wrought iron gates and overthrow are modern.” It appears from photographic and archive evidence that the current form of the gates (the last of three variants over the years) dates from a Salvation Army refurbishment of the building in 1931, although the walls may contain earlier fabric. The overthrow mentioned in the listing description appears to have been removed circa 1975.
- 2.3 The original form of the building is shown on the 1868-1873 OS map, and consisted of the existing portico, with a chapel behind the central pediment. The colonnades led to north and south ranges, which extended to the east to join the main building, enclosing a square quadrangle. It was extended in 1846 and included a chapel seating 400 in 1851. In 1879 the building was sold and in 1882 it became the ‘National Barracks’ of the Salvation Army. The chapel was demolished and the quadrangle excavated, and roofed over to create a massive hall capable of seating more than 4,700 people. The roof was of wood and iron and was lit by 54 panels of stained glass. Historic images also show changes to the gates and the addition of a first floor element to the colonnades. The wings of the building were used as training barracks for 300 cadets with classrooms on the ground floor, workrooms below and bedrooms above. The three day lying in state of the Salvation Army’s founder, William Booth, occurred there in 1912. In 1969 the Salvation Army sold the building to Hackney Council. Planning records show that the majority of the listed building was demolished in 1975, after an application on behalf of the ILEA to the GLC, to make space for the newer elements and sports pitches of Clapton Girls’ Academy. From 1974 until 2002 this was how the building stood, roofless and open to the elements and in a state of increasing decay. Some tidying up took place: the stucco detailing of the door openings at each end of the

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colonnades dates from this time. The building was on the Heritage at Risk Register from 1991 onwards. In 2002 Brady Mallalieu architects were commissioned as part of the Government's "Excellence in Cities" programme to provide a Learning Resource Centre, a centralised computer training facility for schoolchildren and adult education. The new building extended the body of the Portico to the rear in the location of the original chapel, providing 4 floors of accommodation. The building was used partly as a sixth form centre but mainly as a teacher training centre for the Hackney Teaching Schools Alliance, however this use ended in 2017. The building belongs to Hackney Council and is managed by Hackney Education. The building was reinstated on the Heritage at Risk Register, because it was falling into disuse and there were condition and repair issues, by Historic England in October 2020.

- 2.4 The building is recognised as having the following significance in conservation terms:
- A prominent local landmark: clearly visible along Linscott Road from Lower Clapton Road;
 - A striking example of the Greek Revival style from the Regency period;
 - A historical memory as a fragment of the London Orphan Asylum and the Salvation Army, both socially significant local philanthropic organisations; and
 - The 2005 rear building is an interesting example of adaptive re-use.
- 2.5 It is worth noting that by virtue to Section 1 (5) (a) and (b) of the Planning (Listed Buildings and Conservation Areas) Act 1990 any structures attached to the listed building are also listed: in this case the modern rear building is therefore listed and Listed Building Consent is needed for internal and external changes to this part of the building in addition to any alterations to the original historic building. This is more of a procedural than a substantial issue in practise, since the modern rear building, although well designed, is not of heritage interest.
- 2.6 The site is located to the north east of the Clapton Square Conservation Area (although it is not visible in views from the Conservation Area), the boundary of which runs along part of Powerscroft Road.
- 2.7 The former United Reformed Church (The Round Chapel) and associated buildings, the former Salvation Army Mothers' Hospital (front buildings) and Number 143, all located on Lower Clapton Road, are also statutorily listed at Grade II with the exception of the United Reformed Church which is listed at Grade II*.
- 2.8 Clapton Girls Academy is locally listed, as are The Windsor Castle Public House at 135 Lower Clapton Road, the Club at 69 Powerscroft Road and Numbers 19-19A Goulton Road.

2.9 The site is located within the Hackney Settlements Archaeological Priority Area.

3.0 History

3.1 2003/2191 - Approval of details pursuant to conditions 2, 3, 4, & 7 of planning permission dated 25/02/2003 reference 2002/1080. Approved 23/09/2025

3.2 2002/1287 - Refurbishment the Linscott Portico and erect a part five-storey extension, and part single storey extension with roof terrace, and use for educational purposes (including associated UK-online resource centre), with 8 car parking spaces and access from Linscott Road, and a wheelchair access ramp. Approved 24/11/2003

3.3 2002/1080 - Refurbishment, and erection of a part five-storey extension and part single storey extension with roof terrace, and use for educational purposes (including associated UK-online resource centre), with 8 car parking spaces and access from Linscott Road, and a wheelchair access ramp. Approved 25/02/2003

3.4 NORTH/474/98/LB - installation of underground cables and external illumination of the site. Approved 11/02/1999

3.5 NORTH/472/98/ADV - Erection of a neon text installed onto the entablature of the structure. Approved 11/02/1999

3.6 Details of earlier history unavailable due to a cyberattack.

3.7 2005/0202/ENF - Replacement of a boundary wall as part of planning permission 2002/1080 - case closed

3.8 2004/1490/ENF - Laying down of tar in car park instead of gravel - case closed

3.9 No appeal history.

3.10 Pre-application advice has previously been provided under reference 2020/2729/PA. The advice given indicated that the proposed use was acceptable in principle subject to all material planning considerations. Advice was also provided in respect of the design of the proposed extensions.

4.0 Consultation

4.1 Date Statutory Consultation Period Started: 10th September 2021
Officer note: The original consultation took place in June 2021 and a second consultation has taken place to provide an opportunity for third parties to comment

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on the amended and additional information subsequently received, as detailed above.)

4.2 Date Statutory Consultation Period Ended: 4th October 2021

4.3 Site Notices: Yes

4.4 Press Advert: Yes

4.5 Neighbours

Letters of consultation were sent to 286 adjoining owners/occupiers. At the time of writing the report (**25/10/2021**), 26 representations in support of the application and objections in the form of 13 written representations had been received, including 1 from the Powerscroft Road Residents Group. The representations raising objection to the proposals did so on the following grounds:

- Design of the proposal, and in particular its scale and massing, position within the site, relationship to the host building;
- Harm to the Grade II listed building;
- Impact on the amenity of surrounding residential properties, including by way of loss of light/overshadowing, loss of privacy, loss of outlook, noise and general disturbance;
- Loss of trees and harm to biodiversity;
- Security of local residents;
- Quality of public consultation undertaken by applicant;
- Failure to consider alternative uses for the site or alternative sites and alternative designs for the health centre;
- Detrimental impact on community cohesion;
- Harm to health;
- Disruption during the construction period;
- Accuracy of the documentation provided in support of the application.

These objections are considered in the report that follows.

4.6 Statutory / Local Group Consultees

4.6.1 Historic England:

Conclude that the proposal (as amended) would result in moderate levels of less than substantial harm but when balanced against the public benefits of the proposal (including heritage benefits), raise no objection, making the following detailed comments:

The surviving portico and colonnades of the former Salvation Army Congress Hall on Linscott Road in fact derive from the London Orphanage Asylum, built in 1823-25 to designs by William Inman. The portico fronted a central chapel, and the surviving colonnades screened courtyards and linked to projecting wings. The asylum vacated the site in the 1860s, which was acquired in the 1880s by the Salvation Army as a national headquarters. They demolished the chapel and infilled both courtyards, extending development onto the roofs of both colonnades. It was in this condition that the building was listed, at Grade II, in 1951. When the Salvation Army left in 1970, the building was bought by the London Borough of Hackney, and it was as a listed building that the structure was stripped back to the Portico and Colonnade, and the rendered, pedimented end-pieces added.

The surviving elements have a strong Greek Revival architectural character, exceeding that exhibited by the complete Orphanage Asylum with its large brick wings. The grandeur of the colonnades and understanding of their intended compositional role is somewhat depleted by disconnection from any architectural mass other than the dominating portico itself, such that it has the appearance almost of a Classical folly. Views of the building along Linscott Road are severely constrained by development on either side of the street; but although it is not possible to see both north and south terminating pediments of the colonnades until standing close to the front of the building, nonetheless its symmetry is appreciable and essential to its architectural interest. There is historic interest associated with the social principles which underlay Inman's approach to the architecture of the Orphanage Asylum which are largely lost in the present condition and could only be partially recovered by reinterpretation.

The 2005 Computer Centre development by Brady Mallalieu extrudes the prostyle portico's form to the rear in imitation of the approximate arrangement and volume of the original chapel, or of the cella of a Classical temple, and is an architectural intervention of some interest. The 1970s and 2000s additions are of low significance as part of the listed building, but they do not significantly detract from the significance of the 1820s survival. The building is listed Grade II, and because of the deterioration of its fabric it has been on the HAR register for several years.

Impact

The proposals have been developed in close discussion with Hackney Council and Historic England motivated by the ongoing concern to secure a sustainable future

for the Portico in active use, since it remains on the Heritage At Risk Register. There is evident need for repairs to the historic fabric, and there will be long-term and ongoing costs connected to its maintenance.

The proposals are for the accommodation of a GP surgery on the site: a community-facing use which will restore the Portico to greater prominence in Clapton, but which requires particular standards of access and layout. The amended proposals abandon the dogleg access ramp originally proposed to sit in front of the colonnade and locate a winding ramp within landscaping on the north side of the site, rising to the end of the north colonnade to provide level access into a north door of the main historic building. This has largely removed the greatest source of harm in the original proposals. The amended proposals have further refined and detailed the architectural treatment of the main new structures proposed to join the colonnade and Computer Centre on the south side of the historic building. The appreciable asymmetry would nonetheless cause some harm by altering perception of the monumental symmetry and balance of the portico and colonnades, mainly therefore confined to near-range views. In longer views, visibility of the proposal would only be of the rearmost range, set some way behind the colonnade, and its visual impact and so potential harm would be limited.

Some other amendments to the proposals would affect the historic fabric. The additional drawings provided of the intersection of the new extension with the southern colonnade, the proposed cycle store to northern colonnade demonstrate that no harm would be caused to significance. The additional proposed demolition of the rear staircase would diminish the architectural integrity of the 2005 extension; however the demolition would not harm the heritage significance of the listed building. In other respects the amendments have not materially changed the proposals' impact on heritage significance, and as such the impacts remain as discussed in our letter of 13th July.

(Comments relating to other elements of the proposal as set out in letter of 13/07/2021:

Colonnade

The southernmost proposed new building would form a junction with the colonnade with means of access between the two, recalling the route evidenced in early engravings of the Orphan Asylum and beneficially reinstating the colonnade's intended functionality. A small amount of harm may be associated with the need for a metal railing to the rear of the colonnade separating it from the excavated courtyard, but if minimally-detailed and well specified this visual impact can be mitigated, and is likely to be preferable to any more conspicuous material or structure.

Interior

Inside the volume of the 1823 structures, proposals are limited to light-touch works to bring the spaces into good use. The portico building's existing circulation would mainly be left intact at all levels, including the lift shaft. A 2005 stair would be partially removed between ground and first floor to enhance accessibility. The crypts beneath each colonnade would be lit and glazed at the entrance, rather than put to use, which would be a limited enhancement. Other elements of the 2005 fit-out, which contribute nothing to significance, would be stripped out with no harm.

Repairs

Various much needed repairs to the standing fabric of the listed building are proposed, which would be of benefit to architectural significance.)

Policy

Historic environment planning policy is controlled by the statutory duties contained in the Planning (Listed Buildings and Conservation Areas) Act, 1990. Most relevant is the statutory duty on decision makers to special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses (section 16). The application of these duties by local authorities in their development planning in their decision making is guided centrally by Chapter 16 of the National Planning Policy Framework (2016). This stresses that great weight should be given to the asset's conservation, and that "the more important the asset, the greater the weight should be" (paragraph 193). The same paragraph requires harm to a designated heritage asset to be clearly and convincingly justified. Subsequent paragraphs provide a process for assessing applications which affect the special interest of designated heritage assets, including paragraph 196, which provides that in cases where less-than-substantial harm would be caused, this should be weighed against the public benefits of the proposals, including heritage benefits, to determine whether the harm is outweighed.

The new London Plan (2021), as well as extensive emphasis on the compatibility of character-led change and conservation in its Good Growth policies, supports the preservation of heritage assets by requiring sensitivity to their significance and appreciation within their surroundings. Policy HC1E observes that in development plans and decisions, local authorities should set-out and pursue strategies for heritage assets At Risk by which "their repair and re-use" can be ensured and "they can contribute to regeneration and place-making".

Position

The amended ramp arrangement largely removes any harm associated with proposed accessibility arrangements. It would leave near-range views of the symmetrical colonnade wings and steps unimpeded, except partially by the soft landscaping with which it would be well integrated. It would also permit removal of

the existing platform lift. Beneficially for the significance and appreciation of the listed building, it would reintroduce circulation to the north colonnade, reintegrating both colonnades into the building's usable space as originally intended.

The proposed surgery buildings make a considered response to the rhythm of the colonnades and to the absent historic wings of the Orphan Asylum, employing brick recalling the original but using a modern architectural language which should sit comfortably alongside the 2005 extension. The use of a parapet on the southernmost wing helps achieve a massing which appropriately terminates the south colonnade, and the elevations to the courtyard would be reasonably complementary and recessive in those views where they appear behind the colonnade. The whole arrangement would cause some harm by the introduction of asymmetry to the historic composition; however, it would partially mitigate this by its legible distinction and its interpretation of the original Orphan Asylum arrangement.

The materiality and detailing of these elevations and of the railings required to both colonnades should be closely controlled by condition. Elevation drawings do not contain much information on proposed materials and details, and particularly in undetailed areas of interface with the 1820s or 2005 fabric, further detail and material samples might be necessary to ensure the architectural integrity of the completed complex and so to conserve this aspect of its significance. Planning policy requires that any harm to the significance of listed buildings has a clear and convincing justification, and the design of a new use for the Portico should be informed absolutely as far as possible by a thorough understanding of significance. It remains the case that the design and application documents have somewhat lacked direct strategic engagement with the significance and the long-term needs of the heritage asset, which would give confidence in judging and resolving potential conflicts between its conservation and this or any other proposed new use.

This heritage asset at risk is subject to severe spatial and adjacency constraints on development sharing its site. It is clear that by means of extensive discussion with Hackney Council officers in the course of the application process, the proposed intervention has been tested for alternatives and to minimise conflict between the design and the significance of the listed building. The repair and reuse of the At Risk heritage asset would be of great benefit, and many detailed aspects of the proposals would enhance appreciation of its significance. The proposals could go further to fully integrate the historic buildings into the new community-facing use, which is highly desirable for ensuring its long term conservation, and this should be pursued in the future management of the site. Insofar as the proposals promise to reestablish the listed building in sustainable long-term use they promise considerable heritage benefit. The residual harm of the proposals would be

moderate and less-than-substantial, likely to be capable of being balanced by public and heritage benefits, as guided by paragraph 202 of the NPPF.

In determining this application, your Authority should be confident that any harmful elements of the proposals have been clearly and convincingly justified. Given the sensitivity of the listed building and the complexity of the integration of the proposed new structures with the old, thorough supervision of the detailing and build-out of proposals through conditions may be needed. The same careful oversight and control by condition may be advisable to ensure the timely and appropriate implementation of necessary repairs to the historic fabric.

Recommendation

Historic England has no objection to the application on heritage grounds. We consider that the issues and safeguards outlined in our advice should be addressed during determination of the application and afterwards, to ensure that conflict between the proposals and conservation of the significance of the heritage asset is minimised. You should be satisfied that any harm has been clearly and convincingly justified, and you should carefully weigh the harm against the public benefits of the proposals.”

4.6.2 Historic England (Archaeology):

Raise no objection.

4.6.3 Transport for London:

Raise concerns over quantum, location and design of cycle storage, but otherwise raise no objection subject to conditions requiring the submission and implementation of a Travel Plan, Construction Logistics Plan and Delivery and Servicing Plan and requiring management of the proposed on site parking (clear marking of spaces for disabled and GP operational use only) and securing a minimum of 2 electric vehicle charging points.

Officer note: Updated comments are expected following reconsultation, which will be reported to Planning Sub-Committee by way of an addendum report. These matters are discussed further in the main discussion below.

4.6.4 Natural England:

No comments to make.

4.6.5 Crossrail 2

No comments to make.

4.6.6 Hackney Swifts Society:

Raise no objection, however, request a condition securing biodiversity mitigation including installation of bird and bat boxes.

4.6.7 Hackney Society:

_____ Raise objection to the design of the proposal and concerns over residential amenity, whilst confirming 'no in principle' issue with the use of the Portico as a Medical Centre, making the following detailed comments:

1. The loss of the steps to the north colonnade to facilitate the ramp is unfortunate and impairs the symmetry and massing of the listed building. We acknowledge the difficulties in providing accessibility to a doctors surgery in this building and acknowledge the principle of using the Portico as the main entrance but the consequences of this decision are too damaging in other ways. We would add that, listed building issues aside, the proposed entrance looks unsatisfactory from a practical point of view and while the proposed layout may technically meet the requirements of Part M and the Council's accessibility regulations it nevertheless looks highly inconvenient for most people with disabilities. Surely, of all building types, a Medical Centre should have a convenient and sensible entrance suited to its varied and diverse user group?

2. The collision between the new block and the end of the south colonnade is crude and unresolved and will cause the loss of the 1970s classical termination element which is a strong feature of the listed building. The early design option on page 16/67 (option 4b) of the DAS shows a gap between the new and old which is greatly preferable. The proposed building is too tall and overbearing for the colonnade and should not project beyond the face of the colonnade itself. The additional height to this elevation is created by a screen wall to the rooftop plant area, an arrangement most unsuited to the listed setting.

3. The balustrades proposed to the colonnades are incongruous and will be difficult to detail well at the junction with the columns. Again the proposal on page 16/67 (option 4b) of the DAS which has a planted roof over basement level accommodation would resolve this issue and be preferable. We also think that seeing sky through the colonnade from the front is an important characteristic of the listed building. The proposed new buildings are too tall to allow this to happen on the south side and this difference between the north and south colonnades will damage the symmetry of the listed structure. We also note that all the metalwork on the facades is noted as 'bronze' on the drawings. We assume it is not intended to use bronze as such (not unusual in a listed building setting) but satin anodised aluminium in a bronze colour which is at an entirely different quality level. As the

main elevational feature of the 2005 extension are large silver anodised aluminium louvres which are being retained + the grey of the zinc roofs, why does the new metalwork not match that so some assimilation can start to develop between the old and the new?

4. The brick facades of the new elements look dour and alien to the listed building. We are not expecting pseudoclassical styling but there should be some conversation going on between the new and the old. The current design reinforces our comments above that the proposals show little or no interest in or understanding of the listed building and its setting.

5. We suspect there will be issues raised by the residents in Powerscroft Road who are likely to find the size and proximity of the new building to the rear of their properties unacceptable and a loss of outlook and view of the sky. The new building is 10 metres from the rear elevations of the houses and, at a storey taller, will loom over the houses and their gardens.

Officer's Note: The design of the access arrangements in the north of the site have been amended. Other matters of design and residential amenity are addressed in the main discussion below.

4.6.8 Metropolitan Police Secure by Design Officer:

_____ No objection in principle, however a compliance condition requiring Secured by Design accreditation is requested.

4.7 Council Departments

4.7.1 LBH Education Property Services: raise no objection to the proposal.

4.7.2 Transportation: Raise no objection subject to conditions requiring the submission and implementation of a Parking Design and management Plan, Travel Plan, Construction Logistics Plan and Delivery and Servicing Plan, and securing adequate EVCP provision on site and financial contributions towards monitoring.

4.7.3 Waste: raise no objection.

4.7.4 Pollution Noise: raise no objection, however a compliance condition in respect of background and plant noise is requested.

4.7.5 Pollution Air: raise no objection, commenting that the Air Quality assessment is satisfactory, however conditions requiring the submission and implementation of a Construction Management Plan with dust control elements and prevention of the use of Non-Mobile Road Machinery on-site are requested.

4.7.6 Pollution Land: raise no objection, however an “in the event of” unexpected contaminated land condition is requested.

4.7.7 Drainage: raise no objection, commenting that the site has a low risk of surface water flooding and low potential for elevated groundwater, however a condition requiring submission and implementation of details of sustainable drainage systems is requested.

5.0 POLICIES

5.1 Hackney Local Plan 2033 (2020)

- PP1 Public realm
- PP7 Clapton and Lea Bridge Roundabout
- LP1 Design quality and local character
- LP2 Development and amenity
- LP3 Designated heritage assets
- LP4 Non designated heritage assets
- LP8 Social and community infrastructure
- LP9 Health and wellbeing
- LP11 Utilities and digital connectivity infrastructure
- LP31 Local jobs, skills and training
- LP41 Liveable neighbourhoods
- LP42 Walking and cycling
- LP43 Transport and development
- LP44 Public transport and infrastructure
- LP45 Parking and car free development
- LP46 Protection and enhancement of green infrastructure
- LP47 Biodiversity and sites of importance of nature conservation
- LP48 New open space
- 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

5.2 London Plan (2021)

- GG1 Building strong and inclusive communities
- GG2 Making the best use of land
- GG3 Creating a healthy city
- GG5 Growing a good economy

- GG6 Increasing efficiency and resilience
- D1 London's form, character and capacity for growth
- D2 Infrastructure requirements for sustainable densities
- D3 Optimising site capacity through the design-led approach
- D4 Delivering good design
- D5 Inclusive design
- D11 Safety, security and resilience to emergency
- D12 Fire safety
- D14 Noise
- S1 Developing London's social infrastructure
- S2 Health and social care facilities
- E11 Skills and opportunities for all
- HC1 Heritage conservation and growth
- G1 Green infrastructure
- G5 Urban greening
- G6 Biodiversity and access to nature
- G7 Trees and woodlands
- SI 1 Improving air quality
- SI 2 Minimising greenhouse gas emissions
- SI 4 Managing heat risk
- SI 5 Water infrastructure
- SI 6 Digital connectivity infrastructure
- SI 7 Reducing waste and supporting the circular economy
- SI 12 Flood risk management
- SI 13 Sustainable drainage
- T1 Strategic approach to transport
- T2 Healthy Streets
- T3 Transport capacity, connectivity and safeguarding
- T4 Assessing and mitigating transport impacts
- T5 Cycling
- T6 Car parking
- T6.5 Non-residential disabled persons parking
- T7 Deliveries, servicing and construction
- T9 Funding transport infrastructure through planning
- DF1 Delivery of the Plan and Planning Obligations
- M1 Monitoring

5.3 SPDs/SPGs

London Borough of Hackney Planning Contributions SPD
London Borough of Hackney Sustainable Design and Construction SPD
Mayor of London Accessible London: Achieving an Inclusive Environment SPG
Mayor of London Character and Context SPG
Mayor of London Control of Dust and Emissions During Construction and

Demolition SPG

Mayor of London Planning for Equality and Diversity in London SPG

Mayor of London Social Infrastructure SPG

Mayor of London Transport Strategy

Mayor of London Use of Planning Obligations SPG

5.4 National Planning Policies/Guidance

National Planning Policy Framework (NPPF)

Planning Practice Guidance

5.6 Legislation

Town and Country Planning Act 1990 (as amended)

Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990

5.7 Procedural matters

- 5.7.1 Section 70 of the Town and Country Planning Act 1990 (as amended) requires Local Planning Authorities to determine planning applications, on their own merits, in accordance with the provisions of the Development Plan, whilst paragraph 10 of the National Planning Policy Framework confirms the presumption in favour of sustainable development, and goes on to state that, in the context of decision making, this means approving development proposals that accord with an up-to-date development plan without delay.

6.0 COMMENT

- 6.0.1 Planning permission is sought for the change of use of the premises from a non-residential educational institution (Use Class F1(a)) to a medical facility (Use Class E(e)), together with the erection of a two storey side and rear extension over upper and lower ground floor levels, replacement of the existing rear stair core, landscaping works to allow level access to the premises and associated internal and external works.
- 6.0.2 The proposed medical facility will provide a new local health centre which will replace the existing Lower Clapton Medical Centre with new, larger premises built to contemporary standards in construction and healthcare provision. The proposed clinical accommodation will include 18 consulting rooms, 6 treatment rooms and 1 minor procedures room, together with associated administrative, staff and patient accommodation and reception areas.
- 6.0.3 The proposal also includes the reconfiguration of an existing parking area in the

south of the site to provide a reduced quantum of car parking, including an ambulance pick up/drop off point, storage for refuse and recyclables, and an enclosure for waste storage and (in due course) an electricity substation. In the north of the site, hard and soft landscaping works will provide a paved level access for the less physically mobile and those with buggies, etc. which will allow access via the north colonnade.

6.0.4 The main considerations relevant to this application are:

- 6.1 Principle of the development of the site and land use;
- 6.2 Design of the proposed development and impact on the Grade II listed building and gates;
- 6.3 Impact of the proposal on other heritage assets;
- 6.4 Impact on residential amenity;
- 6.5 Transport and servicing;
- 6.6 Trees and biodiversity;
- 6.7 Other planning matters;
- 6.8 Consideration of consultee responses;
- 6.9 Planning contributions and Community Infrastructure Levy (CIL); and
- 6.10 Equalities considerations.

6.0.5 Each of these considerations is discussed in turn below.

6.1 Principle of the development of the site and land use

- 6.1.1 Policy S1 of the London Plan 2021 states that “development proposals that provide high quality, inclusive social infrastructure that addresses a local or strategic need and supports service delivery strategies should be supported...development proposals that seek to make best use of land, including the public-sector estate, should be encouraged and supported”, whilst policy S2 states that “proposals that support the provision of high-quality new and enhanced health and social care facilities”. Hackney Local Plan 2033 LP8 supports the provision of social infrastructure in general. Both the London Plan and Hackney’s Local Plan 2033 require new social infrastructure to be located in easily accessible locations.
- 6.1.2 The current lawful use of the site falls within Use Class F1(a), non-residential educational establishments, and the proposed use falls within Use Class E(e), medical and health services. These uses fall within different classes within the Use Classes Order and there is no permitted development right for a change of use between the two. Therefore planning permission is required for the change of use. However, both existing and proposed use fall within the scope of social and community infrastructure, as defined in Development Plan policy LP8 (Community and social infrastructure). As such, although the proposal would result in a change to the nature of the community facility being provided on the site, it would not result

in a loss of space in the terms of the policy.

- 6.1.3 Notwithstanding the above, it is noted that the proposal will result in the loss of the facility for educational purposes. As set out above, the premises have not been in active use for several years, which is understood to be in part due to the costs of running and maintaining the building in its current form, and there is nothing to suggest that this situation is likely to change.
- 6.1.4 In terms of healthcare facility provision, the Council's Infrastructure Delivery Plan (2018) identified the south east of the borough (where both the existing and proposed healthcare facilities are located) as having the most patients registered, 26 full time GPs and a patient to GP ratio of 1,685. The closure of Sorsby Place in 2019 has placed an increased demand for services on the healthcare facility. The proposed development will provide a replacement facility for the current Lower Clapton Health Centre, which would result in an expansion of facilities and upgrade in terms of the quality of accommodation and services that can be provided.
- 6.1.5 In terms of heritage, the proposed use will bring a building on the Heritage at Risk Register back to life and allow the public to see and use the building again, whilst the integration of the historic building into the new use should help to ensure its ongoing maintenance.
- 6.1.6 For these reasons, the principle of the change of use is acceptable as there would be no net loss in community facilities and social infrastructure resulting from the proposal, and indeed, the development would result in an increase in floorspace available for community uses on the site, whilst bringing a heritage asset with a long history of providing philanthropic, religious and educational facilities for the benefit of the local community into active use for the purposes of providing social infrastructure.

6.2 Design of the proposed development and impact on the Grade II listed building

Relevant legislation and policy

- 6.2.1 Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities, "*in considering whether to grant listed building consent for any works, 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*". Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities, in considering whether to grant planning permission for development which affects a listed building or its setting, 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*". Planning

inspectorate and judicial decisions are clear that these duties are fulfilled by the correct application of the relevant policy tests in the NPPF.

- 6.2.2 NPPF paragraph 194 requires the applicant *“to describe the significance of any heritage assets affected, including any contribution made by their setting”*.
- 6.2.3 NPPF paragraph 195 requires the local planning authority to *“identify and assess the particular significance of any heritage asset”* and consider the impacts of proposals on significance. The heritage assets and their significance are identified at Section 2.0 and this and the impacts are further considered below.
- 6.2.4 The NPPF states, in paragraph 197, that in determining planning applications, Local Planning Authorities should take account of *“a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness.”*
- 6.2.5 NPPF paragraph 199 states that *“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation”*. At paragraph 200 it states that *“Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification”*.
- 6.2.6 NPPF goes on to state in paragraph 202, that *“where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including where appropriate, securing its optimum viable use.”*
- 6.2.7 NPPF states at paragraph 206 that *“Local planning authorities should look for opportunities for new development within...the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably”*.
- 6.2.8 Hackney Local Plan LPP policies LP1 Design quality and local character, LP3 Designated heritage assets and LP4 Non designated heritage assets and London Plan Policy HC1 Heritage conservation and growth are parts of the local development plan which are also relevant here.

Procedural matters

- 6.2.9 The applicants have provided a revised Heritage Statement which both assesses the significance of the heritage asset and its setting and provides an assessment of the impacts to significance caused by the proposed development and works. This is considered by Council officers to meet the requirements of NPPF paragraph 194.
- 6.2.10 The proposals were subject to extensive pre-application discussions under reference 2020/2729/PA from September 2020 until May 2021. This included pre-application advice from Historic England. The pre-application concluded with the position that although less than substantial harm was likely to be caused to the significance of the listed building, this was likely to be outweighed by the public benefits. The assessment of the level of harm at “less than substantial” was a position agreed with Historic England.

Conservation position on the principle of the new use

- 6.2.11 The use of this building as a GP Surgery is supported. The site was originally philanthropic (an orphanage) and has since seen both religious and educational use. A health-related use is appropriate, subject to the assessment of impacts given below. The proposals bring this disused building back into beneficial use. The integration of the historic building into the proposed use will help to ensure its ongoing maintenance. A broader section of the public will have access to the building and, with the proposed interpretation, will experience and appreciate its qualities.

Heritage benefits, demolition, structural interventions and repairs

- 6.2.12 The proposals include much needed repairs to the Portico, which has been shown to be in poor and declining condition, with repair costs currently estimated to be at least £538,000 (Building Condition Survey, June 2018). This report recommends a condition to secure this benefit. Once complete, the proposals will see the building removed from the Heritage at Risk Register. The North and South Colonnade vaults will be cleared of the mounds of earth, lighting will be added and they will be viewable through glass panels from within the historic building. Three blocked up openings between the Groin Vaults and the lower ground floor of the 2005 building are re-opened and modern partitions are removed within the Groin Vaults. These works reveal the significance of these areas, reducing harmful subdivision and giving some appreciation of a part of the former chapel space. The 2005 stair between ground and first floor is removed, and this opens up the door from the entrance hall into the South Colonnade. This enables the South Colonnade, currently disused, to be used as a covered circulation route to the new south extension. The North Colonnade comes into use as part of the main access ramp route to the north. The existing 2005 detracting modern front steps, ramp to the front door and platform lift are removed. This building has a complex and interesting history, with good archival images available. A Heritage Interpretation scheme

(interpretative panels) to inform visitors is recommended to be achieved by condition.

- 6.2.13 Heritage benefits are public benefits which can be weighed in the balance, in the event of a finding of less than substantial harm.
- 6.2.14 The proposals do not include any demolition of significant parts of the 1825 fabric. There is some limited demolition of the 1975 decorative end pieces to the South Colonnade. Some elements of the 2005 building are demolished but these are either of no significance or detract from the historic building.
- 6.2.15 In addition to these alterations, the proposal includes other works including repairs to the existing building and the clearing of mounds of earth, etc. from north and south colonnade vaults together within the introduction of lighting, allowing them to be viewed through glass panels from patient waiting areas within the historic building, giving some appreciation of a part of the former chapel space. These will be of benefit to the heritage asset in allowing the building to be brought into active use, removing it from the Heritage at Risk Register, and exposing historic fabric. Remedial works to the site boundary, including fabric repairs to the Grade II listed gates and forecourt walls, are also proposed as shown on the fabric repair schedule, which are welcomed. Conditions securing these benefits are proposed, as is a condition requiring a Heritage Interpretation scheme (interpretative panels) to provide the public benefit of informing visitors of the complex and interesting history of the building.
- 6.2.16 The southern wing of the extension will abut the south elevation of the south colonnade, which will result in the removal of parts of the ornamental stucco work to the south end of the south colonnade, however it is noted that this work dates from 1976 and is not considered significant by Historic England. Details of this junction have been provided in support of the application and these are considered adequate to safeguard the integrity of the abutment of the existing and proposed parts of the building.
- 6.2.17 There are structural interventions proposed, but the relevant reports have been provided and these matters are conditioned. It is not considered that the proposals raise structural concerns in relation to the listed building.
- 6.2.18 As noted above the listed building is known to be in poor condition and in need of repair. A thorough Condition Survey has been submitted, with recommendations for repair. A set of drawings has been submitted which detail the proposed repairs to the Portico. The principle and scope of the repairs is supported and the implementation of repairs will be secured by condition. The details of the repairs can be managed by condition.

Location, plan form, massing and design of the new buildings

- 6.2.19 The principal element of the new built form is the two storey extension proposed in the south of the site. The extension would be located to the rear of the existing 2005 building, and would “wraparound” the side and rear of the south colonnade, abutting its southern elevation, with an internal courtyard separating the extension from the rear elevation of the colonnade structure.
- 6.2.20 It is noted that the 20021080 PP and 1287 LBC permissions included a lower ground floor level extension (never built) behind the South Colonnade. This could be lawfully built at any time. The current proposals include this footprint as part of the development (in a different form).

Pre-application discussions

- 6.2.21 Applications are required to be determined on the basis of the submission made; pre-application discussions are a “without prejudice” opportunity to discuss potential options for a site and are not prejudicial to the determination of any subsequent application. Pre-application discussions are not normally included in reports to Planning Sub-Committee, however, it is noted that third parties have commented on alternative options, some of which are summarised in the Design and Access Statement, whilst others are in the public realm following a Freedom of Information Request. As one of the reasons for the Committee deferring its decision on 6th October 2021 was concern about the harm caused to the significance of the listed building and particularly the lack of symmetry of the proposals as submitted, a summary discussion follows.
- 6.2.22 Pre-application discussions took place between September 2020 and May 2021. Prior to the start of these discussions, the applicants had explored Options 1, 2, 3 and 4 (see Design and Access Statement August 2021 pages 14 to 19). Option 1 consisted of a single storey development behind the South Colonnade at basement level only. Option 2 has a similar footprint but featured basement and ground floor level development. Option 3 was based on the full demolition of the 2005 building and provision of a two storey (basement and ground floor) development behind the North and South Colonnades and the main Portico. Officers were initially presented with Options 4b (the applicants’ preference) and Option 4c. Option 4b consisted of two storey extensions to the east and south of the site, at basement and ground levels, with the east extension following the diagonal site boundary, the east extension set behind a courtyard and the south extension attached to the South Colonnade. Option 4c was very similar, the main difference being that the south extension was detached from the South Colonnade. Further discussions took place and officers offered the sketch plan shown at top right on page 23 of the Design and Access Statement as a rough indication of a possible approach.

6.2.23 On 7th October 2021, the Planning Service set out the following conservation principles to guide the proposals:

Principle 1: The Portico requires repair and will require ongoing maintenance. Even in its partially surviving state, this is a large building. There is likely to be a need for an increase in revenue-earning floorspace to ensure that the site is viable long term. This site has seen two false starts (leaving it as a monument and attaching it to a relatively small building) already and we should learn from this experience.

Principle 2: If possible, every surviving part of The Portico should have a use. This will help to ensure that all of the building is maintained in the future. This applies particularly to the colonnades and the vaults, which are currently disused.

Principle 3: The fabric which now survives is a small proportion of the building which was listed in 1951. No more significant historic fabric should be removed, since so little is left.

Principle 4: Any new buildings should fully integrate the historic building both functionally and visually.

Principle 5: Generally there is an expectation that an extension to a listed building should be subsidiary in floor area. This consideration is not so relevant to this unusual building.

Principle 6: What now survives is essentially a huge porch, but with very little building to serve. There is therefore more scope for development here from a conservation perspective (albeit there are other constraints to the site).

Principle 7: The original building was rigidly planned around a symmetrical axis. Proposals should seek to work with this and not against it.

Principle 8: The function of the surviving building is to form a grand entrance. The Portico should form the main entrance to the development. It makes sense given the location and nature of the space (and the stairs and lift which are already there) for the current entrance hall to be the main access and circulation space for the development.

Principle 9: Visual infilling of the colonnades should be avoided.

Principle 10: There is scope to reinstate buildings to the south and the north of the colonnades. The historical function of the colonnades was to provide circulation space between the entrance hall and quite large wings to the north and south.

This was a demanding list intended to challenge the applicants. Officers were aware that successfully addressing all the principles would be a difficult and that some might need to be prioritised over others.

- 6.2.24 This engagement resulted in the development of Option 5, which in a revised form, is the basis for the current proposals. Option 5 was viewed more positively by officers since it included two key moves: the east extension was arranged orthogonally to the listed building (partly addressing Principle 7 above), the main entrance to the development was through the Portico (Principle 8) and there was better use made of disused parts of the listed building (Principles 2 and 4).
- 6.2.25 The proposals continued to evolve and to address ever more of the principles noted above. However, the desire for a symmetrical development (Principle 7) remained at issue. Officers provided three further sketches of possible symmetrical arrangements on 12th November 2020 (the images at the bottom of page 23 of the Design and Access Statement) to provoke further discussion. These three sketches sacrificed visual infilling of the colonnades (Principle 9) to symmetry (Principle 7). The issue was directly addressed by the applicants in a pre-application presentation on 3rd February 2021 (the content of which is accurately reflected in the Design and Access Statement at pages 23 to 25). It is noted that this includes a fairly detailed exploration of a symmetrical option.
- 6.2.26 Since it was clear that a revised version of Option 5 was the applicants' settled proposal, further advice was sought from the Planning Service. It was considered by all that the proposals were likely to result in "less than substantial harm" in terms of the NPPF paragraph 202 test. Officers sought a second opinion and the applicants were encouraged to approach Historic England for pre-application discussions. Historic England responded in detail by letter on 23rd March 2021, which can be summarised in the concluding sentence "We are broadly content with the intentions of your proposals subject to you addressing the issues as outlined above..." Historic England did not support achieving symmetry at the expense of infilling behind the colonnades.
- 6.2.27 Further pre-application discussions took place in March and April 2021 around various refinements to the scheme and proposed revisions to address neighbour's concerns (the latter are accurately reflected in the Design and Access Statement at pages 21 and 22).

Symmetry

- 6.2.28 The 1823 building was designed in the Greek revival style and reflective symmetry around a central axis is a feature of this architectural style, as is arrangement of the buildings in an orthogonal pattern (i.e. building elements are located at right angles

to one another). Although the Portico is a fragment of the original building, its symmetry is retained in the layout of the remaining buildings.

- 6.2.29 The proposed buildings are orthogonal. The east extension behind the South Colonnade is at right angles to the main Portico and parallel with the colonnade. The south extension is at right angles to the east extension and the colonnade and parallel with the main Portico. This aspect of symmetry is therefore achieved.
- 6.2.30 The proposed buildings are not symmetrical in the sense that the east and south extensions are not mirrored on the north side of the site. This causes harm to the significance of the listed building because overall symmetry is reduced (Principle 7).
- 6.2.31 This harm is acknowledged. A clear and convincing justification has been provided for the harm (Design and Access Statement pages 23 to 25) and officers accept this case. While the proposed buildings overall are not symmetrical in plan, it is considered by officers that the visual impact of the asymmetry is reduced in the ground level real experience of the building (see also “Setting” below) since the asymmetry will only become apparent in views at close quarters, by which stage the viewer’s main focus is likely to be the large Portico entrance. It is also noted that a byproduct of the asymmetry is a reduced extent of visual infilling of the South Colonnade (Principle 9). It is also noted that the south extension, although not mirrored by an echoing extension to the north, does sit on the footprint of the south wing which existed prior to 1975 and this was intentional and has the effect of mirroring at least part of the historic floor plan in a new way (Principle 10). It is also noted that the proposals do not prevent a future symmetrical arrangement being developed at a later date and that the proposed development is theoretically reversible without harm to the listed building and the existing symmetry could, in principle, be reinstated at a future date.

View through the colonnades

- 6.2.32 The proposed east extension will substantially block the existing views through the South Colonnade towards Clapton Girls School and the view of the sky. The existing situation is of generally open views of the sky and this is an attractive feature which helps to dramatically frame the columns. The blocking of this view is harmful and this harm is acknowledged.
- 6.2.33 It should be noted however, that the original form of the 1823 building was that although the colonnade allowed reasonably open views into the courtyard behind, these would have been terminated by the historic and now demolished east wing, albeit located further from the colonnade. It is also noted that at the time of listing in 1951, the back of the colonnades was entirely infilled by a solid wall with windows. The open view has therefore not always been a feature of the building and the loss of it was not considered to be so harmful as to preclude the listing in 1951.

- 6.2.34 A clear and convincing justification has been provided for the harm (this is more fully explored in the Design and Access and Heritage Statements) and officers accept this case. The harm is partially mitigated by the location of the east extension across a 7.4m deep courtyard from the South Colonnade. It is further mitigated by the use of a calm and muted treatment to the east elevation of the east extension, together with an arrangement of windows which echo the dimensions, location and rhythm of the columns. It is also noted that the height of the east extension is such that some of the sky will be visible at ground level from in front of the South Colonnade. It is also noted that the proposed development is theoretically reversible without harm to the listed building and the existing views could, in principle, be reinstated at a future date.
- 6.2.35 This approach, whilst recognised as causing less than substantial harm by Historic England, is supported by the statutory consultee, who comments that “given the context, no clear, long views through either north or south colonnades onto a backdrop of only trees or sky are quite available at present. In long views, visibility of the proposal would only be of the rearmost range, set some way behind the colonnade, and its visual impact and so potential harm would be limited”.

Subsidiarity

- 6.2.36 The general requirement for extensions to listed buildings is that they be subsidiary in terms of footprint, height, massing and area. In this case, the considerations around footprint and area are less relevant, since what survives here is a fragment of a much larger building. At the moment, the listed building is a huge porch with not much in the way of building behind it. The provision of a larger amount of usable floor space helps the Portico to make sense and the proposed footprint and area are supported. The proposed height and massing are considerably less than existed historically until 1975 and are therefore also appropriate and supported.
- 6.2.37 The massing of the extension is modest, and whilst it would have an apparent height slightly greater than that of the south colonnade, it would not overly compete with the main centre portico. This is recognised in the (original) comments of Historic England, who note that “the proposed heights and form of the new buildings do mitigate these impacts (asymmetry, and the perception and balance of the host building).”

Design, materials and details of the proposed buildings

- 6.2.38 In terms of architectural approach and materiality, the proposed east and south extensions are simple elements which engage a muted design language of buff brick with bronze coloured windows and other architectural metalwork. The solid to void ratios and arrangement of the windows is reminiscent of Regency buildings

generally and therefore appropriate in this context. The extensions are contemporary but calm in style and are intended to provide a muted foil to the listed building; this conclusion is supported by Historic England who state that “the proposed detailing and materiality of new development appear likely to help it appear legibly modern, but complementary in tone to the historic facades. It would be relatively visually neutral, rather than competitive or distracting.” In particular, the western elevation of the proposed extension which will be seen beyond the south colonnade, has been considered carefully in respect of its relationship to the historic structure, including windows designed to relate well to the rhythm and scale of the columns of the colonnade in terms of their width and spacing.

- 6.2.39 Good quality spaces are created through the use of a central courtyard, which has the potential to be a restful and attractive area. The clinical and other spaces benefit from good levels of natural light and outlook. The new extensions proposed are considered to be of good design overall.
- 6.2.40 The proposed two storey east and south extensions will provide accommodation over lower and upper ground floor levels in the south of the site. A parapet wall to the front elevation of the south extension would screen the rooftop plant necessary to the functioning of the proposed use, however this would not be replicated along the south elevation. This parapet would give the extension a two storey appearance to its front (west) elevation, approximately 0.5m higher than the apex of the south colonnade, which the extension would abut, however the height of the side (south) elevation would be 3m less, with excavation along this boundary to provide emergency and maintenance foot access to the rear of the building allowing the lower ground floor level to be provided with south facing openings. The rooftop plant that this parapet would screen would be contained by an acoustic enclosure, which would be set in from the southern elevation of the building by 5m.
- 6.2.41 Details of external materials and finishes, windows and doors and the green roof will be required by condition.

Access and circulation arrangements

- 6.2.42 For building users able to mount steps, the entrance sequence will be through the main Portico (Principle 8) of the listed building and into the waiting areas and then through the building to clinical rooms. This approach will be attractive and dramatic. For building users who need a ramp, the ramp will start near the front entrance, winding through soft landscaping to enter the building at the northern end of the North Colonnade, which then leads to the north door of the entrance hall which is also the main point of access for general public access. This will also be an attractive and dramatic approach. This is a clever solution, since it minimises harm to the historic fabric of the building, whilst having the additional advantages of

bringing some of the route of the ramp under cover and bringing the North Colonnade into active use.

- 6.2.43 The proposal also includes the demolition and rebuild of the existing stair core to the rear of the 2005 building to provide internal circulation space to upper floors of the existing four storey extension to contemporary standards.
- 6.2.44 The replacement of the existing early twenty first century stair core and an increase in its footprint to bring it adjacent to the site boundary is considered to represent a relatively minor change to the existing building envelope which is a reasonable alteration and necessary to bring it into compliance with contemporary access requirements. This element of the proposal is not considered to result in any harm to the significance of the building.
- 6.2.45 Other works to the interior and exterior of the building are proposed for the purposes of improving access to and mobility within the building. These include the partial removal of a 2005 stair within the Portico (enabling the South Colonnade, currently disused, to be used as a covered circulation route to the new extension), the introduction of a small area of new steps and associated platform to the front of the Portico (to enable safe access), the introduction of access ramps within the north and south colonnades and balustrades to a new concrete retaining wall to the rear of the North and South Colonnades and the re-opening of blocked up openings between the groin vaults and the lower ground floor of the 2005 building and removal of modern partitions within the groin vaults (reducing harmful subdivision of historic spaces).
- 6.2.46 Some of these interventions are of clear benefit to the heritage asset. However, the introduction of access ramps and balustrades to the colonnades, and the new steps and associated platform to the front of the portico are recognised as resulting in harm to the heritage asset. In the case of the former, the harm is clearly justified by the necessity of the intervention for the proposed use. The ramps will be modest and symmetrical, which mitigates the harm, whilst the floor surface within the colonnades is currently mainly broken mid-20th century concrete, so are of limited heritage interest, whilst the ramps are associated with achieving other heritage benefits including finding a use for both colonnades and providing a much improved and more appropriate surface. In the case of the latter, the new front steps are necessary because the historic steps are uneven in size and height and slightly sloping and therefore inappropriate for safe use. Furthermore, they replace a similar set of steps which are now in poor condition both visually and functionally. The raised platform is needed for people to adequately approach the building and avoid the existing front step, and it too replaces an existing similar arrangement which is now in poor condition both visually and functionally.

Landscaping and curtilage changes

- 6.2.47 Car parking, patient cycle storage and service areas would be located in the south of the site, as is currently the case, and primary access to the building would be provided via the main Portico structure with accessible access being provided by way of a landscaped path in the north of the site and the north colonnade. Staff access and cycle storage would be provided in the north of the site.
- 6.2.48 The use of existing areas of car parking and general storage in the south of the site for the provision of ancillary car and cycle parking, refuse storage and an electricity substation is recognised as causing less disruption to the existing arrangement of the site than introducing significant built form and hard surfacing in the north of the site.
- 6.2.49 The northern part of the site will remain predominantly landscaped, however a level access will be provided which will meander in front of the North Colonnade and connect with its northern elevation. Although, as shown on the submitted drawings, the access path would be lined variously by railings, hedges and a fence, during the course of the application it has been agreed with the applicant that these will be omitted from the arrangement in order to limit the visual impact and minimise interference with views of the original building. This amendment to the proposal will be secured by way of a condition requiring these elements of the proposed access to be omitted from the hard and soft landscaping, thereby safeguarding views of the north colonnade.

Setting

- 6.2.50 This assessment of the impact on setting follows the approach in Historic England guidance *The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning Note 3 (Second Edition, December 2017)*. The heritage asset the setting of which may be impacted is the Portico. It is not considered that the proposals would have an impact on the setting of the Clapton Square Conservation Area or the locally listed buildings noted above, because of the distances involved and the lack of intervisibility between the assets.
- 6.2.51 The immediate setting of the building historically featured large landscaped gardens and a carriage turn to the front. At the moment the site consists of some tarmac parking, some oddly located and formed grassy mounds (which may be 1975 demolition rubble) and trees which are assumed to date from 1975. The former gardens of the 1823 building are lost under Linscott Road and its houses. The curtilage of the site was also dramatically reduced in 1975. The current arrangement does provide a pleasant, verdant and relaxed setting to the Portico, although this arrangement is not a historical feature. The contribution made to the significance of the heritage asset by its immediate setting is therefore considered to be very limited.

- 6.2.52 The most significant view of the heritage asset, in terms of its immediate setting, is considered to be the view of the whole building which can be experienced when entering through the front gates. This is the key view because the Greek Revival form of the building is such that it is intended to be experienced on axis from the front, where the main Portico commands the viewer with its impressive height and mass.
- 6.2.53 The wider setting of the building was historically open fields, probably allowing long distance views of this large building. These are now lost to the Victorian and later development in the surrounding streets. The centre of the building is visible as an attractive local landmark, but only when looking straight east along Linscott Road from Lower Clapton Road. This aspect of the wider setting contributes positively to the significance of the building.
- 6.2.54 The most significant view of the heritage asset, in terms of its wider setting, is considered to be the view of the central part of the building (the main Portico and parts of the two colonnades) which can be experienced when standing in Linscott Road, at the junction with Lower Clapton Road and looking east. This is a more distant version of the view discussed above and is the only view in which some of the main form of the building can be appreciated at any distance (all other long distance views are now blocked by buildings).
- 6.2.55 The proposals impact the immediate setting of the heritage asset, since there will be changes to the landscaping and two new extensions to the south of the site. As noted above it is acknowledged that harm is caused to the setting of the listed building by the asymmetry of the proposals and the reduction in views through the colonnade. It is noted that this harm is only apparent in the immediate setting view: the proposals are not visible in the wider setting view and this has been demonstrated to the satisfaction of officers. The full width of the building is only apparent from within the existing entrance gates. The proposed east and south extensions therefore have a limited impact on setting, since they are not visible until the viewer is almost upon the building.
- 6.2.56 It is noted that the separation distance of the east extension and its muted architecture language and detailed design partially mitigate this impact. It is noted that the muted architectural language and orthogonal relationship of the east and south extensions also partially mitigate this impact.
- 6.2.57 The setting of the Clapton Square Conservation Area; the setting of the listed buildings at The United Reformed Church (Round Chapel), The former Salvation Army Mothers' Hospital (Numbers 1 to 7 (consecutive) Maitland Place) and Number 143 Lower Clapton Road; and the setting of the locally listed buildings at The Windsor Castle on Lower Clapton Road, Number 69 Powerscroft Road and

Numbers 19-19A Goulton Road are not impacted by the proposals, since they are at some distance and there is no mutual intervisibility between this site and the heritage assets.

Assessment of the quantum of harm

- 6.2.58 The harms identified above, taken together, are considered by officers to amount to less than substantial harm in terms of the NPPF paragraph 202 test. It is noted that Historic England concur with this view.

Conclusion

- 6.2.59 Returning to the principles laid out at the pre-application stage (above in Section 6.2.23) it is noted that Principle 1 (repair of the Portico and provision of a scheme with enough revenue-earning floorspace to secure its long term future) is achieved. Principle 2 (ensuring that every surviving part of the Portico has a use) is mainly achieved, since the North and South Colonnades and the groin vaults are brought back into use. Although the colonnade vaults will not be used, they will be cleared, exposed to view and provided with a usable floor, conserving them and increasing the chances of them coming into a new use. Principle 3 (no further loss of 1823 fabric) is achieved. Principle 4 (the integration of new buildings into the historic building both functionally and visually) is achieved. Principles 5 and 6 are achieved, with an increased building mass reflecting the historical norms of the site and providing a building for the Portico to serve. Principle 7 (orthogonal and symmetrical arrangements on the building's axis) is only partially achieved although the proposed development is orthogonal. Principle 8 (use of the Portico as the main entrance) is fully achieved. Principle 9 (avoiding visual infilling of the colonnades) is not achieved, although the effects have been partially mitigated. Principle 10 (the reinstatement of the historic floor plan and reuse of the colonnades as circulation areas) is partially achieved since the south extension partially replicates the footprint of the historic south wing and the colonnades are both brought back into use as circulation routes.
- 6.2.60 The applicants have provided a Heritage Statement which meets the requirements of National Planning Policy Framework (NPPF) paragraph 194. The Local Planning Authority has identified and assessed the significance of the heritage asset using available evidence and the necessary expertise as required by NPPF paragraph 195. The Local Planning Authority has taken account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation as required by NPPF paragraph 197. The Local Planning Authority has attached great weight to the asset's conservation, as required by NPPF paragraph 199 and this is reflected in the lengthy and detailed discussions and substantial redesigns of the project during pre-application and application stages. Where there is harm to the significance of the listed building,

this is considered to have a clear and convincing justification in terms of NPPF paragraph 200. The harm to the significance of the designated heritage asset (the listed building) is considered to be “less than substantial” in terms of the NPPF paragraphs 201 and 202 tests. Whilst the comments of Historic England in respect of whether the proposed scheme represents the minimum harm are noted, the less than substantial harm is considered to be outweighed by the public benefits of the scheme, which include substantial heritage benefits. The scheme is therefore acceptable in conservation terms. However, in light of the balance between the less than substantial harm and public benefits of the development, a condition restricting the use of the premises to the provision of healthcare is proposed.

- 6.2.61 In assessing the applications for Listed Building Consent and Planning Permission, the Council has paid “special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses” as required by the Planning (Listed Buildings and Conservation Areas) Act 1990 Sections 16 and 66.
- 6.2.62 The scheme is considered to be of good design and therefore meets the NPPF paragraphs 132, 133 and 134 tests. The Council has therefore had “regard to the desirability of achieving good design” as required by Section 39 of The Planning and Compulsory Purchase Act 2004 (as amended by Section 183 of the Planning Act 2008).
- 6.2.63 The proposals are also considered to be in accordance with the local development plan, in particular Hackney Local Plan LP33 policies LP1 Design quality and local character, LP3 Designated heritage assets and LP4 Non designated heritage assets and London Plan Policy HC1 Heritage conservation and growth.
- 6.2.64 Notwithstanding the above, comprehensive design details and materials conditions are recommended to ensure that the quality of the scheme and it’s heritage benefits are secured, as set out in the schedule of conditions.

6.3 Impact of the proposal on other heritage assets

- 6.3.1 The site is located in close proximity to the Clapton Square Conservation Area and a number of statutorily and locally listed buildings, however the proposed development would not be prominently seen in views of or from these heritage assets.

6.4 Impact on residential amenity

- 6.4.1 London Plan policy D3 states that development should have regard to the form, character and function of an area, through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions and that they should deliver appropriate

outlook, privacy and amenity. Policy D6 requires that the design of development should provide sufficient daylight and sunlight to surrounding housing that is appropriate for its context. Local Plan 2033 policy LP2 is concerned with the amenity of neighbouring occupants.

Daylight, Sunlight and Overshadowing Assessment

- 6.4.2 The properties which would potentially be affected by the development in respect of light impacts are those to the south of the site fronting onto Powerscroft Road and 14-30 Linscott Road. Other neighbouring properties would not be impacted due to the spatial relationships involved.
- 6.4.3 The assessment of the daylight, sunlight and overshadowing impact of the proposal on nearby sensitive receptors (residential properties) is informed by a Daylight and Sunlight Review submitted in support of the application. The methodology adopted for the assessment of daylight, sunlight and overshadowing is set out in the 2011 Building Research Establishment (BRE) Guidance.
- 6.4.4 When assessing daylight to existing properties, the primary methods of measurement are vertical sky component (VSC); and No Sky Line (NSL).
- 6.4.5 The BRE guidance sets out two guidelines for VSC: a) If the VSC at the centre of the existing window exceeds 27% with the new development in place, then enough sky light should still be reaching the existing window and b) If the VSC within the new development is both less than 27% and less than 0.8 times its former value, then the reduction in daylight will appear noticeable to the occupants and more of the room will appear dimly lit.
- 6.4.6 The BRE guidance also covers the distribution of light in existing buildings, based on the areas of the working plane which can receive direct skylight before and after the new development. If this area is reduced to less than 0.8 times its value before, then the distribution of light in the room is likely to be adversely affected, and more of the room will appear poorly lit. This is referred to as the No Sky Line (NSL) analysis.
- 6.4.7 A Daylight and Sunlight Report has been submitted in support of the application. This considers the impact of the proposal on the occupiers of the properties referred to above. This report concludes that the impact of the development in respect of VSL and NSL would be negligible, with all openings satisfying the VSL guidelines, and all but one satisfying the NSL guidelines. This degree of compliance with the national guidance is considered to be acceptable.
- 6.4.8 For sunlight, the primary method of measurement is annual probable sunlight hours (APSH) to windows of main habitable rooms of neighbouring properties that face within 90° of due south and subtend the new development at an angle of 25 degrees

from the centre of the lowest window to a main living room. If a point at the centre of a window can receive more than one quarter of APSH, including at least 5% of APSH in the winter months, then the room should still receive enough sunlight. If these percentages are not met and the reduction in APSH is more than 20% of its former value, then the loss of sunlight will be noticeable. In this case, the properties potentially affected are those to 14-30 Linscott Road (none of the facing windows to the properties fronting onto Powerscroft Road are within 90° of due south, and therefore this element of the assessment does not apply). Of these openings to 14-30 Linscott Road, all would satisfy the guidance in respect of APSH.

- 6.4.9 Sunlight is also the assessment in respect of impacts on private amenity space; again, as the garden areas to properties on Powerscroft Road are currently overshadowed by the properties that they serve, it is not considered that the proposed development would have any additional detrimental impact upon the character of these spaces in this respect. The relationship between the amenity space serving 14-30 Linscott Road and the proposed development is such that the impact on this space would satisfy the guidance.
- 6.4.10 For these reasons, the impact of the proposal on neighbouring properties in respect of light is considered to be acceptable.

Outlook/Sense of Enclosure

- 6.4.11 It is recognised that the proposal will introduce new built form closer to neighbouring properties, particularly those to the southern boundaries of the site. As such, it is accepted that there will be greater restriction to the outlook of some neighbouring properties and, similarly, an increased sense of enclosure. However, the separation distance will be approximately 10.3m (variable due to the curve of Powerscroft Road) and the relative height of the facing elevation 6.3m in relation to ground levels within the neighbouring gardens, and in an urban location such as this, that relationship is considered to be within the limits of what might be expected, and not to result in undue detriment to the residential amenity of neighbouring occupiers in respect of outlook and sense of enclosure.
- 6.4.12 Representations have drawn attention to a historic dismissed appeal decision from 2016 (APP/U5360/W/16/3143315, 20 Andre Street) which concluded that a development of similar separation distance should not be allowed. In that case, the principle of the proposed land use was considered to be unacceptable, and it is likely that this significantly affected the balance of planning judgement in determination of both the application and appeal. The appeal decision also related to a four storey building over ground, first, second and third storeys. Furthermore, planning policies have changed since the date of the previous decision. For these reasons limited weight should be given to this appeal decision.

Privacy and Overlooking

- 6.4.13 The Council has no specific policy guidance on acceptable separation distances for overlooking. This is due to the differing established grain and density of the borough, the potential to limit the variety of urban space and unnecessarily restrict density.
- 6.4.14 In this case, due to the design of the proposed development and the spatial relationships involved, the main properties potentially affected by overlooking would be those to the south of the site. The proposed extension is to be over lower and upper ground floors, with the adjacent land lowered. As a result, the only additional potential overlooking would be from the upper ground floor level (access to the roof being for maintenance only, which will be secured by way of condition). In this case, the proposed development would serve a non-residential use, which allows for the incorporation of mechanisms to reduce the potential for overlooking such as louvres and obscure glazed openings. It is recognised that, as set out above, the proposal would introduce built form closer to these properties, and further, that this would include windows to treatment and consulting rooms. Given the nature of these uses (which would presumably require privacy to the occupants) a condition requiring these openings to be obscure glazed and fixed in order to prevent overlooking to the occupiers of neighbouring properties to the south is considered to be reasonable and necessary in the circumstances of this case. These conditions, taken together, are considered adequate to address the matter of privacy to neighbouring residents.

Noise

- 6.4.15 Local Plan policy LP2 (Development and amenity) seeks to manage the amount of noise arising to and from a development, in line with surrounding environs.
- 6.4.16 The proposed development includes roof top plant, which will be within an acoustic enclosure. A Noise Impact Assessment has been provided in support of the application which sets out details of the plant, its acoustic impact, and mitigation measures proposed. These details have been assessed by the Council's Environmental Protection Team and found to be acceptable in terms of impact on residential amenity, subject to securing the mitigation by way of condition.
- 6.4.17 Concerns have been raised by third parties that the proposal would give rise to noise disturbance by way of the car parking and refuse storage proposed in the south of the site. Whilst it is noted that this could potentially give rise to a small level of disturbance, the proposed quantum of car parking is reduced in respect of what is currently permitted on the site and further away from the site boundary, and the bins are proposed to be located within an enclosure (details of which will be required by way of condition) which is not currently the case. Given that the parking and refuse storage are proposed to be located in an area used for these purposes under the current (unrestricted) use of the site, and would represent an improvement to the

existing situation in terms of proximity to neighbouring residents and the control over management that will be exerted by way of condition, it is not considered that the proposed arrangements would give rise to undue harm to amenity.

- 6.4.18 The proposed use is not considered to be “unneighbourly” however in order to limit disturbance during anti-social hours (whilst maximising the availability of health services) a condition is proposed restricting hours of operation (during which patients are allowed on site) to between 0800 and 2000 on any day.

6.5 Transport and Servicing

- 6.5.1 Relevant Hackney Local Plan 2033 and London Plan policies require proposals to encourage active travel and sustainable transport, whilst reducing reliance on private motor vehicles. Specifically, there is a general assumption that new development will be car free, except for blue badge provision, unless exempted by the relevant policies. There is no exemption in the Development Plan for staff parking at medical facilities.
- 6.5.2 The site is located on Linscott Road approximately 100m east of Lower Clapton Road (A107), which forms part of the Transport for London Road Network (TLRN). The street contains predominantly residential properties although it also provides access to the proposal site and a car park serving Clapton Girls Academy, and is relatively low-trafficked.
- 6.5.3 As the Transport Statement notes, the northern arm of Linscott Road provides on-street car parking for ‘pay-and-display’ users (maximum stay is 4 hours) and permit holders between 08:30 and 18:30.
- 6.5.4 The site has a Public Transport Accessibility Level (PTAL) rating of 5, this is deemed very good on a scale of 0-6b where 6b is considered excellent. The site is within a short distance from areas with a PTAL rating of 5 and is considered to have relatively good accessibility to public transport. The site is equidistant (1.1 kilometres) from Hackney Downs railway station (Overground and National Rail services) and Hackney Central railway station (Overground). There are frequent bus services operating along the A107 Lower Clapton Road 130-300 metres west of the site.

Trip generation, car and cycle parking

- 6.5.5 The applicant has provided traffic generation data as part of the Transport Statement. This is focused on vehicular traffic movements. In assessing the application, it is noted by both TfL and LBH Streetscene that it would have been advantageous to understand the trip generation data for all transport modes to the site in respect of both existing and proposed.

- 6.5.6 Leaving this matter aside, the existing site is estimated to generate a total of 28 daily trips (14 arrivals and 14 departures). The application site is predicted to generate an additional 2 arrivals and 4 departures in the AM peak and 3 arrivals and 1 departure in the PM peak. The application site is predicted to generate a total of 88 daily trips (44 arrivals and 44 departures). This is a net increase of 60 daily trips per day (30 arrivals and 30 departures). The submitted traffic generation assessment predicts a relatively small increase in the overall trips to and from the application site. A number of these trips will include those for GPs on call and Blue Badge holders. Parking provision has been included on site for these trip types. The overall vehicle trips are expected to be reduced as a result of the proposed car-free development. It is important to note that the trip generation data may underestimate the number of private vehicle trips owing to a number of factors. The applicant has noted that it was not possible to obtain appropriate comparable data from the Trip Rate Information Computer System (TRICS) database owing to the wide spectrum of parking provision for comparable land uses. The submitted data may underestimate the potentially high number of pick-up and drop-offs via private vehicle for patients. It may also underestimate the recent decrease in public transport patronage that can be attributed to the Covid-19 pandemic. These factors highlight the importance of implementing a well managed travel plan and car parking management plan to reduce private vehicle use and dependency.
- 6.5.7 The applicant has highlighted the London Borough of Hackney's Local Plan Policy LP45 which states that in order to reduce car usage and promote active travel, all new developments in the borough must be car-free. The policy states that on-site car parking is only permissible for disabled person's parking provision and for essential operational or servicing activity.
- 6.5.8 The applicant has proposed the provision of 4 car parking spaces and two mobility scooter parking space. The car parking spaces include a single space for blue badge holders (non-staff) and 3 car parking spaces for staff, of which 1 would be for blue badge holders (overall, 2 blue badge spaces being provided). Electric vehicle charging points (EVCPs) are proposed on site. There is 1 EVCP for the blue badge parking bay for patient use and 1 EVCP for the staff parking which is shared between the 2 general (non-blue badge) staff parking bays.
- 6.5.9 It is noted in the Transport Statement that it is recognised that GPs will need to make home visits, although there is limited evidence provided to support this conjecture. However, it is recognised that the use will generate an operational need for staff car usage, and in light of this, the reduction in overall proposed car parking and increase in provision of both blue badge spaces and EVCPs during the course of the application, the level of onsite parking is considered to be acceptable in the circumstances of this case, subject to Travel Plan and parking design and management plan conditions to safeguard against misuse of the parking areas.

- 6.5.10 LP33 states that disabled parking should be provided in accordance with the London Plan. The London Plan states that all developments irrespective of their size must provide at least 1 disabled parking space. The application documents proposes the installation of 2 blue badge parking bays (1 for patients and 1 for staff), of which the space for use by patients would be provided with an active EVCP, which is welcomed. This level of provision, and the proposed locations of the spaces, are considered to be acceptable, and will ensure that staff, patients and visitors are not discouraged or discriminated against when considering the application site as a place to work or visit in Hackney.
- 6.5.11 The proposal includes provision of a separate ambulance pick up/drop-off bay, which is considered appropriate given the use. The proposed condition requiring the submission and implementation of a parking design and management plan should include measures to prevent the patient blue badge parking space from being used by emergency vehicles and for the ambulance pick up/drop off point for being used for general drop off and pick up use (i.e. by vehicles other than ambulances and similar) in order to prevent conflict between different user groups.
- 6.5.12 Hackney Local Plan 2033 policies LP41, LP42 and LP43 in LP33 highlight the importance of new developments making sufficient provisions to facilitate and encourage movements by sustainable transport means, whilst Local Plan 2033 policy LP42 requires that cycle parking shall be secure, accessible, convenient, and weatherproof and will include an adequate level of parking suitable for accessible bicycles, tricycles and cargo bikes. Two-tier cycle parking is not supported.
- 6.5.13 The Transport Statement outlines that a covered and secure cycle store will be provided for staff, with capacity for 20 cycles in two-tier racks. A covered cycle store is provided for use by patients, with capacity for 10 cycles, and 2 uncovered cycle stands with capacity for 4 cycles including non-standard cycles.
- 6.5.14 In relation to the staff cycle parking, the proposal to use two-tier racks is not supported, although the proposal may be deemed acceptable if the provision includes a significant proportion of single tier cycle parking, such as Sheffield stands and parking suitable for accessible bicycles, tricycles and cargo bikes in line with LP42. Advice on best practice cycle parking guidance is contained within TfL's London Cycle Design Standards chapter 8 <http://content.tfl.gov.uk/lcds-chapter8-cycleparking.pdf>. Any small element of two-tier cycle parking must meet the minimum space and quality requirements, including: a minimum aisle width of 2500mm beyond the lowered frame is required to allow cycles to be turned and loaded. An overall aisle width of 3500mm should ideally be provided where there are racks on either side of the aisle, though this may limit the density advantages of two tier stands. The minimum height requirement is 2600mm (chapter 8, page 9). Two tier stands should be provided with mechanisms that help

lifting such as springs or gas struts. It is essential that side bars or similar be incorporated in the design on both the lower and upper tiers to allow the frame and at least one wheel to be secured. In the absence of this information, it has not been demonstrated that the staff cycle parking would comply with these requirements and be truly accessible and secure. As such, a condition requiring submission and implementation of a policy compliant cycle parking plan is necessary.

- 6.5.15 A framework Travel Plan has been submitted as part of this application. A full Travel Plan will be required to establish a long-term management strategy that encourages sustainable and active travel¹. The Travel Plan is required to include SMART targets that are: specific, measurable, achievable, realistic and time bound. The implementation of the travel plan is particularly important to encourage sustainable transport use and minimise private vehicle use for trips to the surgery, and as such should include details of how it will be reviewed and monitored annually for at least 5 years in consultation with Council Officers and an appointed Travel Plan Coordinator (TPC). Reviews should evaluate the plan and ensure that the targets are appropriate to encourage sustainable transport uptake. New interim targets should be set and correspond to the Council's Transport Strategy and Local Plan 2033.
- 6.5.16 Given the nature and location of the proposed development, a condition requiring the submission and implementation of a detailed Construction Logistics Plan (CLP) is recommended to mitigate the negative impact on the surrounding highway network. This should be in line with TfL CLP guidance:
<http://content.tfl.gov.uk/construction-logistics-plan-guidance.pdf>.
- 6.5.17 In order to effectively monitor the final Travel Plan and Construction Logistics Plan, financial contributions of £5,000 and £8,750 are to be secured by way of a unilateral undertaking.

Deliveries and Servicing

- 6.5.18 The design and access statement provides some details of delivery and servicing, however in light of the constraints of the site, a condition requiring further details is considered reasonable and necessary in the circumstances of this case.

Summary

- 6.5.19 The development is considered acceptable in respect to the level of car and cycle parking. The proposal promotes the use of sustainable transport modes and will not give rise to any adverse impacts to the surrounding highway network.

¹ <https://hackney.gov.uk/travel-plan-for-new-developments>

- 6.5.20 Conditions requiring the submission and implementation of a parking design and management plan, details of provision of staff cycle parking, and a CLP are recommended in order to encourage sustainable travel and prevent conditions hazardous to highway safety and functioning.
- 6.5.21 In light of the above, it is considered that the proposed development is acceptable in terms of transport considerations, subject to the suggested conditions.

6.6 Trees and Biodiversity

- 6.6.1 Policy G7 (Biodiversity and access to nature) and G7 (Trees and woodland), along with Local Plan 2033 policies LP47 (Biodiversity and Sites of importance of nature conservation) and LP51 (Tree management and landscaping) stress the importance of trees and biodiversity.
- 6.6.2 The proposal will result in the loss of a number of trees within the site, principally to the south of the existing building. These have been assessed by the Council's Arboricultural Officer who has confirmed that they include category A (trees of high quality and value capable of making a significant contribution to the area for 40 or more years) and category B (trees of moderate quality or value capable of making a significant contribution to the area for 20 or more years) trees.
- 6.6.3 Whilst the trees are recognised as being of value, their visual impact in public views is extremely restricted, and as such they have limited public amenity value. In light of this, it has been concluded that their loss, in the specific circumstances of this case and balanced against the public benefits of the proposal, is acceptable, and a tree preservation order is not merited.
- 6.6.4 The biodiversity contribution of these trees (and other features within the site) is assessed in the Ecological Appraisal submitted in support of the application. This concluded that the trees had limited potential for bat roosts, and whilst they potentially provided nesting habitat for birds, their contribution to biodiversity was likely to be limited due to the availability of alternative, preferable nesting sites in the vicinity, and the absence of notable bird species. The report concludes that whilst the loss of the trees is regrettable, due to the low current ecological value of the site considerable biodiversity gain can potentially be delivered through appropriate landscaping and replacement planting and mitigation such as the provision of additional habitat and the incorporation of living roofs within the development.
- 6.6.5 In light of the conclusions and recommendations of the Ecological Appraisal and Arboricultural Officer, the physical constraints of the site, and the significant public benefits that the proposal would deliver, including the provision of a purpose built health centre and the bringing into active use a building on the Heritage at Risk Register, the loss of the existing trees on the site is considered to be acceptable in

the circumstances of this case, subject to the imposition of conditions securing the proposed mitigation and appropriate landscaping.

6.7 Other planning matters

Energy and Sustainability

- 6.7.1 All major non domestic development to be net zero carbon with a minimum reduction of 35% met on site and any remaining amount met off site or through the local borough's carbon offset fund, as set out in Hackney LP33 policy LP55 (Mitigating climate change) and London Plan 2021 policy SI2 (Minimising greenhouse gas emissions).
- 6.7.2 A Sustainability Statement has been provided in support of the application. This sets out the measures proposed for reducing the impact of the development in terms of energy and resources, and includes a BREEAM tracker that indicates that a rating of "excellent" can be achieved by the development. Attainment of this standard should be secured by way of condition.
- 6.7.3 The proposed health centre will be served by roof mounted air source heat pumps providing heating as well as photovoltaic panels which will reduce the carbon emissions of the facility. There is no decentralised energy network, either existing or coming forward in the foreseeable future, local to the site and available for connection. The new build elements will be constructed in line with fabric first and passive design principles.
- 6.7.4 The Energy Statement submitted in support of the application recognises that the policy requirement will not be met, and therefore that a carbon offset contribution of £14,498 will be required; this will be secured by way of unilateral undertaking .
- 6.7.5 In light of these measures to limit the carbon footprint of the development and the proposed financial mitigation for shortfalls in achieving the policy requirement, the proposal is considered to be acceptable in terms of sustainability.

Flood Risk

- 6.7.6 The application site is not located in a critical drainage area, and does not have a 'high' risk of surface water flooding or an increased potential for elevated groundwater.
- 6.7.7 A Drainage Strategy and Water Quality Management Report and Sustainability Statement have been provided in support of the application.

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- 6.7.8 These have been reviewed by the Council's Drainage Team who have confirmed that no objection is raised to the proposal, subject to a condition requiring the submission and implementation of details of sustainable drainage measures.
- 6.7.9 Concerns have been raised by third parties with regard to the impact of the removal of trees on local drainage. Whilst it is recognised that that removal of trees can potentially result in increased surface water discharge, the Council's Drainage Team have confirmed that in this case, given the number of trees and the characteristics of of the site, that this is unlikely to have a significant impact in this case.

Air Quality

- 6.7.10 An Air Quality Assessment has been submitted in support of the application, and this has been reviewed by the Council's Environmental Protection Team, who have raised no objection subject to a condition requiring the submission and implementation of a Construction Management and Logistics Plan which includes details of dust suppression, and a compliance condition controlling the use of non-road mobile machinery. It is noted that the proposal, whilst not car-free, will substantially reduce the availability of car parking on site whilst encouraging the use of other, more sustainable forms of transport, whilst the proposed air source heat pumps and solar photovoltaic panels will reduce reliance on fossil fuels more generally.

Ground Contamination

- 6.7.11 While the site is of potential concern with regard to contaminated land, no site investigation documentation has been submitted in support of the application. Notwithstanding this, the Council's Environmental Protection Team have confirmed that in light of the proposed use, an unexpected contamination condition is considered adequate to safeguard the environmental quality of the site and the health of local residents.

Refuse Strategy

- 6.7.12 The Council's Waste Officer has reviewed the proposal and raises no objection to the location or capacity of waste storage provided, including that of clinical waste.

Fire Safety

- 6.7.13 In line with policy D12 (Fire safety) of the London Plan, the submission includes a Fire Statement, which has been reviewed by the Council and found to be acceptable.

Crime and security

- 6.7.14 The Metropolitan Police have been consulted on the proposal and have confirmed that they raise no objection in principle, subject to the imposition of a condition requiring attainment of Secure by Design accreditation.
- 6.7.15 It is noted that the scheme evolved prior to submission in response to neighbour concerns over the security of the southern boundary of the site, with the result that access to this boundary is to be limited to staff.

6.8 Consideration of Consultee Responses

- 6.8.1 In general, the response to issues raised by consultees, including neighbouring residents, has been outlined in the main body of the report, However there were additional consultation questions that are dealt with here:
- 6.8.2 *Failure to consider alternative uses for the site or alternative sites for the health centre and viability of the proposed development:* Members will be aware that there will always be options and alternatives to any proposal, but that the task of the Planning Sub-Committee is to determine the application before it, as submitted (and revised). Although there may be alternative potential uses for the site (such as residential development) and alternative sites for the proposed health centre, these have not been put forward as a proposal for formal consideration by the Local Planning Authority under the provisions of the Town and Country Planning Act 1990 (as amended), and there is no requirement for the applicant to do so. Furthermore, it is noted that the proposed use is acceptable in principle under the provisions of the Development Plan, as discussed in section 6.1 above.
- 6.8.3 The NPPF, in paragraph 202, makes reference to securing the optimum viable use of any site, which along with the public benefits of a proposal can be set against any less than substantial harm that may result from a development (as is recognised to be the situation in this case). However, the proposal as set out on the papers is considered to have significant public benefits which outweigh the less than substantial harm to the heritage asset, and therefore the need to test the optimum viable use does not kick in. This interpretation of the NPPF chimes with the conclusions of both the Planning Inspectorate and the Secretary of State in the determination of appeals relating to the Whitechapel Bell Foundry². In any case, no alternative viable use has been put forward that can be tested against the application scheme, and it is assumed that where a proposal accords with up to date Development Plan policies, as is the case here, that schemes are assumed to be viable. The detailed viability of schemes is not required to be assessed other than

² APP/E5900/V/20/3245430 & APP/E5900/V/20/3245432

when it is being relied upon to justify failure to comply with Development Plan requirements in respect of matters such as affordable housing.

- 6.8.4 *Quality of public consultation undertaken by applicant:* a number of representations query the quality of pre-submission consultation undertaken by the applicant. Whilst government guidance promotes pre-submission engagement between applicants and local residents, there is no requirement for this to be undertaken. However, in this case public consultation was undertaken and details of this process together with details of changes to the proposals resulting from the consultation, are set out in the Statement of Community Involvement submitted in support of the application.
- 6.8.5 *Harm to health and community cohesion resulting from the proposal:* the proposal falls below the threshold for requiring the submission of a Health Impact Assessment, however it is noted that concerns have been raised in respect of the impact of the proposal on health. Impact in terms of amenity is discussed above in section 6.4 of this report. In terms of impact on mental health, it is recognised that the proposal will result in change to the local environment and may result in disturbance during the construction period, however this in and of itself does not justify refusal of the application. All proposals for development involve change, and will inevitably result in some degree of disturbance during the construction phase, however this has been fully considered in the main body of this report and (in terms of construction disturbance) will be controlled by way of conditions and Environmental Protection Regulations. It is not considered that there are any constraints at or surrounding the site which would make the area particularly sensitive to disturbance from construction work and therefore justify further consideration. As such it is not considered that disturbance from construction work would justify the refusal of the application.
- 6.8.6 *Accuracy of the documentation provided in support of the application:* officers confirm that the documentation provided in support of the application is considered to be adequate for the purposes of explaining the proposals and allowing determination of the applications, and that officers have visited the site and adjoining properties to assess the proposal and the accuracy of the submitted drawings.
- 6.8.9 Overall, the provision of an enlarged and enhanced public health care facility will be of significant benefit to the health of the local community. There is nothing to suggest that the proposals would result in harm to community cohesion by way of increasing inequalities or discord.
- 6.8 Planning contributions and Community Infrastructure Levy (CIL)**
- 6.8.1 The CIL charge rating for healthcare premises is nil for both Mayor of London (Crossrail 2) and Hackney CIL. Therefore the CIL liability of the proposed development, despite being chargeable development, is nil.

6.8.2 The recommended Heads of Terms for the unilateral undertaking are set out in the main body of this report, and include contributions towards carbon offsetting and monitoring of the Travel Plan and Construction Logistics Plan.

6.9 Equalities Considerations

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

6.9.2 Having regard to the duty set out in the S149 Equality Act 2010, the development proposals do not raise specific equality issues other than where discussed in this report.

7.0 CONCLUSION

7.1 The principle of the alteration and extension of existing buildings on the site to provide a health centre is considered acceptable in land use planning terms and to be in accordance with policy objectives as set out within the Local Plan, London Plan and National Planning Policy Framework.

7.2 Furthermore, the proposals will result in significant heritage benefits including the much needed repairs to the Portico, which is known to be in poor and declining condition, the exposure of historic fabric and the bringing of the building into active use, all of which, when taken together, will see the building removed from the Heritage at Risk Register.

7.3 Whilst recognised as resulting in less than substantial harm to the listed building, the submitted scheme is considered of high architectural quality and would result in significant public benefit.

7.4 The proposal is acceptable in planning terms in all other respects, including the impacts in respect of amenity of adjoining residents, transportation, trees and biodiversity and sustainability and energy efficiency measures.

7.5 The proposal is, on balance, therefore deemed to comply with pertinent policies in the Hackney Local Plan 2033 (2020) and the London Plan (2021) and to represent

sustainable development, and the granting of permission therefore is recommended subject to conditions and completion of the unilateral undertaking.

8.0 RECOMMENDATIONS

8.1 Recommendation A

2021/1651 - 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 three years after the date of this permission.

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

8.1.2 - 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 - Living roof

Details, including sections at a scale of 1:20, of a bio-diverse, substrate-based extensive living roof (80mm minimum depth) shall be submitted to and approved by the Local Planning Authority, in writing, before above ground floor works commence. Such details as approved shall be implemented prior to the first occupation of the development and shall thereafter be retained and maintained.

REASON: To enhance the character and ecology of the development, to provide undisturbed refuges for wildlife, to promote sustainable urban drainage and to enhance the performance and efficiency of the proposed building.

8.1.4 - Use of roof

The roof of the development hereby permitted shall not be used for any purpose other than as a means of escape in emergency or for maintenance of the building. In particular the roof shall not be used as a roof terrace, balcony or any other amenity area.

REASON: To safeguard the residential amenity of the occupiers of adjacent premises and the functioning of the living roof secured by way of condition 3.

8.1.5 - Bicycle and bin enclosures

Prior to the first occupation of the development hereby permitted, details of all bicycle storage facilities (including layout, stand type and spacing and should conform with TfL's London Cycle Design Standards chapter 8 <http://content.tfl.gov.uk/lcds-chapter8-cycleparking.pdf>) and waste and recyclables storage (including details of enclosures), shall be submitted to and approved in writing by the Local Planning Authority.

Such details as approved shall be implemented prior to the first occupation of the development and shall thereafter be retained and maintained for the life of the development .

REASON: To ensure that adequate provision for the safe and secure storage of bicycles and waste is made for the proposed use, in the interest of safeguarding highway safety, and ensuring that special regard is paid to protecting the special architectural and historic interest and integrity of the building.

8.1.6 - External lighting

Prior to occupation of the development hereby permitted, details of all external lighting shall be submitted to, and approved in writing by, the Local Planning Authority. The external lighting details shall include the number and location of proposed luminaires, luminaire light distribution type, lamp type, lamp wattage and spectral distribution; stand type and mounting height, orientation/direction, beam angle (which should be as low as possible), projected light distribution maps of each lamp including light spillage on to any other features such as buildings, watercourses and trees, and details of any hoods or cowls, and type of control gear and lighting regime (timing and duration of illumination).

The approved external lighting strategy shall be implemented in full prior to occupation of the relevant phase of development, and maintained as such for the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To enhance the character and biodiversity of the development, to safeguard the amenity of neighbouring occupiers, to ensure public safety and in the interests of prevention of crime and anti-social behaviour.

8.1.7 Hours of use

The use hereby permitted shall only be open to the public between 08:00 hours and 20:00 hours on any day, unless agreed in writing with the Local Planning Authority.

REASON: To ensure that the use is operated in a satisfactory manner and does not unduly disturb neighbouring occupiers or prejudice local amenity generally.

8.1.8 Construction Logistics Plan

Prior to the commencement of demolition or construction works hereby permitted, a

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Construction Logistics Plan (CLP) shall be submitted to, and approved in writing by, the Local Planning Authority.

The CLP shall include the following details:

- (i) Hours of works; and
- (ii) A programme of works; and
- (iii) Measures for traffic management including delivery and collection hours (which should avoid anti-social and peak hours), size and frequency of HGV arrivals and departures, prevention of idling by construction vehicles, construction traffic access and routing arrangements, and any footway or highway closures; and
- (iv) Loading and unloading of plant and materials; and
- (v) How materials will be managed efficiently and disposed of legally, and the re-use and recycling of materials maximised; and
- (vi) Storage of plant and materials; and
- (vii) Boundary hoardings behind any visibility zones; and
- (viii) Contact arrangements between residents and contractors; and
- (ix) A dust management plan which shall include measures to minimise the emission of dust and dust suppression measures.

All demolition and construction works associated with the development hereby permitted shall thereafter take place in full accordance with the approved CLP.

REASON: In order to ensure that the development does not prejudice the amenity of adjoining occupiers and in the interests of highway safety.

8.1.9 - Travel Plan

Prior to the occupation of the development hereby permitted, a Travel Plan shall be submitted to, and approved by, the Local Planning Authority in writing.

The Travel Plan should be undertaken in accordance with TfL Transport Assessment Best Practice Guidance (<https://tfl.gov.uk/info-for/urban-planning-and-construction/transport-assessment-guidance>) and shall include the following matters:

- (i) Details of the operation of the development including days/times of operation, numbers of people expected for each of the individual event and mode of travel over a typical week (i.e. trip generation and modal splits surveyed from existing users); and
- (ii) Measures to minimise the use of less sustainable transport options; and
- (iii) Details of provision of on-site disabled parking spaces and the arrangements for servicing/delivery vehicles; and
- (iv) Safe, secure and accessible bicycle parking in line with the requirements of the Hackney Local Plan 2033 and London Plan 2021; and
- (v) Measures to reduce congestion caused by vehicles picking up and dropping off; and
- (vi) Any other mitigation measures that can be put in place to reduce the impact of the

proposal on the local highway network; and
(vii) Analysis of walking and bicycle links to and from the site.

The approved Travel Plan shall be fully implemented for the life of the development, unless otherwise agreed in writing by the Local Planning Authority.

REASON: to safeguard highway and pedestrian safety.

8.1.10 Deliveries and Servicing Plan

Prior to the occupation of the development hereby permitted, details of a Delivery and Servicing Management Plan (DSMP) shall be submitted to, and approved in writing by, the Local Planning Authority.

The DSMP shall:

- (i) Seek to rationalise the number of delivery and servicing with the aim of reducing traffic impacts; and
- (ii) Include, inter alia, details of the location and management of servicing areas; location, number and timings of deliveries and collections (which should avoid anti-social hours); the types of delivery and collection vehicles; and
- (iii) Ensure that delivery space and time is actively controlled through measures set out in the DSMP; and
- (iv) Set out the measures to enforce the servicing arrangements.

The approved DSMP shall be fully implemented for the life of the development, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of highway safety and the amenity of neighbouring occupiers.

8.1.11 Parking Design and Management Plan

Prior to occupation of the development, details of a Parking Design and Management Plan (PDMP) shall be submitted to, and approved in writing by, the Local Planning Authority.

The PDMP shall include the following details:

- (i) Safe design of the agreed number of off street car parking spaces and access for pedestrians and cyclists and minimisation of conflict between user groups; and
- (ii) Details of provision of blue badge parking (minimum of 2 car parking spaces [1 for patients, and 1 for staff]) and electric vehicle charging points (minimum of 2 EVCPs); and
- (iii) Details of how blue badge car parking spaces, GP operational car parking spaces and the ambulance drop off point will be restricted to the intended purpose for the lifetime of the development; and
- (iv) Permanent mechanisms for prevention of non-car parking areas to be used for that purpose; and
- (v) Set out the measures proposed to enforce the car parking arrangements.

The approved PDMP shall be implemented in full prior to occupation of the phase of development, fully implemented for the life of the development.

REASON: In the interests of highway safety, reducing reliance on private motor vehicles, and the amenity of neighbouring occupiers.

8.1.12 - Non Road Mobile Machinery

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

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

8.1.13 - SuDS

Prior to commencement of superstructure works hereby permitted full particulars of a Sustainable Drainage System (SuDS) shall be submitted to, and approved in writing by, the Local Planning Authority. The SuDS shall include the following details:

- (i) A full detailed specification, including appropriate calculations, construction details and drainage layout, of a site specific SuDS that achieves greenfield runoff rates in surface water run-off rates in respect of the new build elements compared to the existing run-off rates, which shall include green and blue roofs, rainwater harvesting, filter strips/drains, bio-retention systems, rain gardens, swales, underground attenuation systems and the flow control system and reduced reliance upon the use of underground attenuation tanks; and
- (ii) Details of run-off to local waterways.

The development shall not be carried out otherwise than in accordance with the details thus approved, which shall be implemented in full prior to the first occupation of the development hereby permitted, and maintained as such for the lifetime of the development.

REASON: To address climate change and ensure that the development will provide a

sustainable drainage system.

8.1.14 – BREEAM Assessment

Within 12 weeks of occupation of the development hereby approved, BREEAM post-construction certification (or any assessment scheme that may replace it) confirming an 'Excellent' rating shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure the development meets the sustainability requirements of local and regional policy.

8.1.15 - Landscaping

Within 6 months of the commencement of superstructure works associated with the development hereby permitted, details showing the hard and soft landscaping scheme for the development shall be submitted to, and approved in writing by, the Local Planning Authority.

The landscaping scheme shall be based on the approved drawing numbers ADP-XX-00-DR-L-1900 rev S2 P10 and ADP-XX-00-DR-L-1901 rev S2 P10 and shall include the following details:

- (i) Full specification of all planting including trees, shrubs, sub-shrubs, bedding and lawns (common and Latin names, size and pot height; density or number, stock type, tree girth and method of growth e.g. container or open ground) and extent for all landscaped areas, including planting for biodiversity and habitat creation and the planting of a minimum of 5 native trees of recognised biodiversity value and landscape screening to the south boundary of the site; and
- (ii) Details of all surface treatments (which shall all be of permeable construction or otherwise allow water percolation to the ground) including location, materiality, colour and finish, and specifications including suppliers or manufacturers details; and
- (iii) Details of all proposed internal and site boundary treatment types and locations.

Notwithstanding the details shown on the approved drawings, the landscaping scheme will omit any hedging to the access path in the north of the site and the grassed border to the western elevation of the portico and colonnades.

All planting, seeding or turfing shall be implemented in the first planting season following first occupation of the development hereby permitted. Any plants or trees that die or are removed, damaged or diseased within a period of ten years from the substantial completion of the development shall be replaced to the satisfaction of the Local Planning Authority in the next planting season with others of a similar size and species. All hard landscaping shall be carried out in full prior to occupation of the development hereby permitted.

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

REASON: To ensure that the external appearance of the site is acceptable, and safeguards and enhances biodiversity.

8.1.16 - Biodiversity

Prior to commencement of the use hereby permitted, the recommendations of the LUC Ecological Appraisal ref 11211 rev 1 dated 02/11/2021 shall be implemented in full, in addition to which a minimum of 3 swift nesting bricks and/or boxes shall be provided at or close to eaves level of the north and/or east elevations of the development hereby approved and a minimum of 2 bat boxes will be installed to the trees to be retained in the north east corner of the site.

The biodiversity enhancements shall be retained thereafter in perpetuity.

REASON: to safeguard and enhance biodiversity.

8.1.17 - Tree Protection

The development shall be undertaken in full accordance with the tree protection measures shown on drawing number ADP-XX-00-DR-L-1905 rev S2 P8 and in accordance with BS 5837 (2012) 'Trees in Relation to Design, Demolition and Construction-Recommendations', for the trees identified to be retained. The barriers and/or ground protection shall be erected before any equipment, machinery or materials are brought onto the site and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. The sitting of barriers/ground protection shall not be altered, nor ground levels changed, nor excavations made within these areas.

In the event of any tree(s) dying, being removed or becoming seriously damaged or diseased within 5 years from the completion of the development, it shall be replaced within the next planting season with another of similar size and species unless the Local Planning Authority gives written consent to any variation.

REASON: To safeguard existing trees on and neighbouring the site to be retained and ensure a satisfactory setting and external appearance to the development.

8.1.18 - Secured by Design

Prior to commencement of the use hereby permitted, a Certificate of Compliance shall be obtained that confirms achievement of the relevant Secured by Design Guide.

REASON: In the interest of amenity and creating safer, sustainable communities and safeguarding residential amenity.

8.1.19 - Obscure glazing

Prior to commencement of the use hereby permitted, the openings to the upper ground floor of the south elevation shall be obscure glazed and non-opening below a height of 1.8m above finished floor level.

The development shall not be carried out otherwise than in accordance with the details thus approved and shall be maintained as such thereafter.

REASON: In the interests of preventing mutual overlooking, and thereby safeguarding the amenity of occupiers of neighbouring properties and patients of the health centre.

8.1.20 - Plant noise

Noise arising from the use of any building services plant units or any associated equipment shall not exceed 42dB LAeq,1hr when measured at a point 1 metre external from the nearest residential or noise sensitive premises.

Before the use of the development commences, an assessment of the expected noise levels shall be carried out once all of the building services plant units are installed. The assessment shall be in accordance with BS4142:2014+A1:2019 'Methods for rating and assessing industrial and commercial sound. The noise measurements and any further mitigation measures necessary to achieve the above required noise levels shall be submitted to the Local Planning Authority in writing for approval.

The plant shall thereafter be installed and maintained in accordance with the approved details.

REASON: to safeguard the amenity of the occupiers of neighbouring properties in accordance with London Plan 2021 policies D3 Optimising site capacity through the design-led approach and D14 Noise; and Hackney Local Plan 2033 policy LP2 Development and amenity.

8.1.21 - Contaminated Land

In the event that contamination (including asbestos) is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 7 days to the Local Planning Authority, and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site.

In the circumstances of such an event, an assessment must be undertaken in accordance with the requirements of the site investigation, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of the approved remediation scheme. The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation

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scheme a validation report must be submitted to and approved in writing by the Local Planning Authority in accordance with the implementation of the remediation scheme.

REASON: To protect the end users of the development, any adjacent land users and the environment from contamination.

8.1.22 - Change of use

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended by any order revoking and re-enacting that Order with or without modification) and the Town and Country Planning (Use Classes) Order 1987 (as amended) the development shall not be used for any other purpose than those falling within Use Class E(e) (medical and health services).

REASON: To ensure delivery of the public benefits of the proposal and safeguard the residential amenity of future occupiers of the development.

8.2 Recommendation B

8.2 That the above recommendation to grant planning permission is subject to completion of a Unilateral Undertaking which secures the following matters to the satisfaction of the Head of Planning and the Director of Legal and Governance Services.

Highways and Transportation

- A contribution of £5,000 towards Travel Plan (TP) monitoring
- A contribution of £8,750 towards Construction Logistics Plan (CLP) monitoring

Construction

- Considerate Constructor Scheme – the applicant to carry out all works in keeping with the National Considerate Constructor Scheme.

Carbon Offset Payment

- A Carbon Offset Payment of £14,498

Costs

- Payment by the landowner/developer of all the Council's legal and other relevant fees, disbursements and Value Added Tax in respect of the proposed negotiations and completion of the proposed Unilateral Undertaking, payable prior to completion of the deed.
- Monitoring costs of £2,374.90 payable on completion of the undertaking.

8.3 Recommendation C

2021/1653 - That listed building consent be GRANTED, subject to the following conditions:

8.3.1 - 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 consent.

REASON: In order to comply with the provisions of Section 18(a) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.

8.3.2 - 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.

8.3.3 - Materials

Details, including physical samples made available on site, of all materials to be used on the external surfaces of the building and boundary walls shall be submitted to and approved by the Local Planning Authority, in writing, before any work commences on site. The development shall not be carried out otherwise than in accordance with the details thus approved.

REASON: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building.

8.3.4 - Sample of brickwork to be approved

The external facing brickwork for the east and south extensions shall not be carried out unless in accordance with a 1 metre square sample panel, which shall have first been constructed on site and approved in writing by the Local Planning Authority. The sample panel shall show the type, size, colour, bond, pointing, coursing, jointing, profile and texture of the facing brickwork including coping bricks/stones (if applicable). The approved sample panel shall be retained on site and made available for inspection by the Local Planning Authority for the duration of the construction works.

REASON: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building.

8.3.5 - Details

Detailed drawings and full particulars of the following shall be submitted to and approved in writing by the Local Planning Authority before the start of the relevant part of the works.

The works shall not be carried out otherwise than in accordance with the details thus approved:

- (i) Details of all new and replacement windows and doors; and
- (ii) Details of the new windows behind the South Colonnade and their reveals; and
- (iii) Details of all balustrades, handrails and other similar barriers; and
- (iv) Details of all rainwater goods; and
- (v) Details of all parapet coverings; and
- (vi) Details of external services including but not limited to lighting and CCTV to be affixed to listed buildings and structures; and
- (vii) Details of the proposed works to the North and South Colonnade Vaults, including the flooring, any wall treatments, details of the proposed glazed screens, lighting and any other works; and
- (viii) Details of all damp proofing works, particularly to the front Barrel Vault below the central steps; and
- (ix) Details of the cathodic protection system for the historic iron and steelwork of the listed building; and
- (x) Details of interior finishes (e.g. plastering) within the historic building; and
- (xi) Details of the proposed excavation and demolition of the south east door to the South Colonnade Vault (currently buried).

REASON: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building.

8.3.6 - Historic features to be retained: general

All existing historic features including, but not limited to, chimney pieces, plasterwork, architraves, panelling, doors, staircase balustrading shall remain undisturbed in their existing position and shall be fully protected during the course of works on site, unless specifically authorised otherwise on the drawings hereby approved. The development and works shall not be carried out otherwise than in accordance with the details thus approved.

REASON: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building.

8.3.7 - Works to match existing

All new works, and works of making good to the retained fabric, whether internal or external, shall be finished to match the original work with regard to the methods used and to material, dimensions, composition, form, colour, finish and profile, and in the case of brickwork, facebond and pointing.

REASON: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building.

8.3.8 - No extraneous pipework

No soil stacks, soil vent pipes, plumbing, pipes, flues, vents or ductwork shall be fixed on the external faces of the building other than those shown on the drawings hereby approved.

REASON: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building.

8.3.9 - External equipment

No new grilles, satellite dishes, aerials, meter boxes, security alarms, lighting, security or other cameras or other fixtures or plant shall be mounted on the external faces or roof of the building other than those shown on the drawings hereby approved.

REASON: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building.

8.3.10 - Structural variation

In the event that a variation is proposed from the structural interventions hereby approved, full details of the varied structural interventions shall be submitted to and approved by the Local Planning Authority, in writing, before the relevant part of the work commences on site.

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

REASON: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building.

8.3.11 - Building Control variation

In the event that a variation is proposed from the works hereby approved, as a result of discussions with Building Control and the requirement to meet Building Regulations, full details of the variations to the works shall be submitted to and approved by the Local Planning Authority, in writing, before the relevant part of the work commences on site.

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

REASON: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building.

8.3.12 - Variation to Fabric Repair Schedule

In the event that, following further and more detailed investigations, a variation is proposed from the Fabric Repair Schedule hereby approved, full details of the varied

fabric repairs shall be submitted to and approved by the Local Planning Authority, in writing, before the relevant part of the work commences on site.

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

REASON: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building.

8.3.13 - Securing heritage benefits

The development and works which provide public benefits in the form of heritage benefits (which help weigh in favour of the approved scheme) as detailed in the approved Design and Access Statement, Heritage Statement, drawings and documents shall be undertaken prior to occupation of the building.

For the avoidance of doubt these are primarily considered to be:

- (i) all those repairs shown on Fabric Repair Schedule Drawings 1 to 3 and Drawing Numbers A-0970/Rev D2T2, A-0971/Rev S2P3, A-0972/Rev S2P3 and A-0973 rev S2P 1; and
- (ii) the scheme for historical interpretation to be approved by a condition of this consent.

REASON: To ensure that the public benefits, including the heritage benefits, of the approved scheme are secured.

8.3.14 - Expert supervision

Before the start of works details of the person who will supervise the hereby approved works of alteration or demolition shall be submitted to and approved in writing by the Local Planning Authority. The required detail shall include details of the person's qualifications, relevant experience and their supervisory role. The person shall be an appropriately qualified professional specialising in conservation work. Any proposed changes to the agreed supervision arrangements shall be subject to the prior written agreement of the Local Planning Authority.

REASON: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building.

8.3.15 - New discoveries

During the works, if hidden historic features are revealed they shall be retained in-situ. Works shall be halted in the relevant area of the building and the Local Planning Authority shall be notified immediately. Failure to do so may result in unauthorised works being carried out and an offence being committed.

REASON: To ensure that special regard is paid to protecting the special architectural and

historic interest and integrity of the building.

8.3.16 - Structural engineer's report: demolition and excavation

Before the start of the relevant part of the works, proposals for any structural works shall be submitted to and approved in writing by the Local Planning Authority and shall be carried out accordingly. The required detail is the submission of a detailed report and method statement by a suitably qualified and experienced chartered structural engineer, addressing the following areas:

- (i) Detailing the engineer's qualifications, relevant experience and supervisory role; and
- (ii) Explaining how the existing structure stands; and
- (iii) Detailing the method by which the existing structure is to be supported and protected during the works so as to ensure the structural stability and integrity of all the elements which are to be retained (the temporary works); and
- (iv) Confirming how damage to the building or surrounding buildings and structures will be avoided and how the safety and stability of the historic building fabric will be ensured; and
- (v) Detailing the structural interventions to ensure that the building will stand in the future, including details (for example and not limited to) of any new foundation design, underpinning, steelwork and other strengthening and their locations and methods of fixing and installation, with sketches as necessary (the permanent works).

All excavation and structural works shall be carried out strictly in accordance with the details so approved. All excavation and structural works shall be carried out by hand. No other excavation or structural works are authorised by this consent without prior approval of the details.

REASON: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building.

8.3.17 - Historical Interpretation Scheme

Before occupation of the development, proposals for a Historical Interpretation Scheme shall be submitted to, and approved in writing, by the Local Planning Authority. The approved Historical Interpretation Scheme shall be installed in a public area of the site within 6 weeks of commencement of the use hereby permitted, and will be maintained as such thereafter for the lifetime of the development.

REASON: To secure the public benefit of increased public understanding of this significant historic building and its history.

8.3.18 - Punctuations in walls and roofs

No additional punctuations in the external walls and roofs shall be permitted other than as shown on the drawings hereby approved.

REASON: To ensure that special regard is paid to protecting the special architectural and

historic interest and integrity of the building.

8.3.19 - Roof access barrier condition

The approved roof level maintenance barrier shall be returned to the down position at all times when the roof is not being immediately accessed.

REASON: To ensure that the barrier is not left in an unsightly state and that special regard is paid to protecting the special architectural and historic interest and integrity of the building.

8.3.20 - Conditions meeting

Before the start of works a site meeting shall be held between the Local Planning Authority and the persons responsible for undertaking the works to ensure that the conditions attached to the Listed Building Consent are understood and can be complied with in full. Notification of the date and time of a meeting shall be made in writing to the Local Planning Authority.

REASON: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building.

8.4 Recommendation D


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

9.0 INFORMATIVES

A reason for approval is required quoting all the Local Plan and London Plan policies listed at sections 5 of this report. In addition the following informatives should be added:

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

NSI Construction activities audible at the facade of the nearest noise sensitive premises shall only be carried out between the specified hours: Monday to Friday 08:00-18:00



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hours; Saturdays 08:00-13:00 hours; at no time on Sundays and Public Holidays unless otherwise agreed in prior consent to the Local Authority under the provisions of Section 61 of the Control of Pollution Act 1974.

NSI In aiming to satisfy the secure by design condition, the applicant should seek the advice of the Police Designing Out Crime Officers (DOCOs). The services of the Police DOCOs are available free of charge and can be contacted via docomailbox.ne@met.police.uk or 0208 217 3813.

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

ALED RICHARDS
Director, Public Realm

NO.	BACKGROUND PAPERS	NAME/DESIGNATION AND TELEPHONE EXTENSION OF ORIGINAL COPY	LOCATION CONTACT OFFICER
1.	<p>Application documents and LBH policies/guidance referred to in this report are available for inspection on the Council's website.</p> <p>Policy/guidance from other authorities/bodies referred to in this report are available for inspection on the website of the relevant authorities/bodies</p> <p>Other background papers referred to in this report are available for inspection upon</p>	Catherine Slade x8056	2 Hillman Street, London E8 1FB

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	<p>request to the officer named in this section.</p> <p>All documents that are material to the preparation of this report are referenced in the report</p>		
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APPENDIX A – Site photos

Site and context, looking north:



Site and context, looking south:



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Front elevation from Linscott Road:



Front elevation looking north:



Front elevation looking south:



Rear elevation of south colonnade, including existing rear extension:



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Southern boundary of site showing relationship to neighbouring properties fronting Powerscroft Road:



Eastern boundary of the site showing relationship to Clapton Girls Academy:



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Site notices (erected Linscott Road and Powerscroft Road 14/09/2021):

