

ADDRESS: 70 Osbaldeston Road, London, N16 7DL	
WARD: Cazenove	
APPLICATION NUMBER: 2020/3710	REPORT AUTHOR: Kim Aukett
DRAWING NUMBERS: OR.70.LP, OR.70.EX.01B, OR.70.EX.02, OR.70.EX.03, OR.70.EX.04, OR.70.PR.101E, OR.70.PR.102, OR.70.PR.103D, OR.70.PR.104E.	VALID DATE: 25-11-2020
Design and Access statement (Revised) by Planning Advisory Limited, Sunlight & Daylight statement by Stinton Jones Consulting Engineers, s106 Affordable Housing Viability report (15 September 2020), s106 Affordable Housing Viability review (8 April 2021).	
AGENT: Mr Shulem Posen Planning Advisory Ltd 77 Fairholt Road Hackney London N16 5EW	APPLICANT: Mr Solomon Oestreicher Basement, 144 Osbaldeston Road Hackney London N16 6NJ
PROPOSAL: The excavation and extension of the existing basement to create a two bedroom flat at basement level. The proposal includes front and rear lightwells and alterations to the front stairs leading to the basement. New windows are proposed in the side wall at the rear of the building. Cycle parking and bin storage are proposed in the front yard.	
POST SUBMISSION REVISIONS: <ul style="list-style-type: none">• The number of bedrooms has been reduced from three to two• A cycle store has been added at the front of the property. No reconsultation was undertaken following the receipt of these amendments as the development has not been materially altered and details of the cycle storage would often be considered via an approval of details application.	
RECOMMENDATION SUMMARY: Grant planning permission subject to conditions and Section 106 legal agreement.	
NOTE TO MEMBERS: This application is presented to the Planning Sub-Committee due to a substantial level of public response received.	

ANALYSIS INFORMATION

ZONING DESIGNATION: (Yes) (No)

CPZ	Zone T	
Conservation Area	Northwold & Cazenove	
Listed Building (Statutory)		No
Listed Building (Local)		No
Priority Employment Area		Yes (POA)

LAND USE:	Use Class	Use Description	Floorspace Sqm
Existing	C3	Dwellinghouses	230.5
Proposed	C3	Dwellinghouses	292.5

PARKING DETAILS:	Parking (General) Spaces	Parking Spaces (Disabled)	Bicycle storage
Existing	0	0	0
Proposed	0	0	4 spaces

CASE OFFICER'S REPORT

1.0 SITE CONTEXT

- 1.1 The site is located on the east side of Osbaldeston Road and is occupied by a three-storey terraced property with a three-storey rear projection and ground floor extension. The surrounding properties have a similar design and there are some rear infill extensions and roof extensions in the terrace. The surrounding area is largely residential in character.
- 1.2 The site is located within an area that is subject to a Controlled Parking Zone (CPZ) and has a Public Transport Accessibility Level (PTAL) rating of 3 (on a scale of 1a – 6b where 6b is the most accessible).

2.0 Conservation Implications

- 2.1 The site is located in the Northwold and Cazenove Conservation Area; and does not contain a building of townscape merit, or a locally or statutorily listed building.

3. History

3.1 Planning history

2019/2827 - planning permission GRANTED(27/09/2019) for excavation of basement with erection of front lightwell light well and creation of 1 x 1 bed flat at basement level; alterations to front stairs leading to basement; and the addition of a sukkah roof on the existing rear extension . This permission was granted at a delegated level as no objections were received.

3.2 Enforcement history

2020/3076/ENF: The enforcement case relates to excavation work that is over a larger area than what has been approved under planning permission reference 2019/2827. The enforcement case was opened on 14/11/2020 and this current planning application was submitted on 25/11/2020 addressing the additional excavation and other proposed works.

4.0 Consultation

4.1 Date Consultation Period Started: 9th December 2020.

4.2 Date Consultation Period Ended: 14th January 2021.

4.3 Site Notices: Yes.

4.4 Press Advert: Yes.

4.5 Neighbours

Letters of consultation were sent to 11 adjoining owners/occupiers.

At the time of writing the report, thirteen (13) objections have been received. The objections were made on the following grounds:

- Overdevelopment of the property and impacts on design/architectural integrity.
- Three entrances at the front of the property is not in keeping with the conservation area. The front lightwell is too large.
- Standard of accommodation; rooms without windows and poor airflow.
- Traffic congestion and parking.
- Developer has continued to undertake development without planning permission.
- Impact of excavation on neighbouring properties/subsidence from deep excavations.
- Pressure on infrastructure such as water, gas, electric supplies, NHS, education, communication, drainage/flooding, and refuse/recycling.
- Unsettle community cohesion due to an increase in noise pollution.

- Associated additional pollution from increased vehicles.
- Building works with out of date licences.
- Future use of building as an HMO.
- Additional household waste contributing to the issue of rats and foxes.

4.6 Statutory / Local Group Consultees

4.6.1 Clapton CAAC:

No objection.

4.7 Council Departments

4.7.1 Drainage:

The site is located in a critical drainage area and is shown to have a 'medium' risk of surface water flooding. The proposal will create a self-contained flat in the basement which will change the existing use of the basement from 'less vulnerable' to 'highly vulnerable'. Conditions regarding flood resilience and or resistance measures and SuDS are recommended.

4.7.2 Waste:

No concerns. The resident will need to request a 180 litre waste bin, recycling sacks and 2 food waste caddies one for internal use and another for external use. Overall, two bins, recycling sacks, and 2 food waste caddies would be required.

4.7.3 Highways:

The development does not appear to have a significant impact on the highway. The submission of a Construction Logistics Plan (CLP) is requested to be recommended by condition, and a contribution of £500 is sought towards monitoring the CLP and Construction Logistics and Community Safety (CLOCS).

The parking team have advised that they have recently changed the operation hours of Zone T and have reduced them to 10am to 12 noon; no concerns are raised regarding the potential impact of one additional dwelling on on-street parking.

5.0 POLICIES

5.1 London Plan (2021)

- D3 Optimising site capacity through the design-led approach
- D5 Inclusive design
- D6 Housing quality and standards
- G5 Urban greening
- G6 Biodiversity and access to nature
- HC1 Heritage conservation and growth
- SI 1 Improving air quality

- SI 2 Minimising greenhouse gas emissions
- S1 4 Managing heat risk
- S1 12 Flood risk management
- S1 13 Sustainable drainage
- T3 Transport capacity, connectivity and safeguarding
- T4 Assessing and mitigating transport impacts
- T5 Cycling
- T6 Car parking

5.2 Hackney Local Plan 2033 (2020) (hereafter “LP33”)

- LP1 Design Quality and Local Character
- LP2 Development and Amenity
- LP3 Designated Heritage Assets
- LP12 Meeting Housing Needs and Locations for New Homes
- LP13 Affordable Housing
- LP14 Dwelling Size Mix
- LP17 Housing Design
- LP19 Residential Conversions
- LP41 Liveable Neighbourhoods
- LP42 Walking and Cycling
- LP43 Transport and Development
- LP44 Public Transport and Infrastructure
- LP45 Parking and Car Free Development
- LP47 Biodiversity and Sites of Importance of Nature Conservation
- LP53 Water and Flooding
- LP54 Overheating and adapting to climate change
- LP55 Mitigating Climate Change
- LP57 Waste
- LP58 Improving the Environment - Pollution

5.3 Supplementary Planning Guidance

London Borough of Hackney:

London Borough of Hackney Planning Contributions SPD (July 2020)

Northwold & Cazenove Conservation Area Appraisal (September 2010)

Greater London Authority:

Housing Supplementary Planning Guidance (March 2016)

5.4 National Planning Policies/Guidance

National Planning Policy Framework (NPPF)

Planning Practice Guidance

Technically Described Space Standards(March 2015)

6.0 PLANNING CONSIDERATIONS

6.1 Overview

- 6.1.1 Planning permission is sought for excavation of the basement to provide 1 x 2 bed self-contained unit. Including the provision of front and rear lightwells (with associated railings), new entrance steps and new windows and doors at basement

level.

- 6.1.2 Construction work has begun on the site in respect of planning permission reference 2019/2827, with excavations at basement level. An enforcement case is open reference 2020/3076/ENF as the excavation that has been undertaken is over a larger area than what has been consented under planning permission reference 2019/2827.
- 6.1.3 Planning permission reference 2019/2827 granted consent for the excavation of the basement level to provide a one bedroom flat, with the upper levels of the building from ground to second floor retained as a family sized unit. The application also granted planning permission for a front lightwell and associated basement steps, and a sukkah rooflight within the existing ground floor rear extension.
- 6.1.4 Planning permission is sought for an extension of the existing basement including excavation to increase the height of the basement, to provide a two bedroom flat with two living rooms. At the rear of the building the proposed basement level extends beyond the rear wall of the (main part of) the building and a rooflight is proposed.
- 6.1.5 Excavation is proposed at the front of the building to extend and deepen the front lightwell and the creation of an additional entrance with steps into the proposed basement flat. The extension of the front basement bay and additional glazing to the front and side panels, with a partially glazed timber door providing access to the front lightwell from the bedroom.
- 6.1.6 Excavation is proposed at the rear of the building to create the rear lightwell, the lightwell will be surrounded with safety railing together with a stair to provide access to the garden area which is bound by a 1.7m high fence to delineate the area of the garden to provide outdoor amenity space to the basement flat, with the rear part of the garden retained for the unit at the upper levels. Bifolding doors are proposed in the rear wall providing access to the outdoor amenity area.
- 6.1.7 The new unit would have two bedrooms, a kitchen dining area to the rear and a living room to the front of the unit together with two bathrooms and a storage room.
- 6.1.8 Cycle storage and bin storage is proposed within the front yard. The proposed cycle store is a wooden shed that would store two cycles. The shed has a height of 1.446m and is 1.772m long and 750mm wide.
- 6.1.9 No changes are proposed at the upper levels. A 4-bedroom family sized unit will be retained at ground to second floor as per the previous planning permission, 2019/2827 which sought to excavate the basement to create a self contained unit.
- 6.1.10 Changes to existing ground floor windows and a new window at basement level are proposed in the side wall at the rear of the building. The two windows proposed at ground floor level are unopenable obscure glazed windows.
- 6.1.11 The previous application included the addition of a sukkah roof on the existing rear extension; this has been implemented in accordance with the previous approval.

- 6.1.12 The main considerations relevant to this application are therefore:
- Principle of the development
 - Design and heritage impacts
 - Unit mix
 - Quality of accommodation
 - Potential impact upon the residential amenity of nearby occupiers
 - Drainage
 - Transport highways/cycle storage
 - Energy and Energy and Sustainability
 - Biodiversity
 - Planning contributions and Community Infrastructure Levy (CIL)
 - Consideration of Consultee Responses

Each of these considerations is discussed in turn below.

6.2 Principle of the development

- 6.2.1 The principle of extending residential buildings and their division to provide additional residential units is acceptable in land use terms, in line with relevant planning policies and guidelines, subject to consideration of the design and other impacts. The application is seeking permission for a 2 bed unit, objections have been received with regard to the use as an HMO, this is not the subject of this planning application and if the building were to be used as an HMO it is likely it would require a further submission for planning permission.

6.3 Design & Heritage Impacts

- 6.3.1 Policy LP1 of the Hackney Local Plan (LP33) (2020) requires all new development to be of the highest architectural and urban design quality; to respect and complement historic character. LP3 protects designated heritage assets from development that leads to harm without a public benefit, stating that the character of the area should be identified and responded to in the design of new development; noting that the property is located within the Northwold and Cazenove Conservation Area.
- 6.3.2 The Council's adopted SPD 'Residential Extensions and Alterations' gives detailed design guidance in relation to basement excavations and lightwells to properties across the borough. A lightwell and front stairs have been approved under planning permission 2019/2827; the proposed lightwell and associated bay windows are slightly larger. Concerns have been raised from neighbouring occupiers that three entrances at the front of the property is not in keeping with the Conservation Area and that the front lightwell is too large. The proposed front lightwell is in general accordance with the SPD guidelines, with just under 50% of the depth of the front yard being retained and the proposed bay windows match the layout of the bay windows above. The proposed door within the front lightwell is to be timber, and set within a half-brick reveal. It is located to the side of the bay where it will not be immediately visible from the streetscene. Other properties within the surrounding area have two entrances at the front of the property; in this case three are proposed, however the entrance within the lightwell will be largely hidden from streetview. No design concerns have been raised from the Council's Conservation Officers regarding the front lightwell. The proposed front lightwell is similar in scale and design to others within the terrace and on Osbaldeston Road. It is considered that the proposed

basement extension and associated lightwell within the front garden would have an acceptable impact on design and the character of the streetscene.

- 6.3.3 The proposed cycle storage shed in the front garden is located at the southern end of the front yard, with the northern end to be used for bin storage. The proposed cycle shed is a wooden shed with a height of 1.446m, and it would be visible over the front garden wall, which has a height of approximately 1.1m. The metal railings surrounding the front lightwell would be setback approximately 2m from the front boundary. It is considered that the proposed changes in the front garden would not result in an over cluttered appearance. The cycle shed is set to the side of the front garden where it is largely screened by the boundary fence. The cycle shed as shown on the submitted drawings appears to be rather bulky and a condition requiring revised details of the cycle shed is recommended.
- 6.3.4 The proposed changes at the rear of the building are acceptable in terms of design. The part of the basement level that extends beyond the rear wall of the building has a depth of 3m and is approximately 1.3m above ground level, with a lightwell that has a depth of just over 2m. The basement extension and rear lightwell will be located behind the proposed 1.7m garden fence; separating this part of the property from the outdoor amenity area for the upper level flat.

Conclusion

- 6.3.5 For these reasons, the design of the development is considered to be acceptable with regard to the site and its surrounding context, subject to conditions requiring further details of the external materials and balustrade.

6.4 Unit mix

- 6.4.1 Policy LP14 (Dwelling Size Mix) of the LP33 outlines that developments should provide the following mix of dwelling sizes for market housing: 33% of market housing should be 3-bedroom or greater and that there should be a lower percentage of 1-bedroom units than 2-bedroom units. The proposed development relates to the excavation of the basement and creation of a 2 bed unit. A family sized unit is retained at ground to second floor levels. The proposal is therefore compliant with this policy.

6.5 Quality of Accommodation

- 6.5.1 New residential developments are expected to provide a good standard of amenity for future occupiers. All new housing, both private and affordable, should be built to new nationally described housing standards, and comply with the London Plan Policy D6 (Housing quality and standards) and Policy LP2 (Development and amenity) of the Hackney Local Plan LP33, supported by the Mayor of London's Supplementary Planning Guidance: Housing (2016).

LP19 (Residential Conversions) of LP33 states that:

A. The conversion of houses to flats will be supported if all of the following criteria are met:

- i. adequate access would be provided to each dwelling; and*
- ii. each dwelling would be self-contained; and*

iii. the distinctive character of the building/area would not be adversely affected by development with particular regard to heritage assets.

B. A minimum of one family unit of 3 or more bedrooms at ground floor is provided.

Floor Area

- 6.5.2 The proposed development will result in a two bedroom unit providing accommodation for four people, with two double bedrooms. The proposed Gross Internal Area (GIA) would measure approximately 110sqm and this complies with the GIA recommended by the Nationally Described Space Standards, which requires 70sqm for a four-person, two-bedroom unit. The minimum bedroom sizes comply for double rooms.

Sunlight and Daylight Access and Outlook

- 6.5.3 A Sunlight and Daylight report has been submitted with the application that concludes that the daylight and sunlight for all rooms in the proposed flat exceed the recommendations of the Building Research Establishment publication 'Site layout and planning for daylight and sunlight, a guide to good practice' published in 2011 and the Hackney planning Guidance, the Guidance of the London Plan and accepted good practice.
- 6.5.4 The front bedroom has a window in the front wall (to the lightwell), a partially glazed door and another window that is alongside the entrance stairs. The outlook is limited to views of the front lightwell, which is considered to be acceptable. Additional amenity is provided with a door that opens into the front lightwell.
- 6.5.5 The living room at the front of the basement has daylight/sunlight access from the front bay window. The lightwell has a depth of 1.5m providing an acceptable outlook, with a non-obstructed view of 30° from the centre of the window, providing unobstructed natural light that is in accordance with the SPD guidelines.
- 6.5.6 The rear bedroom has a window that looks out to the rear lightwell. Due to the slope in the land, the rear lightwell is not very deep, with the outlook provided considered to be acceptable.
- 6.5.7 The kitchen/dining room at the rear of the basement has openable full height glazing in the rear wall providing daylight/sunlight access. Due to the slope in the land, the rear lightwell is not very deep, with the outlook provided considered to be acceptable.
- 6.5.8 Overall it is considered that the proposed basement flat will receive an acceptable quality of light and outlook and the layout is acceptable.

Private Outdoor Space

- 6.5.9 The Housing SPG (Standard 26) states that a minimum of 5sqm of private outdoor space should be provided for 1-2 person dwellings and an extra 1sqm should be provided for each additional occupant. Therefore, a minimum of 7sqm of outdoor space is required for the four-person unit. The fenced off garden space at the rear of the building has an area of approximately 12sqm and is screened off from the

remainder of the garden space that will be used by the flat in the upper levels of the building. It is considered that the private outdoor space would be acceptable.

Waste/recycling storage

- 6.5.10 Waste/recycling storage is provided at the front of the site and this is considered to be acceptable. Given the concern raised by objectors with regard to increased waste. There may be a slight increase in waste given the provision of an additional unit on site, however waste will be retained in wheelie bins provided by the Council as it would be in other properties on the Road. The applicant has demonstrated there is sufficient space to provide the required storage for both units on site.

Conclusion

- 6.5.11 Overall, it is considered that the proposed basement flat would have a reasonable layout with good room sizes. The outlook is restricted, however it is similar to what has been approved under planning permission 2019/2827, and is considered to be acceptable. Taking into consideration that the proposed flat is in a converted building rather than a new building, the proposal is considered to be appropriate from a housing point of view.
- 6.5.12 It is noted that concern has been raised from neighbouring occupiers with regard to rooms without windows and poor airflow. The rooms which do not have windows include storage and bathrooms, given these are not habitable rooms it is accepted that they would not have a window.

6.6 Potential impact upon the residential amenity of nearby occupiers

- 6.6.1 Policy LP2 of the Hackney Local Plan (LP33) (2020) states that the proposal should not cause significant harm to the amenity of neighbouring occupiers. The potential impacts of the proposal on the amenity of neighbouring properties relate to daylight/sunlight, outlook (including bulk and dominance issues) and privacy matters.
- 6.6.2 The proposal is limited in terms of building bulk that could potentially impact on neighbouring residential amenity. The proposed basement/rear extension has a height above ground level of approximately 1.3m, which would not impact on neighbouring residential amenity and would be screened by existing boundary fencing.
- 6.6.3 Objections have been received in relation to overdevelopment of the site. Having regard to the proposal being an over development of the site; the scale of development would be proportionate to the site, the front lightwell would not occupy more than 50% of the front garden area as noted above, with regard to the works to the rear the development would ensure a good sized rear garden would be retained and it is not considered to be overdevelopment of the site.
- 6.6.4 With regard to additional noise impacts resulting from an increase in occupants at the property, this is expected to be consistent with typical residential use and is not expected to have an unacceptable impact on neighbouring residential amenity.

6.6.5 Overall it is considered that the proposed changes would not result in an unacceptable detrimental impact upon neighbouring occupiers.

6.7 Drainage

6.7.1 The application site is located in a critical drainage area and is shown to have a 'medium' risk of surface water flooding.

6.7.2 The Council's Drainage team have reviewed the proposal and state no objection, As such, the scheme is acceptable, subject to conditions in respect of the sustainable drainage system and a scheme for the provision and implementation of flood resilient and resistant construction details and measures for the site against surface water flood risk. Appropriate conditions will be secured via the planning permission.

6.7.3 Subject to the above conditions, the proposal is deemed to be in line with the requirements of local and regional policy.

6.8 Transport highways/Cycle Storage

6.8.1 The subject site is located within a Controlled Parking Zone T, and a Section 106 legal agreement is required to secure planning obligations in respect of any new units being car-free development, therefore the proposed new basement unit will be secured as car free in accordance with Policy LP45.

6.8.2 Objections have been raised with regard to potential impacts of the proposal with regard to traffic congestion and parking, securing the unit as car free will reduce reliance on the private car and alleviate parking stress in the area. Furthermore, the Parking team has stated that they have recently changed the operation hours of Zone T and have reduced them to 10am to 12 noon. They do not consider that one additional dwelling would have a noticeable impact on on-street parking.

6.8.3 The London Plan 2021 sets out that 2 cycle spaces are required per dwelling, therefore a total of 4 cycle parking spaces are required for the development. Two bike stores are proposed within the front garden each providing parking for two bikes and two spaces are proposed internally for the upper level flat. Council's highways team have reviewed the proposal and have not raised any concerns regarding the proposed cycle storage.

6.8.4 Due to potential impacts of the construction phase Council's highways team have requested a condition requiring the submission of a Construction Logistics Plan (CLP), and a contribution of £500 is sought towards monitoring the CLP and Construction Logistics and Community Safety (CLOCS), this will be secured via a Section 106 legal agreement.

6.8.5 Impacts on highways are considered to be acceptable with the submission of a CLP to be required as a condition of consent and contribution of £500 towards monitoring of the CLP and Construction Logistics and Community Safety (CLOCS) to be secure by way of planning obligation in a section 106 agreement.

6.9 Energy and Sustainability

- 6.9.1 All new developments need to consider statutory requirements to reduce pollution, energy and carbon emissions, and should incorporate best practice design principles and guidance where appropriate. Policy S1 4 of the London Plan and LP54 of LP33 requires all development to regulate internal and external temperatures through orientation, design, materials and technologies which avoid overheating, in response to the Urban Heat Island Effect and addressing climate change. LP55(H) requires the development including the re-use or extension of existing buildings should achieve the maximum feasible reductions in carbon emissions and support in achieving the strategic carbon reductions target in the London Plan, while protecting, heritage and character of the buildings. Development should consider synergies with new build elements on sites and developments should seek to achieve the zero-carbon target across the site.
- 6.9.2 The proposed extension will include a sufficient level of openable windows to allow for natural ventilation and double glazing to allow for increased thermal efficiency. The proposed extensions will be constructed of modern materials and technologies, and therefore will be in accordance with policy LP55.
- 6.9.3 To avoid the practical burden on very small-scale residential development where zero carbon is unlikely to be feasible, the council has provided the option to either pay a flat carbon offset fee or to submit an energy statement and, if necessary, make a carbon offset payment. The Carbon offset fund is used for projects that deliver tangible carbon savings in Hackney. This is in line with the Mayor of Hackney's Climate Emergency Declaration, including the target to 45% reduction in emissions against 2019 levels by 2030 and to be net zero carbon by 2040. It will also contribute to the Mayor's aim of London becoming a zero carbon city by 2050. The applicant has opted to pay a Carbon Offsetting small sites contribution in lieu of providing an energy statement of £1,000, and this is to be secured as a planning obligation by way of a section 106 agreement .
- 6.9.4 Overall, the proposal is considered to result in a sustainable form of development.

6.10 Biodiversity

- 6.10.1 LP47 states that all development should protect and where possible enhance biodiversity leading to a net gain, advocating that biodiversity be addressed and enhancement measures incorporated into design where appropriate. The proposed development will retain a good sized rear garden with a large tree at the rear of the garden. The proposed development is clear of the protected root zone of this tree. The proposal would not have an adverse impact on biodiversity.

6.11 Planning contributions and Community Infrastructure Levy (CIL)*Affordable Housing*

- 6.11.1 LP13 'affordable housing' of LP33 states 'Schemes which fall below the 10 unit threshold will be required to provide on-site provision or payments in lieu up to the equivalent of 50% of housing delivered as affordable housing, subject to viability. A viability assessment was provided by the applicant to demonstrate that it is not

feasible for the development to pay an affordable housing contribution, which was reviewed on behalf of Council by Strettons. The required affordable housing contribution is £8,950.00 and this is to be secured by way of a legal agreement.

Legal Agreement

- 6.11.2 Recommended heads of terms for the legal agreement in respect of the proposed development being a car-free development, a Carbon Offsetting small sites contribution, affordable housing contribution, and a contribution towards the monitoring of the CLP and Construction Logistics and Community Safety (CLOCS).

Community Infrastructure Levy (CIL)

- 6.11.3 The floorspace resulting from the proposal would be CIL liable, which in this case would comprise Mayoral CIL of £35 per sqm (or part thereof) and Hackney CIL (zone C) of £55 per sqm (or part thereof). A total of 110sqm floor area is proposed, with a CIL payment required of (110 x 35 = 3,850) plus (110 x 55 = 6,050) equals £9,900.

6.12 Consideration of Consultee Responses

- 6.12.1 In general, the response to issues raised by consultees has been outlined in the main body of the report, However there were additional consultation questions that are dealt with here:

The developer has continued to undertake development without planning permission.

Officer's Response. This is not a material planning consideration and the proposed works are assessed according to the relevant policies.

Impact of excavation on neighbouring properties/subsidence from deep excavations.

Officer's Response: This is considered to be a building regulations matter.

Pressure on infrastructure such as water, gas, electric supplies, NHS, education, communication, drainage/flooding, and refuse/recycling.

Officer's Response: Impacts on drainage/flooding are discussed above. It is considered that it is unreasonable to state that one additional two-bedroom flat is going to have an unacceptable impact on other infrastructure.

Unsettle community cohesion due to an increase in noise pollution

Officer's Response: It is considered that it is unreasonable to state that one additional two-bedroom flat is going to have an increase in noise pollution that will unsettle community cohesion.

Associated additional pollution from increased vehicles.

Officer's Response: One additional two-bedroom flat will have a negligible impact on pollution given the scale of development proposed and existing number of vehicles on the street.

7.0 CONCLUSION

- 7.1 The principle of the development of the site is considered acceptable in land use planning terms and in accordance with policy objectives within Local Plan 2033, the London Plan (2021) and National Planning Policy Framework.
- 7.2 The proposed development is located at basement and ground floor levels. The proposal is acceptable in terms of impacts on the design of the building and it is in keeping with the character of the wider area and does not fail to preserve or enhance the character and appearance of the Northwold and Cazenove Conservation Area.
- 7.3 The proposed basement flat would provide a reasonable standard of accommodation to future occupants. The submitted Sunlight and Daylight report concludes that the daylight and sunlight for all rooms in the proposed flat would be in compliance with accepted guidelines and good practice. The outlook is restricted, however it is similar to what has been approved under planning permission 2019/2827, and is considered to be acceptable. Taking into consideration that the proposed flat is in a converted building rather than a new building, the proposal is an appropriate development from a housing point of view.
- 7.4 The development provides housing which would contribute to the borough's housing supply. The proposal is acceptable in planning terms in all other respects, including the impact on amenity of adjoining residents, the transport impact, sustainability and energy efficiency measures and its impact on local biodiversity.
- 7.5 The proposal is, on balance, therefore deemed to comply with pertinent policies and the granting of permission is recommended, subject to conditions and the completion of the legal agreement.

8.0 RECOMMENDATIONS

8.1 Recommendation A

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

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 - Detailed Drawings & External Materials

Detailed drawings/full particulars of the proposed development showing the matters set out below must be submitted to and approved by the Local Planning Authority, in writing, before any relevant work is commenced. 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/use of the development and retained thereafter.

1. Details of all materials to be used on the external surfaces of the building, including the metal balustrades around the front lightwell.
2. Details of the proposed door within the front lightwell in the form of a 1:20 elevation.
3. Revised detailed drawings of the cycle shed whereby consideration is given to reducing the overall bulk of the shed.

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

REASON: To ensure that the external appearance of the development is satisfactory, and preserves or enhances the character and appearance of the Graham Road and Mapledene Conservation Area.

8.1.4 - Demolition and Construction Management Plan

No development shall take place until a Construction Logistics and Traffic Management Plan (CLTMP) has been submitted to and approved in writing by the Local Planning Authority in conjunction with Transport for London and the Council's Traffic and Transport Team. The CLTMP shall include a full construction traffic impact assessment, details of the construction traffic route and a construction traffic management plan to include details of the following:

- (a) loading and unloading of plant and materials;
- (b) storage of plant and materials;
- (c) programme of works (including measures for traffic management); and
- (d) provision of boundary hoarding behind any visibility zones.

The construction should thereafter take place in accordance with the measures identified within the approved documents.

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

8.1.5 - Sustainable Urban Drainage

Within three months of the date of this planning permission, a detailed specification and a drainage layout of at least one suitable sustainable drainage systems (i.e. water butt, raingarden, bioretention planter box, living roof (substrate depth of 80-150mm excluding the vegetative mat), permeable paving, etc.) shall be submitted to, and approved by the LPA, in consultation with the LLFA. If soakaways i.e. plastic modules and soakaway rings are used, an infiltration test must be carried out to

ensure that the capacity of the soil is suitable for infiltration. It must be demonstrated that there will be no increase in surface water flow being discharged offsite and an overall reduction in peak flow rate and volume.

REASON: In the interests of prevention of exacerbation of surface water flood risk to adjoining land.

8.1.6 – Flood Resilience and Resistance

Within three months of the date of this planning permission, a report (including intrusive investigation/trial pit and monitoring where necessary) demonstrating that the basement development will not increase the potential for groundwater flooding to itself or to the surrounding area during and post construction shall be submitted to the Local Planning Authority for approval. Where groundwater is identified as a potential risk, details of appropriate controls including flood resilience and/or resistance measures shall be submitted to the LPA for approval and the approved measures incorporated before the basement is occupied. The basement shall be constructed and completed in accordance with the approved plans in line with BS 8102:2009 code of practice for "protection of below ground structures against water from the ground".

REASON: To protect future users against the risks of groundwater flooding in this critical drainage area with a high risk of surface water flooding.

8.1.7 - Non CHP boilers

Any non-CHP space and hot water fossil fuel (or equivalent hydrocarbon based fuel) boilers must achieve dry NOx emission levels equivalent to or less than 30 mg/kWh.

REASON: To protect air quality and people's health by ensuring that the production of air pollutants, such as nitrogen dioxide and particulate matter, are kept to a minimum 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.

8.2 Recommendation B

That the above recommendation is subject to completion of a section 106 agreement that secures the following matters to the satisfaction of the Head of Planning and the Director of Legal and Governance Services.

- Car Free Agreement – to restrict future occupants of the new basement unit from obtaining parking permits to park in the surrounding CPZ bays.
- A carbon Offsetting small sites contribution of £1,000.
- A contribution of £500 towards the monitoring of the CLP and Construction Logistics and Community Safety (CLOCS).
- An affordable housing contribution of £8,950.

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 legal agreement, payable on or prior to completion of the deed.

- Monitoring costs payable on or prior to completion of the legal agreement.

8.3 Recommendation C

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:

NSI Construction Hours

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 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.

Hours Of Building Works

(Monday to Friday 08:00-18:00 hours; Saturdays 08:00-13:00 hours; at no time on Sundays and Public Holidays) Your attention is drawn to the provisions of Section 60 of the Control of Pollution Act 1974 which imposes requirements as to the way in which building works are implemented including the hours during which the work may be carried out. This Act is administered by the Councils The Pollution Control Service, 1, Hillman Street, Hackney, E8 1DY Telephone No: 020 8356 3000. You are advised to consult that Division at an early stage.

Naming And Numbering

Your attention is drawn to Section 5, and the Regulations made under Section 12 of the London Building Acts (Amendments) Act 1939. Section 5 requires that any proposed name for a street, way, place, row of houses or block of buildings should be submitted to the Council for approval, allowing sufficient time for the statutory consultation process. Section 12 relates to the marking of numbers and names of buildings and to the necessity for you to display such number(s) or name(s). Information may be obtained from, and application under Section 5 should be made to, The Naming and Numbering Officer, The Building Control Service, Directorate of Safer Neighbourhoods, 2 Hillman Street, E8 1FB, Telephone No: 020 8356 5000.

Section 106 (Legal Agreement)

Your attention is drawn to the fact that there is a Section 106 (Legal Agreement) associated with this consent. This consent shall be in full accordance with the requirements of the S106 Agreement.

Community Infrastructure Levy

Please note that if this development is liable for payment of the London Mayor's Community Infrastructure Levy (Mayoral CIL 2) and/or the London Borough of Hackney's Community Infrastructure Levy (Hackney CIL), you must submit all necessary forms to CIL.S106@Hackney.gov.uk within the specified time frames as set out in the CIL Regulations 2010 (as amended). Failure to do so may result in surcharges being applied and/or invalidate any relief claim approved or otherwise. Further details on the CIL regulations 2010 (as amended) as well the associated CIL forms can be found at https://www.planningportal.co.uk/info/200126/applications/70/community_infrastructure_levy You can also contact the Council's Planning Service at CIL.S106@Hackney.gov.uk if you have any queries regarding whether your development is CIL liable, the process for making CIL payments or applying for relief. Please note that if your application has been refused and an appeal to the Planning Inspectorate overturns this decision, the approved development would still be liable for payment under the CIL regulations 2010 (as amended).

Signed.....

Date.....

ALED RICHARDS

Director, Public Realm

NO.	BACKGROUND PAPERS	NAME AND TELEPHONE EXTENSION OF ORIGINAL COPY	LOCATION CONTACT OFFICER
1.	<p>Application documents and LBH policies/guidance referred to in this report are available for inspection on the Council's website.</p> <p>Policy/guidance from other authorities/bodies referred to in this report are available for inspection on the website of the relevant authorities/bodies</p> <p>Other background papers referred to in this report are available for inspection upon request to the officer named in this section.</p> <p>All documents that are material to the preparation of this report are referenced in the report</p>	Kim Aukett x4740	kim.aukett@hackney.gov.uk .

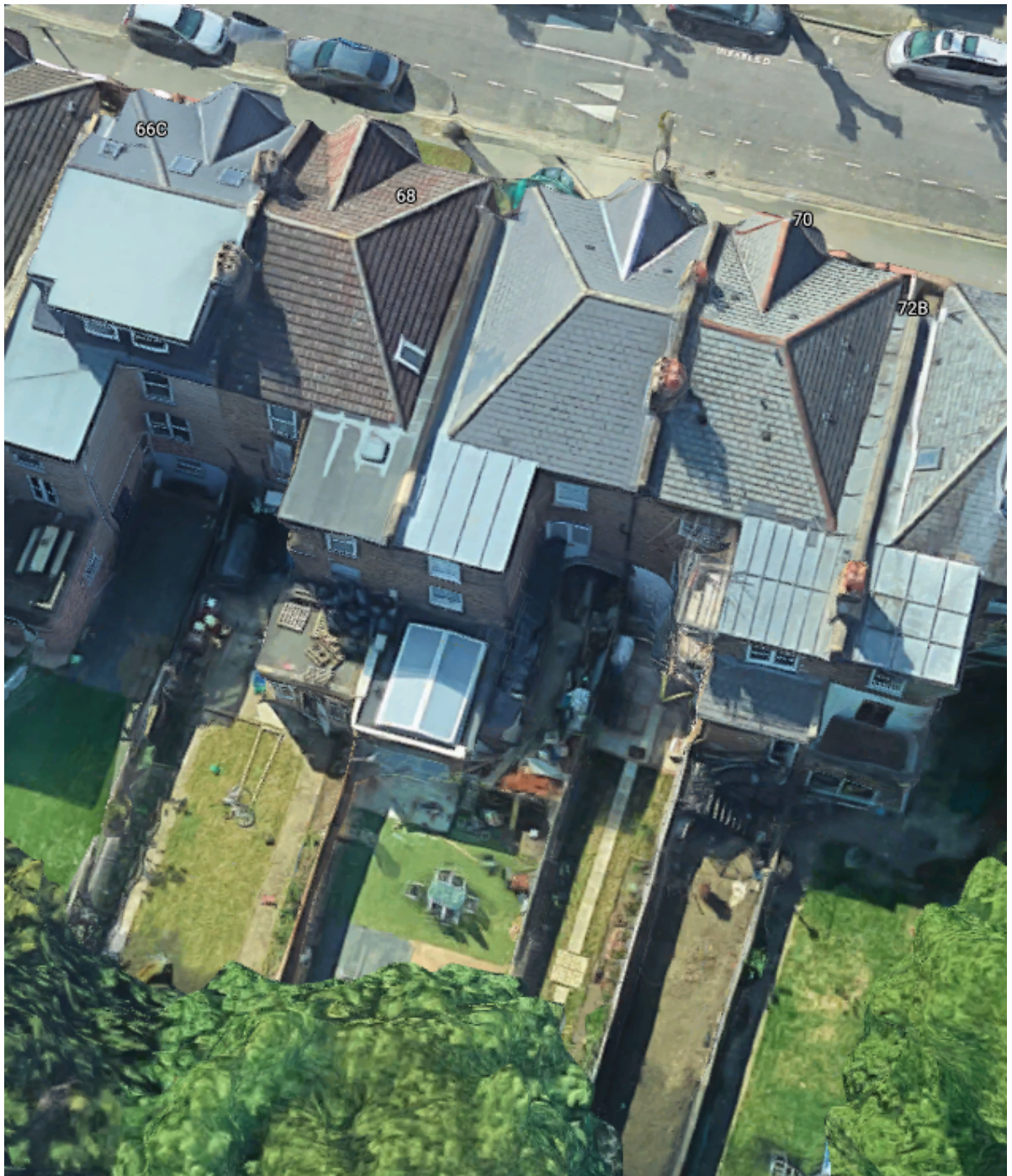
APPENDIX A – Site photos



Front of property (there are now hoardings around front of property):



Rear of property (photo from 2019 officer report; site visited 19/09/2019):



Aerial view of rear:



Recent photo of basement works: