

Planning Sub-Committee 22/02/2023

ADDRESS: Land to the rear of 160 Dalston Lane, Hackney, London, E8 1NG	
WARD: Hackney Central Ward	REPORT AUTHOR: Micheal Garvey
APPLICATION NUMBER: 2021/3175	VALID DATE: 26/10/2021
<p>DRAWING NUMBERS:</p> <p>643-EX-100-P1, EX-101-P1, EX-201 P1, EX-300 P1, EX-301 P1, PL-010 P4, PL-099-P4, PL-100 P4, PL-101 P4, PL-102 P4, PL-103 P4, PL-104 P4, PL-201 P2, PL-202-P1, PL-203 P1, PL-300 P3, PL-301 P2, PL-302 P1, PL-303 P1, PL-304 P1, PL-305 P1. JDL-160DL-PL-02 Rev A</p> <p>Documents: Design and Access Statement prepared by GPAD architects ; Heritage Statement, prepared by Ray Rogers; Planning Statement prepared by Maddox Planning, FRA & Suds Strategy Report prepared by eb7; Landscaping Addendum prepared by GPAD architects; Travel Plan prepared by Arden consultant engineers; Noise & Vibration Impact Assessment prepared by ALN acoustic design limited; Outline Fire Safety Strategy report prepared by Ashton Fire; Bruckl Output documents prepared by Geoff Farr; Energy & Sustainability Statement prepared by eb7; BREEAM Accredited Professional Stage 2/3 Pre-assessment report prepared by eb7; Preliminary Ecological Appraisal prepared by Greengage; Biodiversity Impact Assessment prepared by Greengage; Urban Greening Factor Assessment prepared by Greengage; Air Quality Assessment prepared by Redmore Environmental ref:4340r5 ; Land Contamination reports parts 1-5 prepared by Pam Brown Associates; Delivery and Servicing Plan prepared by Arden consultant engineers; Outline Construction Logistics Plan prepared by Arden consultant engineers; Transport statement prepared by Arden consultant engineers;</p>	

Landscaping document prepared by John Davies; Daylight & Sunlight revision 4 impact assessment prepared by eight associates; Interior daylight Analysis prepared by Eight Versa. Viability Study prepared by Turner Morum; Marketing Strategy prepared by Belchak Corin, Facade shading prepared by GPAD architects, TM59 Thermal comfort analysis prepared by The PES	
APPLICANT: % Agent	AGENT: Max Plotnek MJP Planning, 31 Howden Road, London SE25 4AS
PROPOSAL: Demolition of existing warehouse to rear of 160 Dalston Lane and erection of four storey building plus basement to facilitate a mixed use building comprising of commercial floorspace (use class E) and 15 residential units (use class C3) with associated landscaping, refuse stores, cycle parking and disabled parking.	
POST SUBMISSION REVISIONS: <ul style="list-style-type: none"> • Revisions to the north elevation by reducing the bulk • Updated BRE report • Updated overheating assessment <p>Further consultations were required on the amendments</p>	

RECOMMENDATION SUMMARY: <i>Grant conditional planning permission subject to completion of a legal agreement</i>
NOTE TO MEMBERS: This application is referred to members due to the level of public interest received.

ANALYSIS INFORMATION

ZONING DESIGNATION:	(Yes)	(No)
CPZ	X	
Conservation Area	X	
Listed Building Statutory		X
Listed Building Local		X

LAND USE	Use Class	Use Description	Floorspace
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DETAILS:			
Existing	E1	Office/Studio	677 sqm
Proposed	E1	Office/Studio	648 sqm
Proposed	C3	<i>Residential dwelling</i>	1071 sqm

RESIDENTIAL USE DETAILS:	Residential Type	No of Bedrooms per Unit				
		1	2	3	4	5+
Existing	0	0	0	0	0	0
Proposed	<i>Flats</i>	5	9	1	0	0
Totals	<i>(Total = 15)</i>					

PARKING DETAILS:	Parking Spaces (General)	Parking Spaces (Disabled)	Bicycle storage
Existing	0	0	0
Proposed	0	1	51

1. SITE CONTEXT

- 1.1 The site is located within the setting of a number of listed buildings and is located directly to the rear (south) of the Grade II listed 160 Dalston Lane. The property at 160 Dalston Lane is described by Historic England as “Second quarter of C18 building of 3 storeys, attic and basement, 3 windows. High-pitched tiled mansard with dormers. Stock brick with stone-coped parapet and red brick dressings including bands at 1st floor, 2nd floor and cornice levels. Gauged flat brick arches to sash windows with glazing bars in stucco-lined reveals. An added left entrance extension (now with part of a modern building above it) holds 6-panel door in late C18 Doric doorcase with engaged columns, whose dentilled capitals are continuations of the cornice head, triglyph frieze and open pediment. Fanlight with interlaced bars in architrave with triple key.” The proposed development is located within the historic curtilage of the property.
- 1.2 160 Dalston Lane is a five-storey building in use as flats and attached to it is the three-storey building known as Marlow House also in use as flats. The application site is accessed via an undercroft below 160 Dalston Lane and is described below.
- 1.3 The application site comprises a two-storey warehouse in use as offices and studios. The building has a T-shape design as a result of extensions to the main warehouse building which has a centrally pitched roof with gable ends

and is clad in corrugated metal. The main building extends the full width and breadth of the site. There appear to be two smaller additions to the rear which extend up to the site's boundary with the railway line and beyond the plot boundary to the east and west adjoining with the rear of nos.156-158 and 162 Dalston Lane. The building appears to date from the 20th century and is characterised by considerable incremental additions. It is considered to make a neutral contribution to the character and appearance of the Graham Road and Mapledene Conservation Area.

- 1.4 To the east (facing the site) nos.156-158 Dalston Lane are two blocks of flats (Aspen Court & Maple Court) which are located on the same land. Maple Court is a part four and part five storey in an L-shape design. The five storey block faces the railway line and the four storey block abuts the flank elevation of the application building. There are balconies facing the railway line and a communal garden. The frontage building at nos. 156-8 Dalston Lane is Aspen Court, a five storey building that has a much deeper footprint than no.160. These buildings are unlisted but are within the conservation area.
- 1.6 To the west is Carrara Mews, at 162 and 162a Dalston Lane, which comprises six, two storey houses which abut the flank wall and are smaller in height than the application building.
- 1.7 To the south rear lies a railway line against which the application site sits as do a number of other buildings on adjoining sites. An Ordnance Survey Map dated 1870 shows these properties on Dalston Lane as houses with long gardens. In 1910 a warehouse building is seen at the rear of 162/162A (now Carrara Mews) and by 1950 there a number of works at the following sites:-
 - Rear of 154 Dalton Lane - furniture works
 - Rear of 156-8 Dalston Lane - engineering works
 - Rear of 162-162A Dalston Lane - leather works
 - Rear of 164-168 Dalston Lane - warehouse

2. CONSERVATION IMPLICATIONS

- 2.1 The application property is not listed but lies within a conservation area and is also within the setting of the Grade II listed building at no.160 Dalston Lane which occupies the front portion of the site.
- 2.2 The following statutory listed buildings lie within the immediate setting:-
 - Numbers 162- 168 Dalston Lane Grade II.
- 2.3 Conservation areas are protected through the Planning (Listed Buildings and Conservation Areas) Act 1990. Section 72 states: "*special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*"
- 2.4 The setting of a listed building is protected by virtue of the Planning (Listed

Buildings and Conservation Areas) 1990 Act Section 66: "...the local planning authority...shall have special regard to the desirability of preserving the building or its setting..."

- 2.5 The NPPF paragraph 199 states, "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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance".

3 RELEVANT HISTORY

- 3.1 Other than an application for air conditioning units and the pre-application advice given for the site, the main planning history relates to the building fronting Dalston Lane.
- 3.2 2013/4099- Retention of nine air-conditioning units on the roof at the rear of the building. Granted 25/06/2014.
- 3.4 2012/0916- An application was withdrawn for "change of use from B1 use light industrial to B1 use business/office to provide 6 media/recording studios. Provision for 5 motorcycle and 15 bicycle parking spaces in the yard. Hours of Opening: Monday-Sundays 09:00 - 23:00".

Surrounding history

- 3.5 2002/1801- (156-158 Dalston Lane) Planning permission granted for redevelopment to provide 2 x 4 and 5 storey blocks (with basement) totalling 31 residential flats (comprising 17 x 1 bedroom, 6 x 2-bedroom and 8 x 3-bedroom flats), provision of 2 disabled parking spaces with access from Dalston Lane).
- 3.6 2015/2780 (PP) & 2015/2858 (LBC) – (160 Dalston Lane) Demolition of rear extension, erection of a four storey rear extension with balconies, front and rear elevation alterations, and internal alteration/reconfiguration to provide 7 self-contained dwellings (use class C3) comprising 2 x studio, 2 x 1 bed, 1 x 2 bed and 2 x 3 bed units. Granted 27/10/2016.

4. CONSULTATIONS

- 4.1 Date Statutory Consultation Period Started: 10/12/2021
- 4.2 Date Statutory Consultation Period Ended: 04/01/2022
- 4.3 Reconsultation: 23/12/2022-16-01/2023
- 4.4 Site Notice: 19-11-2022
- 4.5 Press Advert: 19-11-2022
- 4.6 Consultation letters were sent to 94 consultees
- 4.7 The post-submission revisions to the scheme reduced the scale, updated

BRE report, updated overheating assessment. Following reconsultation no new issues were raised.

4.8 21 representations have been received in total. 16 were objections and five letter of comments as follows:-

- The development would create dust, and excessive levels of noise pollution
- Loss of daylight
- Loss of privacy and overlooking
- Loss of views
- Lack of a BRE report
- There will be noise and disturbance due to increase in footfall especially the inclusion of the commercial unit.
- Overbearing
- The south elevation will dominate and overshadow properties.
- Height not sympathetic to the height of Carrara Mews to the east, which are two storey
- The scale and massing is unacceptable to the southern 4 storey building
- No rear elevations showing the rear of 160 and 162A Dalston Lane
- Limited landscaping
- Greater in scale and height than surrounding buildings and intrusive on the listed building of 160 Dalston Lane and Carrara Mews, while it presents a high blank wall to its southern elevation and reduces light to all the surrounding properties through its excessive height. The proposed scheme is an over-development of such a constraint site
- Inadequate parking and access
- Too many flats
- The site is small and cramped to contain flats and commercial units
- Concern for ground stability and drainage
- The bins are located against the wall of Flat 1, 162a and will cause noise from emptying the bins

Comments

- Review of the air quality assessment notes that the impacts are seen as not significant, however from review of the figures resulting from the dust created during the construction process without suitable mitigation has the potential to cause harm. Further assessments and investigatory work is required.

Officer comment

The air quality monitoring team raise no objections and requires further details that the energy system installed is air quality neutral.

- Contamination; A Phase 1 Desk Study in relation to contamination has been submitted, and note a number of further studies are required and will be required to be submitted via conditions prior to development commencing.

Officer comment

Relevant conditions have been attached in relation to risk assessment and post-development verification report

- Heritage Asset Impact; The Heritage Statement states that the architectural interest of 160 Dalston Lane (building located at the front of the site) has been compromised by its attachment to a modern building, which in turn has detrimentally affected its setting as well as overshadowing the appearance of the rear elevation. Whilst it is true that there is an attachment to a more modern building it can be successfully argued that this attachment does not overshadow or detract from the significance of 160 Dalston Lane nor the reasons in which it was nationally listed. The attachment to a modern building does not in itself enable for a large development to the rear. Indeed, if such an attachment has significantly affected the setting of 160 Dalston Lane then surely it brings into question the suitability of that which is proposed? Locally 160 Dalston Lane has been a feature within the street scene since the 1800s, prior to its recent careful and sensitive restoration local historic groups were urging for it to be restored noting its significance at both a national and local level.

Officer comment

The proposed building is considered acceptable within the setting of the listed building in terms of height, design and heritage impact.

- The Daylight and Sunlight Report appears flawed, missing the ground floor rear of 160A Dalston Lane.

Officer comment

An updated daylight report has been submitted and uploaded to the website.

- Construction and Access: It is detailed within the Outline Construction Logistics Plan that contractors will be notified that vehicles to the site will be a maximum height of circa 4.5m and that a management plan will be considered to fully control vehicles access. Owing to the single access point that has height restrictions and the lack of waiting areas for passing vehicles on and off the site with double yellow lines in force, it is viewed as an essential element should planning approval be achieved.

Officer comment

To mitigate the negative impact on the surrounding highway network a detailed Construction Logistics and Management Plan has been recommended by condition.

- The proposal includes commercial space within Use Class E, under permitted development rights and the changes of use, Class E can be converted to residential. Any approval should remove permitted

development rights and prevent the space as residential.

Officer comment

A condition has been attached restricting certain flexible uses within the E class.

- The film studios occupying the site and should be protected as per Policy LP8 Social and Community Infrastructure proposal involving the loss of existing social and community infrastructure, subject to replacement facility of equivalent or submit a year of active marketing that the facility is no longer required.

Officer comment

A recording studio is not considered a community asset and therefore is not relevant to policy LP8

- There are no documents related to noise and therefore a noise survey should be carried out.

Officer comment

Noise reports have been submitted.

- A viability report has been submitted which details that affordable homes are not viable for this development and therefore affordable housing contributions should be sought by legal agreement.

Officer comment

Given the shortfall, a financial contribution will be sought by legal agreement.

- Heat pumps make noise and request that a ground water sourced heat exchange (that does not operate with a fan) to minimise any noise.

Officer comment

A noise report has been submitted and the Environmental Protection Team considers that noise levels are acceptable.

- Servicing is problematic - No bin space for commercials. Commercial spaces are unsatisfactory and unlikely to be let. Why not make it all residential? Some routes to flat front doors are unsatisfactory. The overall site layout would lead to a number of constraints and result in low quality residential amenity for the proposed units. The access to the flats is unnecessarily complex as is access to bike and bin stores. Residents would have to carry their waste a long distance from flats to stores and collection would be difficult due to the narrow site entrance.

Officer comment

The commercial bin store is located between commercial units 1 and 2 and Waste Management Team raise no objections. The commercial spaces are acceptable and a draft marketing strategy has been provided

and a more detailed one will be provided. The entrances to the flats are located between commercial units 2 and 3, except flat 7 which is located next to the southern section. All are considered acceptable in terms of location and strategies for collection will be agreed upon.

- The existing building is considered a shed and we welcome the replacement building, as there has been anti-social behaviour for years.
- The site notice was not visible.

Officer comment

Site notices were posted opposite the building and adjacent buildings.

- A resubmission is required which matches the height of Stanford Mews to minimise impact on the light and aspect of surrounding properties, a reduced number of residences and either constrictions on the usage clause of the commercial spaces or a purely residential nature to the development.

Officer comment

The height accords with the two five storey buildings to the west, (Aspen Court and Maple Court) and the Conservation Urban Design and Sustainability Team raise no objections to the height.

- Existing building- The property is used as studios for musicians, and filmmakers. To find another site is very challenging.

4.9 Statutory / Local Group Consultees

4.9.1 HSR (High Speed Rail)

Network rail requires a number of conditions to protect the safety of the railway line.

4.9.2 Thames Water

We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk. Application forms should be completed online via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the

planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer.

Water Comments

If you are planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at thameswater.co.uk/buildingwater.

On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning application. Thames Water recommends the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

4.9.3 Conservation Area Advisory Committee:

Impressed with the thought and detail that has gone into this application.

4.9.4 Hackney Society

The proposed development is positive that it would remove an unsightly warehouse building which presents noise issues for surrounding neighbours as well as negatively impacting the setting of a listed building and conservation area. The development presents a number of issues in relation to scale, design and layout. The four-storey building containing 4 commercial units at ground floor level and 15 residential units on upper floors is over development.

Officer comment

The proposed development maximises the full use of the land and the amount of residential units supports and supplements the redevelopment. On such sites mixed uses are encouraged to support the delivery of housing in the borough. The scale and bulk of the development has been reduced and set backs included to ensure that the massing of the development is appropriate and responds to the site context, including preserving the setting of the listed building and the conservation area. There are no significant amenity impacts as a result of the proposals and therefore the scheme as revised is not considered to be an overdevelopment of the site.

The proposed development would be a storey higher than the mews building at Carrara Mews. The height of the proposed building would also lead to an increased sense of enclosure for neighbouring properties, particularly the listed building 160 Dalston Lane, which would also cause harm to the setting of the listed building making appreciation of its rear facade more difficult, as well as other residential properties on Dalston Lane with south facing views. While there are no strong objections to the detailed design and architectural

style of the proposed development which, the scale and massing are too large for the site in consideration of its relatively constrained nature. The resultant development would appear cramped and squashed reducing the sense of openness for the immediate surroundings.

Officer comment

The proposed height and bulk matches that of Carrara Mews where the two buildings sit next to each other on the boundary. The height then increases in stages but is set well into the site with the main bulk of the building adjoining the 4 and 5 storey development at the rear of nos.156-158. The difference between Carrara Mews and the new building is therefore considered acceptable.

The proposed building has been set back from the listed building at no.160 and pulled back at the upper levels so as not to adversely affect its setting.

The concentration of 15 residential units and 4 commercial units into a relatively narrow and constrained plot will lead to a number of issues relating to servicing. Firstly, there is only a single point of access to and from the public highway, therefore any servicing vehicles accessing the site for deliveries will block this passage making pedestrian or cycle movements to and from the site difficult. Furthermore access to the proposed accessible parking space will be restricted when servicing vehicles are occupying the entrance passage to the site. Finally, the arrangement of the development would make waste management an overly laborious procedure for residents. Located at the southern end of the site at ground floor level, residents would need to exit their flats, walk along the access corridors and down staircases and then back through the shared amenity space before reaching the bin store. It would also be an excessively long distance for waste collection operatives to travel from the public highway of Dalston Lane to the residential waste store, and to a lesser extent the commercial waste store, which would require them to pass through the shared amenity space.

Officer comment

A detailed Servicing and Delivery Plan is required by condition. No vehicles would be permitted to obstruct the entrance or the disabled parking space. It is important to note that the existing warehouse has been serviced via the undercroft access for many years. The Waste Management Team have agreed to a collection point to the front of the property and the applicant will be required to provide further details of how residents would be assisted with the waste transported from the south corner to the collection point.

Many of the rooms are single aspect and therefore would receive limited amounts of light, particularly those with only an eastern aspect. The layout of a number of rooms, particularly bedrooms, appear awkward with triangular or irregular forms.

Officer comment

An internal daylight assessment has been carried out and the main habitable rooms pass the BRE Assessment.

Access to bike and bin stores is overly complicated making day to day management of waste and use of bicycles is difficult. Finally, the private amenity space of a number of flats would directly overlook the shared amenity space of the development. Therefore any activity in the shared amenity space, for example people accessing bin and bike stores or coming and going from the 4 commercial units would be an intrusion on the private amenity spaces. Some of the rooms are slightly angular in shape but all provide satisfactory living spaces that are fit for purpose.

Officer comment

The location of the cycle and refuse stores are considered appropriate. Full details of how refuse will be collected is yet to be finalised but the location and approach has not been objected to by the Waste Management Team. The proposed courtyard provides a communal area for sitting out and much needed landscaping at the site, which is currently all hardstanding. This improves the appearance and setting of the development. There are biodiversity gains with this approach and a communal courtyard was the best solution to meeting these requirements. Some of the balconies will overlook the courtyard and this would be no different from the properties to the west where the communal garden is overlooked by balconies and indeed in a constrained location it is preferable to have the courtyard area than not to.

While the principle of the proposed development is considered acceptable, the overconcentration of commercial and residential uses raises questions over how usable and viable the development would be when built-out. Unfortunately it is likely that the proposed commercial units would only be viable for a number of uses and their presence would conflict with the amenity of residents within the development. The innovative approach to development's configuration and design as a compact mews building is applauded, however the scale of the development is too large for the plot of land with its various constraints in relation to accessibility and access to light. A smaller scale proposal should be considered instead which will ensure a good standard of accommodation for residents and vitality and easy functioning for the commercial units.

Officer comment

Uses such as a cafe or restaurant or other noise generating uses would not be permitted and is covered by condition. Employment and residential uses have existed at this and the adjoining sites for a number of years. The new commercial units would be less intensive with less vehicle movements than the existing warehouse/studio use and are considered to be more compatible.

4.9.5 Hackney Swift Society

We welcome the proactive inclusion of green roofs, and we request that these are a biodiverse type in accordance with the Hackney Local Plan. The Greengage Preliminary Ecological Appraisal proposes several further

recommendations (Enhancement section 5.15, page 17), although we could not identify these within the design documents. We request that these proposed enhancements are implemented, in particular a significant number of swift bricks, which provide nest space for both swifts and sparrows.

Officer comment

This is secured by condition.

4.9.6 Council departments

4.9.6.1 Transport:

No objection subject to conditions for cycle parking, Demolition and Construction Method Plan, Delivery and Service Plan, and a CPZ parking permit restriction. In addition, a Travel Plan must be submitted, car club credit membership provided, and a contribution made towards highway works.

4.9.6.2 Floods & Suds:

We have reviewed the SuDS Drainage Statement and, subject to conditions regarding the detailed design of the drainage system, green roof, rainwater harvesting and SuDS maintenance plan, the scheme is acceptable in this regard.

4.9.6.3 Land Contamination:

A detailed phased contaminated land risk assessment to be undertaken. Following this a post-development verification report should be produced fully set out any restrictions on the future use of a development and demonstrate that arrangements have been made to inform future site users of the restrictions. If contamination is found that was not previously identified it must be reported in writing within 7 days to the LPA the development must be halted.

4.9.6.4 Waste Management:

There were concerns that the waste collection was considered too far over 60m. The collection point is now planned within 10 metres of the parking point for refuse collection vehicles. We note that from the plans that residents will be assisted to transfer their waste to the bin store, where residential units exceed a distance of 25m to the bin store. Arrangements would need to be put in place by the developer/buildings manager for the bins to be moved from the residential bin store to the collection point.

The new plans show the collection point pass the adjoining collection point. Subject to the arrangements above being put in place, we are content with the plans for residential waste management for the development.

In terms of commercial waste, it would be for the commercial occupants to agree collection arrangements with their chosen commercial waste carrier which are appropriate. The level of provision planned appears to be reasonable, although it is likely that the occupiers / building manager would

need to arrange for bins to be moved closer to Dalston Lane to enable collections. This would certainly be the case in the event of the council's Commercial Waste Service being the provider chosen. Overall our previous concerns regarding the waste and recycling strategy for the development has been largely addressed.

4.9.6.5 Pollution Air:

The AQA is satisfactory, however, to ensure the development does not exceed the fuel usage of 222,962 kWh/annum, keeping it air quality neutral, a condition needs to be added. The condition should request that before the development is operational proof must be provided to the the council that the energy system installed is air quality neutral. This is because the AQA does not confirm that the energy system calculated in the air quality neutral assessment is the one that will be included in the development.

5 POLICIES

5.1 Hackney Local Plan 2020 (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;
LP26 Employment Land and Floorspace
LP27 Protecting and Promoting Office Floorspace in the Borough
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
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 Policies (LP)

D1 London's form, character and capacity for growth
D3 Optimising site capacity through the design-led approach
D4 Delivering good design
D5 Inclusive design
D6 Housing quality and standards

D7 Accessible housing
D8 Public realm
D9 Tall buildings
D10 Basement development
D11 Safety, security and resilience to emergency
D12 Fire safety
D13 Agent of change
E1 Offices
E2 Providing suitable business space
E3 Affordable workspace
GG1 Building strong and inclusive communities
GG2 Making the best use of land
GG3 Creating a healthy city
GG4 Delivering the homes Londoners need
G4 Open space
G5 Urban greening
G6 Biodiversity and access to nature
G7 Trees and woodlands
H1 Increasing housing supply
H2 Small sites
H4 Delivering affordable housing
H5 Threshold approach to applications
H6 Affordable housing tenure
H10 Housing size mix
HC1 Heritage conservation and growth
SI 1 Improving air quality
SI 2 Minimising greenhouse gas emissions
SI 3 Energy infrastructure
SI 4 Managing heat risk
SI 5 Water infrastructure
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
T6.1 Residential parking
T6.2 Office parking
T6.5 Non-residential disabled persons parking
T7 Deliveries, servicing and construction

5.3 **SPD/SPG/Other**

Technical housing standards – Nationally Described Space Standard 2015
Greater London Authority Housing Supplementary Planning Guidance (SPG)
2016
Planning Contributions SPD (2020)

5.4 **National Planning Policies**

National Planning Policy Framework 2021

6. **COMMENT**

6.01 **Background and proposed layout**

6.0.2 The proposal seeks demolition of the existing warehouse and construction of a four storey building plus basement, to provide a new mixed use scheme comprising Class E1 employment floorspace in 5 separate units at the lower levels and 15 residential units above arranged around a landscaped courtyard with one disabled car parking space.

6.0.3 The scheme comprises a basement area that would house 319 sqm of office/studio floorspace and 363 sqm of office/studio floorspace on the ground floor. Four of the commercial units are duplex at ground and basement, with an additional commercial unit at ground floor.

6.04 On the upper floors are residential units across, 1st, 2nd and 3rd floors (Class C3). Flat 6 is a two-bedroom duplex unit located at ground and first floors at the rear of the site in the T shape. The residential element of the scheme has two separate stair cores, with the second stair core to the east corner serving one flat. The units are laid out as follows:-

6.05 **Residential**

First floor

Flat 1- 2 bed	Dual aspect	86 sqm
Flat 2- 1 bed	Single aspect	53 sqm
Flat 3- 1 bed	Single aspect	50 sqm
Flat 4- 1 bed	Single aspect	50 sqm
Flat 5- 3 bed	Dual aspect	86 sqm
Flat 7- 2 bed	Dual aspect	81 sqm

Ground & first floor

Flat 6- 2 bed	Dual aspect	72 sqm
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Second floor

Flat 8- 2 bed	Dual aspect	71 sqm
Flat 9- 1 bed	Single aspect	58.5 sqm
Flat 10- 2 bed	Single aspect	71 sqm
Flat 11- 2 bed	Dual aspect	71 sqm
Flat 12- 2 bed	Dual aspect	69 sqm

Third floor

Flat 13- 1 bed	Dual aspect	69 sqm
Flat 14- 2 bed	Dual aspect	74 sqm
Flat 15-2 bed	Dual aspect	75 sqm

6.06 Offices

Basement and ground floor

Unit 1-202.6 sqm	Facing north/east with small planted courtyard at basement
Unit 2-110.2 sqm	Facing east with small planted courtyard at basement
Unit 3-103.6 sqm	Facing east with small planted courtyard at basement
Unit 4-98 sqm	Facing east with small planted courtyard at basement

Ground floor -

Unit 5 - 117 sqm	Facing south no courtyard
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6.07 The residential refuse store is located towards the southern corner of the site next to the entrance to commercial unit 5 and although it is sited further than required for standard collection other collection arrangements have been discussed with the Waste Management Team and will be in place. Adjacent to the refuse store are 32 residential cycle spaces. Towards the northern

elevation between the entrance to commercial units 1 and 2 are the commercial refuse and cycle stores 19 cycle spaces are provided for the commercial units with 4 short stay spaces located outside the building. The store is at an acceptable distance and easily accessible at ground floor and are considered to integrate well within the overall design. To the northern corner next to the commercial unit is one wheelchair accessible car parking space serving the residential unit. The development is otherwise car-free.

6.08 With regards to access arrangements, the site is accessed via a covered passage/undercroft from the entrance at 160 Dalston Lane. A courtyard leads to the front doors serving the proposed commercial units. Access to the first, second and third floor residential units can be found between commercial units 2 and 3 and another access to flats 6 and 7 is located on the south-east corner next to commercial unit 5.

6.09 Landscaping is proposed and this would result in a courtyard area fronting the building and whilst being limited in size, it would provide practical amenity space and an improved setting for the development within this constrained location. It is unclear how the area between the undercroft and courtyard would be lit prior to entering into the main site and therefore a lux plan is sought by condition to encourage overall uniformity of lighting and reduce the likelihood of hiding places or dark spots.

6.10 The main considerations relevant to this application are:

- 6.1 Land use and principle of the development
- 6.2 Affordable housing
- 6.3 Design and impact on heritage assets
- 6.4 New residential units and quality of accommodation
- 6.5 Impact on amenity of adjoining occupiers
- 6.6 Traffic and transport
- 6.7 Landscaping and biodiversity
- 6.8 Energy and sustainability
- 6.9 Flood risks
- 6.10 Land contamination
- 6.11 Waste
- 6.12 Air quality
- 6.13 Planning contributions and Community Infrastructure Levy (CIL)

6.1 Land use and principle of the development

6.1.1 Previous history indicates that the site has been used as a warehouse and distribution centre as a cash and carry outlet, (Class B8) and an architectural salvage and reclamation yard (Class B8). An application (2012/0916) was submitted in 2012 for change of use from B1 use light industrial to B1 use business/office to provide 6 media/recording studios yet was withdrawn and this suggests a change of use had occurred. However, the premises has been rated as offices and premises since 2010 which would suggest the

change of use occurred more than 10 years ago, therefore the change of use would likely be immune from enforcement action and is accepted as a lawful use by passage of time.

- 6.1.2 The existing building covers two floors with a large open plan space at ground floor and individual rooms to the rear. The first floor is much smaller with a void to the front and only small individual rooms to the rear. The floor plan is accessed via long wide corridors with awkward circulation areas. The building lacks natural light and is outdated.

Employment

- 6.1.3 The site lies outside a Priority Office Area (POA) and Priority Industrial Area (PIA) and the existing usable office/studio Class E1 floorspace is 677 sqm. The proposal provides 648 sqm of commercial space which represents a minor reduction in floorspace and is assessed against policy LP26 Employment Land and Floorspace part A which states that the council will plan to deliver a minimum of 118,000sqm of new office floorspace by 2033 in certain locations throughout the borough and part C which sets out the following criteria:-

C. New employment space outside of the locations (POA,PIA) outlined in A will be permitted where:

- i. it can be demonstrated that there is a reasonable prospect of it being occupied; and
- ii. the employment use is small-scale and would contribute towards place-making; or
- iii. the employment space is being provided as part of a temporary use; and
- iv. does not have an unacceptable impact on residential amenity.

- 6.1.4 The principle of new office type employment floorspace in this location is acceptable given the previous use of the land but accounting for the introduction of new residential development above. The proposed layout and fit-out of the new commercial units demonstrates that they would be attractive, well lit, small scale units that would be highly suited for the 'tech' industry. The design of the individual units and new courtyard feature is an improvement on the existing building and would contribute to place making. Small office and/or studio units are appropriate employment uses with residential uses in close proximity as they generate much less vehicular traffic overall and are unlikely to become noise generating uses and are therefore compatible with residential uses. The proposal is considered to comply with policy LP26 in relation to the provision of new employment floorspace (located outside of designated areas).

- 6.1.5 Parts A and B of LP27 refer to the provision of new office floorspace. The policy requires that new development involving the provision of new office floorspace must comprise well designed, high quality buildings and floorspace that are flexible/adaptable to accommodate a range of unit sizes

and types with good natural light, suitable for sub-division and configuration for new uses and activities, including for occupation by small or independent commercial enterprises. All applications incorporating new office floorspace should include a marketing strategy which demonstrates the design and layout of the proposed floorspace is of high quality, flexible and attractive to potential occupiers.

- 6.1.6 A marketing strategy by Belchak Corin & Co., who have experience on marketing similar commercial properties, has been submitted to support the application. It states that careful consideration has been given to providing good natural light at basement and ground floor levels with generous ceilings of 3m+ fitted out to a high category A standard with cooling, kitchen and W.C facilities. Furthermore the document sets out how the units are proposed to be marketed during the construction phase onwards and examples of brochures have been provided. There are no concerns regarding the potential letting/selling of the units and the quality of the space provided.
- 6.1.7 Part I of LP27 refers to a net loss of commercial floorspace. There is a minor loss of usable office floorspace as a result of changes during the course of the application to pull the building back. Given the minor reduction, improved standard of the proposed accommodation, and compliance with LP26 this is considered acceptable.
- 6.1.8 Certain E class uses would be restricted by condition in order to prevent adverse impacts on the new residential units and those adjoining the site that could occur under permitted development rights. This prevents uses such as for the sale of food and drink, a creche or day nursery for example.

Residential

- 6.1.9 Policy at local, regional and national level sets out a general presumption in favour of housing. Parts C and D of LP12 states the council will support the development of small sites to meet the housing need and that infill housing development and innovative approaches to housing delivery on small sites will be supported subject to meeting other development plan policies, which this site assists with. It goes on to state that self-contained residential units are the priority residential land use in the borough and type of land use for which there is the greatest need in terms of meeting housing needs. There are similar sites in Dalston Lane whereby historical employment uses have given way for residential uses. The proposed retention of commercial floorspace at the site in the form of smaller higher quality units and the introduction of residential use at the site is in line with both employment and new housing policies.

6.2 Affordable Housing

- 6.2.1 LP33 policy LP13 requires that new development must maximise opportunities to supply genuinely affordable housing on-site and that the council will seek the maximum reasonable amount of affordable housing, subject to viability and site context. It goes on to state that off-site affordable

housing or payments in-lieu will only be considered where the council is satisfied that off-site provision would secure a better outcome in meeting the housing need. Off-site affordable housing and payments in lieu will be required to be equivalent to the 50% requirement, subject to viability.

- 6.2.2 LP13 requires schemes of 10 units or more to deliver a minimum of 50% of housing on site as affordable and schemes that propose less than 50% will be required to submit a detailed viability assessment and will be subject to early and late review mechanisms.
- 6.2.3 The applicant's position is that the site cannot deliver both an acceptable profit margin and on-site affordable housing. In support of this a financial viability assessment (FVA) was submitted that considered two scenarios, a 7 unit on-site affordable scenario (reflecting 47% affordable) and a 100% private scheme scenario. Both scenarios were reported to be unviable, due to the residual land value of the proposed scheme being beneath the reported benchmark land value of the site at £2,640,000. They reflected deficits of -£2,740,073 for the 47% affordable scenario and -£682,057 for the fully private scheme respectively.
- 6.2.4 The Strategic Property Services Team reviewed the submitted FVA, and advised that the majority of the input/data in the appraisal were reasonable, but considered the benchmark land value and adopted profit margin for the private residential housing (reflecting 20% on Gross Development Value (GDV) overstated. A lower benchmark land value of £2,230,000, and a lower profit margin was subsequently agreed upon.
- 6.2.5 Based on these changes, it was concluded that the scheme was more viable than initially thought and whilst it would not be able to support an on-site affordable offer, it was able to make an off-site contribution towards affordable housing in line with LP13. A final position was agreed for an off-site contribution of £261,126, which was based upon a benchmark land value of £2,230,000 and a blended profit margin of 15.75% on GDV across the development, which is considered reasonable for a development of this size and nature. In conclusion, officers accept that affordable housing cannot be provided on-site and accepts the affordable housing contribution, thus meeting LP13.

6.3 Design and impact upon heritage assets

- 6.3.1 LP1 of Hackney Local Plan 2033, states, "All new development must be of the highest architectural and urban design quality. Innovative contemporary design will be supported where it respects and complements historic character". London Plan Policy D3 states that all development must make the best use of land by following a design-led approach that optimises the capacity of sites, including site allocations. It goes on to state that optimising site capacity means ensuring that development is of the most appropriate form and land use for the site and that the design-led approach requires consideration of design options to determine the most appropriate form of development that responds to a site's context and capacity for growth, and existing and planned supporting infrastructure capacity. Policy D4 of the London Plan requires the design quality of development schemes to be

retained through to completion by ensuring maximum detail appropriate for the design stage is provided to avoid the need for later design amendments.

- 6.3.2 Policy LP3 part A states that development that leads to less than substantial harm to significance of a designated heritage asset will not be permitted unless the public benefit of the proposal, including securing the optimum viable use of the site, outweigh the harm. Part E states that development proposals affecting heritage assets will be permitted where they preserve or enhance the character and appearance of the area including, the established local character of individual buildings (in terms of height, massing, scale, form, design, materials, detailing and use) and the rhythms and historical form of the area (in terms of the spaces between buildings, density, settings, building lines, siting, pattern of development, urban grain and plot coverage).
- 6.3.3 Policy HC1 of the London Plan states that development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings.

Massing and form within context

- 6.3.4 The immediate area of Dalston Lane is characterised by variations in building heights that range from 2-5 storeys. With the notable exception of the adjacent property 156-158 Dalston Lane, the developments to the rear are always subservient to the frontage building. Backland development in this area adopts a mews style character ranging in height from 2-3 storeys. As in this case the buildings to the rear are almost always constructed within the former curtilage of the properties fronting Dalston Lane some of these being Grade II listed buildings.
- 6.3.5 The massing of the building has been reduced on the northern elevation (i.e. directly to the rear of 160 Dalston Lane) through negotiations during the course of the application and this set back is such that the above ground elements of the building are located in approximately the same place as the existing building. While it is large, at four storeys, because of these set backs, it has a comfortable relationship with the frontage listed building.
- 6.3.6 The four storey block is in keeping with the height of neighbouring buildings to the north and west and its footprint shaped in a way as to leave as much open space as possible for the intermediate communal courtyard. To the east the adjoining blocks that abut the existing warehouse are 4 and 5 storeys in height. The proposed building would be marginally taller than the 5 storey building to which it adjoins but this additional height is not considered to be out of context and the two buildings sit comfortably together, the variation in height providing interest.
- 6.3.7 Along the site's western boundary is the 2 storey building at Carrara Mews, also accessed through an undercroft with all windows facing into its site. At basement and ground floors the proposed building is set away from the boundary with Carrara Mews to provide the courtyard. The living room to flat

1 would be constructed over the courtyard up to the site boundary at first floor and would be no taller than Carrara Mews at this level. At ground floor the building has been pulled back from the frontage building at 160 Dalston Lane. The combination of setbacks and chamfered design ensures the building successfully integrates into its surroundings without over dominating or having an overbearing impact on its neighbours.

Architecture

- 6.3.8 The proposed design is based on the articulated, chamfered form of the building and rhythm of vertical and horizontal elements. The design of the top two floors are beneficial to the overall character of the scheme as they help to visually express the design variations between the east and south elevations. The proposed patterns of openings are considered coherent with the overall contemporary character and architectural quality of the scheme. The proposed full-height windows maximise the outward views while mitigating the overlooking to the neighbouring windows. These elements are strongly encouraged in design terms and should be further detailed at the next stage, where the intended frameless character should be maintained as much as possible, and any frame should be slim and concealed as much as possible behind the facing brickwork. Materials have been selected thoughtfully in a way as to create a legible visual relationship with the surrounding context of buildings and are not objected to. The proposal creates a mews type development with a coherent architectural character and a strong sense of place.
- 6.3.9 The general materiality includes light and dark toned bricks with dark metal windows and is considered to be acceptable. The use of the zinc roof to the north of the site helps to minimise the visual mass and bookend the roofscape of the development. The proposed materials are considered to be of a high quality and relate well to their context. A condition will be included to ensure that material samples of all visible features are submitted at the post-approval stage and mock-up sample panels are prepared on site prior to approval as well as technical drawings at various scales showing all joints of adjoining material and features, including doors and windows sills and thresholds with balconies, balconies soffits and frameless balustrades, and doors.

Scheme within a conservation area

- 6.3.10 The site sits within the Graham Road and Mapledene Conservation Area. Conservation areas are protected through the Planning (Listed Buildings and Conservation Areas) Act 1990 and particularly section 66 (1), which states: "special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area." The proposal is considered to be well integrated within the surrounding historic context and would assist in enhancing the character of this part of the Dalston Conservation Area, which includes buildings of various periods, scales and character.

- 6.3.11 The NPPF paragraph 202 states, 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.”
- 6.3.12 The building dates from the 20th century and although representative of the industrial heritage of Hackney it is considered to make a neutral contribution to the character and appearance of the Graham Road and Mapledene Conservation Area. Therefore the principle of the demolition of the existing building is considered to be acceptable, in the context of an otherwise acceptable scheme.
- 6.3.13 The Computer Generated Images (CGI) views in the Design and Access Statement, show from various points how the scheme’s massing would be in keeping with this of the neighbouring terraced blocks to the west and north and its set back from the street sufficient to avoid disrupting the lower scale of the terraced houses fronting the street. The CGI views from the east show how the scheme is more visible from Stamford Mews as opposed to Carrara Mews and there are no views from Dalston Lane.

Impact upon heritage assets

- 6.3.14 The relevant conservation considerations are the impact of the proposed development on the conservation area and on the setting of the listed building at 160 Dalston Lane.
- 6.3.15 The council does not accept the assertion (in the applicant’s Heritage Statement) that the land to the rear of 160 Dalston Lane has seen industrial development since the late 19th century. There is no such development visible on the 1910-1915 Inland Revenue maps, nor on the 1945 LCC Bomb Maps, nor on the 1951 Ordnance Survey map. The site is clearly covered with trees on the 1945-9 RAF aerial photos. It therefore suggests that the industrial development to the rear is modern (post 1950) and it is possible that the existing building is the first of such on the site. A search of current digital records (which typically go back to 1994) has revealed no application for the existing building. It may therefore have been erected unlawfully within the curtilage of the listed building, or it may be that an application was made in the period between 1951 and circa 1994. The existing building appears to be circa 1980 to 1990 in terms of its design and materials.
- 6.4.16 160 Dalston Lane would historically have been a substantial single family dwellinghouse and would therefore have benefited from a large rear garden, as shown (for example) on the 1894-6 Ordnance Survey map. The best outcome for the setting and significance of the listed building and the conservation area would be the reinstatement of this garden.
- 6.4.17 The proximity of the proposed development to the listed building has been a concern during pre-application and application discussions and the council disagrees with the approach taken in the submitted Heritage Statement

(particularly at Paragraphs 6.9, 7.3 and 7.4) that no harm is caused to the setting of the listed building.

- 6.4.18 It is noted that the location of the proposed development has been further set back during the course of this application. The set back is such that the above ground elements of the building are located in approximately the same place as the existing warehouse building. When accepting the principle of a new building at the site the ideal outcome in listed building terms would result in a new building that is set substantially further back into the rear of the site than the existing warehouse. There is, therefore, an element of harm arising from the development since the proposal is judged to continue to erode the historic garden setting of the listed building, harming its character as a suburban middle class home and crowding the listed building into a dense urban setting which is not characteristic of this building. For the same reasons, there is harm to the significance of the conservation area, since the Graham Road and Mapledene Conservation Area is suburban in nature and characterised by generally larger homes with ample rear gardens. The proposals perpetuate the infilling of the garden, which is contrary to the characteristic grain and harm is therefore caused.
- 6.4.19 However, the proposal represents an improvement upon the existing situation. The application building presently covers the entire rear portion of the site leaving a central section that is covered in hard standing and used for parking and servicing to the immediate rear of 160 (recently been converted into flats). This situation appears to have existed for a number of decades with the application site and the rear of adjoining sites being in commercial/industrial use since the 1950's. The function and character of the original properties fronting Dalston Lane changed many years ago. The application site is one of several in the terrace that has been subdivided resulting in the loss of the rear garden and commercial uses having established themselves in the rear portions of these sites. Over the years there has been a gradual loss of the commercial uses and replacement with residential. This application provides a sustainable response to the use of the site by proposing a mix of commercial and residential uses in line with the Hackney Local Plan. The harm identified is at the lower end (i.e. less than substantial) and the benefits of providing 15 residential units plus a contribution towards affordable housing and 5 new high-quality commercial units suitable for a variety of users optimise the use of the site and outweigh this harm, therefore meeting the requirements of LP3 and paragraph 202 of the NPPF.
- 6.4.20 The setting of the adjoining listed buildings fronting Dalston Lane at (nos.162-168) would not be adversely affected by the proposal given their separation distance from the application site.
- 6.4.21 On the basis of the considerations set out in this section the proposals are judged to conform with the Planning (Listed Buildings and Conservation Areas) Act 1990. . S66(1) of the Act.

6.4 New residential units and quality of accommodation

Residential mix

- 6.4.1 The proposed housing mix provides only one three bedroom flat. Policy LP14 'Dwelling Size Mix' requires a mix of 30-34% of one and two beds and 33-36% of three beds. The dwelling mix is 5x1 bed, 9x2 bed and 1x3 bed. The proposed mix does not comply with the mix advocated in LP14 which seeks a higher proportion of 3 bed units. Policy states that the council will consider variations to the dwelling size mix if this can be justified based on the tenures and type of housing proposed, site location, area characteristics and design constraints. The applicant's justification for the lack of three bedroom units is that a flatted block such as this with limited amenity space in what has evolved into a dense urban location, near a busy road and railway line is less attractive for families. Further, the requirements to balance securing residential use at the site with the development's impact on heritage assets limits what can be reasonably provided on site. Whilst not ideal, officers note these constraints and consider a lower proportion of family units is acceptable in this instance.

Quality of accommodation for residential and commercial

- 6.4.2 New residential developments are expected to provide a good standard of amenities for future occupiers and must comply with the minimum floorspace standards of London Plan policy D6 and the requirements of the Mayor's Housing SPG. They must also provide an appropriate level of light, ventilation and outlook. This is supported by LP33 policy LP17 'Housing Design'.
- 6.4.3 In terms of overall unit size, all units meet the minimum space standards. In terms of layout, all habitable rooms are served by at least one window and eleven of the units are dual aspect including the family unit. The floorplan and site constraints make it difficult to avoid some single aspect units. It is noted that some of the mews developments on adjoining sites such as Carrara Mews are laid out as single aspect, also facing an internal courtyard.
- 6.4.4 The GLA Housing SPG states that a minimum of 5sqm of private outdoor space should be provided for 1-2 person dwellings and an extra 1 sqm should be provided for each additional occupant. All flats have private balconies or terraces which exceed this requirement. Screening will be provided between certain flats to prevent overlooking. The courtyard area can also be used for sitting out.
- 6.4.5 In relation to the quality of accommodation for the commercial units, only one is dual aspect, however, all four duplex units are lit through large lightwells with substantial windows at basement and ground floors with planted lightwells. All units are a good size with the required floor to ceiling heights and will be built and fitted out to a high specification.

Internal daylight/sunlight assessment for the proposed residential units

- 6.4.6 An internal Daylight/sunlight Assessment, in accordance with British Research Establishment (BRE) guidance, has been prepared by Eight Versa in relation to the new residential units. Three assessments have been provided in relation to No-Sky Line (NSL), Average Daylight Factor (ADF) and room depth criterion. The daylight (ADF) conditions of the residential units have been calculated using daylight simulation software which provides more accurate results over the standard ADF formula as it takes into account additional parameters such as the room layout (shape) and ambient bounces. All habitable rooms (i.e. not bathrooms) have been assessed.
- 6.4.7 ADF is used to calculate the amount of daylight available to a room, and is applied to the main habitable rooms (living rooms, kitchens over 11 sqm, LKDs and bedrooms). The BRE recommended target value for ADF is 2% in kitchens, 1.5% in living rooms and 1% in bedrooms. In a modern layout, an open plan living/kitchen/dining area is most often designed. Typically, kitchens are placed at the back of the room to allow living space to enjoy the daylight area next to windows. BRE guidance acknowledges the small internal galley-type kitchens may be inevitable, and in those cases, the kitchen should be directly linked to a well daylighted living room. All 43 habitable rooms were assessed and 100% of the rooms meet the ADF requirement and 100% of the rooms meet the room depth criterion.
- 6.4.8 No-Sky Line (NSL) is the outline of the area that has a direct view of the sky on a working plane and is used to assess sunlight in a given room. 9 of the rooms (6 bedrooms and 3 kitchen/living rooms) are below the 80% pass rate for the NSL. Bedrooms are less of a concern as these are not used as regularly as the main living room areas. The kitchen/living rooms of flats 2, 3 and 4 fall below the threshold where the rear sections of these rooms are not visible to the sky. It should be noted that in all cases the amount of daylight reaching the rooms is 100% and all rooms pass the depth criteria therefore it is concluded that the overall quality of the light received by the rooms is acceptable.
- 6.4.9 The guidance is supposed to be applied more flexibly in denser urban environments and it recognises that sunlight is less important than daylight in the amenity of a room and is heavily influenced by orientation. It is important to note that in traditional housing forms such as a two-storey house there would be single aspect habitable rooms that would be orientated away from the main source of sunlight.

6.5 Impact on amenity of adjoining occupiers

- 6.5.1 Policy LP2 requires all new development to be appropriate to its location and should be designed to ensure there are no significant adverse impacts on the amenity of occupiers and neighbours. The individual and cumulative impacts of development proposals on amenity will be considered in assessing their acceptability. These are sunlight and daylight, visual privacy, overlooking, outlook, and noise.

- 6.5.2 There are a number of residential properties in close proximity to the site. These include the frontage building at 160 Dalston Lane, recently converted into flats, the adjoining 162/A Dalston Lane and the mews development to the rear known as Carrara Mews and Aspen and Maple Court along with the frontage building at 156-158 Dalston Lane.
- 6.5.3 This report will look at sunlight and daylight impacts in the first instance. Again, the BRE guidance is used to assess the impact of a development on adjoining properties and the submitted Sunlight/daylight Assessment refers to the BRE guidance in its findings. The BRE guidance needs to be applied with regard to the site context. Sunlight and daylight target criteria as found in the BRE guidance have been developed with lower density suburban situations in mind. In denser, urban contexts, sunlight and daylight levels may struggle to meet these target criteria in both existing and proposed situations. The target criteria is therefore applied flexibly for dwellings in denser locations such as the application site.

Daylight and sunlight

- 6.5.4 The BRE guidance recognises that sunlight is less important than daylight in the amenity of a room and is heavily influenced by orientation. North facing windows may receive sunlight on only a handful of occasions in a year and windows facing eastwards or westwards will only receive sunlight for some of the day. In order for rooms to achieve good sunlight the BRE target criteria is for rooms to receive 25% of Annual Probable Sunlight Hours (APSH) in total, including 5% in winter. Where rooms receive less than the recommended APSH then the BRE guidance states a reduction of more than 20% would be noticeable.
- 6.5.5 The assessment uses three methods of assessing the impact of the development on the daylight received by nearby dwellings. These are Vertical Sky Component (VSC), which measures direct sky illuminance on the centre of the outside pane of a window, to the simultaneous illuminance on an unobstructed horizontal plane, Annual Probable Sunlight Hours (APSH) which measures the loss of sunlight to the room of existing buildings that have a window facing within 90° of due south, and is the average of the total number of hours during a year in which direct sunlight reaches the centre of a window. Finally, the No-Sky Line Contour (NSL) measures the amount of sky that can be seen directly from a working plane and requires a pass rate of more than 0.8 its former value (before the new development). For the VSC it is 27% and the APSH is more than 25% of the total annual sunlight hours (unobstructed horizontal plane), and including at least 5% of the total annual sunlight hours (unobstructed horizontal plane) in the winter months (21 September – 21 March). Impacts on neighbouring properties are described below.
- 6.5.6 This report has tested the daylight and sunlight impacts on neighbouring properties at 1-14 Maple Court (part of the 156-158 Dalston Lane development) 1-17 Aspen Court (part of the 156-158 Dalston Lane development) 160 Dalston Lane, 162a Dalston Lane, 162 Dalston Lane, 164

Dalston Lane, 166 Dalston Lane, 1-6 Carrara Mews and 12 Stamford Mews. During the course of this application an updated assessment has been provided in relation to daylight and sunlight impacts as all flats in the listed building at 160 Dalston Lane were not initially assessed.

160 Dalston Lane

- 6.5.7 160 Dalston Lane is the frontage building. There are 25 windows with a view over the development site which have been tested for VSC, APSH and NSL impacts. All windows pass VSC, APSH and NSL impacts.

162, 162A, 164, 166 Dalston Lane

- 6.5.8 These buildings are north-east of the development site. There are 28 windows with a view over the development site which have been tested for VSC, APSH and NSL impacts. All windows pass the VSC, APSH and NSL impacts.

1-6 Carrara Mews

- 6.5.9 1-6 Carrara Mews are due east of and adjoin the development site at the rear of 162. There are 19 roof lights on the main roof slope, which appear to serve bedrooms. There are 9 windows which have been tested for VSC, APSH and 7 windows for NSL impacts. Four of these windows are roof lights which are located in the east facing roof. All windows pass the VSC, APSH and NSL requirements with the exception of 1 window that narrowly fails the NSL and will still receive a high level of sunlight/daylight and is therefore judged to be acceptable.

1-14 Maple Court

- 6.5.10 1-14 Maple Court is the building immediately west and adjoining the development site at 158 Dalston Lane. There are 61 windows which have been tested for VSC, APSH and NSL impacts. All windows pass VSC, APSH and NSL impacts, except two windows 26a and 27a that serve living room/kitchens. These windows narrowly fail the VSC and are also served by other windows and therefore the impact would be acceptable.

1-17 Aspen Court

- 6.5.11 1-17 Aspen Court is the rearmost building at 158 Dalston Lane. 34 windows have been tested for VSC, APSH and NSL impacts. All windows pass VSC, APSH and NSL impacts except two windows W33 and W38 that serve livingrooms/kitchens. W33 is located at the rear of the ground floor and has a balcony immediately above, which reduce daylight to a room. The window fails the VSC however this is already low at 10.68% and will be reduced to 7.99%. The same window fails the NSL from 36.1% to 20.7%, representing a loss of 42.7%. In relation to W38 this window is located on the first floor rear and has a balcony above it. The reduction is 32% and is therefore likely to be noticeable. However, both windows W33 and W38

already have a low NSL value and the differences are unlikely to be have significant impacts. With this in mind the impacts are judged to be acceptable and it is not considered that permission should be refused on this basis.

12 Stamford Mews

- 6.5.12 12 Stamford Mews is the building south-west of the development site adjacent to the rear of 166 Dalston Lane. There are 6 windows which have been tested for VSC, APSH and NSL impacts. All windows pass VSC, APSH and NSL impacts.

Conclusion

- 6.5.13 Overall, 98.2% of the tested windows meet the VSC recommendations, 100% of the tested south facing windows meet the APSH recommendations, and 96.3% of the tested rooms meet the NSL recommendations. The BRE guidance states that the impact is minor when a small number of windows are affected, or the loss of light is marginally outside the guidelines. The proposed development is judged to have a minor impact on the daylight and sunlight received by neighbouring properties.

Outlook, visual privacy and overlooking

- 6.5.14 The nearest windows facing the site are 11m away at the first and second floor of Marlow House within 160 Dalston Lane. The proposed first and second floor windows are angled away from 160 Dalston Lane with the exception of one window serving a living room/kitchen but which is located over 11 metres from Marlow House. A modest sized balcony will face Marlow House on the second floor and this will be screened to prevent any loss of privacy. The property would still retain an acceptable outlook given the separation distances involved.
- 6.5.15 In respect of the Grade II listed building adjoining Marlow House at 160 Dalston Lane, there is a greater separation distance to the new building of 17m at first and second floors, while the new third floor is set back further. Outlook would not, therefore, be significantly affected. The first and second floor windows are angled away from the building and there are no windows or balconies that would result in a loss of privacy.
- 6.5.16 In relation to 162A Dalston Lane, Marlow House overshadows the building already with the rear building line extending further. The separation distance between this property and the application site building is greater than Marlowe House and given the orientation and relationship the development would not result in loss of outlook and overlooking.
- 6.5.17 In relation to Carrara Mews, outlook would not be affected as there are mainly roof lights on the roof slope serving bedrooms and the main habitable windows i.e. living room/kitchens face into the site at ground level. There are terraces at first and second floors that could overlook the adjoining roof lights, however, screening will be provided and secured by condition.

- 6.5.18 With regard to the impact of the development on Maple Court at no.158, the proposed windows are angled away from the building on the first and second floors and the third floor is set back. There is a proposed hallway window on the north side of the first floor but this would not result in a loss of privacy. Additional hallway windows are proposed to the rear and side south on first, second and third floors again these would not result in a loss of privacy. In addition there are no balconies that would overlook the building or communal garden.
- 6.5.19 With regard to the impact of the development on Aspen Court, also located at no.158 Dalston Lane, outlook would not be affected given its orientation and relationship with the development. Windows are angled away towards the flank wall on the first and second floors, and there are no windows on the third floor facing this building. There are no balconies that would overlook the building or communal garden.

Noise and disturbance

- 6.5.20 The proposal is for a mixed use scheme which has a greater emphasis on residential and therefore the replacement commercial floorspace needs to be compatible with the new residential uses above. The new office/studio units are not typically noise generating uses and with the sizes proposed would not ordinarily give rise to noise complaints. They are, therefore, considered to be compatible with the residential units proposed. Nonetheless, a condition requiring sound insulation between the commercial and residential units is necessary and is secured by condition.
- 6.5.21 A noise report has been submitted by ALN Acoustic Design, who have assessed the noise impact from the railway line to the proposed southern elevation of the building. Noise from plant equipment for the whole development is also assessed. It is important to note that a ventilation strategy can have a significant impact on the ability of the building envelope to control noise ingress. Furthermore, the use of external amenity space by future occupiers close to a noise source needs to be assessed in terms of the overall quality of the space provided.
- 6.5.22 In relation to the railway line, the noise survey indicates that the noise level at the railway façade will typically be around 65dB LAeq,8h at night which exceeds the 'high risk' threshold. It will therefore be necessary for the façade design to incorporate suitable noise mitigation measures to avoid adverse effects on living conditions. The façade design will also need to consider the night-time noise maxima (typically 81dB LAFmax) which are assumed to occur at night-time due to freight train movements. The other parts of the building would not be affected. Vibration impact was considered acceptable.
- 6.5.23 In terms of sound insulation, for bedrooms on the southern elevation overlooking the railway, it will be necessary to use acoustically enhanced glazing. Elsewhere, the calculations indicate that standard thermal double-glazed windows will be adequate. In conclusion, despite the relatively

high level of noise exposure, it will be possible to achieve internal noise levels meeting BS8233:2014 guidelines using suitable double-glazed or triple-glazed windows and balcony doors. For external areas, this relates to terraces and balconies, the noise level at the balconies and terraces at the southern railway elevation is expected to be up to 64dB LAeq,16hr, which exceeds the BS8233:2014. It is advised that solid balustrades (e.g. glazed) are used and that the balcony soffits have an acoustically absorbent lining to help reduce noise levels in these areas. Officers consider the benefits of having outdoor spaces outweigh the harm of the background noise levels.

- 6.5.24 In relation to ventilation and overheating, the noise report provides no assessment that any particular acoustic criterion needs to be met during ventilation. In the noise report it mentions that internal mechanical ventilation is an option which is capable of delivering a higher air-change rate as opposed to having windows and doors open. However, the use of mechanical ventilation would increase energy consumption and would not be encouraged.
- 6.5.25 Finally, for plant equipment in particular air source heat pumps (ASHP) which are proposed for all units, it is proposed that limits are applied to noise emissions from any external plant equipment installed on the site, such that it remains at least 5dB below the existing background noise levels at the windows of the adjacent residential properties. The measured background noise level during the daytime was typically around 40dB LAF90 or higher. It is assumed that the background noise level at night is approximately 34dB LAF90 based on typical patterns. It is therefore recommended that plant noise emissions should not exceed the following levels at 1m from the windows of any of the residential buildings surrounding the site: Daytime (07:00-23:00): 35dB(A) and Night-time (23:00-07:00): 29dB(A). A noise condition has been attached which requires the rated aggregate noise level from the equipment hereby approved to be 10 dB(A) or more below the measured LA90 level at the façade of the nearest residential premises and 5dB(A) or more at the façade of the nearest office. This is secured by condition.

6.6 Traffic and transport

- 6.6.1 The application site has a Public Transport Accessibility Level (PTAL) of 6a (on a scale of 1-6b, where 6b is the most accessible). As the Transport Statement notes the site is a 4-minute walk from Hackney Downs National Rail & Overground Station and there are numerous buses located within a short distance of the site.

Site access

- 6.6.2 There is a single access point into the site for vehicles, situated at the northern boundary and is accessed through an undercroft entrance shared with the property to the north of the site, no.160 Dalston Lane. It is operational and is used by a number of vehicles on a daily basis. The shared access point is relatively constrained. Swept path analysis demonstrates

however, that it is possible to manoeuvre larger vehicles through the access point. The Transport Statement (TS) demonstrates that it is possible for smaller vehicles to enter and exit the site in a forward gear and for emergency service vehicles to gain access.

- 6.6.3 Owing to the potential conflict between pedestrians and cyclists, the undercroft access should not be used for delivery and servicing trips or by larger vehicle types. As the TS notes, servicing should continue to involve vehicles waiting on-street along the northern side of the carriageway, using the double yellow waiting restrictions outside of the restricted hours.
- 6.6.4 The refuse strategy for the existing site will be retained. Refuse vehicles will be required to wait along the northern side of the carriageway on Dalston Lane. This process should be continually monitored as part of the Travel Plan and Service and Delivery Plan secured by conditions.

Trip generation

- 6.6.5 The applicant has provided trip generation data as part of the Transport Statement. This provides comparable transport data from similar land uses to estimate a total number of trips. The trip rate information computer system (TRICS) analysis is based on the proposed 15 residential units. The applicant has not provided trip generation data for the existing warehouse or the proposed commercial floor space. These uses are however, expected to generate similar to lesser levels of trip generation and are trips that are already occurring on the local network so are accounted for.
- 6.6.6 The initial submission focused on residential trip duration during peak hours. After a request for further information, the applicant supplied a more detailed breakdown. This outlines that across an average weekday, 67 two-way trips are predicted. This is based on 32 arrivals and 35 departures. Predicted mode share relates to travel to and from the site for the residential dwellings, and it is important to understand the predicted mode share to understand the potential impact the development is likely to have on the local transport network and encouraging active and sustainable transport uptake. The applicant has provided more recent modal share data provided from the latest 2021 census. This shows similar trends to the previous dataset (2011), with the majority of trips in the local area being made by sustainable modes of transport. The applicant has adjusted the data to compensate for the development being car-free. Based on this, 89.7% of trips were made via walking, cycling or public transport.
- 6.6.7 The estimated trip generation indicates a relatively small increase in the overall trips to and from the application site. It is important to note that the trip generation is an estimate and a number of adjustments have been made to the data that may underestimate the overall trip numbers. These factors highlight the importance of implementing a well managed Travel Plan and Servicing and Delivery Plan to reduce motor vehicle use and dependency and promote sustainable transport uptake.

Car parking

- 6.6.8 The scheme is proposed to be car-free which is supported by the London Plan and LP33 to reduce car usage and promote active travel. New developments in the borough should be car-free as per policy LP45. A CPZ exclusion to restrict parking permits being issued is recommended for all users of the proposed site (except those with a blue badge). This would be secured via a legal agreement.

Blue Badge car parking spaces

- 6.6.9 Policy LP45 of LP33 states that disabled parking should be provided in accordance with the London Plan. Policy T6.1 states that all developments irrespective of their size must provide at least one disabled parking space. The Blue Badge space will help to ensure that residents or visitors are not discouraged or discriminated against when considering the application site as a place to reside in Hackney. The applicant proposes 1 Blue Badge space for the residential use located under 50 metres from the residential entrance.
- 6.6.10 Owing to the constraints of the development site, the application does not provide a Blue Badge space for the commercial element of the application. The council recognises the constraints of the site but requires a clearer understanding of how Blue Badge car parking could be provided if required for commercial use and/or for additional residential provision. This should be provided as a Car Parking Management Statement either now or secured by condition. The applicant would be required to fund the conversion of a Blue Badge parking bay, if it is required in the future.

Cycle parking

- 6.6.11 The application proposes 32 cycle spaces for the residential flats and a total of 19 cycle spaces for the commercial units in two separate, secure communal cycle stores with 4 of these outside the building in a short stay bay. Sufficient visitor cycle parking has been provided. Full details are required in a Cycle Parking Plan secured by condition.
- 6.6.12 Design of the cycle parking should include consideration of the personal security of those accessing the compound, including lighting, CCTV and visibility in the compound. Additional security measures and deterrents should be considered including controlled access and CCTV provision and are covered by 'Secure by design' condition.
- 6.6.13 Considering the above a fully compliant Cycle Parking Plan is required which shows details of layout, foundation, stand type and spacing. This will be secured by condition.

Travel Plan

- 6.6.14 A Framework Travel Plan Statement has been submitted and will be required to establish a long-term management strategy that encourages sustainable and active travel. The Travel Plan is required to include SMART targets that are specific, measurable, achievable, realistic and time bound. The Travel Plan provides limited information such as, what measures to increase people's takeup of walking and cycling, such as shower facilities for staff. Secondary targets need to be provided using the same SMART approach and this can be done before occupancy, and can be linked to Hackney and London's targets as well as the context of the space, in the short, medium and long-term.
- 6.6.15 Full costings of the work and timeframes should be set out within the Travel Plan over the five years of Travel Plan implementation. The Travel Plan should be reviewed and monitored annually for at least 5 years in consultation with 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. The full Travel Plan will be required and implemented on occupation of the development. This will be secured through the legal agreement inclusive of financial contribution towards the monitoring of the Travel Plan of £2,000.

Construction Logistics Plan (CLP)

- 6.6.16 In order to ensure that the construction and demolition process is carried out with the minimum of disruption and to mitigate the negative impact on the surrounding highway network a Construction Logistics and Management Plan has been recommended by condition. A requirement to join the Considerate Constructors Scheme has also been included within the legal agreement. To effectively monitor the final CLMP the base fee of £8,750 is recommended to be secured via the legal agreement.

Servicing and deliveries

- 6.6.17 A Servicing and Delivery Plan has been provided which states that owing to the size of the development, it is unlikely that there will be a substantial increase in deliveries across the day. The plan states that the majority of servicing and delivery trips will be for courier and postal deliveries. It is predicted that up to 2 transit/van deliveries will occur over the course of a typical day. An assessment of comparable sites within the TRICS database for Oversized Goods Vehicles (OGVs) predicts that there would be an average of 4 two-way OGV movements per week.
- 6.6.18 As outlined above, owing to the potential conflict between pedestrians and cyclists and motor vehicles, the undercroft should not be used for delivery and servicing trips or by larger vehicle types. As the TS notes, servicing should continue to involve vehicles waiting on-street along the northern side of the carriageway, using the double yellow waiting restrictions outside of the restricted hours (Monday to Saturday, 7am – 9.30am and 4.30pm – 7pm).

- 6.6.19 In combination with the trip generation across the wider site, it is important that servicing and delivery trips are properly managed. A full Servicing and Delivery Plan should be submitted prior to occupancy. This should evaluate ways in which deliveries can be reduced and consolidated to reduce their impact on the transport network. Alternative modes of sustainable transport and last mile delivery are preferable such as delivery via Cargobike.
- 6.6.20 Overall, there are no objections subject to conditions for cycle parking, Demolition and Construction Method Plan, Servicing and Delivery Plan, and a CPZ parking permit restriction. In addition, a Travel Plan must be submitted, car club credit/membership provided, and a contribution made towards highway works.

Highway and other works

- 6.6.21 Highways improvements consist of the renewing of the footway to the frontage of the development and more smoother crossing points across the footway and crossovers at this point. The proposed development would face the railway line and Network Rail require a number of conditions to protect the safety of the railway line and have been included.

6.7 Landscaping and biodiversity

- 6.7.1 London Plan policy G5 'Urban greening' states that major development proposals should contribute to the greening of London by including urban greening as a fundamental element of building and site design and by incorporating high quality landscaping including trees, green roofs, green walls and nature-based sustainable drainage. LP33 policy LP46 requires all development to enhance the network of green infrastructure across the borough. LP33 policy LP47 seeks all development to protect and where possible enhance biodiversity leading to a net gain. LP51 further supports high quality landscaping with all development proposals.
- 6.7.2 A landscape strategy has been submitted and includes a communal landscaped courtyard located in front of the commercial units with the intention of providing a multifunctional space for residents and with the aim of introducing biodiversity to the site in the form of perennial planting, trees, and a green wall. The new space will include paved paths and benches to provide outdoor seating with the residents in mind. The landscape strategy is welcomed given the existing levels of site coverage and has been amended following discussions with officers to increase planting within the site. Although the site could do with more trees, any trees fronting the green wall would block light to the green wall. As a compromise three Swedish Birch trees are proposed to the side of the entrance driveway by the cycle store area. Details have been submitted about how the trees are going to be planted and watered and no further details are required.
- 6.7.3 As required by LP47 an Ecological Appraisal has been submitted which establishes that there are no active bird nests on the site, and there are no

signs of bats. This is likely due to the design of the building and that there is little foraging available. Ivy was present along the south façade but this was identified as providing low potential to support roosting bats. The appraisal recommends that care should be taken in removing the south wall during demolition and that the ivy should be removed with care. If bats are found in the ivy then removal should stop and the Bat Society should be consulted. The report also stated that provisions for bats should be incorporated into the new design. It is recommended that green roofs may be appropriate and a number of these are included in the proposals. It is also recommended that plant species which encourage bats could be used in the landscaped courtyard, as well as the installation of bird and bat boxes which could all contribute to delivering an ecological net gain on the site. These measures will be secured by condition.

- 6.7.4 In addition to the above, swift nesting boxes should be provided at eaves level. This should comprise integrated swift nest box or bricks, which provide nest space for both swifts and sparrows as recommended by the Hackney Swift Society. These will be secured by condition.

6.8 Energy and sustainability

- 6.8.1 London Plan policies SI 2, SI 3, and SI 4, states that major development proposals should provide a reduction in expected greenhouse emissions through the use of on-site renewable energy generation, where feasible and reduce internal overheating through passive measures.

- 6.8.2 London Plan policy SI 2 seeks to reduce greenhouse gas emissions and minimise annual and peak energy demand in accordance with the following energy hierarchy:-

- 1) be lean: use less energy and manage demand during operation;
- 2) be clean: exploit local energy resources (such as secondary heat) and supply energy efficiently and cleanly;
- 3) be green: maximise opportunities for renewable energy by producing, storing and using renewable energy on-site;
- 4) be seen: monitor, verify and report on energy performance.

- 6.8.3 Major development proposals should include a detailed Energy Strategy to demonstrate how the zero-carbon target emission rate will be met within the framework of the above energy hierarchy. Further, a minimum on-site carbon reduction of at least 35% beyond Building Regulations is required for major development. Residential development should achieve a 10% reduction in carbon emissions and non-residential development should achieve 15% through energy efficiency measures. Where the zero-carbon target cannot be fully achieved on-site, any shortfall should be provided through a payment in lieu contribution to the borough's carbon offset fund.

- 6.8.4 Hackney Local Plan policies LP54 Overheating and Adapting to Climate Change requires that all new development must regulate internal and external temperatures through orientation, design, materials and technologies which avoid overheating, mitigate the Urban Heat Island (UHI) effect and have regard to maximising the use of the cooling hierarchy.
- 6.8.5 Policy LP55 Mitigating Climate Change requires that all new developments must actively seek to mitigate the impact of climate change through design which minimises exposure to the effects, and technologies which maximise sustainability. Further, all new residential development should meet a zero carbon emissions target emission rate in line with the London Plan energy hierarchy and our Sustainability and the Built Environment SPD and all non-residential developments must achieve the BREEAM “Excellent” rating. The carbon reductions sought in LP33 mirror the London Plans requirements and the design, construction and operation of new buildings should be informed by the London Plan energy hierarchy as set out in paragraph 6.9.2 above.
- 6.8.6 The proposed Energy Strategy adopts the energy hierarchy from the London Plan and Hackney Local Plan policies LP54 and LP55. The Energy Strategy demonstrates that at least a 66.22% on-site reduction beyond Part L of the Building Regulations, which is lower than the recently adopted energy target by the GLA (Part L 2021), is achieved for both the residential and commercial units. It would lead to an increase in the carbon savings on site, which is in line with policy SI 2 and LP55.
- 6.8.7 Our Sustainability and Climate Change Officer has been working directly with the applicant’s consultant over a number of months to ensure compliance with the energy hierarchy. In response, the applicant improved their fabric performance to bring it closer to best practice and beyond minimum regulatory requirements. The applicant also confirmed the space heating demand and energy use intensity target metrics which should be secured through condition.
- 6.8.8 London Plan policy SI 3 requires energy infrastructure to adopt a communal heating system and seek to connect to an existing District Heat Network (DHN) or be able to connect to a future DHN. This is the ‘be clean’ part of the energy hierarchy. This should be secured post decision through condition.
- 6.8.9 In response to ‘be green’, renewable energy solar photovoltaic (PV) panels are proposed and this technology is compatible with both air source heat pumps (ASHP) proposed for each residential unit and can be installed with the green roofs proposed. On-site savings from renewable energy technologies should be maximised regardless of London Plan targets having been met and a condition is required to ensure that these systems can be optimised on site without affecting the PVs. The applicant has committed to deliver minimum performance and this should be secured post planning through a condition.

- 6.8.10 London Plan policy SI 4 requires developments to minimise adverse impacts on the urban heat island through design, layout, orientation and materials. Major development should demonstrate through an Energy Strategy how they will reduce the potential for internal overheating and reliance on air conditioning systems. Policies LP54 and 55 support this approach.
- 6.8.11 The proposals include some single aspect (east facing) units and there are some units that are at risk from overheating due to their reliance on south facing windows. An Overheating Assessment has been provided for the residential units and through on-going negotiations, officers have secured improvements to the building's design such as external shutters, constant air supply and large areas of fully openable windows to allow sufficient ventilation without the need for reliance on mechanical ventilation. Our Sustainability and Climate Change Officer is now satisfied that all residential units will pass the tests and that further improvements can be sought through the submission of an updated assessment prior to construction.
- 6.8.12 No Overheating Assessment has been provided for the commercial units and it has been agreed with our Sustainability and Climate Change Officer that this can be submitted by condition prior to construction.
- 6.8.13 All non-domestic developments are required to submit a BREEAM Assessment. BREEAM 'Excellence' needs to achieve 70% or Higher and only the pre-assessment results have been provided. The present scheme has committed to achieve a minimum of 71.85% BREEAM Excellent - this will be secured post planning through a condition.
- 6.8.14 The Energy Strategy is generally supported, however, net zero commitments made at the planning application stage must be secured post decision through a number of conditions and legal agreements.

6.9 Flood risk

- 6.9.1 Hackney Local Plan policy 53 item E requires 'development which includes the creation or extension of basements must demonstrate that they will not increase the potential for groundwater flooding to itself or to the surrounding area'. London Plan policy SI 12 states that development proposals must comply with the flood risk assessment and management requirements over the lifetime of the development and have regard to measures proposed in flood management plans. Policy SI 13 of the London Plan states that development proposals should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible.
- 6.9.2 The site is in a critical drainage area and has a high risk of surface water flooding. As the proposal involves creating commercial rooms within the basement, it is essential that the development is protected against flooding. The flood risk assessment has been reviewed by the council's Drainage Team who raise no objection to the proposal, subject to conditions requiring the submission and implementation of sustainable drainage measures and flood resilient and resistant construction measures to protect the building

from surface water flooding. A drainage layout has been provided but the proposed green roof and rainwater harvesting systems are still missing from the proposed layout. These will be secured by condition.

- 6.9.3 Part of LP53 also encourages new developments to incorporate additional water saving, water recycling and water efficiency measures such as smart-metering, rainwater harvesting, greywater recycling, including retrofitting, to help reduce water consumption. These matters are covered by the pre-construction BREEAM Assessment.

6.10 Land contamination

- 6.10.1 A preliminary risk assessment must be undertaken and fully reported on. Following this a post-development verification report would be required to set out any necessary restrictions for the future use of the site and demonstrate that arrangements have been made to inform future site users of the restrictions. A risk assessment and verification report is required by condition.
- 6.10.2 In the event that contamination is found that was not previously identified it must be reported in writing within 7 days to the local planning authority and the development must be halted. An assessment must subsequently 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 shall be submitted to the LPA.

6.11 Waste

- 6.11.1 There were concerns with the previous proposal that the waste was over 60 metres from the collection point. A new collection point has been amended to within 10 metres of the parking point for refuse collection vehicles, which is acceptable. Residents should not transport waste more than 25 metres, and it appears that in some cases distances from the residential units to the bin store may exceed this. It is suggested that the managing agent provides assistance and therefore, a condition will require details how this will be managed.
- 6.11.2 In terms of commercial waste, it would be for the occupants to agree collection arrangements with their chosen commercial waste carrier. The level of provision planned appears to be reasonable, although it is likely that the occupiers/building manager would need to arrange for bins to be moved closer to Dalston Lane to enable collections. This would certainly be the case in the event of the council's Commercial Waste Service being the provider chosen. Details of commercial collection would be required by condition.

6.12 Air quality

- 6.12.1 The Air Quality assessment is satisfactory in relation to building emissions by

adopting an energy system which will be used in the development (i.e. air source heat pumps) for heating and hot water. Transport emissions were acceptable and dust mitigation measures outlined in the Air Quality Assessment (AQA) need to be incorporated into the Construction Management Plan. However, to ensure the development does not exceed the fuel usage of 222,962 kWh/annum, keeping it air quality neutral, a condition needs to be added. The condition requires that before the development is operational proof must be provided to the council that the energy system installed is air quality neutral. This is because the AQA does not confirm that the energy system calculated in the air quality neutral assessment is the one that will be included in the development.

6.13 S106 Agreement and Community Infrastructure Levy (CIL)

6.13.1 Details of likely legal agreement contributions and clauses have been prepared in line with the council's SPD on Planning Contributions (July 2020), and the relevant regulations (Community Infrastructure Levy Regulations 2010) and the resulting level of contributions and Heads of Terms for the legal Agreement are detailed at Recommendation B below.

6.13.2 It is recommended that a legal agreement be sought in accordance with the matters discussed above with the following Head of Terms:

- The owner shall be required to enter into an agreement to pay the council to undertake public realm improvements
- Provision towards affordable Housing Contribution £261,126
- Provision of car-free development (with the exception of one Blue Badge holder)
- Provision towards Car Club Membership
- Adoption and compliance with Travel Plan (residential) and Travel Plan Monitoring fee of £2000.
- Commitment to the council's local labour and construction initiatives
- Considerate Contractor Scheme – the applicant to carry out all works in keeping with the National Considerate Contractor Scheme.
- Monitor the final Construction Logistics Plan fee of £8,750.
- Payment towards Carbon-offset contribution £23,512
- Monitoring Be seen reporting and monitoring
- Funding for a Blue Badge parking bay
- Payment of a monitoring fee for the legal agreement;
- Payment of the council's costs in securing and preparing the legal agreement

6.13.3 The development is CIL liable as the development is more than 100 sqm. The CIL charge is £239,137 for the residential development and not for offices as the location is outside Shoreditch.

6.14 Equalities Considerations

6.15 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.

6.16 Having regard to the duty set out in the S149 Equality Act 2010, the development proposals do not raise any equality issues.

7.0 CONCLUSION

7.1 Section 38 (6) of the Planning Compulsory Purchase Act 2004, requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise.

7.2 The principle to provide a mixed use development is considered acceptable in land use terms. The dwelling mix and standard of accommodation is considered acceptable. The design and scale of the proposed building is considered acceptable and there would be less than substantial harm to the listed building and the character and appearance of the conservation area. There is no significant amenity impact to adjoining buildings. Biodiversity and sustainability measures have been incorporated into the scheme. Transport measures include provision of cycle parking, disabled parking and car free development. The proposal complies overall with pertinent policies in the Hackney Local LP33 (July 2020), and the London Plan (2021), and the granting of full planning permission is recommended, subject to conditions and the completion of a legal agreement.

8 RECOMMENDATIONS

Recommendation A

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

8.1.1 SCB1 – 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 SCB0 – 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 CLS1.1: Contaminated land - pre-development

Development except demolition to ground level will not commence until preliminary risk assessment work has been undertaken and fully reported on. If required additional physical site investigation work has been undertaken and fully reported on and a remedial action plan has been produced to the satisfaction of and approved in writing by the planning authority. Where physical site investigation work has not been agreed at a pre-application stage further physical investigation work must be agreed with the contaminated land officer before being undertaken. Development will not commence until all pre-development remedial actions, set out within the remedial action plan, are complete and a corresponding pre-development verification report has been produced to the satisfaction of and approved in writing by the planning authority. Work shall be completed and reported by a competent person/company in line with current best practice guidance, including the council's contaminated land planning guidance. The planning authority and Contaminated Land Officer must receive verbal and written notification at least five days before investigation and remediation works commence. Subject to written approval by the planning authority, this condition may be varied, or discharged in agreed phases.

REASON: To protect human health, water resources, property and the wider environment from harm and pollution resulting from land contamination.

8.1.4 CLS1.2: Contaminated land - pre-occupation

Before first occupation/use of the development a post-development verification report will be produced to the satisfaction of and approval in writing by the planning authority. The verification report must fully set out any restrictions on the future use of a development and demonstrate that arrangements have been made to inform future site users of the restrictions. Work shall be completed and reporting produced by a competent person/company in line with current best practice guidance, including the council's contaminated land planning guidance. The Contaminated Land Officer must receive verbal and written notification at least five days before development and remedial works commence. Subject to written approval by the planning authority, this condition may be varied, or discharged in agreed phases. Any additional, or unforeseen contamination encountered during the course of development shall be immediately notified to the planning authority and Contaminated Land Officer. All development shall cease in the affected area. Any additional or unforeseen contamination shall be dealt with as agreed with the Contaminated Land Officer. Where development has ceased in the affected area, it shall re-commence upon written notification of the planning authority or Contaminated Land Officer.

REASON: To protect human health, water resources, property and the wider

environment from harm and pollution resulting from land contamination.

8.1.5 CLS1.3 - Unexpected Contamination

In the event that contamination 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. 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 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 user(s) of the development, any adjacent land user(s) and the environment from contamination.

8.1.6 Foundation design condition:

Prior to the commencement of development, details of the design of the foundations and other works proposed below existing ground level shall be submitted in writing and approved by the local planning authority in consultation with HS1. Construction activity shall then be carried out in compliance with the approved details unless previously agreed in writing by the local planning authority in consultation with HS1.

REASON: To ensure that loads on, and settlement of, HS1 tunnels, structures, track and other infrastructure do not prejudice the safety or operation of HS1.

8.1.7 Site investigations near to HS1 (either above tunnels or adjacent to railway assets)

Prior to the commencement of site investigations involving a borehole or trial pit deeper than one metre, details of the location and depth of site investigations including a method statement shall be submitted in writing and approved by the local planning authority in consultation with HS1. This activity shall then be carried out only in compliance with the approved details unless previously agreed in writing by the local planning authority in consultation with HS1.

REASON: No such information has been provided and is required in order

to ensure that the borehole or trial pit is at an acceptable vertical and horizontal distance from tunnels, the operational railway or other assets as advised by HS1 so that it does not compromise the integrity, safety or operation of HS1.

8.1.8 Demolition

No demolition activity shall take place until the proposed methodology has been submitted in writing to and approved by the local planning authority in consultation with HS1. Demolition activity shall then be carried out in accordance with the approved details unless the local planning authority in consultation with HS1 has previously agreed in writing to any change.

REASON: No such information has been provided and demolition activity could pose a risk to the safety, security, and operation of HS1.

8.1.9 Excavations

Prior to the commencement of any construction activity engineering details of the size, depth and proximity to HS1 of any excavations shall be submitted in writing to and approved by the local planning authority in consultation with HS1. Excavations shall then be carried out in accordance with the approved details unless the local planning authority in consultation with HS1 has previously agreed in writing to any change.

REASON: No such details have been provided. To ensure that the stability HS1 tunnels, structures, track and other infrastructure is not prejudiced.

8.1.10 Imposed loads

Prior to the commencement of any construction activity, details of the size, loading and proximity to HS1 of additional ground loads such as stockpiles or the development itself shall be submitted in writing and approved by the local planning authority in consultation with HS1. Works shall be carried out in conformity with the approved details unless the local planning authority in consultation with HS1 has previously agreed in writing to any change.

REASON: To ensure that the stability of HS1 tunnels, structures, track and other infrastructure is not prejudiced.

8.1.11 Vibration

Prior to the commencement of any construction activity details of the proposed plant and equipment which are likely to give rise to vibration (such as pile driving, demolition and vibro-compaction of the ground) together with predicted vibration levels, shall be submitted in writing and approved by the local planning authority in consultation with HS1. Activities likely to cause

vibration in the vicinity of HS1 infrastructure such that a peak particle velocity (PPV) of 5mm/s may be exceeded at the railway boundary will be subject to agreement in advance. Where activities could give rise to PPV of 5mm/s or greater, a vibration and settlement monitoring regime shall be submitted in writing for approval by the local planning authority in consultation with HS1. It shall be put in place prior to the start of works. HS1 shall be provided reasonable access to the results of monitoring.

REASON: No details of vibration have been provided. To ensure that vibration does not prejudice safety, operation and structural integrity of HS1.

8.1.12 Construction Management Plan

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

a) A demolition and construction method statement covering all phases of the development to include details of noise control measures and measures to preserve air quality (including a risk assessment of the demolition and construction phase);

b) A construction method statement covering all phases of the development to include details of noise control measures and measures to preserve air quality (including a risk assessment of the demolition and construction phase);

- The operation of the site equipment generating noise and other nuisance causing activities, audible at the site boundaries or in nearby residential properties shall only be carried out between the hours of 08:00 – 18:00 Mondays-Fridays, 08:00 -13:00 Saturdays and at no time on Sundays or Bank Holidays unless otherwise agreed in writing by the local planning authority;

- The best practical means available in accordance with British Standard Code of Practice BS5228-1:2009 shall be employed at all times to minimise the emission of noise and vibration from the site;

c) A Demolition and Construction Waste Management Plan setting out how resources will be managed and waste controlled at all stages during a construction project, including, but not limited to, details of dust mitigation measures during site clearance and construction works (including any works of demolition of existing buildings or breaking out or crushing of concrete), the location of any mobile plant machinery, details of measures to be employed to mitigate against noise and vibration arising out of the construction process demonstrating best practical means

d) Details of the location where deliveries will be undertaken; the size and number of lorries expected to access the site daily; the access arrangements

(including turning provision if applicable); construction traffic routing; details of parking suspensions (if required) and the duration of construction.

e) A Dust Management Plan to include details of how dust from construction activity will be controlled/mitigated/suppressed following best practice guidance. This should include monitoring of particulate matter at the application site boundary in the direction of sensitive receptors following the SPG Mayor of London Control of Dust and Emissions Guidance. Upon demand a monthly monitoring report should be sent to the council for review.

REASON: To avoid hazard and obstruction being caused to users of the public highway and in the interest of public safety and amenity. 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.

8.1.13 Piling

No piling shall take place until a Piling Method Statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

REASON: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure.

8.1.14 Details to be approved (General)

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 before the relevant work is commenced. The development shall not be carried out otherwise than in accordance with the details thus approved:-

- a) samples of cladding system and flashing;
- b) sample of external doors and windows;
- c) sample of balconies and balustrades;
- d) technical detail drawings (scaled 1:5, 1:10 and 1:20) of walls and features, showing all joints and interface of materials, including doors and windows, sills, walls, balconies, balustrades, and parapets;
- e) detailed drawings of the proposed green wall (All at scale 1:5, 1:10 and 1:20); and
- f) details of control access to residential entrance.

REASON: To ensure that the external appearance of the building is satisfactory and does not detract from the visual amenity of the area.

8.1.15 Materials

Notwithstanding the details shown on the plans and documents hereby approved, full particulars of the following shall be submitted to and approved in writing by the local planning authority prior to the commencement above ground works for each phase of the development on site (excluding demolition works). The development shall not be carried out otherwise than in accordance with the details thus approved:-

- a) material samples of all externally appearing features submitted for approval, on request;
- b) provision of a detailed materials sheet showing the location of materials, their manufacturer and product reference and precedent photographs; and
- c) the submitted details shall include bricks, and not brick slips.

REASON: To ensure that the external appearance of the building is satisfactory and does not detract from the visual amenity of the area.

8.1.16 Suds

No development shall commence, other than works of demolition until full detailed specification of the sustainable drainage system supported by appropriate calculations, construction details, drainage layout and a site-specific management and maintenance plan have been provided. Details shall include but not limited to the proposed green roof (with a substrate depth of at least 80-150mm not including vegetative mats), rainwater harvesting system, permeable paving (with attenuation system underneath), a silt control system (to reduce the risk of blockages at the outlet) and the flow control system, which shall be submitted and approved by the LPA in consultation with the LLFA. Surface water from the site shall be managed according to the proposal referred to in the FRA & SuDS Strategy Report (prepared by eb7 dated 26 July 2022) and the overall site peak discharge rate is restricted to 0.7 l/s.

REASON: To protect and where possible enhance biodiversity leading to a net gain.

8.1.17 Flood Report

No development shall commence, other than works of demolition, until a report (including intrusive investigation/trial pit and monitoring where necessary) demonstrating that the basement will not increase the potential for groundwater flooding to itself or to the surrounding area has been submitted to the local planning authority for approval. Details of appropriate controls including flood resilience and/or resistance measures against surface water (overland flow) and groundwater (if identified) 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" and current best practice.

REASON: To reduce the risks from surface water flooding.

8.1.18 Air Quality Monitoring

All measures included within the approved air quality assessment shall be fully implemented. No occupation will take place until a report demonstrating that each measure is fully implemented has been provided to the satisfaction of and approved in writing by the planning authority. This should include details of building emissions considering the type of energy system which will be used in the development and show that the specified energy system will meet standards set out in the air quality assessment document. Air quality monitoring should be undertaken in line with the methodology set out in Local Air Quality Management (LAQM) Technical Guidance (TG.16) to determine if any mitigation measures are required.

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 lifetime of the development. To contribute towards the maintenance or to prevent further exceedances of National Air Quality Objectives.

8.1.19 Servicing and Delivery Plan

Prior to the occupation of the development a Servicing and Delivery Plan shall be submitted to and approved by the local planning authority setting out:

- a) frequency of deliveries per day/week;
- b) size of vehicles;
- c) how vehicles would be accommodated on the public highway and thereafter deliveries and servicing shall be carried out in accordance with the approved plan.

REASON: To ensure that the proposed development does not prejudice the free flow of traffic or public safety along the neighbouring highway(s).

8.1.20 Energy Statement - Pre commencement

The development hereby approved shall achieve or improve upon the following, as set out in the submitted Energy Strategy prior to commencement of the works and shall be retained as such in perpetuity;

- a) minimum carbon savings of 17.66 % (domestic) and 34.49% (non domestic) against Part L 2013 through fabric efficiency; and

- b) minimum overall carbon savings of 74.31 % (domestic) and 43.15% (non domestic) against Part L 2013.

REASON: In the interest of addressing climate change and securing sustainable development.

8.1.21 Energy Statement - Post completion

The development hereby approved shall achieve or improve upon the following, as set out in the submitted Energy Strategy prior to occupation and shall be retained as such in perpetuity;

- a) minimum carbon savings of 17.66 % (domestic) and 34.49% (non domestic) against Part L 2013 through fabric efficiency; and
- b) minimum overall carbon savings of 74.31 % (domestic) and 43.15% (non domestic) against Part L 2013.

REASON: In the interest of addressing climate change and securing sustainable development.

8.1.22 Fabric First - Pre commencement

The development hereby approved shall achieve or improve upon the following, as set out in the submitted Energy Strategy prior to commencement of the works and shall be retained as such in perpetuity;

- a) space heating demand of 28.38 kWh/sqm/yr (domestic) and 14.57 kWh/sqm/yr (non domestic)

REASON: In the interest of addressing climate change and securing sustainable development.

8.1.23 Fabric First - Post completion

The development hereby approved shall achieve or improve upon the following, as set out in the submitted Energy Strategy prior to occupation and shall be retained as such in perpetuity;

- a) space heating demand of 28.38 kWh/sqm/yr (domestic) and 14.57 kWh/sqm/yr (non domestic).

REASON: In the interest of addressing climate change and securing sustainable development.

8.1.24 Air Permeability Testing- post completion

The development hereby approved shall achieve or improve upon the following, as set out in the submitted Energy Strategy prior to occupation and shall be retained as such in perpetuity; an air test must be carried out to all units to demonstrate 'as designed' level of air permeability have been achieved and meet or improve upon any higher future standards set by national or regional policy.

- a) air permeability 3 m³/h.m² @50mPA for non naturally ventilated units (domestic facing the railway and all non domestic); and
- b) air permeability 4 m³/h.m² @50mPA for naturally ventilated units.

REASON: In the interest of addressing climate change and securing sustainable development.

8.1.25 Overheating Pre-commencement

Prior to the commencement of development an updated dynamic overheating risk assessment shall be completed for all units following the CIBSE TM52 (non residential) methodology or any higher future standards set by national or regional policy and shall be submitted to the local planning authority for approval in writing and shall be retained as such in perpetuity:

- a) 100% units to pass under weather file DSY1;
- b) provide a retrofit plan detailing how further mitigation measures can be installed and who will be responsible to manage future overheating risk for 100% of units to pass under weather file DSY2;
- c) provide a retrofit plan detailing how further mitigation measures can be installed and who will be responsible to manage future overheating risk for 100% of units to pass under weather file DSY3; and
- d) the development hereby approved shall achieve or improve upon the above, as set out in the submitted Energy Strategy.

REASON: In the interest of addressing climate change and securing sustainable development.

8.1.26 Overheating Post-construction

Within 3 months of the completion of development an updated dynamic overheating risk assessment must be completed for all units following the CIBSE TM52 (non residential) & TM59 (residential) methodology or any higher future standards set by national or regional policy and shall be submitted to the local planning authority for approval in writing and shall be retained as such in perpetuity:

- a) 100% units to pass under weather file DSY1;

- b) provide a retrofit plan detailing how further mitigation measures can be installed and who will be responsible to manage future overheating risk for 100% of units to pass under weather file DSY2;
- c) provide a retrofit plan detailing how further mitigation measures can be installed and who will be responsible to manage future overheating risk for 100% of units to pass under weather file DSY3; and
- d) the development hereby approved shall achieve or improve upon the above, as set out in the submitted Energy Strategy.

REASON: In the interest of addressing climate change and securing sustainable development.

8.1.27 Connection ready

The development hereby approved shall achieve or improve upon the following, as set out in the submitted Energy Strategy prior to commencement of the works:

- a) Layout of energy centre/plant room
- b) Layout of obstacle free safeguarded route between heat exchanger and incoming DEN entry point
- c) Details of on-site heat exchanger/pipework connection to incoming DEN
- d) Details of on-site connection with pre-installed and capped with flange
- e) Details of pre-installed pipework connecting identified plant room/heat exchanger to proposed heating system(s).

The details shall be submitted to the local planning authority for approval in writing prior to the commencement of development. The development shall be undertaken strictly in accordance with the details approved and retained in perpetuity.

REASON: In the interest of addressing climate change and securing sustainable development.

8.1.28 Energy Use Intensity - Pre commencement

The development hereby approved shall achieve or improve upon the following, as set out in the submitted Energy Strategy prior to commencement of the works and shall be retained as such in perpetuity;

- a) Energy Use Intensity of 88.95 kWh/sqm/yr (residential) and 84.37 kWh/sqm/yr (non residential).

REASON: In the interest of addressing climate change and securing sustainable development.

8.1.29 Energy Use Intensity Post-completion

The development hereby approved shall achieve or improve upon the following, as set out in the submitted Energy Strategy prior to occupation and shall be retained as such in perpetuity;

- a) Energy Use Intensity of 88.95 kWh/sqm/yr (residential) and 84.37 kWh/sqm/yr (non residential).

REASON: In the interest of addressing climate change and securing sustainable development.

8.1.30 PV panels - Post completion

The development hereby approved shall achieve or improve upon the following, as set out in the submitted Energy Strategy prior to occupation and shall be retained as such in perpetuity;

- a) Solar PV panels annual electricity generation of 5,699.85 kWh/yr;
- b) Provide installation certificate by MSC registered installer.

REASON: In the interest of addressing climate change and securing sustainable development.

8.1.31 Heat pump - Heating Post-completion

The development hereby approved shall achieve or improve upon the following, as set out in the submitted Energy Strategy prior to occupation and shall be retained as such in perpetuity;

- a) Heat pump Coefficient of Performance of 3.2; and
- b) Provide installation certificate by MSC registered installer.

REASON: In the interest of addressing climate change and securing sustainable development.

8.1.32 BREEAM Pre commencement

Prior to commencement of development the following details shall be submitted to and approved in writing by the local planning authority:

- a) BREEAM Interim Design Certificate and targeted credits presented in a tracker comparing credits targeted at pre-assessment stage;
- b) Minimum BREEAM Rating of 71.85%; and
- c) The development hereby approved shall achieve or improve upon the above as set out in the submitted Energy Strategy prior to occupation and shall be retained as such in perpetuity.

REASON: In the interests of addressing climate change and securing sustainable development.

8.1.33 BREEAM Post construction

Prior to occupation the following details shall be submitted to and approved by the local planning authority for approval in writing:

- a) BREEAM Final Certificate and targeted credits presented in a tracker comparing credits targeted at pre-assessment stage;
- b) Minimum BREEAM Rating of 71.85%; and
- c) The development hereby approved shall achieve or improve upon the above as set out in the submitted Energy Strategy prior to occupation and shall be retained as such in perpetuity.

REASON: In the interest of addressing climate change and securing sustainable development.

8.1.34 Soundproofing between Residential and Commercial Properties

A scheme of sound insulation shall be submitted for approval prior to occupation of the residential units. Once approved, the sound proofing shall be installed between the commercial premises on the ground floor and residential units on the first floor prior to the occupation of the residential units.

REASON: To ensure that the occupiers and users of the proposed development do not suffer a loss of amenity by reason of excess noise from neighbouring uses.

8.1.35 Noise from Plant and Equipment

The rated aggregate noise level from the equipment hereby approved shall be 10 dB(A) or more below the measured LA90 level at the façade of the nearest residential premises and 5dB(A) or more at the façade of the nearest office. The method of assessment shall be carried in accordance with BS4142:2014 'Methods for rating industrial and commercial sound'.

REASON: To ensure that occupiers of neighbouring premises do not suffer a loss of amenity by reason of noise nuisance and other excess noise.

8.1.36 Travel Plan

A Travel Plan shall be submitted to, and approved in writing by, the local planning authority before occupation. Such a plan is to include details of the provision/encouragement of alternative modes of transport to the car for all users of the site, together with the phasing of measures as appropriate. The approved Travel Plan shall be implemented on the commencement/occupation of the development.

REASON: In order to comply with the objectives of national and local planning policies (within the council's local development plan) which promote sustainable development with particular regard to transport.

8.1.37 Landscaping

Landscaping is to be carried out in accordance with the approved Landscape Plan JDL-160DL-PL02 Rev A & Landscaping Document by John Davies. All landscaping in accordance with the scheme, when approved, shall be carried out within a period of twelve months from the date on which the development of the site commences or shall be carried out in the first planting (and seeding) season following completion of the development, and shall be maintained to the satisfaction of the local planning authority for a period of ten years, such maintenance to include the replacement of any plants that die, or are severely damaged, seriously diseased, or removed.

REASON: To enhance the character, appearance and ecology of the development and contribution to green infrastructure.

8.1.38 Bird and Bat Box Provision

Details of Bird and Bat Box provision, including swift bricks, shall be submitted to and approved in writing by the local planning authority, prior to the completion of the relevant part of the development hereby approved. The approved details shall have been fully implemented prior to first occupation of the development.

REASON: To provide potential habitat for local wildlife.

8.1.39 Waste and recycling facilities

Prior to the first occupation of the development hereby approved, waste and recycling facilities shall be provided in accordance with the details contained within the site and approved plans and any subsequent approval of details, and maintained and retained in situ thereafter. And details of collection arrangements for commercial units shall be submitted.

REASON: To ensure adequate provision is made for the storage of refuse and recycling in the interests of amenity.

8.1.40 Waste transportation

Prior to occupation, details of how residents' waste will be transported from the approved refuse store to the collection point fronting Dalston Lane shall be submitted to, and approved in writing, by the local planning authority. The development shall not operate otherwise than in accordance with the details thus approved.

REASON: To ensure adequate provision is made for the storage of refuse and recycling in the interests of amenity.

8.1.41 Cycle Parking

A detailed Cycle Plan is required to show notwithstanding what is shown on the approved plans, secure parking for 51 cycles serving the development site, and visitor parking shall be made available, prior the first occupation of the relevant sections of the development hereby approved. The development shall not be carried out otherwise than in accordance with the details thus approved.

REASON: To ensure that a reasonable provision is made within the site for the parking of bicycles in the interest of relieving congestion in surrounding streets and improving highway conditions in general.

8.1.42 Installation of plant and machinery

No plant or machinery shall be installed on the external surfaces of the building.

REASON: In order to safeguard the appearance of the building and the amenity of future and surrounding occupiers.

8.1.43 Lighting strategy

Prior to occupation, a Lighting Strategy shall be provided for the whole site to be submitted and approved by the local planning authority. The development shall not be carried out other than in accordance with the details thus approved.

REASON: To ensure safety of residents and satisfactory living conditions for residents and visitors to the site.

8.1.44 Fit out and marketing

Full details of a fit out, marketing and further actions strategy for the uptake of the E1 c (i), c (ii), and g(i), premises. The strategy shall include, but not be limited to, details of the elevational treatment, entrances, wall, ceiling and floor finishes, and broadband connectivity details etc, details of the minimum general scheme of marketing, details of the maximum rates, tenures and durations to be offered, flexibility of the space/s offered, any contributions towards the start-up costs of businesses that lease the space etc and shall include a defined duration for the marketing exercise. The further actions strategy shall include, but not be limited to, details of further fit out, subdivision, flexibility for tenants, management arrangements etc shall include defined timescales for further actions to be undertaken.

The commercial spaces shall be fitted out in full accordance with the details approved prior to the first occupation of the residential properties hereby approved and will not be marketed otherwise than in accordance with the

details approved unless otherwise agreed in writing by the local planning authority. In the event that the approved fit out and marketing are unsuccessful in finding occupier/s then further actions will be undertaken in full.

REASON: To ensure that the employment floorspace hereby approved is of an adequate standard which meets local business needs and is adequately marketed and provided to meet local business needs.

8.1.45 Biodiverse roof/Living wall

Notwithstanding the details shown on the plans and documents hereby approved 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, prior to occupation. The development shall not be carried out otherwise than in accordance with the details thus approved:

- a) a biodiverse, substrate-based extensive green/brown roof (with a minimum substrate depth of 100mm and, not including the vegetative mat, including a detailed maintenance plan; and
- b) details of the living wall to include full specifications and a detailed management and maintenance plan of the green wall.

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 and assists in the meeting the local plan objective of reducing carbon emissions.

8.1.46 Obscured glazing NS01

The lower section of the living/kitchen windows of flat 1 and flat 8 in the north elevation wall at first and second floor level of the building shall be permanently glazed in obscured glass. Details of the obscure glazing shall be submitted to and approved in writing by the local planning authority prior to occupation of these units and retained thereafter.

REASON: To ensure that the development does not result in the loss of visual privacy for neighbouring occupiers.

8.1.47 Obscured glazing NS02

The hallway windows in the western wall at first and second floors shall be permanently glazed in obscured glass and sealed shut. Details of the obscure glazing shall be submitted to and approved in writing by the local planning authority prior to occupation of these units and retained thereafter.

REASON: To ensure that the development does not result in the loss of

visual privacy for neighbouring occupiers.

8.1.48 Screening

Screening shall be erected to the east side balcony of flats 1 and 2, and between flats, 8-10 on the east elevation and between flats 11-12 to the south elevation to a height of 1.8 . Details of which shall be submitted to and approved by the local planning authority in writing prior to occupation. The development shall not be carried out otherwise than in accordance with the details thus approved and the privacy screens shall be provided before the unit is occupied and permanently retained thereafter.

REASON: To safeguard the amenities of surrounding occupiers.

8.1.49 Restricted Use

The basement and ground floor of the premises shall only be used for the provision of Class E1 c (i), c (ii), and g(i), and for no other purposes within Use Class E of the Schedule to the Town and Country Planning (Uses Classes) Order 1987 or in any provision equivalent to that class in any statutory instrument revoking and re- enacting that Order.

REASON: To safeguard the employment use of the site and protect the amenity of the adjoining residents.

8.1.50 Secure by design

The development shall achieve a Certificate of Compliance to Secure by Design or alternatively achieve secure by design standards to the satisfaction of the Metropolitan Police, details of which shall be provided in writing to the local planning authority within three months of the implementation date.

REASON: To provide a safer environment for future residents and visitors to the site and reduce the fear of crime.

8.1.51 Building Regs M4

At least 10% of all dwellings across all tenure types within the development hereby approved shall be completed in compliance with Building Regulations Optional Requirement Part M4 (3) 'wheelchair user dwellings' (or any subsequent replacement) prior to first occupation and shall be retained as such thereafter. The remaining dwellings should also be built and maintained to a minimum of M4 (2) standard.

REASON: To ensure that the development is adequately accessible for future occupiers.

8.2 Recommendation B

8.2.1 That the above recommendation is subject to the applicant, the landowners and their mortgagees entering into a legal agreement under the relevant legislation in order to secure the following matters to the satisfaction of the Head of Planning and the Director of Legal Democratic and Electoral Services.

1. The owner shall be required to enter into agreement to pay the council to undertake public realm improvements including renewing of the footway to the frontage of the development using both ASP and more smoother crossing point across the footway and crossovers at this point at a cost of £42,109.
2. Affordable Housing Contribution £261,126.
3. Car free - Residential and business occupiers to be ineligible to apply for residents parking permits for the local Controlled Parking Zone (CPZ) (with the exception of disabled residents).
4. Car Club Membership - To provide three (3) year's free car club membership for one (1) new resident of each residential unit, on first occupation of the each residential unit (15 x £60 = £900).
5. Adoption and compliance with Travel Plan (residential) and Travel Plan Monitoring fee of £2000.
6. Be Seen - Reporting and monitoring.
7. Be Seen - Carbon offset contribution £23,512.
8. Commitment to the council's local labour and construction initiatives.
9. Considerate Contractor Scheme – the applicant to carry out all works in keeping with the National Considerate Contractor Scheme.
10. Monitor the final Construction Logistics Plan fee of £8,750.
11. Funding for a Blue Badge parking bay.
12. Payment of the council's costs in preparing and monitoring the legal agreement 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 Section 106 Agreement.

8.3 Recommendation C

8.3.1 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 & 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 INFORMATIVES

SI.1 Building Control

SI.2 Work Affecting Public Highway

SI.3 Sanitary, Ventilation and Drainage Arrangements

SI.6 Control of Pollution (Clean Air, Noise, etc.)

SI.7 Hours of Building Works

SI.24 Naming and Numbering

SI.25 Disabled Person's Provisions

SI.27 Fire Precautions Act

SI.28 Refuse Storage and Disposal Arrangements

SI.34 Landscaping

SI.45 The Construction (Design & Management) Regulations 1994

SI.48 Soundproofing

SI.56 Smoke Alarms

NSI Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

NSI A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing wwriskmanagement@thameswater.co.uk. Application forms should be completed online via www.thameswater.co.uk. Please refer to the wholesale; business customers; groundwater discharges section.

NS2 HS1

Excavation: If the excavation is within the zone of influence of HS1 infrastructure an engineering design will be required from the developer for approval in advance of excavation.

Imposed loads: If the load is within the zone of influence of HS1 infrastructure an engineering design will be required from the developer for approval in advance of loading.

Further consultation and agreement- The Developer shall enter into discussions with HS1 and their Engineer, Network Rail (High Speed), as soon as practicable to assist in identifying the likely effect of the development on HS1 or HS1 Property. HS1 Ltd 5 th Floor, Kings Place, 90 York Way, London, N1 9AGsafeguarding@HS1.co.uk. Reason, the nature of the proposed development is such that detailed discussion is required concerning the design, construction, future maintenance and demolition of the development to ensure that it does not compromise the integrity, safety, security, operation, maintenance and liabilities of HS1.

Protective Provisions Agreement (PPA)-The developer is expected to enter into a PPA with HS1. This is a legal agreement between HS1 and the developer covering safeguards, processes, responsibilities and cost recovery. Reason, the nature and scale of the proposed development is such that detailed discussions, agreements and indemnities are required in respect of the design, construction and future maintenance of the development in order to protect HS1.

Costs incurred- The developer shall agree to pay the costs incurred by HS1 and Network Rail (High Speed) in reviewing and approving the development. Reason, costs to be incurred from a development reside with the developer.

Noise or vibration-The developer is reminded of his obligation to ensure appropriate mitigations are adopted to protect the development from noise or vibration from HS1. Reason, the developer is responsible for ensuring that the development meets statutory requirements.

NS03

Where BREEAM compliance is not met, a remedial plan and associated cost plan must be prepared and submitted to the Local Authority for approval detailing the necessary measures to meet or improve upon the ‘as designed’ performance. Shortfalls may attract an additional financial contribution to the carbon offset fund.

Signed..... Date.....

Aled Richards – Strategic Director, Sustainability & Public Realm

	BACKGROUND PAPERS	NAME/DESIGNATION AND TELEPHONE EXTENSION OF ORIGINAL COPY	LOCATION CONTACT OFFICER
1.	London Plan, Hackney Local Plan LP33 2020, National Planning Policy	Micheal Garvey Senior Planner Development	2 Hillman Street, London E8 1FB

	Framework	Management Team	
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