

**Planning Sub-Committee 03/05/2023**

<b>ADDRESS:</b> 5, Defoe House Defoe Road, Hackney, London, N16 0EJ	
<b>WARD:</b> Stoke Newington	<b>REPORT AUTHOR:</b> Micheal Garvey
<b>APPLICATION NUMBER:</b> 2022/3073	<b>VALID DATE:</b> 21/12/2022
<b>DRAWING NUMBERS:</b>  1403-PL001, PL002, PL003 Rev B, Planning Statement October 2022; Design and Access Statement, Planning Statement, SBD secure cycle protection box.	
<b>APPLICANT:</b> London Borough of Hackney	<b>AGENT:</b> Graham Allison Montagu Evans LLP
<b>PROPOSAL:</b> Conversion of ground floor community meeting room (class F2 (b) to a residential unit (class C3) and provision of cycle store to front elevation at ground floor level.	
<b>POST SUBMISSION REVISIONS:</b> None	
<b>RECOMMENDATION SUMMARY:</b> Grant planning permission subject to conditions and Section 106 legal agreement.	
<b>NOTE TO MEMBERS:</b> None.	

<b>REASON FOR REFERRAL TO PLANNING SUB-COMMITTEE:</b>	
Major application	
Substantial level of objections received	
Council's own planning application (in accordance with the Planning Sub-Committee Terms of Reference)	<b>Yes</b>
Other (in accordance with the Planning Sub-Committee Terms of Reference)	

**ANALYSIS INFORMATION**

**ZONING DESIGNATION**

	<b>Yes</b>	<b>No</b>
<b>CPZ</b>	U	
<b>Conservation Area</b>		X
<b>Listed Building (Statutory)</b>		X
<b>Listed Building (Local)</b>		X
<b>Priority Employment Area</b>		X

<b>LAND USE</b>	<b>Use Class</b>	<b>Use Description</b>	<b>Floorspace Sqm</b>
<b>Existing</b>	F2 (b)	Community meeting rooms	31
<b>Proposed</b>	C3	Residential unit	31

## **CASE OFFICER'S REPORT**

### **1.0 SITE CONTEXT**

- 1.1 The application site is located to the western side of Defoe Road, and forms part of a housing estate.
- 1.2 The site consists of a three-storey end of terrace block of flats and within the same site to the north is a similar size three storey block of flats. There are several other similar blocks within the immediate area all located around a central grassed courtyard. And there are two storey houses to the south. The building is constructed in red brick and has a pitched roof.
- 1.3 There are no locally or statutorily listed buildings in the surrounding area and the closest conservation area is Stoke Newington to the north of the site. The surrounding area is characterised by residential buildings in a range of scales and sizes.

### **2.0 RELEVANT HISTORY**

- 2.1 There is no relevant planning history

### **3.0 CONSULTATIONS**

- 3.1 Date Statutory Consultation Period Started: 12/01/2023 & 06/04/2023
- 3.2 Date Statutory Consultation Period Ended: 06/02/2023 & 30/04/2023
- 3.3 Site Notice: Yes
- 3.4 Press Advert: Not required.

#### **3.5 Neighbours**

- 3.5.1 Letters of consultation were sent to 17 adjoining owners/occupiers.
- 3.5.2 There are no objections received

#### **3.6 Statutory / Local Group Consultees**

- 3.6.1 Waste Management: No objections

### **4.0 RELEVANT PLANNING POLICIES**

#### **4.1 Hackney Local Plan 2033 2020 (LP33)**

- LP1 - Design Quality and Local Character
- LP2 - Development and Amenity
- LP8 - Social and Community Infrastructure
- LP12 - Meeting Housing Needs and Locations for New Homes
- LP13 - Affordable Housing
- LP14 - Dwelling Size Mix
- LP17 - Housing Design
- LP42 - Walking and Cycling
- LP43 Transport and Development
- LP45 - Parking and Car Free Development
- LP53- Water and Flooding

LP54 - Overheating and Adapting to Climate Change  
LP55 - Mitigating Climate Change

#### **4.2 London Plan 2021**

S1 Developing London's social infrastructure  
S2 Health and social care facilities  
D4 Delivering good design  
D5 Inclusive design  
D6 Housing quality and standards  
D7 Accessible housing  
H1 Increasing housing supply  
H2 Small sites  
SI 2 Minimising greenhouse gas emissions  
SI 4 Managing heat risk  
T5 Cycling  
T6 Car parking

#### **4.3 SPD / SPF / Other**

Mayor of London  
Social Infrastructure (2015)  
National technical space standards (2015)  
London Borough of Hackney  
Residential Extensions and Alterations SPD (2009)

#### **4.4 National Planning Policies/Guidance**

National Planning Policy Framework (NPPF)  
Planning Practice Guidance (NPPG)

#### **4.5 Legislation**

Town and Country Planning Act 1990

### **5.0 PLANNING CONSIDERATIONS**

5.1 The main considerations relevant to this application are:

- Principle of development/land Use
- Standard of accommodation
- Housing mix
- Affordable housing
- Design
- Neighbouring amenity
- Sustainability
- Waste management

5.2 Each of these considerations is discussed in turn below.

#### **5.3 Background**

5.3.1 The proposal is for the conversion of the property from a community centre to a single

residential unit together with its own dedicated bicycle store located at ground floor level to the outside of the property. The property would be laid out as a 1 bed 1 person flat, with living room, bedroom, kitchen, and bathroom. It would comprise 31 sqm (GIA). The proposed residential unit will be Social Rent.

- 5.3.2 The property was last occupied as a community flat by the resident's association community meeting room but they have not been active since the beginning of the pandemic in March 2020. From the location and layout the site was previously used as a flat and the layout remains unaltered. It is therefore capable of conversion back to residential use without any further internal alteration.

#### 5.4 ***Principle of Development/Land Use***

##### *Loss of Community Facility*

- 5.4.1 Policy S1 (Development London's Social Infrastructure) of the London Plan requires that development proposals that would result in a loss of social infrastructure should only be permitted where there are realistic proposals for re-provision that continue to serve the needs of the neighbourhood and wider community or the loss is part of a wider public service transformation plan which requires investment in modern, fit for purpose infrastructure and facilities to meet future population needs or to sustain and improve services.
- 5.4.2 Policy LP8 (Social and Community Infrastructure) of LP33 specifies that proposals involving the loss of existing social and community infrastructure will be permitted where a replacement facility of equivalent or better quality that meets the needs currently met by the existing facility is provided; or it has been demonstrated, as evidenced by at least a year of active marketing, that the facility is no longer required in its current use and it has been demonstrated that it is not suitable and viable for any other forms of social infrastructure for which there is a defined need in the locality, or for which there is a current or future need identified in the Infrastructure Needs Assessment and Delivery Plan (IDP).
- 5.4.3 Although no marketing evidence was provided to show that the existing facility is no longer required in its current use, the applicant provided lists of nearby alternative community facilities in order to demonstrate compliance with LP8.
- 5.4.4 According to the Planning Statement the nearest community hall to the site is, Hawksley Court /Hawksley Court Resource Centre is within a 5 minute walk (298 metres) of this flat. ● Lordship South Community Hall is within 0.4 miles (8 minute walk). There are also other non-Council community facilities nearby that can be accessed by local groups. Abney Public Hall community facility and events venue (charity managed) is about 0.4 miles (8 minute walk) from the property on Stoke Newington High Street and offers a range of spaces that community groups can book / use for weddings and events.
- 5.4.5 Policy LP8 of LP33 requires proposals for social and community infrastructure to meet current or future identified need, be of a high quality and inclusive design providing access for all, provide flexible, affordable and adaptable buildings, provide mixed used development, co-located with other social infrastructure uses and be located in places that are accessible by walking, cycling or public transport for its end users.
- 5.4.6 The existing community rooms are small and limited in their function. They are usable for small scale meetings only and do not have the usual layout of larger open plan premises with lots of light and its location is considered not to be of a high quality and inclusive design providing access for all, as cited above under policy LP8.
- 5.4.7 Given the presence of nearby community facilities that meet the standards of policy

LP8, on balance officers consider the loss of social and community floor space with significant accessibility and size constraints and replacement with residential floor space is a positive response and is supported in land use terms.

#### *Proposed Residential Use*

5.4.8 The principle of providing new housing within the Borough is generally supported at a national, regional and local level subject to assessments of other material considerations. Policy LP12 of the Hackney Local Plan states that the development of small sites to meet housing needs will be supported and that infill housing development and innovative approaches to housing delivery on small sites will be supported, subject to meeting other development plan policies. Point D of the policy notes that self-contained residential units are the priority residential land use in the borough and the type of land use for which there is the greatest need.

5.4.9 Given the history of the site with the property previously being in residential use and the need for residential use within the Borough, the proposed use is supported and would accord with the relevant policies of the Local Plan and London Plan.

#### **5.5 Standard of Accommodation**

5.5.1 The property would be laid out as a 1 bed 1 person flat, with living room, bedroom, kitchen, bathroom. It would comprise 31 sqm (GIA). Although there is a 6 sqm short fall, this would be acceptable in the circumstances given that it was previously used as a flat and is laid out as such. Furthermore, although the proposal does not meet the Greater London Authority Housing SPG requirements for 1B1P (37 sqm) units, in terms of space standards. The unit was originally used as a studio unit before becoming a community use flat. It is not possible to link the flat to other flats to create a larger unit without significant structural alteration and indeed the other units are all presently occupied, which means that this is not a practical option. The layout and ventilation are considered acceptable.

5.5.2 All rooms would be served with suitable sized windows to ensure receipt of good levels of light and outlook. Furthermore the unit would have a good level of privacy.

5.5.3 There is a communal garden to the rear of the property, which serves all flats on the estate.

5.5.4 Given the above, the proposal is considered to provide an acceptable standard of Accommodation.

#### **5.6 Housing Mix**

5.6.1 Hackney LP33 policy LP14 (Dwelling Size Mix) sets out that the preferred dwelling mix for a market housing development is at least 33% of 3 or more bed units and a higher proportion of 2-bed units than 1-bed units.

5.6.2 The property would be laid out as a 1 bed 1 person flat, with living room, bedroom, kitchen, bathroom. The dwelling mix is supported due to the site constraint of being able to provide one unit only. Furthermore this would have been the original layout of the unit.

#### **5.7 Affordable Housing**

5.7.1 Policy LP13 of Local Plan 2033 (2020) requires schemes which fall below the 10 unit threshold to provide on-site provision or payments in lieu, up to the equivalent of 50%, of housing delivered as affordable housing subject to viability.

5.7.2 The dwelling has been proposed as a Social Rent, of which there is great current need within the borough. The delivery of the proposed affordable housing unit will be secured through a legal agreement.

## 5.8 ***Design***

5.8.1 Policy LP1 of the Hackney Local Plan notes that all development must be of the highest architectural and urban design quality.

5.8.2 There would be no alterations or building works to the exterior of the building except for the provision of a cycle store. The cycle store materials have been provided and acceptable.

5.8.3 The store would be of an appropriate design and materials, at a scale subordinate to the host building. It would have a modest appearance and would preserve the character and appearance of the host building and the surrounding area.

## 5.9 ***Neighbouring Amenity***

5.9.1 Policy LP2 (Development and Amenity) of LP33 requires development proposals to be designed to ensure there are no significant adverse impacts on the amenity of occupiers and neighbours.

5.9.2 Given the nature of the proposal which would mainly involve internal alterations, it is considered that the development will not result in an unacceptable detrimental impact upon neighbouring occupiers in terms of provision of daylight/sunlight or outlook from the site, and would not result in unacceptable overbearing impact or sense of enclosure.

5.9.3 It is noted that the cycle store is located in the front of the building and it is not considered that the proposed cycle store's position would result in any additional adverse impact to the amenity of the occupiers of the ground floor unit.

## 5.10 ***Traffic and Transportation***

5.10.1 The site is located within a Controlled Parking Zone, in accordance with LP45 the development would be required to be car free. This would be secured via a S106 legal agreement.

5.10.2 LP42 requires all development to promote sustainable transport by prioritising walking and cycling within the borough. A 1 bed unit of this size is required to provide 1 cycle spaces. The development includes the provision of a cycle store to the front garden of the property which would provide space for 3 cycles. This would provide secure and sheltered cycle storage, in accordance with LP42 and is considered to be acceptable. Full details of the cycle storage has been submitted and considered acceptable.

## 5.11 ***Energy and Sustainability***

5.11.1 Policies LP54 and LP55 require that the development addresses overheating and considers sustainability measures.

5.11.2 The new development will provide energy efficient housing in accordance with current building regulations Part L. This will include:

- The use of efficient condensing boilers, replacing the existing heating including new radiators to each room controlled by a thermostat.
- Energy efficient lighting and appliances will be used throughout.
- Higher levels of insulation to the walls (infilling the cavity wall) and roof areas (300mm deep mineral wool insulation laid over the existing ceiling joists)
- Flow-limiting taps and dual flush WC's, amongst other measures, will help to reduce water usage.

5.11.3 These measures will be sufficient to address these issues given the scale of the development.

## 5.12 ***Biodiversity & ecology***

5.12.1 Policy G5 (Urban Greening) of the London Plan and LP46 (Protection and Enhancement of Green Infrastructure) of LP33 requires that all development should enhance the network of green infrastructure and seek to improve access to open space.

5.12.2 Given the constraints of the site, the nature and scale of the proposed development and acknowledging that the development will not result in a net loss of biodiversity, the development is considered acceptable in this instance.

5.12.3 Policy G6 (Biodiversity and Access to Nature) of the London Plan states that development proposals should manage impacts on biodiversity and aim to secure net biodiversity gain. Policy LP47 (Biodiversity and Sites of Importance of Nature Conservation) of LP33 reinforces this policy, stating that all development should protect and, where possible, enhance biodiversity leading to a net gain.

5.12.4 It is noted that all development schemes involving buildings with an eaves height or roof commencement height of 5 metres and above are required to provide nesting boxes for swifts, sparrows, starlings and/or bats as appropriate to help preserve endangered urban biodiversity in Hackney. In this instance the application site is at ground floor level.

5.12.5 Given the nature and scale of the development and acknowledging that the development will not result in a net loss of biodiversity and that limited external works are proposed, it is considered that no mitigation measures are necessary to enhance biodiversity values on site.

## 5.13 **Drainage**

5.13.1 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.

5.13.2 Policy LP53 of LP33 requires all development to have regard to reducing flood risk, both to and from the site, over its expected lifetime. The policy further states that all development should decrease vulnerability to flooding through appropriate siting, design and on and off-site mitigation.

5.13.3 The proposed development would not result in any increase of non-permeable areas. The proposal is not located within a critical drainage area and is located within Flood Zone 1. As such, and given the development does not increase hard surfacing, no mitigation measures are considered necessary in this instance.



## 5.14 **Waste management**

- 5.14.1 No information has been submitted on how much refuse/recycling would be provided and how it will be stored, and its location. However, as the existing refuse and recycling facilities will be used within the site. The council's waste management department has no objections to this arrangement.

## **6.0 CONCLUSION**

6.1 The proposed conversion of ground floor community meeting room (class F2 (b)) to a residential unit (class C3) and provision of a cycle store at ground floor front is deemed acceptable. The residential unit will provide much needed affordable housing and will have a good standard of accommodation; the proposals will not have a demonstrably adverse impact upon neighbouring amenity, nor on the character and appearance of both the application site and wider surrounding context.

## **7.0 RECOMMENDATIONS**

### **Recommendation A**

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

7.1.1 **Commencement within three years**

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

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

7.1.2 **Development in accordance with plans**

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

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

### **Recommendation B**

- 7.2 That the above recommendation be subject to the landowners and their mortgagees entering into a legal agreement in order to secure the following matters to the satisfaction of the Director of Legal and Governance Services:

1) Non Blue Badge holding residents to be restricted from applying for car parking permits within current and future adopted Controlled Parking Zones adjoining the site.

2) The dwelling hereby approved shall be maintained as a Social Rent unit in perpetuity.

3) Monitoring costs in accordance with the Planning Contributions SPD to be paid prior to completion of the proposed legal agreement.

4) Payment by the landowner/developer of all the council's legal and other relevant fees, disbursements and Value Added Tax in respect of the proposed negotiations and completion of the proposed legal agreement.

**Recommendation C**

7.3 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 conditions 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).

**8.0 INFORMATIVES**

The following informatives should be added:

- SI.1 Building Control
- SI.7 Hours of Building Works
- 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
- NPPF Applicant/Agent Engagement

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

**Aled Richards** - Strategic Director, Sustainability & Public Realm

No.	Background Papers	Name, Designation & Telephone Extension of Original Copy	Location Contact Officer
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1.	<p>Application documents and LBH policies/guidance referred to in this report are available for inspection on the Council's website</p> <p>Policy/guidance from other authorities/bodies referred to in this report are available for inspection on the website of the relevant authorities/bodies</p> <p>Other background papers referred to in this report are available for inspection upon request to the officer named in this section.</p> <p>All documents that are material to the preparation of this report are referenced in the report</p>	Micheal Garvey Planning Officer x8053	1 Hillman Street London E8 1FB
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