

ADDRESS: 51 - 57 Amhurst Park, Hackney, London, N16 5DL	
WARD: Woodberry Down	
APPLICATION NUMBER: 2022/1835(Full Application)	REPORT AUTHOR: Catherine Nichol
DRAWING NUMBERS: <u>Location Plans:</u> Ex-L001 PR-L001 Rev C <u>Existing Plans:</u> Ex-P001 Ex-P002 Ex-P003 Ex-P004 Ex-E001 Ex-S001 <u>Proposed Plans:</u> PR-P001 Rev C PR-P002 Rev C PR-P003 Rev C PR-P004 Rev C PR-P005 Rev C PR-P006 Rev C PR-P007 Rev C PR-E001 Rev C PR-S001 Rev C <u>Supporting documents</u> Energy Statement, by Achieve Green (dated 21 December 2022) School Travel Plan, by ttp consulting (dated December 2022) Transport Statement, by ttp consulting (dated December 2022) Daylight Report, by Fortress Assessments (no date)	VALID DATE: 28-07-2022
AGENT: Sam Planning Services Unit 9b Fountayne Road, London, N15 4BE	APPLICANT: Low 51 - 57 Amhurst Park, London, N16 5DL
PROPOSAL: Erection of a single-storey roof extension.	

POST SUBMISSION REVISIONS:

The proposal has been revised during the assessment process to remove the rear extensions, remove the playground at roof level and amend the design of the roof extension to bring it in line with that approved at Planning Sub Committee under planning reference 2017/3454.

The application now proposes a single storey extension at main roof level as well as utilising the new roof space created at fourth floor level to provide additional classroom and specialist education facilities, with no increase in pupil numbers.

A Transport Statement and Travel plan have been submitted for officer consideration.

Following the submission of the additional information, the application has been re-consulted upon, with the most recent consultation period expiring on 10/04/2023.

RECOMMENDATION SUMMARY:

Grant planning permission subject to conditions and completion of a Section 106 Legal Agreement

NOTE TO MEMBERS:

N/A.

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

ANALYSIS INFORMATION

ZONING DESIGNATION:	(Yes)	(No)
CPZ	Yes (Zone W)	-
Conservation Area	-	No
Listed Building (Statutory)	-	No
Listed Building (Local)	-	No
Priority Employment Area	-	No
Central Activity Zone	-	No

LAND USE:	Use Class	Use Description	GIA Floorspace Sqm
Existing	F1	Education	2164
Proposed Extension	F1	Education	992.8
Total	F1	Education	3.156.8

PARKING DETAILS:	Parking Spaces (General)	Parking Spaces (Disabled)	Bicycle storage
Existing	5	0	0
Proposed	4	1	10

CAPACITY DETAILS:	Pupil Numbers	Staff Numbers
Existing	621	114
Proposed	621	114

CASE OFFICER'S REPORT

1.0 Site Context & Proposal

1.1 The application site is a three storey building located on the southern side of Amhurst Park to the west of its junction with Durley Road. The existing building is currently in use as a school (Class F1) and has an existing play area to the rear of the application site.

1.2 The surrounding buildings include the following:

- To the east of the application site lies 49 Amhurst Park, a two storey property which is currently also in use as a school (Class D1).
- To the immediate west of the application site lies 59-61 Amhurst Park which is a four storey building which has been subdivided into flats and to the north of the application site lies the Samuel Lewis Trust Estate which is also in residential use (Class C3).
- To the rear of the application site lies two storey residential dwellinghouses along Bergholt Crescent of which the rear garden walls are located approximately 22m from the rear façade of the existing school.

- 1.3 This planning application is a resubmission of 2017/3454, which was granted planning permission at the Planning Sub Committee on the 4 July 2018, subject to the completion of the s106 legal agreement.
- 1.4 Due to the cyber attack in October 2020, the files required to complete the s106 legal agreement were lost and the decision was never able to be issued.
- 1.5 The application has been resubmitted. Following alterations, the application now proposes a single storey extension at main roof level as well as utilising the new roof space created at fourth floor level to provide additional classroom and specialist education facilities, with no increase in pupil numbers. The changes from the previous planning application relate to internal arrangements only, and the external appearance is as approved under 2017/3454. The main consideration is the newly adopted Local Plan (2033) and the London Plan (2021), Officers note that there is no material change in policy, but this has been considered in the report for completeness.
- 1.6 The applicant has included the outbuilding on the proposed plans, this is not part of the current application and is under consideration under application 2022/2067, an informative will be placed on the decision to remind the applicant that the outbuilding is not part of this proposal.

Proposal

- 1.7 The application site is an existing, lawful, school serving the local Orthodox Jewish population. The proposal seeks consent for an extension to this existing educational facility.
- 1.8 Planning permission is sought for the erection of a single storey roof extension to provide additional space. The new third floor level would replicate the appearance and proportions of the existing building. Materials proposed would be bricks to match the existing building, aluminium framed windows to match the existing, and roof tiles to match the existing.
- 1.9 The proposal creates an additional 992.8m² of educational floor space , with the additional floorspace providing specialist classrooms for existing pupils and to address issues with overcrowding. Whilst it is noted that the existing school is not restricted in terms of its capacity, the applicant has advised that the existing school roll is to provide accommodation for a maximum of 621 students as well as 114 members of staff, 10 of whom work full time, and the proposal would not increase the existing staff or student numbers
- 1.10 Over the course of this application, the proposed development has been reduced to just a single storey roof extension, which has been previously approved under 2017/3534. This application was also heard at the planning sub committee meeting on the 4 July 2018 and was resolved to be approved by members subject to the completion of a S106 legal agreement.
- 1.11 However, due to the 2020 Cyber attack the files were lost and the legal agreement was never completed. As such this permission was not implemented. This is a

resubmission of this planning permission.

2.0 Conservation Implications

2.1 The application site is not listed and does not lie within a conservation area.

2.2 The Stoke Newington Reservoirs, Filter Beds and New River Conservation Area (1986) sits to the west, 100m approximately away from the site.

3. History

3.1 Pre Application History

None

3.2 Planning History

NORTH/129/96/FP - The erection of a temporary single storey portacabin in part of the rear playground for use as a school dining hall. **Granted 27/06/1996.**

NORTH/754/00/FP - Erection of a single storey library extension at the rear of school. **Refused 10/05/2001**

2001/1024 - Erection of a single storey building at the rear of the site for use as a school library. **Granted 19/11/2001**

2011/1241 - Erection of a single storey ground floor side extension. **Granted 07/09/2011**

2017/3454 - Erection of a single storey extension at main roof level with dormers to the rear elevation to provide additional floorspace within the new created roof space at fourth floor level to provide additional classroom and specialist education facilities. Resolve to be **granted subject to completion of a legal agreement (Lost in cyber attack).**

2022/2067 - Retrospective application for the enlargement of outbuilding used a Hall(s). **Under consideration.**

3.3 Appeal History

None

3.4 Enforcement History

2021/0276/ENF - Unauthorised outbuilding. **Case Open.**

2011/0593/ENF - Installation of a large metal container within the school playground, approximately six to eight feet in height and maybe 20 to 30 feet across. May be storage or accommodation purposes, it appears to have an electricity supply. **Closed - 01/10/2012** (Both containers have now been removed from the school yard.)

2004/0228/ENF - Trees Removed. Closed - 18/04/2007

4.0 Consultation

4.1 Date Statutory Consultation Period Started: 10 August 2022.

4.2 Date Statutory Consultation Period Ended: 10 April 2022 (following a second consultation period as a result of the revised drawings received)

4.3 Site Notices: Yes (01 August 2022 and 17 March 2023)

4.4 Press Advert: Yes (10 August 2022 and 17 March 2023)

4.5 Neighbours

Letters of consultation were sent to 113 adjoining owners/occupiers on 01 August 2022 and 15 March 2023. At the time of writing the report (19/06/2023), 15 objections have been received and 1 support comments.

4.5.1 The objections have raised the following matters:

Land Use

- The site was never intended to be used as a school, and the further expansion is unsustainable given its location adjacent to residential uses.

Officer response: The site is an existing and lawful school the proposal is not seeking to increase pupil numbers on site rather extend the existing facilities to improve the space.

Character and Appearance

- The additional height is significantly higher than the surrounding buildings.
- The extension would result in massing and scale that would overwhelm the location.
- Despite the height being reduced to one storey, it is still harmful to the setting.

Officer Response: Please refer to the detailed assessment within this report. Officers note that the design has been reduced in line with what was previously approved under 2017/3454.

Amenity

- Loss of sunlight and daylight: The proposed extension will overshadow adjacent gardens and houses.
- Overlooking and loss of privacy: The residential dwellings on Bergholt Crescent will be most impacted. Their houses and gardens will be overlooked by 14 additional windows on the fifth floor, and the skylights of the proposed building.
- Noise Disturbance: The separation distance is only 10m from the boundary fence. The noise level at the school has reached severe intolerable levels. The frequency and duration of break times has increased and so has the use

of amplifiers for music, announcements etc. The building is used on the weekends and causes significant nuisance. The school's timetable and potential usage of the buildings and yard outside of operational hours should be clarified and communicated to affected residents.

Officers response: Please refer to the detailed assessment on residential amenity within this report. Officers do note that the application relates to an extension only, and does not propose the increase the use of the site as a school. Existing numbers will also be secured via condition.

Transport/Highways

- The application states that the number of children and staff will not change and therefore does not require a travel plan. This is wrong and the site always crowds the bus stops which should be addressed.
- The applicant should provide information on the number of staff and pupils, both currently and in future years, and a comprehensive travel plan addressing specific transportation issues should be included.
- The council should verify that the school will not increase the number of staff and pupils as stated in the application.

Officers response: Please refer to the detailed assessment on Transport and Highways within this report. Officers note that a Transport Statement and Travel Plan have been provided in line with objections. The number of students and staff will be secured via condition to ensure no increase in the use of the site can occur

Inaccurate Drawings

- The architectural drawings misrepresent the scale of the proposed building extension. The existing outbuildings, added without planning permission, should be addressed and removed.

Officers response: The drawings are in accordance with Hackney Councils validation checklist, drawn at a scale of 1:200 and a scale bar has been provided. The outbuilding is subject to planning permission 2022/2067 and a condition will be attached to state that the outbuilding does not form part of this planning application.

Other

- The status of the outbuildings (portacabins) behind the school should be clarified, including their planning permission and potential removal.
- The expansion should be considered in the context of the proliferation of schools in Stamford Hill, which has led to increased noise, congestion, and loss of privacy for residents. The expansion on a cramped site originally not intended for a school is deemed unsustainable and has caused controversy over the years.
- The assertion that no further pupils or staff would be added is questioned, and measures for enforcement and monitoring are requested.
- Clear consequences for any breaches should be established, and a designated contact person at the school and the local authority should be available.
- Concerns are raised to the Planning Service's assistance in relation to the resubmission of the application.

Officers response:

- *The portacabin is the subject of 2022/2067 which is under consideration. They do not form part of this planning application.*
- *The intensification and use of the site is not being considered under this application. The proposal is for a roof extension to provide better quality space for the existing number of students/staff onsite.*
- *A set of conditions have been recommended, which would all be enforceable if planning permission is granted.*
- *Hackney Planning Service adopts a positive and proactive approach when engaging with applicants/agents in line with the National Planning Policy Framework. Early discussions are normal prices with any planning application. The emails between officers and the applicant were with regard to the fee for the application, given the previous application was lost in the cyber attack the applicant was entitled to a fee free application.*

4.5.2 The support comment is summarised as follows:

- I strongly support this application, and this will enhance the area and will be able to accommodate the much needed space for the pupils to develop to their full potential without being in overcrowded classrooms.

4.6 Statutory / Local Group Consultees

4.6.1 Thames Water:

No objection subject to informative being attached, regarding water, water pressure and waste.

4.7 Council Departments

4.7.1 Transportation: No objection to the development in principle, subject to transport related legal agreement clauses and conditions.

4.7.4 Drainage: No objection, subject to conditions.

5.0 POLICIES

5.1 Legislation

Town and Country Planning Act 1990 (as amended)

5.2 National Planning Policies/Guidance

National Planning Policy Framework (NPPF) 2021
Planning Practice Guidance

5.3 London Plan (2021)

GG1 Building strong and inclusive communities
GG2 Making the best use of land

GG3 Creating a healthy city
GG6 Increasing efficiency and resilience
D1 London's Form, Character and Capacity for Growth
D3 Optimising Site Capacity through the Design-led Approach
D5 Inclusive Design
D8 Public Realm
D14 Noise
E11 Skills and opportunities for all
S1 Developing London's Social Infrastructure
S3 Education and Childcare Facilities
S4 Play and Informal Recreation
HC1 Heritage Conservation and Growth
G1 Green infrastructure
G5 Urban Greening
SI 1 Improving Air Quality
SI2 Minimising greenhouse gas emissions
SI3 Energy infrastructure
SI 4 Managing Heat Risk
SI5 Water infrastructure
SI7 Reducing waste and supporting the circular economy
SI 12 Flood Risk Management
SI 13 Sustainable Drainage
T1 Strategic Approach to Transport
T4 Assessing and Mitigating Transport Impacts
T5 Cycling
T6 Car Parking
T6.5 Non-residential Disabled Persons Parking
T7 Deliveries, servicing and construction
DF1 Delivery of the Plan and Planning Obligations

5.4 Hackney Local Plan 2033 (2020)

PP1 Public Realm
LP1 Design Quality and Local Character
LP2 Development and Amenity
LP8 Social and Community Infrastructure
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
LP50 Play Space
LP51 Tree Management and Landscaping
LP53 Water and Flooding
LP54 Overheating and Adapting to Climate Change
LP55 Mitigating Climate Change
LP57 Waste
LP58 Improving the Environment - Pollution

5.5 Supplementary Planning Guidance / Documents (SPG):

Sustainable Design and Construction SPD (2016)
S106 Planning Contributions SPD (2020)
Transport Strategy 2015-2025
Draft Stamford Hill Area Action Plan

6.0 PLANNING CONSIDERATIONS

6.0.1 The main considerations relevant to this application are:

- Land use
- Design
- Residential amenity of neighbouring properties
- Green infrastructure and biodiversity
- Transport and servicing
- Sustainability and energy
- Drainage and flood risk
- Equalities Considerations
- Consideration of Objection Responses
- Community Infrastructure Levy

6.1 Principle of the development of the site and land uses

- 6.1.1 The building is in existing use as a School which falls under use class F.1(a). The development proposes approximately 992.8 square metres (GIA) of additional school floorspace.
- 6.1.2 This application is a resubmission of a previous planning application, 2017/3454, which was resolved to be approved by members subject to conditions and a legal agreement. Due to the cyber attack the files required to complete the s106 legal agreement were lost and the decision for this application was not able to be issued.
- 6.1.3 As such, this application seeks to resubmit this previous scheme. The only changes from the previous application are internal. The Local Plan (2033) and the London Plan (2021) have been adopted since the planning application 2017/3454 was determined, while there is no material change in policy consideration, the current proposal has been assessed against current policy.
- 6.1.4 Policy LP8 states that proposals for social and community infrastructure, which includes schools, will be permitted where they meet identified current needs of the community.
- 6.1.5 The school has 621 students with no proposal to increase the number. The roof extension will provide better internal standards for providing education facilities. In order to ensure that no more students will be accommodated on site than there are currently, a condition capping student numbers will be attached to any grant of planning permission. This condition is necessary as the application is predicated on there being no additional students on site. If there were additional students on site

then the impact of the development would increase and further information would have been requested, particularly in regard to transport. By capping student numbers at the existing number on site, the Council is able to ensure that there won't be any unforeseen impacts that aren't adequately assessed. This condition was also attached to 2017/3454.

- 6.1.6 With regard to the quality of the space the layout would provide adequate light and outlook for students with an acceptable headheight. It is therefore considered the space would be of a good quality.
- 6.1.7 In light of the above, the proposed single storey roof extension to improve the conditions and enhance an existing education facility, is considered acceptable in principle, in regards to land use terms.
- 6.1.8 Officers note that some of the objections received from adjacent residential occupiers have raised concern in relation to a perceived over-provision of schools for the Orthodox Jewish population within the local area. The application site is an existing School, and this application would not be providing any further school places. Notwithstanding this, the Draft Stamford Hill Area Action Plan identifies there is a demonstrable need for Orthodox Jewish Schools in this area.

6.2 Design

Background

- 6.2.1 London Plan policy D3 says that development should enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions.
- 6.2.3 Policy LP1 states that all new development must be of the highest architectural and urban design quality. Key elements of the policy include that development should respond to local character and context and be compatible with the existing townscape including urban grain and plot division.
- 6.2.4 Following amendments over the course of the application, the proposed single storey roof extension, to the existing building, is considered acceptable in principle.
- 6.2.5 The applicant has included the outbuilding on the proposed plans, this is not part of the current application and is under consideration under application 2022/2067, a condition will be placed on the decision to ensure that the outbuilding does not form part of this proposal.

Form and massing

- 6.2.6 The site is located along the southern side of Amhurst Park which is characterised by 2 storey, plus basement, Victorian houses. The properties immediately to the west of the site are 4 storey. The northern part of Amhurst Park is characterised by 5 to 11 storey apartment blocks which are considerably set back from the streetscape. The application site is currently three storeys in height but has different proportions and floor-to-ceiling heights than its adjoining neighbours meaning that the existing

building is substantially taller than the two storey school building to the immediate east and only marginally shorter than the four storey residential building at 59-61 Amhurst Park to the west.

- 6.2.7 The revised proposal is to extend the building to accommodate an additional floor and loft accommodation within a pitched roof profile, which matches the existing roof profile. The roof would have skylights along the front elevation and dormer windows to the rear. This design approach would make the proposal appear as a four storey building.
- 6.2.8 The proposed form, scale and massing is considered to be acceptable and is the maximum appropriate height for the host building in order to ensure some subservience to the host building is retained. The proposed rooftop extension has an appropriate architectural language for the surrounding area and reads clearly as one intervention at rooftop level, retaining the features of the existing building at lower levels. The setback of each additional level ensures it remains subservient to the host building, in particular when viewed from street level.
- 6.2.9 The increase in form and massing of the scheme is now considered to be keeping with the scale of the buildings along the northern part of Amhurst Park. The existing building is significantly set back from the neighbouring properties and street hence the increase in form and massing is not likely to be overbearing but will reinforce the civic presence of the building along the street. Further consideration on the impact of the proposal on the residential amenity of adjoining owner/occupiers is set out elsewhere within this report.

Architecture and materials

- 6.2.10 The proposal will be built from materials to match the existing building, as such, the proposed material palette is acceptable in principle. In order to ensure that the development is constructed of matching, durable high quality materials, a condition will be imposed to ensure all external materials will be submitted by condition.
- 6.2.11 The overall design and materiality are in keeping with the host building. Conditions are recommended on any approval to secure details of dormer windows and skylights, details of typical windows and physical samples of bricks, window frames and roof cladding.

Conclusions

- 6.2.12 The proposals are in keeping with the host building, which can accommodate the addition of a roof extension, subject to conditions, the roof extension would comply with the Local Plan policies LP1 Design Quality and policies D1 and D3 of the London Plan 2021.

6.3 Impact on Nearby Residential Amenity

- 6.3.1 London Plan policy D6 states that the design of development should provide sufficient daylight and sunlight to surrounding housing that is appropriate for its context including minimising overshadowing. Policy LP2 of LP33 states that all new

development must be appropriate to its location and should be designed to ensure that there are no significant adverse impacts on the amenity of neighbours.

- 6.3.2 The application is identical in size and scale to the previous scheme that was resolved to be granted by the planning sub-committee, finding that the proposal, due to its size, design, position, orientation and the proximity to the neighbouring occupiers would be acceptable in terms of light and outlook. Notwithstanding this, the assessment of the daylight, sunlight and overshadowing impact of the proposal on nearby sensitive receptors is informed by a Daylight and Sunlight Review submitted in support of the application.
- 6.3.3 Officers note that Daylight and Sunlight assessment submitted with the application used the 2011 edition. The new BRE guidance was updated in June 2022, which supersedes the 2011 edition. However, the main aim is the same: to help ensure good conditions in the local environment considered broadly, with enough sunlight and daylight on or between the buildings for good interior and exterior conditions.

Sunlight and Daylight

- 6.3.4 As outlined in the supporting text for policy LP2, 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 inner urban contexts, sunlight and daylight levels may struggle to meet these target criteria in both existing and proposed situations. The target criteria cannot therefore be strictly applied for dwellings in denser inner urban locations as a matter of course.
- 6.3.5 When assessing daylight to existing properties, the primary methods of measurement are vertical sky component (VSC); and No Sky Line (NSL).
- 6.3.6 The BRE 2011 Report also gives guidance on the distribution of light in existing buildings, based on the areas of the working plane which can receive direct skylight before and after. If this area is reduced to less than 0.8 times its value before, then the distribution of light in the room is likely to be adversely affected, and more of the room will appear poorly lit. This is referred to as the No Sky Line (NSL) analysis.
- 6.3.7 For sunlight, the primary method of measurement is annual probable sunlight hours (APSH) to windows of main habitable rooms of neighbouring properties that face within 90° of due south. If a point at the centre of a window can receive more than one quarter of APSH, including at least 5% of APSH in the winter months, then the room should still receive enough sunlight. If these percentages are not met and the reduction in APSH is more than 20% of its former value, then the loss of sunlight will be noticeable.
- 6.3.8 It is important to note that the BRE guidelines are generally based on a suburban rather than inner urban model and acknowledge that a higher degree of obstruction may be unavoidable in densely developed or historic areas. As such, some flexibility against BRE standards is appropriate, as suggested in paragraph 1.6 of the BRE 2011 guidance.

- 6.3.9 Officers note that since the submission of the daylight/sunlight report, the application has been reduced significantly in height and depth, removing the two rear extensions and reducing the height of the roof extension from 2 to 1 story plus habitable roof level. The proposed roof extension would be located within the existing footprint of the building and whilst it would increase the overall height of the roof its orientation and setback means it will not block out a substantial amount of light to neighbouring amenity spaces.
- 6.3.10 Given the results of the submitted Daylight and Sunlight report all concluded that the proposal for a larger scheme would meet BRE guidance at this building, Officers did not consider it necessary to get a revised Daylight and Sunlight Report as there would be clearly no impact from a smaller scaled development.
- 6.3.11 To confirm, all of the windows assessed for VSC and the rooms assessed for NSL meet BRE guidance at this building. All windows assessed for sunlight and all rooms assessed for NSL meet BRE guidance at this building.
- 6.3.12 Given the reduction in development, it is considered that the proposed roof extension would not result in the loss of daylight or sunlight to adjacent residential occupiers.

Overshadowing

- 6.3.13 For shadow assessment, BRE guidance recommends that a garden or amenity area with a requirement for sunlight should have at least 50% of its area receiving 2 hours of sunlight on 21 March. There are no nearby amenity spaces that have been identified.

Outlook/Sense of Enclosure

- 6.3.14 The site has a separation distance afforded on site, of some 30m, from the residential windows of residential dwellings along Bergholt Crescent. As such, the impact of the development on neighbouring residents' outlook and sense of enclosure is considered acceptable.

Privacy and Overlooking

- 6.3.15 The Council has no specific policy guidance on acceptable separation distances for outlook. This is due to the differing established grain and density of the borough, the potential to limit the variety of urban space and unnecessarily restrict density.
- 6.3.16 It is noted that objectors have raised concern regarding the additional windows and dormer windows, stating that they would result in overlooking and the loss of privacy of adjacent residential occupiers. It is considered that whilst there may be an increased opportunity to overlook neighbours this already exists by the presence of windows at lower floors and any loss would not be so harmful as to justify a refusal on amenity.
- 6.3.17 The development would be separated from the southern residential properties along Bergholt Crescent, by some 30m. Furthermore, the adjacent residential buildings are two stories in height, and the proposed development is on the third and fourth floors. This distance and angle would ensure that there would be no unacceptable impact

upon privacy, particularly given the nature of the proposed use and the roof extension finishing above the height of adjacent buildings.

- 6.3.18 Finally, no new lines of sight would be granted by the new windows over and above the existing windows on the host building. The level of overlooking would be maintained at existing levels and is considered acceptable.

Amenity during construction

- 6.3.19 Given the location and position of the application site, a Construction Management Plan will be required to propose indicative measures to mitigate the impacts of construction upon neighbouring occupiers. A condition is imposed requiring the submission of a full Demolition and Construction Management Plan prior to the commencement of development as discussed in the transport section below. This would also require the application to have regard to the cumulative effects of other large scale construction sites in the area.

Noise

- 6.3.20 As previously set out, the development would provide a total of 3,156.8 m² which represents a net uplift of 992.8m² over and above the existing situation. It is understood that there would be no increase in pupil or staffing numbers as a result of the development which is currently at 621 pupils and a maximum of 114 members of staff. The hours of operation 08.00 – 17.30 Monday – Friday only.
- 6.3.21 A number of objections have been received, that largely relate to the ongoing operation of the school in relation to; the behaviour of pupils and management of the school by the operators (leading to noise and other disturbance), together with aspects of the use including the hours of operation and use of the playground.
- 6.3.22 The number of pupils is not increasing. To ensure that the extension to create additional floorspace does not impact on adjoining owner/occupiers is maintained at existing levels, in line with the current pupil numbers, a condition is recommended to restrict the capacity to existing pupil numbers, being a maximum of 621 pupils.

Amenity Conclusions

- 6.3.23 The proposed development is considered acceptable in terms of its impact on light provision, overlooking, noise and disturbance. It is considered to be of an overall massing, layout and positioning which would not give rise to an unacceptable detrimental impact in terms of sense of enclosure or overbearing impact. Where impacts arise these would be negated by the proposed conditions. Otherwise the proposed development is not considered to give rise to any issue which would have an unacceptable impact upon the amenity of adjoining occupiers or users of the area. As such the proposal is considered acceptable in terms of its amenity impact.

6.4 Transport and Servicing

- 6.4.1 The site is located on Amhurst Park, which is within a 5 minute walk to Stamford Hill overground train station. The site has a reasonable level of access by public transport and has a PTAL rating of 4 (on a scale of 1-6b, where 6b is the most accessible). The

school is located within parking zone W which operates from Monday to Friday from 10am to 12pm.

- 6.4.2 Local Plan Policy LP43 requires Major development proposals to include the submission of either a Transport Assessment and Travel Plan, or a Transport Statement and Local Level Travel Plan, in accordance with the London Borough of Hackney thresholds and in line with Transport for London (TfL) Guidance.
- 6.4.3 The S106 Planning Contributions Supplementary Planning Document outlines that education uses of over 1000 sqm or 20+ staff/pupils, shall provide Travel Plans and Construction Logistic Plans.

Travel Plan and trip generation

- 6.4.4 During the course of the application a Transport Statement (TS) and Travel Plan was submitted for consideration of this proposal. The TS outlines that as staff and pupils are already attending the main school site, that there should be no material increase in trips to and from the location.
- 6.4.5 Council's Transport officer has raised concern that the method of estimating trip generation may significantly underestimate the number of private vehicle trips to the site. The number of participants in the surveys is not totally representative of the pupils and staff numbers. Furthermore, the TS states that there are mini bus services to and from the site which is not reflected within the travel survey data.
- 6.4.6 Officers note that this site has not been the subject of planning permission, and therefore no travel plan is currently in place. As such, a condition requiring the submission of a final Travel Plan. To effectively monitor the final Travel Plan for at least 5 years in consultation with Council Officers and an appointed Travel Plan Coordinator (TPC), a monitoring fee will be secured via the s106 legal agreement.

Car parking provision

- 6.4.7 In line with policy T6.5 of the London Plan, one blue badge car parking space is required. LP33 states that disabled parking should be provided in accordance with the London Plan. The London Plan states that all developments irrespective of their size must provide at least one disabled parking space. The TS states that one of the 5 vehicle parking bays will be widened to facilitate the installation of a Blue Badge parking bay. This is supported by the Council.
- 6.4.8 A condition is also recommended to ensure that a parking and design management plan is submitted and approved in writing prior to occupation of the roof addition, to ensure the design and management of the blue badge is in accordance with Transport for London guidance on parking management and parking design.

Cycle Parking

- 6.4.9 Local plan LP33 policies LP42, LP43, LP44 and LP45 highlight the importance of new developments making sufficient provisions to facilitate and encourage movements by sustainable transport means.

- 6.4.10 The TS outlines that there is currently no cycle parking on site. The school has also advised that due to tradition and clothing Hasidic Jewish girls do not cycle. As the development will not result in an increase in staff and pupil numbers, the application does not propose to apply Hackney's Sustainable Transport SPD standards.
- 6.4.11 However, following conversations with officers 10 cycle parking spaces are proposed on site. While transport officers are concerned with the number of cycle spaces not provided a sufficient number, this school is existing and the application is not for an increase in the number of students or staff. As such, it would be unreasonable to pursue a fully complaint cycle strategy in this instance.

Construction Management Plan

- 6.4.12 Due to the position and location of the proposal site,, a final Construction Management Plan (CMP) for the various stages of construction will be required to mitigate negative impact on the surrounding highways network, a condition is recommended to secure this.
- 6.4.13 The applicant is expected to work collaboratively with other developers in the local area. It will be crucial to carefully manage any conflict with other construction and highway works schemes in the area at the time of commencement. To effectively monitor the final CMP a monitoring fee will be secured via the s106 legal agreement

Summary

- 6.4.14 Subject to conditions and clauses within the s106 legal agreement, the development is considered policy compliant with respect to cycle parking, servicing arrangements and the highway. The proposal provides a blue badge space, promotes the use of sustainable transport modes and will not give rise to any adverse impacts to the surrounding highway network.
- 6.4.15 Conditions requiring details of demolition and construction have been recommended, along with legal agreement clauses for compliance and adoption of a travel plan and Construction Management Plan.
- 6.4.16 In light of the above, it is considered that the proposed development is acceptable in terms of transport considerations.

6.5 Energy and Sustainability

- 6.5.1 Policy SI2 of the London Plan (2021) and policy LP54 of LP33 require all development to regulate internal and external temperatures through orientation, design, materials and technologies which avoid overheating, in response to the Urban Heat Island Effect and addressing climate change.
- 6.5.2 Policy LP55 applies to all new developments and states that these must actively seek to mitigate the impact of climate change through design which minimises exposure to the effects, and technologies which maximise sustainability. Part H sets out that development including the re-use or extension of existing buildings should achieve the maximum feasible reductions in carbon emissions and support in achieving the

strategic carbon reductions target in the London Plan, while protecting, heritage and character of the buildings.

- 6.5.3 Furthermore, LP55 requires reducing carbon emissions, non-domestic development should aim to achieve 15% through energy efficiency measures alone (i.e. the be lean state of the energy hierarchy). Non-domestic developments should aim to generate at least 10% of their energy needs from renewable sources onsite or in the local area. The proposed improvements to the energy savings at the 'be lean' and 'be green' stage of the energy hierarchy to the minimum targets include Air Source Heat Pumps and PV panels. The submitted energy statement provided a feasibility statement, and the only viable option on site was enhanced fabric and energy efficient systems. This would provide a total savings of 67%.
- 6.5.4 In light of the above assessments, the applicant has offered, as a way of reducing carbon impact, an offsetting payment of £10,626.00. The final payment will be secured via a s106 legal agreement.
- 6.5.5 As such, the development has demonstrated that maximum feasible reductions in carbon emissions can be secured onsite, in accordance with LP55.

6.6 Green infrastructure and biodiversity

- 6.6.1 Policy LP47 of LP33 (2020) requires that all development should protect and where possible enhance biodiversity leading to a net gain and should maximise opportunities to create new or make improvements to existing natural environments, nature conservation areas, habitats or biodiversity features.
- 6.6.2 The proposal is limited in the biodiversity improvements it can make given the rooftop location. A condition requiring the provision of at least four swift boxes will be attached to the permission to provide habitat for urban species.

6.7 Flood Risk Impact

- 6.7.1 Policy LP53 of LP33 requires all developments to have regard to reducing flood risk, both to and from the site, over its expected lifetime. The site is in an area with a high risk of surface water flooding.
- 6.7.2 The proposed alterations are confined to the roof of the existing building and within the existing footprint so the development is not considered to increase the risk of surface water flooding in the vicinity.
- 6.7.3 However, due to the sensitive nature of the site it is recommended that a condition be attached requiring a sustainable drainage system to be included to address the impacts of increased rainfall as a result of climate change. For example, a water butt could be fitted to collect rainwater roof runoff for reuse. A condition will be required in this regard.
- 6.7.4 The development is therefore in accordance with policy LP53.

6.8 Other Planning Matters

6.8.1 The objections received in relation to the existing operation of the school cannot be addressed as part of this application as it is not the subject of this application. This includes the identified issues with public transport, noise and management. These will continue to be addressed through other means such as through environmental health powers where appropriate

6.9 Equalities Considerations

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

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

6.10 Consideration of Consultee Responses

6.10.1 The response to issues raised by consultees has been outlined in the main body of the report.

6.11 Planning contributions and Community Infrastructure Levy (CIL)

6.11.1 Developments within London Borough of Hackney are generally subject to Mayoral CIL2 and Hackney CIL.

6.11.2 However, given the development is for an education use, the rate is £0 for both levies and therefore no payment will be sought.

6.11.3 Further recommended heads of terms for the legal agreement covering Travel Plan, Carbon Offset contribution and Considerate Contractors are set out in recommendation C.

7.0 CONCLUSION

7.1 The development delivers a roof extension to the existing building which will provide additional space for the students of the school, improving the standard of the existing school.

7.2 The proposal is considered acceptable in planning terms in all other respects, including the impact on amenity of adjoining residents and its impact on the local highways network.

7.3 The proposal is, therefore, deemed to comply with pertinent policies in the Local Plan 2033 (2020), the London Plan (2021) and the National Planning Policy Framework

(2019), and the granting of permission therefore is recommended subject to conditions and completion of the legal agreement.

8.0 RECOMMENDATIONS

8.1 Recommendation A

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

1. Commencement within three years

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

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

2. Development in accordance with plans

Save for Condition 11, 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.

3. Design details to be approved

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

- A. 1:20 drawings and 1:5 sections of the proposed windows
- B. 1:50 drawings and 1:5 sections of the proposed principle elevation
- C. Full details, with physical samples, of the materials to be used on the external surfaces of the buildings, including glazing

All approved details shall be carried out in accordance with the approved plans and shall be maintained and retained in situ.

REASON: To ensure that the external appearance of the building is satisfactory and does not detract from the character and visual amenity of the surrounding area and to ensure an acceptable standard of accommodation for future occupants.

4. No new pipes and plumbing

No new plumbing, pipes, soil stacks, flues, vents grilles, security alarms or ductwork shall be fixed on the external faces of the buildings unless as otherwise shown on the drawings hereby approved.

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

5. School numbers

No more than 614 children shall be registered on the enrollment list, at any one time, at Beis Rochel D'Satmar School, 51-57 Amhurst Park, London, N16 5DL.

REASON: To ensure the effects of any additional pupils can be managed through the planning process and reduce the impact on residential amenity and highways.

6. Demolition and Construction Management Plan

No development shall take place until a detailed Demolition and 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 method statement covering all phases of above ground works of the project to include details of noise, vibration and dust control measures.
- b) A construction method statement covering all phases of above ground works to include details of noise control measures, and measures to preserve air quality;
- c) Details and locations of all noisy activities including mobile plant machinery, and details of the best practicable means of mitigation employed against noise and vibration in accordance with British Standard Code of Practice BS 5228.
- d) Construction methodology (including risks assessments and method statements) including details of crane /lifting management for any cranes/HIABS proposed to be used.
- e) Details of the locations 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.
- f) Deliveries to site and associated with removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.
- g) Procedures for maintaining good public relations including complaint management, public consultation and liaison - Arrangements for liaison with the Council's Community Safety Team.

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

7. Permitted development restriction

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended by any order revoking and re-enacting that Order with or without modification) no change of use within Schedule 2, Part 7, Class M shall be carried out.

REASON: To ensure that the impacts of additional floorspace are assessed.

8. Nesting bricks

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

REASON: In the interests of biodiversity

9. Sustainable drainage

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

The details shall be implemented in full prior to the first use of the development and retained for the lifetime of the development

REASON: In the interests of reducing

10. Car Park Design and Management Plan

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

1. A Car Park Design and Management Plan which identifies the blue badge car park.

REASON: In order to ensure that there is an adequate provision of disabled persons car parking spaces.

11. Outbuilding

Notwithstanding the approved plans, the outbuilding as shown on drawing no.s PR-L001 Rev C, PR-P002 Rev C, PR-P003 Rev C, PR-P004 Rev C, PR-P005 Rev C, PR-P006 Rev C, PR-P007 Rev C, PR-S001 Rev C, does not form part of this planning application and is not granted planning permission. The outbuilding is the subject of a separate planning application 2022/2067.

REASON: To ensure that the proposal does not detract from the character and appearance of the conservation area.

8.2 Recommendation B

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 Development Management & Enforcement Manager) to make any minor alterations, additions or deletions to the recommended conditions as set out in this report provided this authority shall be exercised after consultation with the 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).

8.3 Recommendation CHighways and Transportation

- Provision of a Travel Plan and Travel Plan monitoring fee at £5,000.
- A contribution of £8750 towards the effective monitoring of the Construction Management Plan (CMP)
- The applicant to carry out all works in keeping with the National Considerate Constructor Scheme.

Carbon Offset Payment

- A Carbon Offset Payment of £10,626.99

Costs

- Payment by the landowner/developer of all the Council's legal and other relevant fees, disbursements and Value Added Tax in respect of the proposed negotiations and completion of the proposed Unilateral Undertaking, payable prior to completion of the deed.
- Monitoring costs payable on or prior to completion of the Legal Agreement £555.00.

9.0 INFORMATIVES

The following information should be added:

- S1.1 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.25 Disabled Person's Provisions
- SI.27 Fire Precautions Act
- SI.28 Refuse Storage and Disposal Arrangements
- SI.45 The Construction (Design & Management) Regulations 1994
- SI.48 Soundproofing

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 Water's pipes. The developer should take account of this minimum pressure in the design of the proposed development.

NSI The development boundary falls within a Source Protection Zone for groundwater abstraction. These zones may be at particular risk from polluting activities on or below the land surface. To prevent pollution, the Environment Agency and Thames Water (or other local water undertaker) will use a tiered, risk-based approach to regulate activities that may impact groundwater resources. The applicant is encouraged to read the Environment Agency's approach to groundwater protection and may wish to discuss the implications for their development with a suitably qualified environmental consultant.

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 wwqriskmanagement@thameswater.co.uk. Application forms should be completed online via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

NSI Construction activities audible at the facade of the nearest noise sensitive premises shall only be carried out between the specified hours: Monday to Friday 08:00-18:00 hours; Saturdays 08:00-13:00 hours; at no time on Sundays and Public Holidays unless otherwise agreed in prior consent to the Local Authority under the provisions of Section 61 of the Control of Pollution Act 1974.

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

ALED RICHARDS
Director, **Strategic Director, Sustainability & Public Realm**

NO.	BACKGROUND PAPERS	NAME/DESIGNATION AND TELEPHONE EXTENSION OF ORIGINAL COPY	LOCATION CONTACT OFFICER
1.	<p>Application documents and LBH policies/guidance referred to in this report are available for inspection on the Council's website.</p> <p>Policy/guidance from other authorities/bodies referred to in this report are available for inspection on the website of the relevant authorities/bodies</p> <p>Other background papers referred to in this report are available for inspection upon 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>	Catherine Nichol x 2905	1 Hillman Street, London E8 1FB

Site Notices



