

Planning Sub-Committee – 06/12/2023

ADDRESS: 14 Keir Hardie Estate, Springfield, Hackney, London, E5 9AT	
WARD: Springfield	
APPLICATION NUMBER: 2023/1922	REPORT AUTHOR: Thomas Russell
DRAWING NUMBERS: PL-001 (Issue P1), PL-002 (Issue P1), PL-003 (Issue P1), Design & Access Statement, Covering Letter, SBD secure cycle protection box	VALID DATE: 18-08-2023
AGENT: Graham Allison Montagu Evans LLP 70 St Mary Axe London EC3A 8BE	APPLICANT: London Borough of Hackney
PROPOSAL: Change of use of ground floor community flat meeting rooms (Class F2) to a 1x 1-bedroom self-contained residential unit (Class C3) with the provision of cycle storage	
POST SUBMISSION REVISIONS: None	
RECOMMENDATION SUMMARY: Grant planning permission subject to conditions and Section 106 legal agreement	
NOTE TO MEMBERS: This is a resubmission of a previous application submitted under the address '15 Keir Hardie Estate'. The current application has been submitted under the correct address of '14 Keir Hardie Estate' to rectify this error.	

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

ANALYSIS INFORMATION

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

LAND USE:	Use Class	Use Description	GIA Floorspace Sq m
Existing	Class F2 (b)	Community meeting rooms	44.5
Proposed	Class C3	Residential unit	44.5

1.0 SITE CONTEXT

- 1.1 The site is located on the eastern side of Upper Clapton Road, immediately south of the junction with Springfield. Springfield Park is located to the north east of the site.
- 1.2 The site consists of a five-storey block of flats containing 23 individual units. There are several other similar blocks within the immediate area all located around a central grassed courtyard. The building is constructed in red brick and has a pitched roof. The height of the block of flats, while significant, is equivalent to the height of surrounding blocks of flats, which contribute to the character of the immediate area.
- 1.3 There are no locally or statutorily listed buildings in the immediate area, although Springfield Park to the north east contains White Lodge, a Grade II listed building, along its western boundary. Northwold & Cazenove Conservation Area is located in close proximity to the site, on the opposite side of Upper Clapton Road. In addition, Clapton Common Conservation Area is located directly to the north west. The surrounding area is characterised by residential buildings of varying scale and design.

2.0 RELEVANT HISTORY

2.1 15 Keir Hardie Estate

2022/2678 - Change of use of ground floor community flat meeting rooms (Class F2) to a 1x 1-bedroom self-contained residential unit (Class C3) with the provision of cycle storage - Approved subject to S106 - 03/05/2022

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Officer comments: The current proposal matches the above application exactly. This previous application was submitted mistakenly under the address '15 Keir Hardie Estate'. The current application has been submitted under the correct address of '14 Keir Hardie Estate' to rectify this error

3.0 CONSULTATION

3.1 Date Statutory Consultation Period Started: 07/09/2023

3.2 Date Statutory Consultation Period Ended: 11/10/2023

3.3 Site Notice: Yes (14/09/2023)

3.4 Press Advert: Not required

3.5 Neighbours

Letters of consultation were sent to 27 adjoining owners/occupiers. At the time of writing the report (25/09/2023), no responses had been received.

3.6 Statutory/Local Group Consultees

3.6.1 None

3.7 Council Departments

3.7.1 *Waste management:*

This application would convert a property on the Keir Hardie Estate which has more recently been used for community use, back into use as a 1 bedroom unit. Other flats on the estate use our communal waste service, and this would be the case with this unit also. Given the size of the unit, we would not see any significant additional demands on the existing bin store. Overall we therefore do not have concerns with the application from a waste and recycling viewpoint.

4.0 RELEVANT PLANNING POLICIES

4.1 Hackney Local Plan (LP33) 2020

LP1 - Design Quality and Local Character
LP2 - Development and Amenity
LP3 - Designated Heritage Assets
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
LP46 - Protection and Enhancement of Green Infrastructure
LP47 - Biodiversity and Sites of Importance of Nature Conservation
LP53- Water and Flooding
LP54 - Overheating and Adapting to Climate Change
LP55 - Mitigating Climate Change
LP58 - Improving the Environment - Pollution

4.2 London Plan (2021)

D1- London's form, character and capacity for growth
D2 - Infrastructure requirements for sustainable densities
D3 - Optimising site capacity through the design-led approach
D4 - Delivering good design
D5 - Inclusive design
D6 - Housing quality and standards
D7 - Accessible housing
G5 - Urban greening
G6 - Biodiversity and access to nature
H1 - Increasing housing supply
H2 - Small sites
H4 - Delivering affordable housing
H6 - Affordable housing tenure
H10 - Housing size mix
HC1 - Heritage conservation and growth
S1 - Developing London's social infrastructure
S2 - Health and social care facilities
SI 2 - Minimising greenhouse gas emissions
SI 4 - Managing heat risk
SI 12 - Flood risk management
SI 14 - Waterways-strategic role
T5 - Cycling
T6 - Car parking

4.3 Supplementary Planning Guidance / Documents (SPG) / Other:

Mayor of London Social Infrastructure (2015)
National technical space standards (2015)
Housing Supplementary Planning Guidance (2016)
London Borough of Hackney
Residential Extensions and Alterations SPD (2009)
Sustainable Design & Construction SPD (2016)
S106 Planning Contributions SPD (2020)

4.4 National Planning Policies/Guidance

National Planning Policy Framework (NPPF) 2021
Planning Practice Guidance

4.5 Legislation

Town and Country Planning Act 1990 (as amended)

5.0 PLANNING CONSIDERATIONS

5.1 Planning permission is sought for the change of use of the ground floor community flat meeting rooms (Class F2) to a 1x 1-bedroom self-contained residential unit (Class C3) with the provision of cycle storage.

5.2 The main considerations relevant to this application are:

- Principle of development/land use
- Housing mix
- Affordable housing
- Design
- Standard of accommodation
- Neighbouring amenity
- Traffic and transportation
- Energy and sustainability
- Biodiversity and ecology
- Drainage
- Waste management

Each of these considerations is discussed in turn below.

5.3 **Background**

5.3.1 The proposal is to convert the property known as Flat 14 back to use as 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 2 person flat, with living room, bedroom, kitchen, bathroom and study. It would comprise 44.5 sqm (GIA). The proposed residential unit will be Social Rent or London Affordable Rent.

5.3.2 The property was last occupied as a community flat by the resident's association and used for residents association meetings and local ward councillor surgeries but has been closed for the past three years. 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

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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 the Hackney Local Plan (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 the Lea View Community Hall, Springfield, London, E5 9DX which is fully accessible and DDA compliant. This is situated 182 metres from the community flat. There are also other larger more accessible facilities in the area which are not operated by the council and these are listed as: Northwold Community Hall (450 metres from site), Wigan Community Hall (570 metres from site) and High Hill Community Hall.
- 5.4.5 Furthermore, were a new tenant's resident association (TRA) to be formed, LB Hackney would offer the TRA use of a community building for their meetings and activities at no cost.
- 5.4.6 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.
- 5.4.7 The existing community rooms are small and limited in their function. Originally built as a residential flat, the internal space is usable for small scale meetings only and does not have the usual layout of a larger open plan premises. The existing community flat does not benefit from high levels of daylight/sunlight considering its use and is not considered to incorporate inclusive design providing access for all, as cited above under policy LP8. As such, the existing premises are not considered to provide a high quality space able to meet the needs of the local community.
- 5.4.8 Given the presence of nearby community facilities that meet the standards of policy LP8, the loss of social and community floor space is considered, on balance, to be acceptable, particularly given the accessibility and size constraints of the existing unit. The replacement of the community meeting flat with residential floor space is considered a positive alteration to the host property and is supported in land use terms.

Proposed Residential Use

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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 ***Housing Mix***

5.5.1 Policy H10 (Housing Size Mix) of the London Plan 2021 indicates that to determine the appropriate mix of unit sizes in relation to the number of bedrooms for a scheme, applicants and decision-makers should have regard to, amongst other things, the nature and location of the site and the aim to optimise housing potential on sites.

5.5.2 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.

5.5.3 The property would be laid out as a 1 bed, 2 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.

5.6 ***Affordable Housing***

5.6.1 Policy LP13 (Affordable Housing) of LP33 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.

5.6.2 The dwelling has been proposed as an affordable unit (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.

5.7 ***Design***

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

5.7.2 The proposal involves no alterations or building works to the exterior of the building except for the provision of a cycle store and the removal of a small window across the front elevation of the property.

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- 5.7.3 The cycle store would be of an appropriate design and would incorporate acceptable materials, with an overall scale that is considered 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. The submitted details are satisfactory and no further information is required.
- 5.7.4 In addition, while a window across the front elevation of the property would be lost, this window is very small and is located in front of the boiler. The small window is also located next to a larger window that provides the internal room, a kitchen, with daylight/sunlight and acceptable levels of outlook. As such, no objection is raised to the removal of this feature. The window would be replaced by brickwork to match existing. This is considered acceptable.
- 5.8 ***Standard of Accommodation***
- 5.8.1 The Greater London Authority Housing SPG, London Plan Policy D6 and Technical Housing Standards – Nationally Described Space Standard (NDSS) contain a number of requirements relating to reasonable and required standards of accommodation.
- 5.8.2 The property would be laid out as a 1 bedroom, 2 person flat, with a dining/living room, bedroom, kitchen and bathroom. It would comprise 44.5 sqm (GIA). Nationally described technical housing standards state that for 1 bedroom, 2 person units with 1 storey, 50sqm of GIA should be provided. As such, the development would result in a 5.5sqm shortfall. However, given that the unit was previously used as residential accommodation and is currently laid out as such, under the circumstances this shortfall would be considered acceptable.
- 5.8.3 Nationally described technical housing standards also state that double bedrooms should measure no less than 11.5sqm and measure at least 2.75 metres in width. The proposed double bedroom would measure 12sqm in area and would measure 3.3 metres in width to comply with the above standard.
- 5.8.4 All rooms would be served with suitable sized windows to ensure the residential unit receives good levels of light and outlook. Furthermore, the unit would benefit from a good level of privacy. Outdoor amenity space would also be provided at the site in the form of a 3sqm sized rear balcony. The Housing Design Quality and Standards SPG states that outdoor amenity space should measure no less than 5sqm for 1-2 person dwellings. While the size of the balcony would be smaller than the above standard by 2sqm, it is noted that the balcony was previously in residential use and that the property is within 100 metres of Springfield Park.
- 5.8.5 In terms of accessibility, step-free access is not provided as the property is set over two levels. The development therefore is unable to provide a fully inclusive and accessible layout. However, it is considered that the size of the development would ensure that it could comply with the relevant building regulations. It is also noted that a lift is not a standard inclusion within a converted building, particularly serving 1 unit. As such, and as part of an otherwise acceptable scheme, the lack of a lift is on balance considered acceptable.

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5.8.6 On this basis, the proposal is considered acceptable in regard to standard of accommodation.

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 The proposed cycle store would be located in the front garden of the building and would measure 1.34 metres in total height. No other external alterations, aside from the removal of a small window across the front elevation, are proposed.

5.9.3 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.

5.9.4 The provision of additional residential accommodation in a predominantly residential area is also deemed unlikely to cause exacerbated noise and disturbance impacts.

5.9.5 Given the above, the development is considered to be acceptable in relation to impacts on the amenity of surrounding properties.

5.10 ***Traffic and Transportation***

5.10.1 The development is not considered to be of a scale that would have an unacceptable impact on parking pressure or highways infrastructure. The site has a medium Public Transport Accessibility Level (PTAL) of 3. Bus routes run along Upper Clapton Road to the west. The site is within a Controlled Parking Zone.

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 2 cycle spaces. The development includes the provision of a cycle store to the front 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. Adequate details were provided in the form of a brochure.

5.10.3 The development is proposed to be car-free, so that future occupants will not be eligible for CPZ parking permits, ensuring that the development will not result in additional parking pressure on the surrounding highway network but will rely on more sustainable modes of transport. This is in line with LP45 (Parking and Car-Free Development) of LP33 and the London Plan. This will be secured via legal agreement.

5.11 ***Energy and Sustainability***

5.11.1 All new developments need to consider statutory requirements to reduce pollution, energy and carbon emissions, and should incorporate best practice design principles and guidance where appropriate.

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- 5.11.2 Policy SI 4 of the London Plan and 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.
- 5.11.3 Policy LP55 of LP33 applies to all new developments and states they must actively seek to mitigate the impact of climate change through design which minimises exposure to the effects, and technologies which maximise sustainability.
- 5.11.4 A development of this scale would be expected to comply with any building regulations to ensure the statutory requirements to reduce pollution, energy and carbon emissions are met. The development would be required to demonstrate that it incorporates fabric efficiency measures.
- 5.11.5 The flat is part of a larger building and opportunities for improvements are limited to replacing the heating system, improving insulation and replacing the lights and appliances with energy efficient versions. It is noted that a small window will be removed as part of the development, which will improve the thermal efficiency of the unit. The proposed development seeks to ensure compliance with Building Regulations Part L.
- 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 The development, whilst not providing any additional open space, will ensure that the existing balcony to the rear of the site is maintained.
- 5.12.3 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.
- 5.12.4 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.
- 5.12.5 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.
- 5.12.6 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

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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, the proposal has been reviewed by the council's waste management team who have stated that the residential unit would use the communal waste facilities utilised by other properties within the estate and therefore, given the size of the unit, the proposal would not put any significant additional demands on the communal bin store. On this basis, the proposal is considered acceptable in regard to waste management.

6.0 **CONCLUSION**

6.1 The proposed change of use of the ground floor community meeting room (class F2) to a self-contained residential unit (class C3) with the installation of a cycle store to the front of the property and the removal of a small window are considered 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.

6.2 The proposal is deemed to comply with the relevant policies in the Hackney Local Plan 2033 (2020) and the London Plan (2021) and the granting of planning permission is recommended subject to conditions.

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

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

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 Assistant Director Planning & Building Control (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**.....

Natalie Broughton - Assistant Director, Planning & Building Control

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>	<p>Thomas Russell Planning Officer x 3846</p>	<p>1 Hillman Street, London E8 1FB</p>