

ADDRESS: Land to the rear of 64 Middleton Road, London, E8 4BS	
WARD: London Fields	REPORT AUTHOR: Alix Hauser
APPLICATION NUMBER: 2022/0963	VALID DATE: 14/10/2022
DRAWING NUMBERS: 0101 Rev C; 0102 Rev C; 0103 Rev C; 0105 Rev D; 0110 Rev C; 0111 Rev C; 0115 Rev F; 0016 Rev H; 0117 Rev H; 0210 Rev E; 0220 Rev E; 0221 Rev E; 0301 Rev A; 0302 Rev A; 0303 Rev B; 0304 Rev A; 0310 Rev E; 0311 Rev E; 0312 Rev G; 0313 Rev E; Design & Access Report prepared by Edgley Design dated April 2022; Heritage Statement prepared by Edgley Design dated September 2022; Daylight & Sunlight Study Rev B prepared by Model Environments dated 09/10/2023; Marketing Recommendation Report prepared by Fyfe McDade dated 08/02/2023; Sustainability Statement prepared by Edgley Design dated September 2022; Tree Development Report prepared by Connick Tree Consultants dated 17/12/2021.	
APPLICANT: Andrew Wright JA Property Lets Limited Unit 2, Piperell Way Haverhill Suffolk CB9 8QW	AGENT: Ella Wragg Edgley Design LF 3.01 The Leathermarket 11/13 Weston Street London SE1 3ER
PROPOSAL: Demolition of mechanic's garage (use class B2) and erection of a two-storey 3 bedroom dwellinghouse (use class C3).	
POST SUBMISSION REVISIONS: Minor changes were made to the drawings to ensure consistency and show details of the proposed solar panels, a revised Marketing Report was received and an updated Daylight & Sunlight Report was received. A full period of consultation followed.	
RECOMMENDATION SUMMARY: Grant planning permission subject to conditions and Section 106 legal agreement.	
NOTE TO MEMBERS: None.	

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)	

REASON FOR REFERRAL TO PLANNING SUB-COMMITTEE:	
Other (in accordance with the Planning Sub-Committee Terms of Reference)	

ANALYSIS INFORMATION

ZONING DESIGNATION

	Yes	No
CPZ	J	
Conservation Area	Albion Square	
Listed Building (Statutory)		X
Listed Building (Local)		X
Priority Employment Area		X

LAND USE

	Use Class	Use Description	Floorspace Sqm
Existing	B2	Mechanic	37.5
Proposed	C3	Residential unit	134

CASE OFFICER’S REPORT

1.0 SITE CONTEXT

- 1.1 The site comprises a backland parcel of land located to the rear of number 64 Middleton Road which lies to the north side of the site.
- 1.2 The site currently accommodates a vacant car repair garage (Use Class B2), accessed from Albion Square.
- 1.3 The site backs onto 22 Albion Square which is a Grade II listed building, part of a group running from Numbers 13 to 22 (consecutive).
- 1.4 The site does not contain a listed building but is located in the Albion Square Conservation Area.
- 1.5 The surrounding area is predominantly residential in character in buildings of traditional character. Queensbridge Primary School is located to the east of the site and Stonebridge Gardens to the west.
- 1.6 The site is located within the Crossrail Safeguarding area and Controlled Parking Zone J.
- 1.7 The site is a short walk from Haggerston Overground Station and is well connected with a number of nearby bus links. The nearest public park is Stonebridge Gardens, a 5 minute walk away. The site has a PTAL score of 4.

2.0 RELEVANT HISTORY

2.1 No relevant planning permission.

3.0 CONSULTATIONS

3.1 Date First Statutory Consultation Period Started: 18/11/2022

3.2 Date Final Statutory Consultation Period Ended: 31/12/2023

3.3 Site Notice: Yes

3.4 Press Advert: Yes

Neighbours

3.5 Letters of consultation were sent to 20 adjoining owners/occupiers.

3.6 Objections were received from 20 individuals/households as a result of the original public consultation. These representations are summarised below:

- Letters were not received by neighbouring occupiers, site notices were not erected and press notices were not published.
- Poor design and architecture that would detract from the character of the area.
- Bulk, scale, massing, form, height and layout would lead to loss of the open character of rear gardens within the conservation area, contrary to the existing urban grain and result in a discordant intrusion into the appearance of the conservation area.
- The proposal is over-development of the site.
- The proposal is overbearing and out of scale and proportion with existing character.
- Proposed materials not in keeping with the conservation area.
- The building line does not respect the historic building line.
- Lack of information submitted in regard to materials.
- Use of the roof of the ground floor projection as a terrace
- Development would result in unacceptable overlooking and loss of privacy.
- Daylight & Sunlight Report should include more properties.
- Natural ventilation and daylight would be limited within the new dwelling.
- Development could impact the health of nearby trees.
- Heat pump and terrace would cause unacceptable noise nuisance and disturbance.
- No parking is proposed.
- No mention of contaminated land.
- Inconsistency between plans.
- Misleading and disingenuous information provided in application concerning whether the site is vacant or not.
- The development would set an unacceptable precedent.
- Loss of views and visual amenity from adjoining properties.
- The dwellinghouse should be used as a single dwellinghouse only and not a rooming house.
- Disruption during the period of construction from noise and dust.
- Fears over unsafe removal of asbestos.

- Ownership issues in regard to the land to the west of the development which is not owned by the applicant and no permission has been obtained for storing machinery / materials on this land.
- A similar application at the site was refused in the late 1990s.

3.7 Following the initial period of consultation, minor revisions were made to the proposal including the provision of solar panels and a revised marketing report and daylight & sunlight report were received. An Air Source Heat Pump (ASHP) was also proposed but removed from the proposal. Three periods of re-consultation on the revised plans resulted in additional objections being received from 9 individuals/households that had previously raised objections. The relevant new issues are summarised below:

- Marketing evidence should not justify that the building is large and unsuitable for the site and the conservation area.
- Marketing evidence is inadequate, unreliable and factually incorrect.
- The solar panels would be visible and result in a highly intrusive and discordant visual element which would be wholly inappropriate to its setting in a Conservation Area.
- The solar panels do not constitute permitted development and therefore should not be allowed in a conservation area.
- The installation of 15 PV panels is greenwashing and would not contribute to achieving net zero so their installation should not override conservation area protection.
- The solar panels would create glare.

3.8 The matters of disruption during the period of construction and asbestos removal are covered by separate legislation and cannot be afforded significant weight as material planning considerations. Ownership is not a material planning consideration.

3.9 The remaining above comments are addressed within the assessment section of this report.

Statutory Consultees

3.10 Crossrail Safeguarding: No comment on application.

3.11 Crossrail 2 Safeguarding: No objection subject to conditions.

Council Departments

3.12 Drainage: No objection subject to conditions.

3.13 Environmental Protection (Contaminated Land): No objection subject to conditions.

3.14 Landscape & Trees: No objection.

3.15 Traffic & Transportation: No objection subject to conditions.

3.16 Waste: No objection.

Local Groups

- 3.17 Hackney Society Planning Group [received prior to revisions]: The site has potential for development. But the bulk of the building seems overbearing for the properties to the west.

The layout places a fully-glazed living space on a north facing aspect and has limited amenity space. Cladding material is not decided and should be secured by condition. Overall a rather bland proposal, in plan and elevation, that needs more work considering the proximity of Albion Square, the visibility of the site and the surrounding context.

- 3.18 Kingsland CAAC: No objection based on revised plans and further information received.

4.0 RELEVANT PLANNING POLICIES

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

- LP1 Design Quality and Local Character
- LP2 Development and Amenity
- LP3 Designated Heritage Assets
- LP12 Meeting Housing Needs and Locations for New Homes
- LP13 Affordable Housing
- LP14 Dwelling Size Mix
- LP17 Housing Design
- LP26 Employment Land and Floorspace
- LP28 Protecting and Promoting Industrial Land and Floorspace in the Borough
- LP42 Walking and Cycling
- LP43 Transport and Development
- LP44 Public Transport and Infrastructure
- LP45 Parking and Car Free Development
- LP46 Protection and Enhancement of Green Infrastructure
- LP47 Biodiversity and Sites of Importance of Nature Conservation
- LP51 Tree Management and Landscaping
- LP53 Water and Flooding
- LP54 Overheating and Adapting to Climate Change
- LP55 Mitigating Climate Change
- LP58 Improving the Environment - Pollution

4.2 **London Plan 2021**

- GG1 Building Strong and Inclusive Communities
- GG2 Making the Best Use of Land
- GG4 Delivering the Homes Londoners Need
- D1 London's Form, Character and Capacity for Growth
- D3 Optimising Site Capacity through the Design-led Approach
- D4 Delivering Good Design
- D5 Inclusive Design
- D6 Housing Quality and Standards
- D7 Accessible Housing
- D14 Noise

- H1 Increasing Housing Supply
- H2 Small Sites
- H4 Delivering Affordable Housing
- H6 Affordable Housing Tenure
- H10 Housing Size Mix
- HC1 Heritage Conservation and Growth
- G5 Urban Greening
- G6 Biodiversity and Access to Nature
- G7 Trees and Woodlands
- SI 1 Improving Air Quality
- SI 2 Minimising Greenhouse Gas Emissions
- SI 4 Managing Heat Risk
- 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
- T7 Deliveries, Servicing and Construction
- T9 Funding Transport Infrastructure through Planning

4.3 SPD / SPG / Other

Mayor of London

Mayor's Housing SPG (2016)

London Borough of Hackney

Albion Square Conservation Area Appraisal (2016)

Public Realm SPD (2012)

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)

Planning Practice Guidance (NPPG)

4.5 Legislation

Equality Act 2010

Planning Compulsory Purchase Act 2004

Town and Country Planning Act 1990

5.0 COMMENT

5.1 **Background**

5.1.1 The application proposes the demolition of the existing vacant garage and the erection of a two-storey three-bedroom dwellinghouse.

5.1.2 The dwellinghouse proposed would have a gross internal area (GIA) of 134 sqm and would include an open plan kitchen and dining area at ground floor level linked to a large outdoor amenity area to the north of the site as well as a water closet and utility room, a study and a living area linked to a rear terrace on the southern side of the site. At first floor level a master bedroom with walk-in-wardrobe and ensuite is proposed as well as two additional bedrooms and a bathroom.

5.1.3 The dwellinghouse is proposed to be clad in a mixture of materials including stock brick, timber and equitone in brick with darker unspecified materiality to the upper floors. Windows are proposed to be triple glazed in unspecified materials.

5.1.4 A garden is proposed to the north of the dwellinghouse with a smaller courtyard to the south of the site between the boundary walls of number 62 Middleton Road to the west and number 22 Albion Square to the south.

5.1.5 Cycle storage is proposed adjacent the front entrance behind the retained boundary wall whilst refuse storage is proposed to be accessed from streetside and is built into the existing boundary wall.

5.1.6 15 solar panels are proposed on the main roof of the dwellinghouse.

5.1.7 The main considerations relevant to this application are:

- Principle of Development/Land Use
- Housing Mix
- Affordable Housing
- Design & Conservation
- Standard of Accommodation
- Neighbouring Amenity
- Traffic & Transportation
- Energy & Sustainability
- Trees
- Biodiversity & Ecology
- Drainage
- Waste
- Contamination

Each of these considerations is discussed in turn below.

5.2 Principle of Development / Land Use

Loss of Industrial Floorspace

- 5.2.1 Policy LP28 (Protecting and Promoting Industrial Land and Floorspace in the Borough) of LP33 sets out that the loss of industrial land and floorspace outside of Priority Industrial Areas and Locally Significant Industrial Sites will be permitted where robust marketing evidence can be submitted to demonstrate that there is no demand for the existing vacant land existing for its current or former use and the possibility of retaining, reusing or redeveloping it for similar or alternative smaller or more flexible units for employment generating use, or other alternative employment generating use has been fully explored.
- 5.2.2 The site is currently in poor condition with no access to power or sanitary facilities available.
- 5.2.3 A Marketing Report has been provided which outlines that a significant amount of renovation, repair and refurbishment would be required to the structure and fittings of the building in order to bring the existing dilapidated unit into use that is operational and fit for purpose.
- 5.2.4 The Marketing Report also outlines the shortfalls and limitations of the existing site which result in the unit being undesirable for other potential B2 occupiers. These include the size and state of the unit.
- 5.2.5 Finally, the report provides evidence of marketing that has been undertaken since March 2022, including online marketing through Fyfe McDade, RightMove, OntheMarket and Zoopla, email outs to computerised databases and inter agency marketing on Agents Society and the Estate Agents Clearing House. This marketing, which has been undertaken for a period exceeding 1 year, has yielded no interest in the unit.
- 5.2.6 The submitted evidence is considered to comply with the intentions of policy LP28 and is considered to meet the requirements set out within Appendix 1 of LP33. It is clear from the evidence submitted that the unit is undesirable and has a limited prospect of being let out for industrial purposes. The likelihood of this is further hindered by the location of the site within a predominantly residential area where noise nuisance and opening hours of light industrial units are likely to conflict with the amenity of neighbouring residential occupiers.
- 5.2.7 Given the limitations of the site and the lack of interest demonstrated by the Marketing Report, the loss of the historic and vacant B2 unit is considered acceptable in land use terms.

Proposed Residential Use

- 5.2.8 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.

- 5.2.9 Given the location of the site, within a predominantly residential area and outside of areas where industrial or commercial floorspace is sought, as well as the need for residential use within the Borough, the proposed use is supported in principle and would accord with the relevant policies of the Local Plan and London Plan.

5.3 Housing Mix

- 5.3.1 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.

- 5.3.2 This policy is amplified by Hackney's LP33 policy LP14 (Dwelling Size Mix) which 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.

- 5.3.3 The property would be laid out as a 3 bed dwellinghouse. The provision of a family sized dwellinghouse in this location is considered acceptable and policy compliant.

5.4 Affordable Housing

- 5.4.1 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. Ideally the provision would be onsite however, the policy allows for payments in lieu to be secured via a legal agreement, rather than the provision on site. This payment is calculated based on the affordable housing requirements. The adopted S106 Planning Contributions SPD requires a payment of £50,000 per unit, subject to viability. The applicant has agreed to a financial contribution of £50,000. This contribution is to be secured by S106 agreement.

5.5 Design and Conservation

- 5.5.1 Policies LP1 (Design Quality and Local Character) of the LP33 and D6 (Housing Quality and Standards) of the London Plan seek to adopt a rigorous design approach and ensure that all new development be of the highest architectural and urban design quality. They require development to respond in a positive manner to the existing context and local character, be compatible with the existing townscape including urban grain and plot division, and where possible enhance it.

- 5.5.2 Policy LP3 (Designated Heritage Assets) and London Plan policy HC1 (Heritage Conservation and Growth) requires development proposals affecting Conservation Areas or their settings to preserve or enhance the character and appearance of the area including, the established local character of individual buildings and groups of buildings (in terms of height, massing, scale, form, design, materials, detailing and use) and the rhythms and historical form of the area (in terms of the spaces between buildings, density, settings, building lines, siting, pattern of development,

urban grain and plot coverage) as well as being sympathetic to the assets' significance and appreciation within their surroundings.

- 5.5.3 The replacement of the existing dilapidated building and vehicle repair yard with a residential use is supported in principle, in conservation and design terms.
- 5.5.4 The proposed location, footprint, height and massing is supported in townscape terms as is the retention of much of the side garden wall running along Albion Square. This type of backland housing sits well within the historic garden and the retention of as much of the existing wall is supported.
- 5.5.5 The location and proportions of the windows are considered appropriate for a modern building. The consideration and design of the windows facing the street, which would result in an acceptable defensible space without the requirement for unsightly window bars, is also supported.
- 5.5.6 The proposed materiality is considered to respond well to the historic nature of the site, whilst presenting as appropriately modern. Further details of the specification of the materials will be required via condition to ensure that the proposed brick, timber and equitone cladding is of an appropriately high quality.
- 5.5.7 The location of the proposed solar panels, set back from the roof and behind a parapet on a two-storey building, results in extremely limited visibility, if any, from the public realm and the conservation area. A condition will require a final PV plan to ensure that their final position, orientation, location and height will minimise their visibility and as such the impact on the public realm.

Impact on Heritage Assets

- 5.5.8 The site is located within the Albion Square Conservation Area and adjoins a terrace of statutorily listed buildings to the south.
- 5.5.9 Section 72 of *The Planning (Listed Buildings and Conservation Areas) Act 1990* requires local authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
- 5.5.10 Paragraph 203 of the NPPF requires a balanced judgement having regard to the scale of any harm or the loss and the significance of the heritage asset.
- 5.5.11 In this case, the loss of the existing structure is not objected to as the building is considered not to enhance the special character of the conservation area. The proposed replacement building is considered to preserve the character and appearance of the Albion Square Conservation Area and there would be no adverse setting impacts identified to the adjoining statutory listed buildings.
- 5.5.12 The proposals bring a rundown, backland site back into full use with a well designed family sized dwellinghouse. The proposals are therefore considered to be acceptable in design and conservation terms.

5.6 Standard of Accommodation

Residential

- 5.6.1 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.
- 5.6.2 The property would be laid out as a 3 bed 6 person unit over two floors with a GIA of 134 sqm which greatly exceeds the area requirements of the NDSS.
- 5.6.3 All bedrooms are in accordance with specifications, all floors have acceptable floor to ceiling heights, and the unit has adequate area to comply with the built-in storage requirements.
- 5.6.4 All rooms would be served with suitable sized windows to ensure receipt of good levels of light and outlook and the triple aspect of the unit would provide benefits in terms of cross ventilation.
- 5.6.5 Standards 26 and 27 of the Housing SPG require private outdoor space to be provided for occupants. The dwellinghouse is provided with 40 sqm of outdoor amenity space in the form of a large north facing garden and a smaller south facing terrace. This provision is well in excess of the relevant standards.
- 5.6.6 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 single dwellinghouse. As such, and as part of an otherwise acceptable scheme, the lack of a lift is, on balance, considered acceptable.
- 5.6.7 Given the above, the proposal is considered to provide an acceptable standard of accommodation.

5.7 Neighbouring Amenity

- 5.7.1 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.

Daylight / Sunlight

- 5.7.2 The British Research Establishment (BRE) has produced guidance on assessing the impact of proposals on the daylight and sunlight received from adjoining properties.
- 5.7.3 The provided Daylight and Sunlight Report demonstrates that all windows tested at surrounding properties meet the Vertical Sky Component target value and would therefore experience negligible or no impact in regard to daylight.

- 5.7.4 The updated Daylight & Sunlight Report takes into account the new extension that was recently built at number 62 Middleton Road and demonstrates that the new south facing lower ground floor windows will continue to receive acceptable levels of daylight.
- 5.7.5 All windows within 90 degrees of due south will meet the tests in regard to Annual Probable Sunlight Hours (APSH).
- 5.7.6 The proposal is therefore considered to have acceptable impacts in regard to daylight/sunlight for adjoining occupiers.

Overshadowing

- 5.7.7 BRE guidance also considers the overshadowing impacts of a development on surrounding gardens, parks, public squares and playgrounds. In order to prevent these spaces becoming damp, cold and uninviting, BRE guidance specifies that at least 50% of the space should receive more than 2 hours of sunlight on 21 March equinox, with the proposed impact being no more than 0.8 times its former value.
- 5.7.8 The overshadowing assessment has tested the impacts of the development on adjoining amenity spaces including the private back gardens of 60 and 62 Middleton Road.
- 5.7.9 The Daylight and Sunlight Report demonstrates that these gardens will receive at least 2 hours of sunlight for a minimum of 75% of the space on the March equinox, in accordance with BRE guidance.

Outlook

- 5.7.10 Given the separation of the proposed building bulk from existing buildings and in the context of the minor scale of the dwellinghouse, it is considered that the proposal would not result in an unacceptable detrimental impact upon neighbouring occupiers in terms of provision of outlook from the site, and would not result in unacceptable overbearing impact or sense of enclosure.

Privacy / Overlooking

- 5.7.11 The proposed dwellinghouse includes a number of windows on the northern, southern and eastern elevations.
- 5.7.12 The proposed windows at ground floor level would not give rise to unacceptable impacts in regard to privacy or overlooking due to the provision of boundary fencing.
- 5.7.13 A condition will require first floor windows in the northern and southern elevations be obscure glazed to a height of at least 1.8m as well as fixed shut, to ensure privacy values are maintained.
- 5.7.14 Concerns were raised in regard to a door onto the flat roof of the ground floor. This has been removed from the proposal. Regardless, a condition will ensure that this roof is not used as a terrace as its use would give rise to unacceptable impacts in regard to overlooking and privacy.

- 5.7.15 Given the above, and subject to conditions, the development is considered to be acceptable in relation to impacts on the amenity of surrounding properties.

Response to Objections

- 5.7.16 It is noted that a number of objections raised concerns about letters not having been sent. A review of the Council's records confirms that letters were sent to all properties directly adjoining the boundary of the site. This meets the requirements of relevant legislation set out by the government plus the Council's own Statement of Community Involvement (SCI) which requires directly adjoining occupiers be served notices. Further information on the extent of consultation is included within section 3 of this report. The Council has undertaken its statutory duty in line with the requirements set out within The Town and Country Planning (Development Management Procedure) (England) Order 2015 and its SCI in regard to consultation for this application.
- 5.7.17 Objections have been received relating to noise and disturbance impacts arising from the development. The redevelopment of the site from an unrestricted car mechanics to a residential unit is supported in amenity terms, as the proposed residential use is located in an established residential area. The proposed ground floor terrace area is small in scale (7.5 sqm) and fully enclosed, so will not facilitate potential noise and disturbance impacts. Notwithstanding this, residential uses are not considered to be noise generating uses per se, and any subsequent nuisance will be addressed via environmental health powers. In terms of construction impact, a construction logistics plan condition and considerate contractors clause (s106) will provide appropriate mitigation measures during the construction phase of the development.

5.8 Traffic & Transportation

- 5.8.1 The Public Transport Accessibility Level (PTAL) in the area is rated as 4 indicating that the site has a good level of public transport. The site is well connected to a number of bus routes and Haggerston Overground Station.
- 5.8.2 LP42 requires all development to promote sustainable transport by prioritising walking and cycling within the Borough. The application proposes 2 cycle parking spaces adjacent the front entrance behind a brick boundary wall. A policy compliant cycle parking plan is required which shows details of the layout, foundation, stand type and spacing. This is recommended to be secured by condition.
- 5.8.3 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.
- 5.8.4 Given the nature of the proposed development, a final Construction Management Plan (CMP) for the various stages of construction will be required to mitigate negative impact on the surrounding highway network. These should be in line with TfL guidance. This will be secured by condition.

5.8.5 Given the change of use of the site and the proposed layout it is considered that the redundant crossover should be removed. Minor upgrading works to the pavement directly adjacent to the site is also considered necessary. These works will be secured as S278 works via a legal agreement.

5.8.6 Given the above, and subject to conditions and a legal agreement, the development is considered to have an acceptable impact on parking pressure and highways infrastructure.

5.9 Energy & Sustainability

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

5.9.2 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.

5.9.3 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.

5.9.4 A development of this scale would be expected to comply with 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.

5.9.5 A sustainability statement was submitted that confirmed that in order to reduce the energy demand of the development, several passive design strategies and energy efficiency improvement methods will be adopted including building fabric U-values that exceed the requirements of building regulations Part L 2013, air permeability rates close to CIBSE best practice values, energy efficient light fittings, incorporation of sustainable services strategies, such as MVHR, and passive design strategies.

5.9.6 Usage of natural ventilation, building orientation, window directions/sizes, thermal massing, solar shading, daylighting and passive solar heating were carefully assessed so as to reduce the heating energy demand while ensuring no overheating occurs in summer.

5.9.7 The orientation of the site and the location of windows/doors was carefully considered in order to optimise natural ventilation & solar gain through the provision of openings and shading.

5.9.8 It is proposed to incorporate high levels of insulation and windows and doors will be energy efficient utilising triple-glazing to ensure very high thermal performance and to achieve low U values and exceeding current Building Regulation requirements where possible.

- 5.9.9 15 solar panels are included within the proposal to ensure that the proposal would use renewable energy sources and help contribute to reducing the energy impact of the proposed development. As no details were provided, a condition will require the submission of a final plan and energy statement.
- 5.9.10 Whilst these measures were outlined as being employed, no specific data was provided in regard to carbon emissions. As such, the submitted statement did not confirm that zero carbon would be met.
- 5.9.11 In the event that zero carbon emissions are not met, a payment to offset the shortfall is required. As such, a carbon offset would be secured via S106.

5.10 Biodiversity & Ecology

- 5.10.1 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.
- 5.10.2 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.
- 5.10.3 The proposal will result in an uplift in biodiversity in relation to the existing circumstances given the provision of a rear garden of approximately 32sqm in place of a site completely occupied by hardstanding. This is considered an acceptable response given the scale of the scheme.
- 5.10.4 However, it is noted that a large flat roof is proposed above the ground floor projection to south of the two-storey bulk. This is considered an appropriate location for a green roof and a condition of permit will require a green roof be provided in this location.
- 5.10.5 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. A condition will require swift boxes be installed prior to occupation.
- 5.10.6 Subject to conditions, the proposal is considered acceptable in respect of biodiversity and ecology.

5.11 Landscape & Trees

- 5.11.1 Policy G7 (Trees and Woodlands) of the London Plan outlines that Development proposals should ensure that, wherever possible, existing trees of value are retained. Policy LP51 (Tree Management and Landscaping) of LP33 further amplifies this and requires all developments to retain trees of amenity value, especially veteran trees.

- 5.11.2 An Arboricultural Impact Assessment was provided that outlined that there were six trees within the vicinity of the development including two category B trees to the west of the proposed building in the rear garden of number 60 Middleton Road and four category C trees (two to the north in rear garden of number 62 Middleton Road and two street trees to the east).
- 5.11.3 The proposed building has the potential to encroach into the root protection area (RPA) of three of the category C trees; the two 'Tree of Heaven' street trees and the Apple Tree in the rear garden of number 62 Middleton Road. The encroachment into the RPA ranges from between 0.9% and 6.7%. However, the surrounding surface materials (including concrete) and location of existing buildings and boundary walls is considered likely to have resulted in reduced root spread for all these trees. It has been confirmed by the applicant that the areas of concrete surrounding these trees, and category B trees to the west will be retained during the construction period.
- 5.11.4 The assessment and proposed methodology was reviewed by the Council's tree officer who raised no concerns subject to the areas of hardstanding surrounding nearby trees being retained. This will ensure that the roots are not compacted. It is considered that the trees can be appropriately protected and retained by maintaining the existing hardstanding and utilising protection fencing as outlined within the supplied AIA. This will be conditioned.
- 5.11.5 Other trees on and within the vicinity of the site are of minor quality and raised no concern.
- 5.11.6 As such, subject to compliance with the submitted Arboricultural Impact Assessment and conditions, the proposal is considered to have acceptable impacts on nearby trees.

5.12 Drainage

- 5.12.1 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.
- 5.12.2 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.
- 5.12.3 The site is shown to have a medium risk of surface water flooding and has an increased potential for elevated groundwater. There will be a change of flood risk vulnerability classification from a less vulnerable to a more vulnerable use.
- 5.12.4 As such, and in order to comply with policy LP53, details of the permeable hard landscaping proposed, including a drainage layout and a management & maintenance plan will be required by condition.

5.12.5 Furthermore, given the high risk of surface water flooding it is considered that a scheme for the provision and implementation of flood resilient and resistant construction details and measures for the buildings against surface water flood risk be submitted. This will be required by condition.

5.12.6 As such, subject to conditions, the proposal is acceptable on drainage grounds.

5.13 Waste

5.13.1 LP33 policy LP57 seeks to ensure new development in Hackney supports the objectives of sustainable waste management.

5.13.2 Refuse and recycling bins are set within the front boundary of the residential property with direct access from Albion Square. The dwellinghouse would receive the Council's waste collections for street level properties. The area for waste would need to be large enough to accommodate 2 x 180L bins, 1 x 23L Food Waste Caddy and storage of full recycling sacks. The drawings demonstrate adequate area for these requirements.

5.13.3 The development is deemed to meet the requirements of policy LP57 of the LP33.

5.14 Contamination

5.14.1 LP33 policy LP58 requires that new development address risks to sensitive receptors from land contamination through proportionate actions before and during construction and during operation and, where appropriate, over the lifetime of the development.

5.14.2 As the site has been used as a mechanic it is considered necessary to attach land contamination conditions to protect the environment and human health. This condition would require the submission of a preliminary risk assessment and a potential remediation strategy based on the findings of the preliminary risk assessment.

5.14.3 As such, subject to conditions, the proposal is acceptable on drainage grounds.

5.15 Community Infrastructure Levy

5.15.1 As the application proposes the addition of a new residential unit, it is liable for a Community Infrastructure Levy (CIL). The London Mayoral CIL 2 has a rate of £60.00 per sqm of floor space. The site is located in Zone A under the Hackney CIL, which has a rate of £190.00 per sqm of residential floor space.

5.15.2 The amount of the CIL is calculated on the basis of net additional internal floorspace with the proposal being for 134 sqm of new residential floorspace. Based on the net internal floorspace the London Mayoral CIL 2 is £8,040 and the Hackney CIL is £25,460 (combined CIL of £33,500).

5.15.3 Please note this is an estimate only and these amounts are subject to indexation. Any liability notice will reflect rates applicable at the time a planning decision is made.

6.0 EQUALITIES CONSIDERATIONS

- 6.1 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.
- 6.2 Having regard to the duty set out in the S149 Equality Act 2010, the development proposals do not raise any equality issues.

7.0 CONCLUSION

- 7.1 The proposed demolition of the vacant mechanic (use class B2) and provision of a residential unit (use class C3) is deemed acceptable. The proposal would result in the provision of a family sized residential unit with a good standard of accommodation.
- 7.2 The proposals will not have a demonstrably adverse impact upon neighbouring amenity, nor on the character and appearance of the application site nor the wider surrounding context.
- 7.3 Section 38 (6) of the Planning Compulsory Purchase Act 2004, requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise. 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 and the completion of a legal agreement.

8.0 RECOMMENDATIONS

Recommendation A

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

8.1.1 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).

8.1.2 Development in accordance with plans

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

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

8.1.3 **Materials to be submitted**

Full details, with samples, of the materials to be used on the external surfaces of the buildings, including obscure glazing, shall be submitted to and approved by the Local Planning Authority in writing before the relevant work on the site is commenced. The development shall not be carried out otherwise than in accordance with the details thus 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, and to protect the amenity of the neighbouring occupiers.

8.1.4 **Green Roof**

Prior to occupation, details of a green roof to the ground floor, designed for biodiversity with a minimum substrate of 80mm, and as part of a sustainable urban drainage system, shall be submitted and approved by the Local Planning Authority in writing. The development shall not be carried out otherwise than in accordance with the details thus approved and maintained thereafter.

REASON: In the interest of enhancing biodiversity and managing flood risk and providing a sustainable drainage system.

8.1.5 **PV Panels**

Prior to commencement of the relevant parts of the work, a roof plan and sections showing the orientation, angle and design of the PV panels and demonstrating minimal, if any, visibility from the public realm, and an energy efficiency statement demonstrating the performance of the panels and overall carbon emissions of the development, shall be submitted and approved by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the details thus approved and retained thereafter.

REASON: In the interest of ensuring the development has acceptable impacts on the character and appearance of the conservation area and in the interest of addressing climate change and reducing carbon emissions.

8.1.6 **Construction Logistics 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 demolition and construction method statement covering all phases of the development to include details of noise control measures and measures to

preserve air quality (including a risk assessment of the demolition and construction phase);

- A demolition and construction waste management plan setting out how resources will be managed and waste controlled at all stages during a construction project, including, but not limited to, details of dust mitigation measures during construction works, the location of any mobile plant machinery, details of measures to be employed to mitigate against noise and vibration arising out of the construction process demonstrating best practical means;
- A demolition and construction traffic management plan to include the following: the construction programme/timescales; the number/frequency and size of construction vehicles; construction traffic route and trip generation; location of deliveries; pedestrian and vehicular access arrangements; any temporary road/footway closures during the construction period; details of parking suspensions (if required) and the duration of construction;
- A dust management plan to include details of how dust from construction activity will be controlled / mitigated against following best practice guidance. This should include monitoring of particulate matter at the application site boundary in the direction of sensitive receptors following the SPG Mayor of London Control of Dust and Emissions Guidance.

REASON: To avoid hazard and obstruction being caused to users of the public highway and in the interest of public safety and amenity. To protect air quality and people's health by ensuring that the production of air pollutants, such as nitrogen dioxide and particulate matter, are kept to a minimum during the course of building works.

8.1.7 Cycle Parking

Prior to the commencement of above ground construction, a policy compliant cycle parking plan is required, which shows details of layout, foundation, stand type and spacing of 2 cycle parking spaces.

The storage spaces and stands must be provided prior to the occupation of the dwelling and kept in good working condition, in accordance with the above details, in perpetuity.

REASON: To ensure that adequate provision for the safe and secure storage of bicycles is made for future occupiers and in the interest of safeguarding highway safety.

8.1.8 Sustainable Drainage

Prior to superstructure works, detailed specification, a drainage layout and a management & maintenance plan (where applicable) of the permeable hard landscaping shall be submitted to, and approved by the LPA. It must be demonstrated that there will be no increase in surface water flow being discharged offsite and an overall reduction in peak flow rate and volume.

REASON: In the interest of sustainable drainage.

8.1.9 Flood Resilient and Resistant Construction Details

A scheme for the provision and implementation of flood resilient and resistant construction details and measures for the site against surface water flood risk shall be submitted to and agreed, in writing with the LP Aprior to the construction of the measures. The scheme shall be carried out in its entirety before the dwelling is occupied and; constructed and completed in accordance with the approved plans in line with current best practices.

REASON: In the interest of flood resilience against surface water flood risk.

8.1.10 Crossrail 2 Safeguarding

None of the development hereby permitted shall be commenced until detailed design and construction method statements for all the ground floor structures, foundations and basements and for any other structures below ground level, including piling (temporary and permanent), have been submitted to and approved in writing by the Local Planning Authority which:

- (i) Accommodate the proposed location of the Crossrail 2 structures including tunnels, shafts and temporary works;
- (ii) Accommodate ground movement arising from the construction thereof;
- (iii) Mitigate the effects of noise and vibration arising from the operation of the Crossrail 2 railway within the tunnels and other structures.

The development shall be carried out in all respects in accordance with the approved design and method statements. All structures and works within the development hereby permitted which are required by paragraphs C 1(i), (ii) and (iii) of this condition shall be completed, in their entirety, before any part of the buildings are occupied.

REASON: In the interest of protecting crossrail infrastructure.

8.1.11 Contaminated Land

Prior to the commencement of works, a scheme including the following components to address the risks associated with site contamination shall be submitted to, and approved in writing by, the Local Planning Authority.

- a) A preliminary risk assessment which identifies all previous uses, potential contaminants associated with those uses (including asbestos, landfill gas, vapours and ground water contaminants); a conceptual model of the site indicating sources, pathways and receptors; and potentially unacceptable risks arising from contamination at the site;
- b) A generic and detailed quantitative risk assessment based on the findings of the preliminary risk assessment that identifies the risk to all receptors potentially affected, including those off site;
- c) In the event that remediation measures are deemed necessary following the results of the detailed quantitative risk assessment, an options appraisal identifying feasible remediation options, detailing evaluation of options, and selecting the most appropriate remediation option(s);

d) A remediation strategy focused on the remediation option(s) selected in part (c) setting site specific monitoring objectives and criteria, providing details of monitoring and maintenance, and containing full details of the remediation measures required, and how they are to be undertaken.

e) A verification plan explaining how the effectiveness of the remediation works set out in part (d) will be measured, and how data will be collected and assessed to demonstrate that the remediation objectives and criteria will be met.

f) A verification report demonstrating that remediation objectives and criteria identified in part (e) have been met, assessing the remediation performance, and creating a final record of the land quality whilst providing a plan for long term monitoring and maintenance (if required).

Any investigation and risk assessment must be undertaken in strict accordance with the requirements of the Environment Agency's Land Contamination Risk Management (LCRM).

If additional significant contamination is found at any time when carrying out the approved development, it must immediately be reported in writing to the LPA.

For the avoidance of doubt, this condition can be discharged on a section by section basis.

REASON: To protect human health and the environment by ensuring no harm is caused by land contamination.

8.1.12 Obscure Glazing

The windows located within the northern and southern elevations of the dwellinghouse shall be obscure glazed to a height of 1.8m and fixed shut.

REASON: To safeguard the amenities of the adjoining premises and the area generally.

8.1.13 Restriction on use of flat roof

The flat roofs of the dwellinghouse hereby approved shall not be used for any purpose other than as a means of escape in emergency or for maintenance of the building. In particular the roof shall not be used as a roof terrace, balcony or any other amenity area.

REASON: To safeguard the amenities of the adjoining premises and the area generally.

8.1.14 Tree Protection

Tree protection for all retained trees at the site and on adjacent land shall be undertaken in accordance with BS5837:2012 (Trees in relation to construction - Recommendations) and will protect the root protection area calculated as described in Table 2 of that British Standard for the duration of all site works (including demolition) undertaken in connection with the development hereby approved.

The protective fencing will be 2.4m high and conform to Figure 2 of BS5837:2012 i.e. a scaffold framework comprising a vertical and horizontal framework, well braced to resist impacts, with vertical tubes spaced at a maximum interval of 3m. On to this weldmesh panels should be securely fixed with wire or scaffold clamps.

Existing hardstanding within the Root Protection Area of existing nearby trees shall be retained.

REASON: In order to protect the existing trees during building operation and site works.

8.1.15 **Removal of PD Rights**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, or any other Order modifying or revoking that Order whether in whole or in part, planning permission shall be required in respect of development falling within Classes A-H of Part 1 of the second schedule to that Order.

REASON: To protect the character and appearance of the development hereby approved.

8.1.16 **Swift Boxes**

Prior to the first occupation of the development hereby approved a minimum of two 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.

8.1.17 **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 building 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.

Recommendation B

8.2 That the above recommendation be subject to the landowners and their mortgagees entering into a Legal Agreement by means of a legal deed in order to secure the following matters to the satisfaction of the Corporate Director, Legal and Governance Services:

- 1) Affordable Housing Contribution of £50,000.
- 2) Carbon Offset contribution of £1,500.

- 3) Car Free Development (Non-Blue Badge Holders).
- 4) S278 Works of £8,501.19.
- 5) Considerate Constructors Scheme
- 6) Monitoring costs of £4,720 in accordance with the Planning Contributions SPD to be paid prior to completion of the proposed legal agreement.
- 7) 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

- 8.3 That the Sub-Committee grants delegated authority to the Director of Sustainability & Public Realm and Assistant Director Planning & 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).

9.0 INFORMATIVES

The following informatives should be added:

- SI.1 Building Control
- SI.3 Sanitary, Ventilation and Drainage Arrangements
- SI.6 Control of Pollution (Clean Air, Noise, etc.)
- SI.7 Hours of Building Works
- SI.24 Naming and Numbering
- SI.25 Disabled Person's Provisions
- SI.27 Fire Precautions Act
- SI.28 Refuse Storage and Disposal Arrangements
- SI.50 S106 Agreement
- SI.57 CIL
- NPPF Applicant/Agent Engagement

Crossrail 2 Tunnels

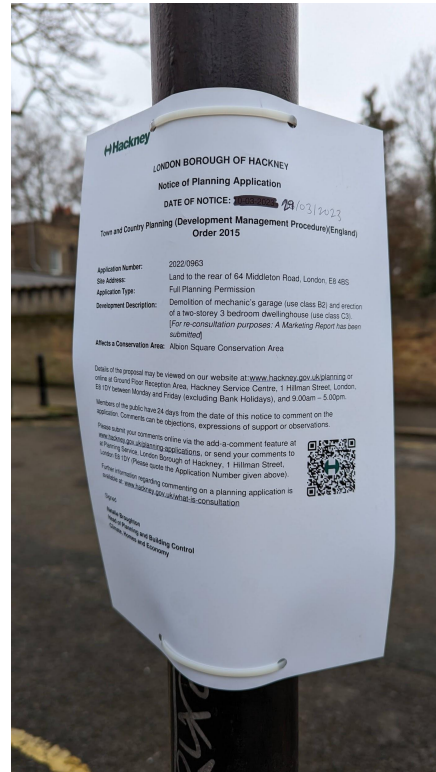
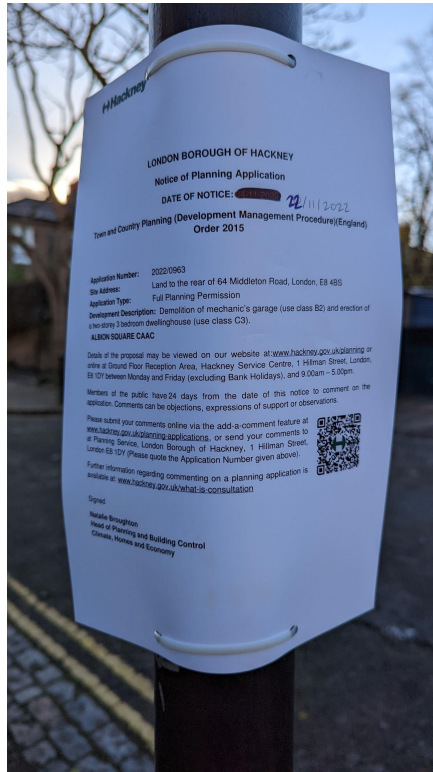
Transport for London is prepared to provide to information about the proposed location of the Crossrail 2 tunnels and structures. It will supply guidelines about the design and location of third party structures in relation to the proposed tunnels, ground movement arising from the construction of the tunnels and noise and vibration arising from the construction and use of the tunnels. Applicants are encouraged to discuss these guidelines with the Crossrail 2 engineer in the course of preparing detailed design and method statements.

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

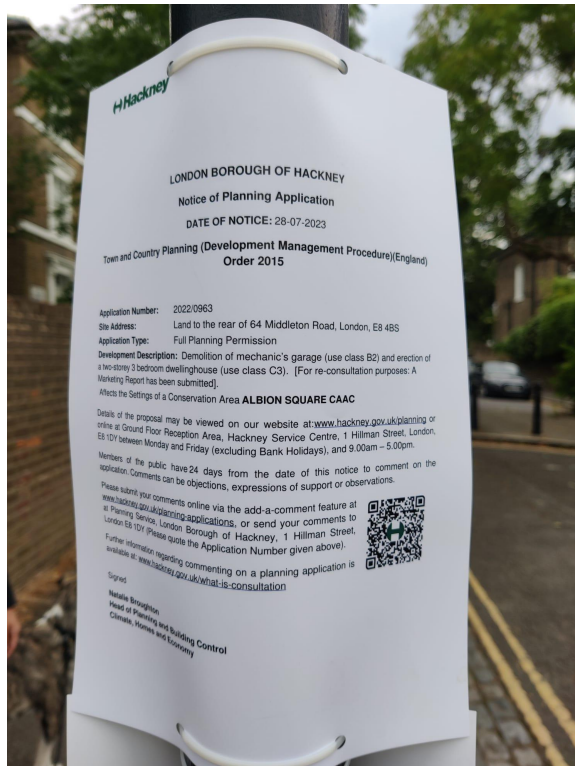
Natalie Broughton - Assistant Director, Planning & Building Control

No.	Background Papers	Name, Designation & 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>	Alix Hauser Planning Officer X 6377	1 Hillman Street London E8 1DY

Site Notices (First, Second & Third Round)



22 November 2022 & 29 March 2023



28 July 2023

Site Photos

