

ADDRESS: 18 French Place, London, E1 6JB	
WARD: Hoxton East and Shoreditch	REPORT AUTHOR: Danny Huber
APPLICATION NUMBER: 2022/0995	VALID DATE: 13/05/2022
DRAWING NUMBERS: 0444_0000; 0001; 0002; 0100; 0101; 0102; 0200; 0201; 1000 05; 1001 06; 1002 06; 1100 08; 1101 06; 1102 04; 1200 06; 1201 04; 1203; Planning Statement; Archaeological Desk-based Assessment; Air Quality Assessment: 18 French Place, Hackney; Design and Access Statement; 3D Visuals Document; FVA - 18 French Place October 2021 with revised CIL and AH 23Jan24; Sustainability & Energy Statement; Townscape Visual Impact Assessment; Heritage Statement; Daylight and Sunlight Report; 18 French Place DLSL Screenshots; 7-11 French Place 1; 7-11 French Place 2; Environmental Noise and Vibration Assessment	
APPLICANT: Piotr Brzezinski	AGENT: Alfie Yeatman (HGH Consulting) 45 Welbeck Street, London, W1G 8DZ
PROPOSAL: Erection of a two-storey roof extension; elevational alterations; excavation of basement; creation of 4 x 2 bed dwellings.	
POST SUBMISSION REVISIONS: <ul style="list-style-type: none"> ● Revision to layouts of the proposed units, ● Omission of roof terrace and glazed balustrade, ● Obscure glazing to the flank windows, ● Alteration to the roof form to the north of the plan, ● Capping added to the walls, ● Amendments to cycle and waste storage. <p>Revisions did not receive further consultation as they are all considered to result in a reduction of the impact of the scheme or resolve issues identified during consultation.</p>	
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)	
Other (in accordance with the Planning Sub-Committee Terms of Reference)	

ANALYSIS INFORMATION

ZONING DESIGNATION

	Yes	No
CPZ	Zone B	
Conservation Area	South Shoreditch	
Listed Building (Statutory)		N/A
Listed Building (Local)		N/A
Priority Office Area	Shoreditch	

LAND USE	Use Class	Use Description	Floorspace Sqm
Existing	C3	Residential unit	140
Proposed	C3	Residential units	307

CASE OFFICER'S REPORT

1.0 SITE CONTEXT

- 1.1 The building is a two storey warehouse (plus mansard), largely dating from the 1870s/80s but likely with earlier fabric incorporated in. The building is in use as a residential dwelling. It is constructed of stock brick with a base of darker bricks. It has an irregular arrangement of segmental-headed sash windows of different sizes on its Bateman's row frontage.
- 1.2 The building features a domestic style mansard roof that dates from the latter half of the twentieth century. The building has a mix of brickwork, this is not considered to be detrimental to the Conservation Area but merely reflects the gradual evolution of the area.
- 1.3 The area is characterised by a mix of commercial and residential uses, with buildings in a range of scales and styles. Directly to the east on the opposite side of French Place is a building of up to 5 storeys, to the north is a building of 5 storeys and to the west on the opposite side of the railway are buildings of 4-5 storeys.
- 1.4 It is located within the South Shoreditch Conservation Area and is considered a positive contributor to the area (Building of Townscape Merit). The site is located within a Priority Office Area and an Archaeological Priority Area. The site adjoins No. 16 French Place to the north and a railway viaduct to the west.

2.0 RELEVANT HISTORY

- 2.1 **SOUTH/810/97/FP** [Formerly 20-21 Bateman Row] - mansard roof extension to enable conversion into 2 live/ work units. **Granted** - 11/03/1998

3.0 CONSULTATIONS

- 3.1 Date Statutory Consultation Period Started: 27/05/2022
- 3.2 Date Statutory Consultation Period Ended: 20/06/2022

3.3 Site Notice: Yes.

3.4 Press Advert: Yes.

3.5 **Neighbours**

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

3.5.2 At the time of writing the report, 70 objections have been received as a result of this consultation. These representations are summarised below:

Design and Conservation

- Too tall; too big; too bulky; out of proportion with host building
- Not in keeping with the buildings in the immediate surrounding area
- Harms character of Victorian host building; few left in the area; Building of Townscape Merit
- Harms character of the Conservation Area
- Harms the scale, grain and character of the area
- Inappropriate materials and detail design for the context
- Could harm archaeological assets
- Lack of information in relation to air source heat pumps which details of their location size or acoustic impacts

Amenity

- Use of basement without windows; substandard accommodation
- The daylight and sunlight report fails to include a plan which accurately shows the location of windows in correlation to the references set out in it and doesn't refer to no 15 French Place
- Roof terrace obtains direct sight into multiple properties surrounding it breaching their privacy
- Loss of privacy from windows
- Overshadowing, loss of light
- Loss of light to 22 Batemans Row office
- Blocks window at no. 16

Transport/Construction works

- Works will block access through, into and out of French Place, Dereham Place, Foundry car park and for emergency vehicles
- Construction will affect mail deliveries
- Concern about effect of excavation and works on the structure of building
- Noise and disturbance from building works will affect residents, home workers and businesses
- Guide dog will find it hard to navigate the works and will be disturbed by the noise of construction
- Lack of access will ruin businesses, blocking loading bay to nearby studios. Kit deliveries are heavy and might need to be redirected down Bateman's Row

Land Use

- Goes against the Hackney Local Plan of promoting mixed developments that provide office floor space
- Object to a private members club use

Consultation Process

- No site notice erected
- Consultation letter arrived late

Other Concerns

- Application is poorly researched, poorly presented and opaque
- Proposed works taking place outside the red line boundary, including replacement windows and works to the mansard roof
- Will affect livelihood of suppliers/workers/freelancers
- Errors/omissions describing neighbouring properties (eg 15 French Place) in Design and Access Statement, other documents
- Darker streets created by taller buildings; safety risk walking at night

3.5.3 Following the initial period of consultation, revisions were made to the proposal including:

- Revision to the ground floor unit,
- Omission of the roof terrace,
- Obscure glazing to the flank windows,
- Alteration to the roof form to the north of the plan,
- Capping added to the walls,
- Amendments to cycle and waste storage,
- Additional window key for the daylight/sunlight report was provided.

3.5.4 In response to the objections raised, matters of design, amenity, transport impact and land use will be assessed in the relevant sections of the report below.

3.5.5 However it should be noted that the proposed use does not include a members club, the site will be wholly residential(Use Class C3).

3.5.6 In response to the comments on the consultation process, consultation has taken place in line with relevant legislation and the Hackney Statement of Community Involvement. Officers consider there to be sufficient information provided to adequately assess the proposals; the red line boundary is in the correct position.

3.5.7 Officers note that Air Source Heat Pumps (ASHP) have been proposed by the applicants as documented in the initial Sustainability and Energy Statement and the Environmental Noise and Vibration Assessment. Revised drawings have been sought during the course of determination which show the position of the ASHPs situated on the roof, as they had been omitted in error. There was no further consultation on this, given the modest scale and nature of the ASHPs which would not be perceivable from ground floor level their impact in terms of noise and sustainability were included at the time of consultation.

3.6 **Statutory / Local Group Consultees**

3.6.1 Historic England (Archaeology): No objection subject to conditions and informatives.

3.6.2 Network Rail: No objection subject to conditions and informatives.

3.6.3 London Overground/Rail for London: No objection subject to conditions and

informatives.

3.6.4 TfL: No objection.

3.6.5 Council for British Archaeology: No response received.

3.6.6 Thames Water: No objection subject to informatives.

3.6.7 Shoreditch CAAC: Object to the scale and mass of the proposals; harmful to the existing building and character and appearance of the area.

3.6.8 The Spitalfields Historic Buildings Trust: Object to size, design and scale of the proposals. It fails to recognise the relationship between 18 and 16 French Place; height dwarfs no. 16 impacting legibility of rare building form and historic development of South Shoreditch. Lack of set back does not allow height hierarchy and grain to be legible. Material choice emphasises mass and dominance of addition. Impacts a key view-point between Shoreditch High Street and Central Shoreditch character areas, affecting setting of Buildings of Townscape Merit beyond.

3.6.9 Hackney Society Planning Group: Object to the scale and proportion of the proposed roof extension.

3.7 **Internal Consultees**

3.7.1 Traffic & Transportation: No objection subject to conditions requiring a cycle parking plan and a construction management plan (CMP) and a S106 to secure the development as car free and a monitoring fee for the CMP.

3.7.2 Waste: No objection subject to provision of suitable waste storage.

3.7.3 Drainage: No objection subject to conditions.

3.7.4 Conservation and Urban Design: No objection after revisions.

3.7.5 Pollution Land and Air: No response received.

3.7.6 Environmental Health: No objection subject to conditions in respect of sound insulation and plant noise.

4.0 **RELEVANT PLANNING POLICIES**

4.1 **National Planning Policy Framework (2023)**

4.2 **London Plan 2021**

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
- D13 Agent of Change
- 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
- 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
- T3 Transport capacity, connectivity and safeguarding
- T4 Assessing and Mitigating Transport Impacts
- T5 Cycling
- T6 Car parking
- T7 Deliveries, Servicing and Construction

4.3 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
- LP27 Protecting and Promoting Office Floorspace in the Borough
- 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

4.3 SPD / SPF / Other

Mayor of London

Mayor's Housing SPG (2016)

London Borough of Hackney

South Shoreditch Conservation Area Appraisal and Management Plan (2021)

Residential Extensions and Alterations SPD (2009)

Sustainable Design & Construction SPD (2016)

S106 Planning Contributions SPD (2020)

4.4 National Planning Guidance

Planning Practice Guidance (NPPG)

4.5 Legislation

Town and Country Planning Act 1990 (as amended)

5.0 PLANNING CONSIDERATIONS

5.1 Background

5.1.1 The application proposes the erection of a two-storey roof extension, elevational alterations and excavation of the basement to facilitate the creation of 4 x 2 bed dwellings.

5.1.2 The dwellings proposed would have a gross internal area (GIA) of 109 sqm for the ground floor unit, 78 sqm for the first floor unit and 65 sqm for the second and third floor units.

5.1.3 The roof extension would have two storeys, with a scale and mass similar to the existing host building, albeit stepped down and recessed as it meets adjoining no. 16 French Place. It is proposed to be clad in corten steel and a green roof is proposed.

5.1.4 Cycle storage is proposed within the main stair, and a waste store adjacent to the main entrance, to be accessed from streetside.

5.1.5 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
- Biodiversity & Ecology
- Drainage
- Waste

Each of these considerations is discussed in turn below.

5.2 Principle of Development / Land Use

- 5.2.1 The building was in use as two residential properties from 1998 to 2004 and has been occupied as a single residential dwelling since.
- 5.2.2 The site is located in a Priority Office Area; Policy LP27 notes with POAs new development should be office led and that proposals solely for residential use will not be permitted in POAs, however as the building has long been in entirely residential use, its continued use as residential is established at this site. Officers also note that the site is surrounded by a mix of uses in which residential units are prominent and part of the prevailing character. As there is no loss of office space the proposals are considered acceptable with regard to Policy LP27.
- 5.2.3 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.
- 5.2.4 Given the location of the site within a mixed commercial and residential area, 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 4 x 2 bed 3 person flats.
- 5.3.4 Officers note that the dwelling mix is not compliant with that outlined in Hackney Local Plan Policy LP14. However officers consider that given the constraints of the site and the built up character of the area, the site would not be suitable for a 3+ bed family sized dwelling and that the proposed dwelling mix is therefore suitable for the context of the site.

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.
- 5.4.2 The applicant has supplied a Financial Viability Assessment which demonstrated a deficit of £824,000.
- 5.4.3 Council officers have reviewed this document and made adjustments to the appraisal assumptions. Officers found there to be a deficit of £17,436. Officers also note that S106 costs would increase this deficit.
- 5.4.4 Officers conclude that the development does not generate sufficient surplus to contribute to Affordable Housing, therefore no contribution in respect of this will be sought.
- 5.5 Design and conservation**
- 5.5.1 Policy LP1 of the Hackney Local Plan notes that all development must be of the highest architectural and urban design quality. Policy LP3 notes that proposals affecting Conservation Areas will be permitted where they preserve or enhance the character and appearance of the area including, the established local character of individual buildings and groups of buildings.
- 5.5.2 Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, under s.72 CA's of the Listed Buildings and Conservation Areas Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.
- 5.5.3 The removal of the mansard and replacing it with a high quality two storey rooftop extension is acceptable in design and heritage terms.
- 5.5.4 The initial proposals were not considered acceptable due to their excessive massing and height, however subsequent revisions have reduced the height so that it is less than the existing host's two storey height, and pushed the massing back to improve its relationship with the retained mansard to the north.
- 5.5.5 The intention appears to create a mirroring in terms of the massing between the host building and proposed extension, which has been carefully considered, including the recent introduction of a projecting horizontal coping, which breaks the visual appearance, reducing its sense of mass.
- 5.5.6 The use of Corten Steel is acceptable as a rugged and industrial material expressed in vertical fins. The material choice allows the extension to be read as a distinct volume, maintaining the legibility of the historic host building. Details of materials, windows and doors will be secured by condition to ensure the scheme is constructed from attractive, durable high quality materials.
- 5.5.7 The proposals would result in a 4 storey plus basement building. This scale is assessed to have an acceptable relationship with the railway viaduct to the west and the new build to the east. Officers note that the prevailing character of the area is for 4-5 storeys and the proposal therefore integrates well with existing streetscene and neighbouring buildings.

- 5.5.8 The proposal is considered to adequately preserve the character of the South Shoreditch Conservation Area Conservation Area. As a result, no harm to the Conservation Area is identified. It is therefore considered that, since there is no harm, the policy tests relating to substantial and less than substantial harm to designated heritage assets in NPPF paragraph 207 and 208 are not engaged.
- 5.5.9 It is also considered that, since there is no harm, the balancing act required in relation to non-designated heritage assets in NPPF paragraph 209 is not engaged. Therefore it is considered that the Council has discharged its duty in relation to section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to give special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Archaeology

- 5.5.10 The site is located in an Archaeological Priority Area and basement excavation is proposed.
- 5.5.11 Historic England GLAAS were consulted and have identified that the development could cause harm to archaeological remains; therefore field evaluation is needed to determine appropriate mitigation. A two-stage archaeological will be secured by condition which will require a Written Scheme of Investigation (WSI) and, in the event heritage assets of archaeological interest are identified, a stage 2 WSI in order to safeguard identified heritage assets. Subject to this condition, officers consider the scheme acceptable with regard to archaeology.
- 5.5.12 In conclusion, the proposed development is considered to be of high architectural and urban design quality with an innovative contemporary design that respects and complements historic character. The proposals are acceptable in design and heritage terms and comply with the residential extensions and alterations SPD, LP1 and LP3 of Hackney's Local Plan LP33, policies D1, D3 and HC1 of the London Plan, in addition to the National Planning Policy Framework and the Planning (Listed Buildings and Conservation Areas) Act 1990.

5.6 Standard of Accommodation

- 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 over four floors plus basement as 4 x 2 bed 3 person units, with a GIA of 109 sqm for the ground floor unit, 68 sqm for the first floor unit and 65 sqm for the second and third floor units. These surpass the recommended units of that size.
- 5.6.3 The bedrooms are in accordance with specifications, all floors have acceptable floor to ceiling heights, and the units have adequate area to comply with the built-in storage requirements.

- 5.6.4 While officers note that the second bedroom in each of the units would be served by a window facing onto the viaduct, the main habitable spaces and remaining bedrooms would be served with suitable sized windows to ensure receipt of good levels of light and outlook; this is considered to be acceptable given the constraints of the site. Furthermore the units would have a good level of privacy.
- 5.6.5 Standards 26 and 27 of the Housing SPG require private outdoor space to be provided for occupants. There is no on site provision for this, which officers consider acceptable given the constrained and densely built nature of the site.
- 5.6.6 In terms of accessibility, step-free access is not provided as the ground floor unit 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 there is not sufficient available floorspace to provide a lift given the constraints of the site. As part of an otherwise acceptable scheme, officers consider the lack of a lift is, on balance, acceptable.
- 5.6.7 In terms of noise and vibration received into the building, the applicant has supplied an Environmental Noise and Vibration Assessment which sets out sound mitigation measures which has been reviewed by the Council's Environmental Health team.
- 5.6.8 The mitigation measures include sound insulation on windows and a ducted and attenuated ventilation system. These are considered sufficient to mitigate internal noise impacts and will be secured by condition. Conditions will also be made in respect of maintaining suitable internal noise levels, plant noise and vibration.
- 5.6.9 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 A Daylight/Sunlight assessment was provided with the application. This was subsequently supported by key diagrams showing the position of windows. The assessment demonstrates that the majority of windows on neighbouring sites will not be significantly affected by loss of daylight/sunlight.
- 5.7.4 In terms of daylight and sunlight, the properties most impacted are
- 7-11 French Place
 - 15 French Place

- 22-24 Bateman's Row
- 16 French Place

5.7.5 Officers note that 15 French Place was not referred to in the Daylight/Sunlight assessment, however there is sufficient information in the assessment and window key to show that the windows at this property were adequately assessed.

Daylight

7-11 French Place

5.7.5 Of the windows assessed, one would be impacted by the proposed development, window W2/101, which serves a bedroom. The whole window is formed of three panes, referenced in the report as W1/101, W2/101 and W3/101. The affected window W2/101 is the smaller of the three and faces south whilst the other two face west. It is not the primary light giving window for the room, which is served by two other windows which receive sufficient levels of light. Window ref W1/101, which provides the light to the same room experiences an unnoticeable reduction of 5.6% and retained daylight of 23.9%.

15 French Place

5.7.6 Window W4/102 serves studio room R2/102. This room is also served by window W3/102 which experiences an unnoticeable alteration of daylight. As the windows are the same size, in accordance with the BRE guidelines (para 2.2.6), the mean VSC for the windows serving this room may be taken. When this assessment is applied the mean VSC alteration for the windows serving this room is 17.7% which is unnoticeable and therefore the impact to this studio would be acceptable..

22-24 Bateman's Row

5.7.7 Window W1/112, which serves a bedroom, starts with a very high absolute VSC of 34.6% (the maximum achievable is 39.9%) and reduces to 20.2%, which is significantly above the retained target value of 18% which the BRE considers appropriate in an historic urban environment/city centre.

16 French Place

5.7.8 Window W1/502 is one of 4 windows serving the same room, it is the smallest of the 4 windows thus not the primary light giving window for the room. As the 3 unimpacted windows maintain high retained VSC at circa 21% to 27% daylight within this room will be unimpacted.

Sunlight

5.7.9 In terms of sunlight, within 7-11 French Place, 15 French Place and 22-24 Bateman's Row, nine rooms have a window orientated within 90 degrees due south making them material for assessment, of these 4 experience BRE compliant alterations of sunlight. The remaining 5 are assessed below. With regard to 16 French Place only one room is relevant and assessed below.

7-11 French Place

5.7.10 Two rooms (R1/101 & R2/101) experience minor derogations for Winter Probable Sunlight Hours (WPSH) at 4% versus a target of 5% and achieve 30% & 28% Annual Probable Sunlight Hours (APSH) versus a target of 25%, thus are compliant for APSH. These reductions are therefore considered only very minor.

5.7.11 Room R1/100 experiences a WPSH of 3% & 4% and APSH of 14%. These are modest derogations, which are expected in an urban environment.

15 French Place

5.7.11 Room R3/101 experiences WPSH of 3% & 4% and APSH of 14%. These are modest derogations, which are expected in an urban environment.

22-24 Bateman's Row

5.7.12 Room R1/112 experiences only a very minor APSH derogation at 24%.

16 French Place

5.7.12 At 16 French Place, the room material for assessment is fully compliant for APSH at 27% versus a target of 25%. The room derogates from WPSH at 4% versus a target of 5%, however this degree of sunlight is considered acceptable and overall the room maintains better sunlight than would normally be expected for a room in an urban location.

5.7.13 Given the above, officers consider this to be an acceptable impact given the dense urban grain of the site.

Outlook

5.7.14 Given the separation of the proposed building bulk from existing buildings and in the context of the scale of the extension, 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

5.7.15 The applicant has amended the scheme during the course of determination so that flank windows facing onto French Place have been made obscure-glazed and fixed shut and the roof terrace has been omitted from the plans.

5.7.16 Officers consider this sufficient to mitigate the impacts of overlooking and loss of privacy from the scheme. The non opening obscure glazed windows will also be secured by condition.

Noise

5.7.17 The provision of additional residential accommodation in a mixed use area is deemed unlikely to cause exacerbated noise and disturbance impacts.

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

5.8 **Traffic & Transportation**

- 5.8.1 The development is considered not to be of a scale that would have an unacceptable impact on parking pressure or highways infrastructure. The site has an excellent Public Transport Accessibility Level (PTAL) of 6b and is well connected to public transport. The site is within a Controlled Parking Zone.

Cycle Parking

- 5.8.2 LP42 requires all development to promote sustainable transport by prioritising walking and cycling within the Borough. The proposed number of units is required to provide 10 cycle spaces. The development includes the provision of a cycle store within the ground floor of the property which would provide space for 8 cycles, with space for two visitor cycles within the stair.
- 5.8.3 The two tier cycle storage follows TfL guidance by providing the required clearance for accessing the stands. The secure and sheltered cycle storage provided would therefore be in accordance with LP42 and is considered to be acceptable.
- 5.8.4 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.

Car Free

- 5.8.5 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.

Construction

- 5.8.6 Officers note there has been significant objection raised to the potential impact of construction on access to homes, businesses and amenities on French Place and Dereham Place.
- 5.8.7 It is accepted there will be some impact to the surrounding area given the constraints of the site, however with a detailed Construction Management Plan in place this harm can be mitigated and ensure the development is built out in a considerate manner. Furthermore any impact will be short term during the construction phase and not a permanent consequence of the development.
- 5.8.8 A detailed Construction Management Plan (CMP) will be required to mitigate the negative impact on the surrounding highway network. This should be in line with TfL guidance: <http://content.tfl.gov.uk/construction-logistics-plan-guidance.pdf>
- 5.8.9 A final CMP will be secured via the s106 legal agreement inclusive of a monitoring fee of £2,200.

Railway Infrastructure impact

- 5.8.10 London Plan Policy T1 requires that proposals ensure that any impacts on London's transport networks and supporting infrastructure are mitigated. Hackney Local Plan Policy LP44 requires development to protect existing transport infrastructure from removal or severance which could compromise their use of operation. As the site is located next to a railway viaduct, both construction and use of the proposed site may impact on the railway.
- 5.8.11 Rail for London and Network Rail were consulted and requested matters pertaining to impact on the railway and its operation will be safeguarded by way of conditions, including details of how any structures, plant or logistics will impact on the railway and mitigation measures to be taken.
- 5.8.12 A condition will be made to secure the windows on the western elevation at first and second floor levels as fixed shut in order to safeguard the operation of the railway.
- 5.8.13 The applicant will also be required to enter into an Asset protection Agreement with RfL to ensure that the development is carried out safely. This will be secured by condition.
- 5.8.14 At Network Rail's request, further matters will be addressed by informatives, including measures safeguarding the railway from harm caused by the construction or the building itself, safeguarding individuals from harm from proximity to the railway, dust and drainage.
- 5.8.15 Subject to the recommended conditions and informatives, the proposals are considered acceptable in terms of their impact on rail infrastructure, in accordance with London Plan Policy T1 and Hackney Local Plan Policy LP44.

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, in terms of air permeability it is proposed to achieve a 60% improvement over Building Regulations and the new upper floor apartments will target a permeability of 4.0 m³/hr/m. energy efficient light fittings, incorporation of sustainable services strategies, such as MVHR, and passive design strategies.

- 5.9.6 Air Source Heat Pumps are included within the proposal to ensure that the proposal would use low carbon/renewable energy sources and help contribute to reducing the energy impact of the proposed development.
- 5.9.7 The submitted statement confirms that zero carbon would not be met, with a residual CO₂ emission of 0.858kg per year.
- 5.9.8 In accordance with Policy LP55 and Hackney's S106 SPD, a payment of £2,445 to offset the shortfall is required. As such, a carbon offset contribution 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 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 level of landscaping provided by the green roof is considered acceptable in this instance.
- 5.10.3 Policy G6 (Biodiversity and Access to Nature) of the London Plan states that development proposals should manage impacts on biodiversity and aim to secure net biodiversity gain. Policy LP47 (Biodiversity and Sites of Importance of Nature Conservation) of LP33 reinforces this policy, stating that all development should protect and, where possible, enhance biodiversity leading to a net gain.
- 5.10.4 It is noted that all development schemes involving buildings with an eaves height or roof commencement height of 5 metres and above are required to provide nesting boxes for swifts, sparrows, starlings and/or bats as appropriate to help preserve endangered urban biodiversity in Hackney. A condition will require swift boxes be installed prior to occupation.
- 5.10.5 Subject to conditions securing a maintenance and management plan for the green roof and the installation of swift boxes, the proposal is considered acceptable in respect of biodiversity and ecology.

5.11 **Drainage**

- 5.11.1 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.

- 5.11.2 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.
- 5.11.3 The site is shown to have a 'high' risk of surface water flooding as stated on the 'Long Term Flood Risk Map for England- GOV.UK'; and has an increased potential for elevated groundwater.
- 5.11.4 Policy LP53 item E requires that 'development which includes the creation or extension of basements must demonstrate that they will not increase the potential for groundwater flooding to itself or to the surrounding area'.
- 5.11.5 It is noted that a green roof has been proposed for the development. As such, and in order to comply with policy LP53, details of the biodiverse green roof proposed, including a drainage layout and a management & maintenance plan will be required by condition. The biodiverse roof is required to have a minimum substrate depth of 80mm, not including the vegetative mat.
- 5.11.6 Furthermore, given the basement excavation proposed it is considered that a report demonstrating that the basement development will not increase the potential for groundwater flooding to itself or to the surrounding area has been submitted to the Local Planning Authority for approval. Details of appropriate controls including flood resilience and/or resistance measures for the site against surface water (overland flow) and groundwater (if identified) shall be submitted to the LPA for approval and the approved measures incorporated before the basement is occupied. This will be required by condition.
- 5.11.7 As such, subject to conditions, the proposal is acceptable on drainage grounds.

5.12 **Waste**

- 5.12.1 LP33 policy LP57 seeks to ensure new development in Hackney supports the objectives of sustainable waste management.
- 5.12.2 Waste storage is set within the building at ground floor with immediate street access from French Place.
- 5.12.3 The dwellings would receive the Council's daily time-banded waste collections from Shoreditch High Street. The area for waste would need to be large enough to provide space for residents to store bulky waste between disposal and collection, as well as 180l wheeled bins, 3x full recycling sacks and 1x 25l food caddy for each of the new and existing units in the building. The drawings demonstrate adequate area for these requirements.
- 5.12.4 The development is deemed to meet the requirements of policy LP57 of the LP33.

5.13 **Community Infrastructure Levy**

- 5.13.1 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.
- 5.13.2 The amount of the CIL is calculated on the basis of net additional internal floorspace with the proposal being for 167 sqm of new residential floorspace. Based on the net internal floorspace the London Mayoral CIL 2 is £10,020 and the Hackney CIL is £31,730 (combined CIL of £41,750).
- 5.13.3 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 CONCLUSION

- 6.1 The proposed erection of a two-storey roof extension, elevational alterations, excavation of basement and creation of 4 x 2 bed dwellings is deemed acceptable. The residential units will provide much needed 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, the South Shoreditch Conservation Area and the 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.

7.1.3 Details of materials, windows and doors

Full details, with samples and/or product images and specification, of all the facing materials to be used on the external surfaces of the buildings, including glazing and doors, shall be submitted to and approved by the Local Planning Authority in writing before any 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 of a high quality and integrates with the host building and Conservation Area.

7.1.4 Obscure glazed/fixed shut windows eastern elevation

The windows located at third floor level within the eastern elevation of the extension shall be obscure-glazed to a height of 2m and fixed shut.

The windows specified above shall be maintained as described in this condition in perpetuity.

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

7.1.5 Obscure glazed/fixed shut windows western elevation

All windows located on the western elevation of the proposed extension shall be fixed shut. Those located at second and third floor levels on the western elevation shall be obscure-glazed to a height of 2m.

The windows specified above shall be maintained as described in this condition in perpetuity.

REASON: To safeguard the safe operation of the railway.

7.1.6 Restriction on use of flat roof

The flat roof of the development 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 and the safe operation of the railway.

7.1.7 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

7.1.8 Archaeology

No demolition or development shall take place until a stage 1 written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, and

the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works.

If heritage assets of archaeological interest are identified by stage 1 then for those parts of the site which have archaeological interest a stage 2 WSI shall be submitted to and approved by the local planning authority in writing. For land that is included within the stage 2 WSI, no demolition/development shall take place other than in accordance with the agreed stage 2 WSI which shall include:

A. The statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works

B. Where appropriate, details of a programme for delivering related positive public benefits

C. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI.

Written schemes of investigation will need to be prepared and implemented by a suitably professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This condition is exempt from deemed discharge under schedule 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.

REASON: To safeguard the archaeological interest of the site, which is within an Area of Archaeological Priority and to ensure that the archaeological operations are undertaken to an acceptable standard and that legitimate archaeological interest in the site is satisfied.

7.1.9 Asset Protection Agreement

Prior to commencement of the development the applicant will enter into an Asset Protection Agreement with Rail for London (RfL) and Network Rail to ensure that the development is carried out safely and in accordance with RfL's requirements. Once the agreement has been made a final APA shall be submitted to the Local Planning Authority and approved in writing prior to the commencement of works. The development shall thereafter be undertaken in accordance with the APA.

REASON: To protect the safe operation of the railway

7.1.10 Railway Safety

The development hereby permitted shall not be commenced until detailed design, method statements & risk assessments for each stage of the development covering demolition, substructure and superstructure and all temporary works have been submitted to and approved in writing by the local planning authority (in consultation with RfL) such statements shall include the following:

- provide details on all structures
- provide details on the use of plant
- Provide logistics plans which ensures no risk to the railway viaduct and bridge.
- accommodate the location of the existing RfL Assets / Infrastructure
- accommodate RfL Operational and Maintenance requirements
- accommodate ground movement arising from the construction thereof

- mitigate the effects of noise, vibration & distractions arising from the adjoining operations to the RfL Infrastructure & Operations
- maintenance plan for the building which shall not utilise any elevations facing the railway

The development shall thereafter be carried out in all respects in accordance with the approved design and method statements, and all structures and works comprised within the development hereby permitted which are required by the approved design statements in order to procure the matters mentioned in paragraphs of this condition shall be completed, in their entirety, before any part of the building hereby permitted is occupied.

REASON: To ensure that the development does not impact on existing or proposed Rail for London transport infrastructure & operations, in accordance with London Plan 2015 Table 6.1, draft London Plan policy T3 and 'Land for Industry and Transport' Supplementary Planning Guidance 2012.

7.1.11 Piling Method Statement

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

REASON: To safeguard the underground sewerage utility infrastructure.

7.1.12 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 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: In the interests of highway and public safety, protect air quality and safeguard neighbour amenity.

7.1.13 Cycle parking plan

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 10 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 adequate provision for the safe and secure storage of bicycles, to promote sustainable modes of transport and in the interest of safeguarding highway safety.

7.1.14 Residential noise levels

All residential units shall be designed in accordance with BS8233:2014 'Guidance on sound insulation and noise reduction for buildings' to attain the following noise levels:

Living room - 35dB LAeq,16hrs between 07:00 and 23:00

Dining area - 40dB LAeq,16hrs between 07:00 and 23:00

Bedroom - 35dB LAeq,16hrs between 07:00 and 23:00 and 30dB LAeq,8hrs between 23:00 and 07:00

No individual noise event to exceed 45dB LAF,max in bedrooms between 11pm to 7am

REASON: To safeguard the amenity of future occupiers from excessive noise and vibration.

7.1.15 Plant noise

Any plant shall be installed, together with any associated ancillary equipment, so as to prevent the transmission of noise and vibration into neighbouring premises. The rated noise level from all plant and ancillary equipment shall not increase the existing background sound level (LA90 15mins) when measured (LAeq 15mins) 1 metre external from the nearest residential or noise sensitive premises.

REASON: To safeguard the amenity of neighbouring residents, future occupiers and the area generally.

7.1.16 Green/Brown Roof

A bio-diverse, substrate-based extensive brown roof (80mm minimum depth) should be established on the roof of the proposal as shown on the approved plans. Full details thereof shall be submitted 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.

REASON: To enhance the character and ecology of the development, to provide undisturbed refuges for wildlife, to promote sustainable urban drainage and to enhance the performance and efficiency of the proposed building.

7.1.17 **Flood Risk Assessment**

No development shall commence, other than works of demolition, until a report (including intrusive investigation/trial pit and monitoring where necessary) demonstrating that the basement development will not increase the potential for groundwater flooding to itself or to the surrounding area has been submitted to the Local Planning Authority for approval. Details of appropriate controls including flood resilience and/or resistance measures for the site against surface water (overland flow) and groundwater (if identified) shall be submitted to the LPA for approval and the approved measures incorporated before the basement is occupied. The basement shall be constructed and completed in accordance with the approved plans in line with BS 8102:2009 code of practice for "protection of below ground structures against water from the ground" and current best practice.

REASON: To address and mitigate the impacts of flood risk.

Recommendation B

7.2 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) Carbon Offset contribution of £2,445.
- 2) Car Free Development (Non-Blue Badge Holders).
- 3) Construction Management Plan monitoring fee of £2,200.
- 4) Considerate Constructors Scheme
- 5) Monitoring costs of £1,665 in accordance with the Planning Contributions SPD to be paid prior to completion of the proposed legal agreement.
- 6) Payment by the landowner/developer of all the Council's legal and other relevant fees, disbursements and Value Added Tax in respect of the proposed negotiations and completion of the proposed Legal Agreement.

Recommendation C

7.3 That the Sub-Committee grants delegated authority to the Director of Public Realm and Head of Planning (or in their absence either the Growth Team Manager or DM & Enforcement Manager) to make any minor alterations, additions or deletions to the recommended conditions set out in this report provided this authority shall be exercised after consultation with the Chair (or in their absence the Vice-Chair) of

the Sub-Committee (who may request that such alterations, additions or deletions be first approved by the Sub-Committee).

8.0 INFORMATIVES

The following informatives should be added:

- SI.1 Building Control
- SI.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

Thames Water - applicant to liaise with Thames Water and/or take note of: Groundwater Risk Management Permit, disposal of surface water, working near pipes, sewers and other assets and provision of water pressure

Network Rail - applicant to liaise with Network Rail and/or take note of: to stability of railway infrastructure, proximity of development to infrastructure, mitigating collapse of lifting equipment and temporary structures, light and glare affecting drivers’ vision, effect on infrastructure from construction, electromagnetic compatibility, risk of electrocution and EMC interference, environmental pollution on railway, disruption of access to railway and drainage.

Rail for London - in relation to requirements for drainage, light and glare assessment and radio/GSMR surveys

NPPF Applicant/Agent Engagement

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

Natalie Broughton - AssistantDirector, Planning & Building Control

No.	Background Papers	Name, Designation & Telephone Extension of Original Copy	Location Contact Officer
1.	Application documents and LBH policies/guidance referred to in this report are available for inspection on the Council's website Policy/guidance from other authorities/bodies referred to in this report are available for inspection on the website of the relevant authorities/bodies	Danny Huber Planning Officer	1 Hillman Street London E8 1FB

	<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>		
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