

<b>ADDRESS:</b> Land to the Rear of 1-19 Victorian Grove, London, N16 8EN	
<b>WARD:</b> Stoke Newington	<b>REPORT AUTHOR:</b> Alix Hauser
<b>APPLICATION NUMBER:</b> 2022/1468	<b>VALID DATE:</b> 12/01/2024
<p><b>DRAWING NUMBERS:</b></p> <p>016-SBA-XX-XX-DR-A-00001 - Existing Site Location Plan - 10/06/2022  016-SBA-XX-00-DR-A-04007 Rev G - Proposed Ground Floor Plan - 07/11/2025  016-SBA-XX-01-DR-A-04002 Rev D - Proposed First Floor Plan - 21/05/2025  016-SBA-XX-02-DR-A-04003 Rev B - Proposed Second Floor Plan - 11/02/2025  016-SBA-XX-03-DR-A-04004 Rev A - Proposed Third Floor Plan - 21/06/2023  016-SBA-XX-04-DR-A-04005 Rev B - Proposed Roof Plan - 25/06/2025  016-SBA-XX-XX-DR-A-05001 Rev C - Elevations 1/6 - 29/05/2025  016-SBA-XX-XX-DR-A-05002 Rev F - Elevations 2/6 - 29/05/2025  016-SBA-XX-XX-DR-A-05003 Rev C - Elevations 3/6 - 29/05/2025  016-SBA-XX-XX-DR-A-05004 Rev D - Elevations 4/6 - 29/05/2025  016-SBA-XX-XX-DR-A-05005 Rev B - Elevations 5/6 - 29/05/2025  016-SBA-XX-XX-DR-A-05006 Rev B - Elevations 6/6 - 29/05/2025  AFA-338-P-001 Rev PL4 - Landscape Proposals - 26/07/2022  AFA-338-PP-001 Rev PL4 - Planting Plan - 26/07/2022</p> <p><b>REPORTS:</b></p> <p>Daylight, Sunlight and Overshadowing Report (ref. P2021-0612 / DSO2 / 2023-08-01 / 4) prepared by Trident dated 01/08/2023  Daylight &amp; Sunlight Addendum (ref. P2021-0612 / DSO2 / 2023-08-01 / 4) prepared by Equinox dated 28/08/2025</p> <p>Heritage Statement Rev 2.0 (ref. 61989) prepared by AB Heritage dated 10/06/2022  Landscape Design Report Rev PL3 prepared by Anna French Associates dated 26/07/2022  Arboricultural Impact Assessment and Method Statement (ref. 22-1396-Report) prepared by Canopy Consultancy dated June 2022  Preliminary Ecological Appraisal (ref. ASW/UPLL/020/26/2022) ASW Ecology Ltd prepared by dated June 2022</p> <p>Energy Statement V1 (ref. 22-E035-011) prepared by Ensphere dated June 2025  Sustainability Statement V1 (ref. 25-E035-013) prepared by Ensphere dated June 2025  Thermal Comfort Analysis V1 (ref. 22-E035-012) prepared by Ensphere dated June 2025  Whole Life Carbon Assessment V1 (ref. 22-E035-014) prepared by Ensphere dated June 2025</p> <p>Transport Assessment prepared by Transport Planning Practice dated June 2022  Travel Plan prepared by Transport Planning Practice dated June 2022</p> <p>Air Quality Assessment V1 (ref. 11334.S) prepared by Phlorum Ltd dated 16/06/2022  Fire Statement prepared by Vemco Consulting dated 20/06/2022  Flood Risk Assessment &amp; Surface Water Drainage Strategy Rev 4 prepared by Cole Easdon dated January 2024  Noise Impact Assessment Report (ref. 24768.NIA.01) prepared by KP Acoustics dated 14/06/2022  Phase 1 Geo-Environmental Assessment Rev P02 (ref. VGH-BWB-ZZ-XX-RP-YE-0001_Ph1) prepared by BWB dated June 2022</p>	

<b>APPLICANT:</b> Gold Wynn UK Holdings Limited c/o agent	<b>AGENT:</b> Danielle St Pierre Hybrid Planning & Development Studio 11, 6-8 Cole Street London SE1 4YH
<b>PROPOSAL:</b> Demolition of the existing buildings and erection of a part single, part 2, part 3 and part 4 storey building containing 35 residential units (Use Class C3); associated cycle parking, waste/recycling storage, landscaping and other ancillary works.	
<b>POST REVISIONS:</b> The scheme was revised to remove the commercial element of the scheme. A complete set of revised drawings, updated reports, as well as a revised application form, were received. A full period of reconsultation followed.  A revised Flood Risk Assessment and addendum were provided. Due to the minor nature of these changes further consultation was not required.	
<b>RECOMMENDATION SUMMARY:</b> Grant conditional planning permission subject to completion of a Legal Agreement.	
<b>NOTE TO MEMBERS:</b> None	

<b>REASON FOR REFERRAL TO PLANNING SUB-COMMITTEE:</b>	
Major application	<b>Yes</b>
Substantial level of objections received	<b>Yes</b>
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	E (Mon-Sat 8:30am-6:30pm)	
Conservation Area		X
Listed Building (Statutory)		X
Listed Building (Local)		X
Priority Office Area		X

**LAND USE**

	Use Class	Use Description	Floorspace Sqm
Existing	Class E(g)(iii) Class B2	Textiles workshop & vacant warehouses Vehicle Repair Garage	1,860
Proposed	Class C3	35 Residential Units	3,210

**PARKING DETAILS**

	Parking Spaces (Off Street)	Parking Spaces (Disabled)	Bicycle Storage
Existing	0	0	0
Proposed	0	1	64 Long Stay

**PROPOSED RESIDENTIAL UNITS**

	Number of Bedrooms			Total
	1	2	3	
Social	1	3	3	7 (20%)
Intermediate (Shared Ownership)	3	0	2	5 (14%)
Private	5	16	2	23 (66%)
<b>Total</b>	<b>9 (26%)</b>	<b>19 (54%)</b>	<b>7 (20%)</b>	<b>35</b>

## CASE OFFICER'S REPORT

### **1.0 SITE CONTEXT**

- 1.1 The subject site is a 0.96ha brownfield, light-industrial site located to the rear of the residential properties of 1-19 Victorian Grove, located along the northern elevation of Victorian Grove. The site is landlocked with a private accessway off Victorian Grove.
- 1.2 The site is largely covered by old industrial warehousing, with the majority of these buildings being vacant and in a state of complete disrepair. The buildings are single storey, with high level 'saw-tooth' styled roofing giving the appearance of 1.5-2 storey buildings. The site is not located within a designated Priority Industrial Area (PIA) or Priority Office Area (POA).
- 1.3 The site is surrounded by residential properties; these vary in heights from 2 storey terraces to four storey semi-detached buildings. The eastern and southern boundaries of the site are characterised by large, mature trees.
- 1.4 The site is located to the west of Stoke Newington High Street and borders the District Town Centre. It has a PTAL rating of 4 with good access to public transport. Rectory Road Overground Station is 0.5 miles east of the site (10 minutes' walk) and provides frequent services to London Liverpool Street and out to Cheshunt and Enfield. There are also several bus stops along Stoke Newington High Street which provide frequent services to destinations across London including Waterloo and London Bridge as well as out to Wood Green and Tottenham.

### **2.0 CONSERVATION IMPLICATIONS**

- 2.1 The site is not located within a conservation area and does not comprise a listed building. The residential properties directly to the south are all locally listed, with the exception of nos. 9-11 which is a Grade II listed semi-detached building.
- 2.2 The site is not within an Area of Archaeological Priority.

### **3.0 RELEVANT HISTORY**

- 3.1 There is no relevant recent planning history pertaining to the site.

### **4.0 CONSULTATIONS**

- 4.1 Date First Statutory Consultation Period Started: 13/01/2023
- 4.2 Date Last Statutory Consultation Period Ended: 13/02/2026
- 4.3 Site Notice: Yes, dated 18/12/2025
- 4.4 Press Advert: Yes, dated 13/01/2023 and 19/12/2025

### **Neighbours**

- 4.5 228 neighbouring notification letters were sent to occupiers adjoining and adjacent to the site. To date 59 objections from 30 individuals have been received on the following grounds:

*Procedural Issues*

- No notification sent about new documents being uploaded
- No explanation of what changes were made in the new documents
- Incorrect representation of AOD heights in sectional drawings
- The volumes represented in the drawings are misleading
- Concerns that the DLSL report is inaccurate due to the misleading volume drawings.
- Unclear preparation and checking of the DLSL report (crossed-out names)
- Some pages are not legible due to low resolution, making it difficult for residents to make informed judgments
- The submitted drawings are considered poor and unclear, particularly with regard to the walkways and balcony designs
- A tree study is required but was not submitted with the application
- The Fire Statement is inaccurate, as it refers to a 3-storey development when the largest block is 4 storeys
- A similar application 15 years ago was rejected due to its excessive height
- Request for extended consultation period due to the holiday period

*Amenity Impacts*

- The height of the proposed building will block daylight and sunlight
- The development will result in an unacceptable sense of enclosure and outlook
- The light report is seen as insufficient and not representative of the true impact
- The loss of light is predicted to worsen existing damp and mould problems in the area
- Privacy and overlooking concerns due to the proximity of the proposal, balcony locations and the access arrangements
- Concern over use of the proposed flat green roofs as amenity spaces.
- Noise from plant equipment, doors and lighting in external corridors would create a disturbance
- The loss of natural light, along with the noise from external corridors, would contribute to increased anxiety, lack of sleep, and health issues
- The external passageways in the development could contribute to significant light pollution
- Concerns about the impact of the development on air quality
- Concerns regarding the location of the refuse store and potential nuisance from smells, noise, and improper sanitation practices

*Design Issues*

- The proposed scale, mass and height are excessive and not in keeping with the surrounding area and amount to overdevelopment of the site
- The proposed design is without architectural merit
- The design is incompatible with the existing dwelling typology of the surrounding area
- The height, massing, and proximity to the listed terrace will harm its historic character

*Transport Issues*

- The traffic report underestimates the impact of delivery vehicles
- Concerns are raised about pedestrian safety near the narrow access road
- Concerns about the adequacy of the narrow access for refuse trucks
- Lack of parking provision will lead to congestion in surrounding streets
- The single access point for the proposed development is deemed inadequate in the event of an emergency, raising fire safety concerns

### *Other Matters*

- Lack of provision of affordable housing
- Loss of industrial employment space is contrary to planning policies
- Concerns about flooding and runoff issues
- The site currently provides an important habitat for local wildlife
- Loss of sky views
- Safety and security concerns for adjoining properties
- Safeguarding concerns due to overlooking from the proposed development
- There is a lack of green space for wildlife and amenity use provided on site
- The density of people in the proposed development will put pressure on local services, particularly schools and doctors' practices
- The reduction in light of neighbouring gardens will negatively impact plant growth and have negative impacts on local wildlife
- The removal of mature trees is opposed as they provide environmental benefits and improve residents' well-being
- Concern about the loss of access to private gardens and terraces during construction
- There are concerns about potential contamination on the site and the safe removal of any hazardous materials
- The applicant does not own the workshop at the beginning of the access road, raising questions about how the development can proceed with an active business operating there
- Potential disturbances from noise, dust and traffic during the period of construction
- Concerns over party wall agreements.
- Loss of property values
- A right of way across the site for access should not be hindered by the development
- The site should be redeveloped for green space and not residential use
- The owner of the property was not included as the applicant.

4.6 The matter of disruption during the period of construction is covered by separate legislation however, will also be managed during the build by the requirement of the applicant to submit and comply with a Demolition and Construction Management Plan.

4.7 Party wall agreements, loss of property values, ownership and rights of way are not material planning considerations and therefore cannot be given significant weight.

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

### **Statutory Consultees**

4.9 Metropolitan Police (Secure by Design Officer): No objection in principle, subject to a two-part condition and informative, requiring secure by design accreditation.

*Officer's Note: The proposed conditions and informatives have been recommended.*

4.10 Thames Water: On the basis of information provided, Thames Water would advise that with regard to surface water drainage, waste water network and sewage treatment works infrastructure, we would not have any objection to the planning application. Standard informatives are recommended.

*Officer's Note: The proposed informatives have been recommended.*

### Council Departments

- 4.11 Contaminated Land: No objection subject to conditions requesting submission of a risk assessment, remediation strategy and verification plan and report.
- 4.12 Drainage: No objection subject to submission of a drainage note / addendum confirming that the proposed mitigation measures and FFLs remain appropriate for the revised use class and conditions requesting details of a sustainable drainage system.
- 4.13 Environmental Protection (Noise): No objection subject to conditions in regard to construction noise, insulation between and within dwellings and plant noise.
- 4.14 Pollution (Air): No objection subject to conditions in regard to construction monitoring and non-road mobile machinery.
- 4.15 Streetscene: No objection subject to a legal agreement to secure appropriate works to the public highway.
- 4.16 Transportation: No objection subject to conditions requesting cycle parking details, a parking design and management plan, a delivery and servicing plan and a legal agreement to secure car free development, a travel plan, car club membership credit, electric vehicle chargers and monitoring fees.
- 4.17 Waste: No objection. The drag distances are in line with our guidance and the capacity is sufficient.

### Local Groups

- 4.18 Hackney Society Planning Group (to previous iteration of the scheme): Redevelopment of this site is a rare opportunity in this area of Hackney to provide new homes and employment space. Requires good place making and careful design to be successful. The site seems big enough to accommodate sufficient urban density to deliver a viable mixed use development including some affordable homes.

The massing design strategy on p14 of the design and access statement is a good starting point. It replicates the approach on Coronation Avenue and Imperial Avenue to the south. 3 residential blocks running north/south pulled away from the edge of all boundaries. The tallest block, 4 storeys, impacts most on Ormsby Place running north/south to the east the most, but for the dense urban context not unreasonably. The middle block, currently 3 storeys, could be higher even.

However, the detailed design is complex and full of fussy details that are leading to unnecessary compromises. Lack of amenity. Wall to floor ratio is probably poor. Bin store undercroft feels awkward and tortured. Lack of clarity between landscape and ground floor plans. Seems convoluted and over-detailed. Low Urban Greening Factor. Doesn't deliver the high quality of placemaking required for the density ambitions.

It is unclear how the energy strategy meets current policies and certainly individual gas boilers are unwelcome. Need more ambitious sustainability. The site is big enough for communal ASHP.

The design and access statement references a number of urban infill precedents. Probably a good idea to study these in more detail and start again. A more experienced design team could make much more of this opportunity.

## **5.0 RELEVANT PLANNING POLICIES**

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

LP1	Design Quality and Local Character
LP2	Development and Amenity
LP3	Designated Heritage Assets
LP4	Non Designated Heritage Assets
LP11	Utilities and Digital Connectivity Infrastructure
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
LP29	Affordable workspace and low cost employment floorspace
LP31	Local Jobs, Skills and Training
LP41	Liveable Neighbourhoods
LP42	Walking and Cycling
LP43	Transport and Development
LP44	Public Transport and Infrastructure
LP45	Parking and Car Free Development
LP46	Protection and Enhancement of Green Infrastructure
LP47	Biodiversity and Sites of Importance of Nature Conservation
LP48	New Open Space
LP49	Green Chains and Green Corridors
LP50	Play Space
LP51	Tree Management and Landscaping
LP53	Water and Flooding
LP54	Overheating and Adapting to Climate Change
LP55	Mitigating Climate Change
LP56	Decentralised energy networks (DEN)
LP57	Waste
LP58	Improving the Environment - Pollution

### **5.2 London Plan 2021**

GG1	Building Strong and Inclusive Communities
GG2	Making the Best Use of Land
GG4	Delivering the Homes Londoners Need
GG6	Increasing Efficiency and Resilience
D1	London's Form, Character and Capacity for Growth
D2	Infrastructure Requirements for Sustainable Densities
D3	Optimising Site Capacity through the Design-led Approach
D4	Delivering Good Design
D5	Inclusive Design
D6	Housing Qualities and Standards
D7	Accessible Housing
D11	Safety, Security and Resilience to Emergency

D12	Fire Safety
D14	Noise
H1	Increasing Housing Supply
H4	Delivering Affordable Housing
H5	Threshold Approach to Applications
H6	Affordable Housing Tenure
H7	Monitoring of Affordable Housing
H10	Housing Size Mix
S4	Play and Informal Recreation
E3	Affordable Workspace
E4	Land for Industry, Logistics and Services to Support London's Economic Function
E11	Skills and Opportunities for All
HC1	Heritage Conservation and Growth
G1	Green Infrastructure
G5	Urban Greening
G6	Biodiversity and Access to Nature
SI 1	Improving Air Quality
SI 2	Minimising Greenhouse Gas Emissions
SI 3	Energy Infrastructure
SI 4	Managing Heat Risk
SI 5	Water Infrastructure
SI 6	Digital Connectivity Infrastructure
SI 12	Flood Risk Management
SI 13	Sustainable Drainage
T1	Strategic Approach to Transport
T2	Healthy Streets
T3	Transport Capacity, Connectivity and Safeguarding
T4	Assessing and Mitigating Transport Impacts
T5	Cycling
T6	Car Parking
T6.1	Residential Parking
T7	Deliveries, Servicing and Construction
T9	Funding Transport Infrastructure through Planning
DF1	Delivery of the Plan and Planning Obligations
M1	Monitoring

### **5.3 SPD / SPG / Other**

#### *Mayor of London*

Accessible London - Achieving an Inclusive Environment SPG (2014)  
Affordable Housing LPG (draft)  
Affordable Housing and Viability SPG (2017)  
Air Quality Neutral LPG (2023)  
Air Quality Positive LPG (2023)  
'Be Seen' Energy Monitoring Guidance LPG (2021)  
Control of Dust and Emissions During Construction and Demolition SPG (2014)  
Energy Assessment Guidance (2022)  
Fire Safety LPG (draft)  
Housing SPG (2016)  
Housing Design Standards LPG (2023)  
Optimising Site Capacity: A Design-led Approach LPG (2023)  
Play and Informal Recreation SPG (2012)

Sustainable Transport, Walking and Cycling LPG (2022)  
Urban Greening Factor LPG (2023)

*London Borough of Hackney*

Child Friendly Places SPD (2021)  
Decentralised Energy Masterplan  
Hackney's Transport Strategy 2015-2025  
Public Realm Strategy SPD (2012)  
Sustainable Design & Construction SPD (2016)  
S106 Planning Contributions SPD (2020)

## **5.4 National Planning Policies/Guidance**

National Planning Policy Framework (2025)  
National Planning Practice Guidance

## **5.5 Legislation**

Equality Act 2010  
Planning Compulsory Purchase Act 2004  
Town and Country Planning Act 1990

## **6.0 ASSESSMENT**

### **6.1 Introduction**

6.1.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF operates under a presumption in favour of sustainable development. It states that development proposals, which accord with the development plan, should be approved without delay. The adopted Development Plan where the site is located, comprises the London Plan (2021) Hackney Local Plan 2020 known as 'LP33', and the North London Waste Plan.

6.1.2 The NPPF is also a material consideration in the determination of planning applications. The development plan has been used as the starting point for the assessment of the proposal submitted for consideration and the following policy topics are considered to be particularly relevant to this application.

### **6.2 Background**

6.2.1 The applicant seeks to demolish the existing buildings on site and erect a part single, part 2, part 3 and part 4 storey mixed-use building containing 35 residential units (Use Class C3). The site will be landscaped, including a children's play area.

6.2.2 The application has been assessed against national planning policy and guidance, development plan policies and other material planning considerations and the advice of statutory consultees. The key planning issues raised by the proposal include:

- Principle of Development (Land Use)
- Housing Matters
- Amenity Impacts

- Conservation & Heritage Impacts
- Urban Design
- Air Quality
- Biodiversity and Green Infrastructure
- Contaminated Land
- Crime
- Drainage & Flood Risk
- Fire Safety
- Highway Safety and Transportation
- Quality of Accommodation
- Sustainability, Climate Change and Energy
- Waste Management
- Infrastructure Impact / Planning Obligations

### 6.3 Principle of Development (Land Use)

- 6.3.1 Chapter 2 of the NPPF identifies sustainable development as the key objective of the planning system and clearly sets out the presumption in favour of sustainable development, in alignment with the need to determine planning applications in accordance with the Development Plan.

#### *Loss of Industrial Floorspace*

- 6.3.2 As existing, the applicants calculate the amount of industrial floorspace on the site as 1,860sqm (GIA) but indicate that much of it is vacant and in a state of disrepair, and currently only approximately 370sqm is in actual use. The proposal was amended during the course of the application and now does not propose any commercial floorspace, resulting in a significant decrease when compared to the amount of existing floorspace.
- 6.3.3 Policy E4 of the London Plan states that *'any release of industrial land in order to manage issues of long-term vacancy and to achieve wider planning objectives, should be facilitated through the processes of industrial intensification, co-location and substitution set out in Policy E7.'*
- 6.3.4 Policy E7 of the London Plan states that residential development proposals on non-designated industrial sites should only be supported where there is no reasonable prospect of the site being used for the industrial and related purposes.
- 6.3.5 Policy LP28 of the Hackney Local Plan seeks to protect and retain industrial land where possible, even on sites located outside of Priority Industrial Areas (PIA) or Locally Significant Industrial Sites (LSIL), due to the trend of losing industrial land with insufficient or inadequate replacements within sustainable locations for Greater London as a whole. It allows for the loss of industrial land and floorspace outside of PIA or LSIL if robust evidence is provided demonstrating there has been no demand for the vacant land 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; any new employment floorspace is of higher quality and higher density and it can be demonstrated that the new commercial floorspace being provided has a strong likelihood of being occupied.
- 6.3.6 An Employment and Commercial Land Case Report was submitted in support of the application (albeit when an element of commercial floorspace was proposed). The report concluded that the existing supply pipeline and future supply requirements point towards

greatest demand for office accommodation in established office locations and clusters and a focus on industrial intensification mainly in designated employment areas within the borough. The focus of commercial industrial property activity in Hackney remains concentrated in distinct locations, namely the larger established industrial estates identified as PEA, PIA and LSIS in the Development Plan. These locations are considered the primary locations with demand driven by their road accessibility and relative proximity to the A406 (North Circular) and the Lee Valley stretching northwards through Tottenham and Waltham Forest (adjacent to the A10) and out to the M25.

- 6.3.7 The report also concluded that there is little evidence that the local industrial market (light and general industrial uses) in the Stoke Newington property market area provides significant levels of such floorspace, either individually or within industrial clusters with market demand and it supplies evidence demonstrating that other parts of the Borough are better suited to provision of industrial land supply, including for reasons of prominence and visibility for businesses, strategic accessibility and the presence of existing industrial clusters.
- 6.3.8 Lastly, throughout the course of the application, it was identified that if the commercial element of the scheme were removed completely, the development would be able to deliver a greater level of on-site affordable housing.
- 6.3.9 Paragraph 122 of the NPPF highlights that planning policies and decisions need to reflect changes in the demand for land and where the local planning authority considers there to be no reasonable prospect of an application coming forward for the use allocated in a plan, applications for alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area.
- 6.3.10 In light of the above market trends and evidence, as well as the ability of the site to provide more on site affordable housing if no commercial floorspace is provided, it is considered, that whilst the proposal would result in the complete loss of industrial land, the development would contribute to an unmet need, namely affordable housing, within the area and therefore does not conflict with the NPPF and is considered acceptable in this instance.

#### *Proposed Residential Use*

- 6.3.11 Policy H1 and Table 4.1 of the London Plan set an annual target of 13,280 net new houses for Hackney over a ten-year period up until 2028/29. Policy LP12 states that the Council will plan to deliver a minimum of 1,330 homes per year up to 2033 by encouraging development on small sites and will support the development of small sites to meet the housing need. Self-contained residential units are the priority residential land use in the Borough and type of land use for which there is the greatest need. The site is considered to be a small site as it is less than 0.25 hectares. The principle of providing self-contained units is therefore acceptable, subject to compliance with relevant policies.

## **6.4 Housing Matters**

### *Affordable Housing*

- 6.4.1 Policy H4 of the London Plan 2021 sets a strategic target of 50% of all new homes delivered across London to be genuinely affordable and specifies that affordable housing should be provided on site, with off-site affordable housing or cash in lieu contributions being acceptable only in exceptional circumstances. The plan further sets out that

comprehensive review mechanisms should be applied to schemes which do not meet the required affordable housing threshold.

6.4.2 Policy LP13 of the Hackney Local Plan 2033 requires major schemes to provide a minimum of 50% of housing delivered to be on-site affordable, at a ratio of 60:40 social housing (social rent / London Affordable Rent) and intermediate housing (Hackney/London living rent or London shared ownership), subject to viability and site context.

6.4.3 The proposed development will deliver 34% affordable housing, which will comprise a tenure split of 58% social rent and 42% intermediate units:

	Number of Bedrooms			Total
	1	2	3	
<b>Social</b>	1	3	3	<b>7 (20%)</b>
<b>Intermediate (Shared Ownership)</b>	3	0	2	<b>5 (14%)</b>
<b>Private</b>	5	16	2	<b>23 (66%)</b>
<b>Total</b>	<b>9 (26%)</b>	<b>19 (54%)</b>	<b>7 (20%)</b>	<b>35</b>

6.4.4 A Financial Viability Assessment was submitted with the application that demonstrates that the site would be unable to meet the requirements of 50% on site affordable housing and that the proposed provision is the maximum amount of affordable housing that can be delivered. As such, subject to review mechanisms included within the legal agreement, the application is considered to deliver an acceptable level of affordable housing that meets the requirements of policies H4 of the London Plan 2021 and LP13 of the Hackney Local Plan 2033.

### *Housing Mix*

6.4.5 Policy H10 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.

6.4.6 This policy is amplified by policy LP14 of the Hackney Local Plan 2033 which sets out that the preferred dwelling mix for Social/London Affordable Rent is 30-34% 1 and 2 beds and 33-36% 3+ beds. The preferred mix for intermediate housing is 15-25% 3+ beds and a higher proportion of 2-bed units than 1-bed units. The preferred mix for market housing is 33% 3+beds and a higher proportion of 2-bed units than 1-bed units.

6.4.7 It is noted, though, that the Council will consider variations to the dwelling size mix sought if this can be justified based on the tenures and type of housing proposed, site location, area's characteristics, design constraints, scheme viability; and where shared ownership is proposed, the ability of potential occupiers to afford the homes proposed.

6.4.8 In regard to the social units provided, the development is generally in accordance with the preferred mix with provision of 43% of 3-bed and 43% of 2-bed units. Whilst this leaves the provision of 1-bed social units at 14%, given the identified need for family sized social rent units within the Borough, this is considered consistent with the intent of the policy.

- 6.4.9 In regard to intermediate units, the development provides 40% as 3-bed units and 60% as 2-bed units. Whilst not strictly in accordance with the preferred mix set out within LP14, given the site location, design constraints, the submitted viability evidence and the fact that the site is able to deliver on site affordable housing, the lack of 2-bed intermediate units provided on site is considered acceptable.
- 6.4.10 Finally, the market housing provides a mix that includes more 2-bed units than 1-bed units but provides only 7% of units as 3-bed market housing. This seeks the biggest deviation from the preferred mix however, as set out above, the provision of on-site social housing within the Borough is desperately needed and the market housing mix provides a scenario in which this is possible. As such, the departure from LP14 in this instance is considered acceptable.
- 6.4.11 As such, on balance, the housing mix as proposed meets the requirements of policy LP14 of the Hackney Local Plan 2033 and is considered acceptable.

## **6.5 Amenity Impacts**

- 6.5.1 Policy D3 of the London Plan 2021 states that development should have regard to the form, character and function of an area and the scale, mass and orientation of surrounding buildings. Policy LP2 of the Hackney Local Plan 2033 states that all new development must be appropriate to its location and should be designed to ensure there are no significant adverse impacts on the amenity of occupiers and neighbours.

### *Daylight / Sunlight*

- 6.5.2 With regards to daylight, the Vertical Sky Component (VSC) method has been used to measure the amount of skylight reaching windows of neighbouring properties. BRE guidelines in their “Site Layout Planning for Daylight and Sunlight” document of 2022 state that impacts upon daylight of an existing building will be noticeable if the VSC measured at the centre of an existing main window is less than 27% and less than 0.8 times its former value. % reductions in VSC of 30% or more can be considered to result in significant noticeable impacts, whereas reductions in daylight marginally above the 20% threshold will be more minor.
- 6.5.3 VSC is the most suitable method of assessment to understand the degree of change to windows of neighbouring properties resulting from the development. The daylight sunlight assessment also refers to a further method of assessment. The No Sky Line (NSL) method involves determining the area within a room where the sky is not visible from a given point on the working plane, typically set at 850mm above the floor. A room passes the test if a significant portion (usually at least 50%) of the working plane has a clear view of the sky (i.e., lies outside the NSL). However, BRE standards also state that a noticeable reduction in the area of a room receiving direct sunlight (e.g. less than 0.8/20% its former value) can impact occupants' perception of light.
- 6.5.4 With regards to sunlight, the Annual Probable Sunlight Hours (APSH) method has been used to assess the amount of sunlight available within a room. BRE guidelines are for rooms to receive 25% of Annual Probable Sunlight Hours (APSH) in total, including 5% in winter.
- 6.5.5 It should be noted that BRE guidance is applied with regard to the site context. Factors such as the layout and orientation of adjacent buildings, and the amount of existing development upon an application site can all have significant impacts upon the daylight sunlight assessment. As such in dense inner urban locations, it may not be possible to

achieve BRE target criteria if development is to take place at a similar scale as others in the surrounding area.

- 6.5.6 The submitted Daylight & Sunlight Report has assessed the closest neighbouring residential properties with windows overlooking the proposed development. The impacts to each building are assessed below.
- 6.5.7 The VSC results demonstrate that all windows within Shannon Court to the north east, 69 Stoke Newington High Street to the east, 5-7 and 13-19 Victorian Grove to the south, 21-27 and 31 Victorian Grove to the west and 37-53 and 57 Dynevor Road to the north west meet the BRE guidance.
- 6.5.8 The one window which does not meet VSC guidance at 11 Victorian Grove is within 23% of its former value which is considered to be a minor failing and is acceptable in an urban context. Similarly the one window failing in 55 Dynevor Road is within 21% of its former value.
- 6.5.9 The main daylight impacts will be felt at numbers 3-8 Ormsby Road. These windows are located between 2.5 metres and 7 metres from the common boundary with the site and are, therefore, sensitive to any additional mass in this area over and above the existing single-storey structure. Of the 29 windows tested within these properties 17 meet BRE guidance, 8 have failings of between 21 and 27% which are considered to be minor and are generally accepted in an urban context, resulting in only 4 windows having a reduction of between 30-31% of existing levels which is considered to be a moderate loss. These windows will retain VSC levels of at least 17.6. Most windows that see their VSC levels reduced by more than the 20% guideline within the BRE guidance would still retain VSC levels within the mid teens which is generally considered acceptable in a tight urban context.
- 6.5.10 The NSL results demonstrate that all rooms within Shannon Court to the north east, 69 Stoke Newington High Street to the east, 5 and 11-19 Victorian Grove to the south, 21-27 and 31 Victorian Grove to the west and 37-45, 49-53 and 57 Dynevor Road to the north west meet the BRE guidance.
- 6.5.11 The one room which does not meet NSL guidance at 7 Victorian Grove is within 23% of its former value which is considered to be a minor failing and is acceptable in an urban context. Similarly the one room failing in 55 Dynevor Road is within 21% of its former value. The rooms at 9 Victorian Grove and 47 Dynevor Road will experience a moderate adverse impact to a bedroom and living room, both at lower ground floor, which whilst noticeable, relates to one room in each property and the impact on daylight distribution within these dwellings as a whole remains acceptable.
- 6.5.12 As above, the main daylight distribution impacts will be felt at numbers 3-8 Ormsby Road. Of the 17 rooms tested within these properties, 5 meet BRE guidance and 2 have failings of between 21 and 27% which are considered to be minor and are generally accepted in an urban context. Of the remaining 10 rooms, 5 of them will experience moderate adverse impacts, whilst 5 rooms at numbers 5, 6, 7 Ormsby Road will experience major adverse impacts. All 10 of these rooms which experience a moderate or major adverse impact will retain levels of daylight distribution above 52% which is considered acceptable in an urban context. It is also noted that the reductions are somewhat resultant of high existing values due to exceptional levels of daylight over the low-level existing building.

6.5.13 Given the above, the development is not anticipated to have any unacceptable impacts on the daylight received by neighbouring properties.

6.5.14 In terms of sunlight, all relevant windows tested in neighbouring properties meet the BRE guidance and will retain acceptable levels of sunlight.

#### *Overshadowing of Amenity Spaces*

6.5.15 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.

6.5.16 All the amenity spaces tested are predicted to receive a minimum of 2 hours of sunlight on 21 March over at least 50% of each assessed amenity space, thereby meeting the BRE recommendations.

#### *Impacts on Neighbouring Solar Panels*

6.5.17 The latest edition of the BRE guidance (2022) requires that the impact of a proposed development on neighbouring photovoltaic (PV) panels is taken into consideration. In this location aerial photography reveals there are no neighbouring properties that contain PV panels that would be impacted by the development due to being located an adequate distance from the site or at a level higher than the proposed development.

#### *Daylight / Sunlight Conclusions*

6.5.18 Overall, the proposed development has some impacts on the daylight and sunlight provision to surrounding residents. However, given the dense urban location, mitigating factors outlined above and the encouragement in policy to optimise the use of land and provision of housing, on balance the daylight and sunlight impacts are acceptable in accordance with the requirements of policy D6 of the London Plan 2021 and policy LP2 of the Hackney Local Plan 2033.

#### *Outlook / Sense of Enclosure & Privacy / Overlooking*

6.5.19 The Council has no specific policy guidance on acceptable separation distances for outlook and overlooking. This is due to the differing established grain and density of the borough, the potential to limit the variety of urban space and unnecessarily restrict density.

6.5.20 A number of residents have raised concerns in relation to loss of privacy, overlooking and impacts on outlook. With respect to overlooking, the scheme is designed so that there is minimal overlooking from private rooms to the rear of the Victorian Grove properties to the south. Only two single bedroom windows within Block A (at first and second floor levels) and stairwell windows in Blocks B and C face towards these sites and are separated by a distance of greater than 20m which is considered acceptable.

6.5.21 The distance between the rear of Dynevor Road to the north and the nearest proposed window is over 16m, and it is considered that this is sufficient to ensure that there would be no significant increase in overlooking.

- 6.5.22 The nearest relationship between proposed and existing windows is between the proposal and Ormsby Place. Here the ground and first floor windows in the rear extensions of Ormsby Place are around 15.7m (measured in plan) from the first and second floor proposed windows. The existing ground floor windows in the extensions would not be overlooked from the proposed first floor windows because of the proposed deck access and single storey element. Nevertheless, five first floor windows in four Ormsby Place properties would be overlooked at this distance of 15.7m, which has been a source of objection from residents. Objections have also been raised in relation to overlooking from the deck access (a minimum of 13.8m from the existing outrigger windows), though this is a transient space by its nature and officers consider it to be of less concern.
- 6.5.23 For completeness, we note that the closest relationship between proposed windows and existing ground floor that can actually overlook each other is the approximately 18m distance between the proposed top (third) floor and the ground, though this is not a direct view across. The near edge of the proposed second storey rear balcony and the existing ground floor windows of Ormsby Place is around 16m.
- 6.5.24 Summarising these impacts, it is noted that the rear facing windows of Ormsby Place currently have no facing windows from the existing development and that there is therefore going to be an amenity impact to the occupants in terms of overlooking. Members will need to consider whether the amenity impact is sufficient to warrant refusal of the application. The recommendation of this report is that the proposed relationship should be found acceptable because, though there would be a significant change, the distances involved are fairly typical for the surrounding streets. For context, the distance between the facing front elevations of Dynevor Road is around 18.5m. The northern properties of Ormsby Place have front windows that face windows only 6m away. The proposed units in the development are around 14.5m apart. As such, on balance, the distance between proposed and existing windows is considered acceptable in respect of overlooking, notwithstanding the objections that have been received in this regard.
- 6.5.25 In terms of outlook, following on from the discussion on daylight/sunlight, above, the impact of the increased massing of the site on neighbouring outlook and a sense of enclosure, is considered to be insufficiently large to require refusal of the application. Moreover, the existing building on site is a run down factory of little visual amenity. The proposal would provide a significant improvement in that respect, delivering a high quality, attractive building.

#### *Noise & Disturbance*

- 6.5.26 The application was reviewed by the Council's Environmental Protection team who raised no concerns in principle but recommended conditions in regard to construction noise, insulation between and within dwellings and plant noise.
- 6.5.27 It is considered that the playspace would not give rise to unacceptable levels of noise as would be expected within a residential area.

#### *Light Pollution*

- 6.5.28 It is noted that the details of the external lighting have not been provided. Given the location of the site within close proximity to neighbouring dwellings it is considered appropriate to request details of the proposed lighting strategy to ensure that no undue loss of amenity to neighbouring occupiers as a result of light pollution.

*Conclusion on Amenity Impacts*

6.5.29 On balance, the proposal is not anticipated to detract unduly from the amenity of neighbouring occupiers or the area in general and would thereby comply with the relevant local and regional policies in respect of neighbouring amenity.

**6.6 Conservation & Heritage**

6.6.1 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority when considering development which affects a listed building or its setting to have “*special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.*” Section 72(1) of the Act requires decision makers with respect to any buildings or other land in a conservation area to pay “special attention... to the desirability of preserving or enhancing the character or appearance of that area”. Applying the statutory duty, any harm found to arise in relation to the character or appearance of a conservation area should be given “considerable importance and weight”.

6.6.2 Chapter 16 of the NPPF states that local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. It also encourages LPAs to take account of a non-designated heritage asset in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

6.6.3 The NPPF provides a range of policies relating to heritage protection at paragraphs 189 to 208. The Council has considered the proposed development in relation to these policies and particularly paragraphs 199 to 208.

6.6.4 Policy HC1 of the London Plan 2021 requires development proposals affecting heritage assets, and their settings, to conserve their significance, by being sympathetic to the assets’ significance and appreciation within their surroundings. Policy LP3 of the Hackney Local Plan 2033 requires the Council to conserve designated and non-designated heritage assets.

6.6.5 The impacts of the proposed development on these heritage assets are considered as follows as required by the above identified legislation and policy.

*Demolition*

6.6.6 The subject site is in light-industrial use and located to the rear of the residential properties of 1-19 Victorian Grove along the northern side of Victorian Grove. The site is landlocked with a private accessway off Victorian Grove. The buildings are single storey, with high level ‘saw-tooth’ styled roofing giving the appearance of 1.5 to 2 storey buildings. The site is largely covered by interwar industrial warehousing, with the majority of this floorspace being vacant and in a state of advanced disrepair. The LPA therefore considers the site to be a negative contributor overall to the quality of the surrounding streetscape.

6.6.7 For these reasons, the demolition of the building is considered acceptable in design terms, subject to an acceptable proposal for its replacement.

- 6.6.8 The site is not a designated or non-designated heritage asset, nor is it in a Conservation Area. The relevant conservation consideration in this case is therefore the impact of the proposals on the setting of designated heritage assets.

*Setting of Grade II Listed Buildings - 9 and 11 Victorian Grove*

- 6.6.9 The new building will be visible from the rear of 9 and 11 Victorian Grove, however the degree of separation at over 18m, with a proposed design that breaks up the massing and perceived bulk of the scheme along its southern elevation is considered to adequately conserve and enhance the setting of the designated heritage assets. As a result, no harm to them is identified.

- 6.6.10 It is therefore considered that the Council has discharged its duty to pay special regard to the settings of listed buildings in terms of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and that the requirements of policy HC1 London Plan Policy and policies LP1 and LP3 of the Hackney Local Plan 2033 are met and that the proposals do not harm the setting of the listed buildings.

*Locally Listed Buildings & Non-Designated Heritage Assets - 5-7 & 13-19 Victorian Grove*

- 6.6.11 The new building will be visible from the rear of 5, 7, 13, 15, 17 and 19 Victorian Grove, however the degree of separation at over 18m, with a proposed design that breaks up the massing and perceived bulk of the scheme along its southern elevation is considered to adequately conserve and enhance the setting of these designated heritage assets. As a result, no harm to them is identified.

*Conservation Conclusions*

- 6.6.12 For these reasons, it is considered that the proposal would not have a negative impact in terms of respecting and complementing historic character and thereby achieves the conservation aspirations of local and regional policy.

## **6.7 Urban Design**

- 6.7.1 Policies D1-D4 of the London Plan 2021 require architecture to make a positive contribution to a coherent public realm, streetscape and wider cityscape, incorporating the highest quality materials and design appropriate to the surrounding context.

- 6.7.2 Policy LP1 of the Hackney Local Plan 2033 seeks to adopt a rigorous design approach and ensure that all new development be of the highest architectural and urban design quality and includes specific criteria for tall building proposals. Development must respond in a positive manner to the existing context and local character, having regard to the boroughwide Characterisation Study, and be compatible with the existing townscape and local views.

*Site Layout*

- 6.7.3 The proposed ground floor and site layout, including a shared-surface road along the northern boundary of the site, allows level-threshold access into all ground floor dwellings and circulation cores and positively affords further separation to the adjacent sites to the north. The introduction of a pedestrian passage has also been provided through the central block to increase the permeability and natural flow of pedestrian traffic which follows a more logical and direct route from the site's entrance.

6.7.4 The proposed changes to the scheme, namely the removal of the ground floor commercial units, will result in the provision of two lower quality units due to their ground-floor location with massing above reducing the light ingress to what is already north facing with single aspects.

6.7.5 However, the proposed ground floor plan mirrors that of the storey above, which is logical in terms of arrangement and due to the 'fingers' design of the scheme, the wider layout results in a high standard of accommodation to the remaining 33 units, with meaningful second aspect units that will afford good quality in terms of light and passive ventilation.  
*Siting, Scale, Bulk and Mass*

6.7.6 The proposed siting of north to south residential blocks replicates the approach on Coronation Avenue and Imperial Avenue to the south and is an appropriate response to the wider areas character and context of urban grain and plot division. The proposals include sufficient separation between blocks in addition to the ends of the buildings being pulled back from the north and south of the site so that they do not appear overbearing on its surroundings. The increase in separation above ground floor level mitigates the increase in scale on the eastern elevation compared to the existing building and context.

6.7.7 The proposals articulate the massing to read as part 2-storey, part 4-storey blocks where the top two floors are set back from the northern ends to reduce the perceived bulk and overlooking to the north and a recused mass of 2-stories when arriving to the site affords a comfortable scale where the site is narrowest.

#### *Architecture and Materials*

6.7.8 In accordance with policy LP1 of the Hackney Local Plan 2033, development should be constructed of attractive, durable high quality materials which complement local character. The overall material palette is considered well balanced and of good quality.

6.7.9 Architecturally the proposal is seen as an improvement on the existing and the principle and indicative design of the chosen material palette is acceptable including the use of predominantly brickwork facades characterised by large windows openings that are deeply recessed with precast concrete elements and articulated brickwork which adds texture and visual interest.

6.7.10 Overall, the architectural detailing demonstrates a high level of design quality, subject to detailed material specifications being secured through appropriate planning conditions to ensure the building is completed to a high quality.

#### *Landscaping and Public Realm*

6.7.11 The proposals for landscaping are considered acceptable in terms of location of rooftop green spaces and ground floor planting. Nevertheless, the final landscaping approach is subject to the recommended condition to ensure the design is in keeping with the aspirations of the scheme as presented. It is likely that an appropriate planting mix will include a high proportion of indigenous species and that green roof details will include a deep substrate to allow for meadow and sedum planting along with a varied layout to create habitat opportunities for insects and insect-eating birds

*Design Conclusions*

- 6.7.12 Overall, it is considered that the proposed development demonstrates a high standard of design, responds positively to the site context and would have a positive impact in terms of architectural and urban design quality and respond to local character and context thereby achieving the design aspirations of local and regional policy.
- 6.7.13 Subject to the securing of detailed materials and landscape proposals, the proposals are considered acceptable in urban design and townscape terms.

**6.8 Air Quality**

- 6.8.1 Policy LP58 of the Hackney Local Plan 2033 requires all new development not to exceed air quality neutral standards or contribute to a worsening of air quality at the construction or operation stage, over the lifetime of the development.
- 6.8.2 An Air Quality Assessment was submitted as part of the application and has been reviewed by the Council's Air Pollution team. The assessment is acceptable in terms of its approach and methodology.
- 6.8.3 The proposed development is car-free and will meet heating and hot water demand using air source heat pumps. The proposed development is air quality neutral. Therefore, it is unlikely to have a significant impact on local air quality. In addition, air quality for future occupiers will be acceptable.
- 6.8.4 The site will be of medium risk of dust impacts during the construction phase. A range of measures to be implemented to mitigate these impacts is listed in Appendix A of the Air Quality Assessment. As such, a condition requiring the submission of a final demolition and construction management plan is recommended to ensure the development minimises all air quality impacts associated with construction works. This will ensure that these impacts on nearby residents are mitigated.
- 6.8.5 All on-site machinery within Greater London is required to comply with Non-Road Mobile Machinery (NRMM) Low Emission Zone standards. A condition requiring compliance with these regulations is recommended.

**6.9 Biodiversity and Green Infrastructure**

- 6.9.1 Policy G5 of the London Plan 2021 and LP46 of the Hackney Local Plan 2033 requires that all development should enhance the network of green infrastructure and seek to improve access to open space.
- 6.9.2 Policy G6 of the London Plan 2021 states that development proposals should manage impacts on biodiversity, aim to secure net biodiversity gain and contribute to urban greening. Policy LP47 of the Hackney Local Plan 2033 reinforces this policy, stating that all development should protect and, where possible, enhance biodiversity leading to a net gain.
- 6.9.3 Policy G7 of the London Plan states that proposals should ensure that, wherever possible, existing trees of value are retained. If planning permission is granted that necessitates the removal of trees there should be adequate replacement based on the existing value of the benefits of the trees removed, determined by CAVAT or another appropriate valuation system. This is supported by policy LP51 of the Hackney Local Plan 2033.

- 6.9.4 The proposal includes the removal of 1 Category C fig tree with 13 new trees proposed to be planted. Overall, it is considered that the proposal aligns with legislation and policy given the substantial net gain of new trees and no compensation is required for the loss of the 1 tree.
- 6.9.5 Biodiverse extensive green roofs are proposed at first and second floor levels. Whilst welcomed, further details are needed and will be required as a condition of permit.
- 6.9.6 A Preliminary Ecological Appraisal and Preliminary Bat Roost Assessment (PEA) was submitted with the application that found no evidence of bats present on the external features of the main building (eg. bat droppings) but some limited bat roosting potential, due to disrepair and damage. In order to mitigate risks for bat roosts, the report recommended the submission of a follow up bat emergence survey. This will be requested via condition.
- 6.9.7 Similarly, whilst no evidence of bird nesting was found, potential exists at the main building for species such as feral pigeon, wren and robin. There is also breeding bird habitat structure within the boundary trees and ivy growing on the wall/fence line. The report recommends that no vegetation (e.g. trees, shrubs, hedges, bushes and buildings where nesting birds have been shown to be present) should be removed during the bird nesting season, with September to late December being the best months for such clearance works. A condition of the permission will ensure that the recommendations set out in the report are complied with.
- 6.9.8 No other protected species issues were present at the application site since the key habitats present were the main building and associated hardstanding. However, the PEA does confirm that Japanese knotweed is present at the northern end of the application site and is currently colonising that area. This will need to be controlled and eradicated by specialist contractors before development can commence. The plant cannot be allowed to colonise adjacent properties so the removal of Japanese knotweed must be a high priority and will be secured by condition.
- 6.9.9 The PEA also provides a list of biodiversity enhancements that should be implemented including the provision of bat and bird boxes to provide new roosting and nesting opportunities, the submission of a bat friendly lighting scheme to ensure dark corridors are allowed for bats at night along the site boundaries and the use of bat friendly planting. These will be secured by condition.
- 6.9.10 As such, there is no objection to the demolition of the building subject to the recommended conditions.
- 6.9.11 The proposed UGF score is 0.14, which is well below the target of 0.4. Whilst the UGF provided does not meet the minimum set out in policy, the UGF proposals overall are positive. Many of the available space has been maximised for planting and tree planting. However, a condition of permit will require soft landscaping plans to include the planting mix, as recommended by the Preliminary Ecology Assessment.
- 6.9.12 In regard to Biodiversity Net Gain legislation, there is currently no on-site habitat and, as such, the site is exempt from biodiversity net gain requirement.
- 6.9.13 For these reasons, and subject to conditions, the development is deemed acceptable in regard to impacts on biodiversity, ecology and trees.

**6.10 Contaminated Land**

- 6.10.1 Policy LP58 of the Hackney Local Plan 2033 requires development proposed on contaminated or potentially contaminated land, to address risks to sensitive receptors (both on and off site) from land contamination through proportionate actions before and during construction and during operation where appropriate.
- 6.10.2 On the advice of the Contaminated Land team, and to ensure that the risk of land contamination is effectively assessed and managed, a condition requiring submission of a risk assessment, remediation strategy has been recommended. This will ensure that any contamination is appropriately managed and effective remediation can take place to reduce risk to human health and the environment.

**6.11 Crime**

- 6.11.1 Policy D11 of the London Plan states boroughs should work with their local Metropolitan Police Service in order to 'Design Out Crime' and maintain a safe and secure environment. Furthermore, Policy LP1 of the Hackney Local Plan 2033 notes that new development must be secure and designed to minimise crime and antisocial behaviour.
- 6.11.2 The local police constabulary have been consulted and raise no objection subject to conditions requiring that a 'Secured by Design' application is submitted and accreditation obtained for the building and permanently retained. This has been included as a condition.

**6.12 Drainage & Flood Risk**

- 6.12.1 Policy SI 12 of the London Plan 2021 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 2021 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.
- 6.12.2 Policy LP53 of the Hackney Local Plan 2033 requires all development to have regard to reducing flood risk, both to and from the site, over its expected lifetime.
- 6.12.3 The site is shown to have a "high" risk of surface water flooding as stated on the "Long Term Flood Risk Map for England" and an increased potential for elevated groundwater.
- 6.12.4 The Borough's Drainage team has reviewed the submitted Flood Risk Assessment & Surface Water Drainage Strategy (FRA). Whilst no concerns were raised in regard to the findings of the FRA, since the removal of the commercial element of the scheme (a 'less vulnerable' classification), the site falls entirely within the 'more vulnerable' classification. As such, an addendum to the FRA was requested confirming that the conclusions and drainage strategy remain valid for the revised proposal. This is currently being prepared and will be submitted with further updates provided within the addendum and at the Committee meeting upon review and assessment of the addendum.
- 6.12.5 Conditions requiring detailed specification of the sustainable drainage system and proposed land levels and ground floor finished floor levels are recommended.
- 6.12.6 As such, subject to conditions, the proposal is acceptable on drainage grounds.

**6.13 Fire Safety**

6.13.1 Policy D12 of the London Plan 2021 states that development proposals must achieve the highest standards of fire safety, including details of construction methods and materials, means of escape, fire safety features and means of access for fire service personnel.

6.13.2 A fire statement has been submitted that meets the requirements of Policy D12.

**6.14 Highways Safety and Transportation***Site Context*

6.14.1 A Transport Statement (TS) has been submitted as part of the application. The TS outlines that the site is accessed via a shared pedestrian and vehicular access way from Victorian Grove. Victorian Grove is predominantly a residential street that links to the A10 Stoke Newington High Street. It is located within Parking Zone E which is operational Monday to Saturday 08:30 to 18:30.

6.14.2 The Public Transport Accessibility Level (PTAL) of the site is rated as 5 (on a scale of 1-6b, where 6b is the most accessible). The nearest rail station to the site is Rectory Road London Overground Station. As of 2024, the nearest rail link at Rectory Road has been rebranded as part of the Weaver Line. This station is 800m from the site. The nearest bus stop to the site is located on Stoke Newington High Street, approximately 280 metres from the application site.

6.14.3 The application must now be considered within the context of Hackney's maturing Low Traffic Neighbourhood (LTN) network. While the site remains high in accessibility (PTAL 5), localised traffic patterns have shifted due to the nearby Stoke Newington LTN and the expansion of the Hackney Downs LTN, which has seen recent traffic reduction measures on Northwold Road. These schemes have successfully reduced through-traffic on residential streets but have increased the strategic importance of boundary roads like the A10 Stoke Newington High Street.

*Trip Generation*

6.14.4 The application provided trip generation data as part of the TS. For the existing land use, 132 two-way trips are estimated to occur per day. For the application site, the number of trips for the residential element of the scheme are estimated to be a total of 148 two-way trips per day. The commercial element of the scheme is estimated to generate a total of 22 two-way trips per day. While the removal of the commercial floorspace and the increase to 35 residential units should have required a minor technical recalculation, the overall trip generation is expected to remain comparable to the previous 2022 assessment (which estimated 22 two-way trips per day for the removed commercial units).

6.14.5 The application site is estimated to generate a net increase of 38 trips per day. In relation to modal share, the applicant has referred to the 2011 Census data. They have adjusted some of the statistics to account for the development being car free. The extrapolated modal share data estimates that the majority of trips will be made via walking, cycling or public transport with 97% of trips being made via these transport modes. The revised proposal is not considered to result in a detrimental impact on the local highway network, subject to the conditions outlined below.

6.14.6 The application proposes that a turning circle will be provided on site. The TS includes swept path analysis to show that a larger waste vehicle is able to enter and exit the site in a forward gear. In relation to the trip generation for delivery and servicing movements, the application estimates that there will be a net reduction of 18 trips per day. A final delivery and servicing plan should also be submitted in line with guidance from TfL and should provide further details on trip generation, swept path analysis, vehicle types, dwell times, potential consolidation and maximising sustainable transport deliveries. This has been secured by condition.

#### *Car Parking*

6.14.7 The development is proposed to be car-free. This is in line with policy LP45 of the Hackney Local Plan 2033 and the London Plan 2021. A CPZ exclusion to restrict parking permits being issued is recommended in the proposed legal agreement for all users of the proposed site (except those with a blue badge).

6.14.8 The scheme includes specific provision for disabled residents, with one car parking space designated for Blue Badge holders. This is policy compliant and supported by the Council. In addition to the on site Blue Badge bay, the London Plan states that an additional 7% of the total number of dwellings should be identified for the potential provision of Blue Badge parking spaces if required. This will be secured via legal agreement.

6.14.9 To support the transition to low emission vehicles, the Blue Badge bay should be provided with an Electric Vehicle Charger. A Parking Design and Management Plan should be conditioned and this should provide details of the proposed on site charging infrastructure.

#### *Cycle Parking*

6.14.10 Policies LP41, LP42 and LP43 of the Hackney Local Plan 2033 highlight the importance of new developments making sufficient provisions to facilitate and encourage movements by sustainable transport means. Policy LP42 of the Hackney Local Plan 2033 requires that cycle parking shall be secure, accessible, convenient, and weatherproof and will include an adequate level of parking suitable for accessible bicycles, tricycles and cargo bikes.

6.14.11 The application proposes the installation of 64 long stay cycle parking spaces. Of these, more than 50% of the long-stay residential cycle parking will be provided in the form of Sheffield stands at ground level. However, the cycle quantum has not been revised in line with the increased residential units and the development should provide a minimum of 70 long stay cycle parking spaces and 13 visitor cycle parking spaces. There is sufficient room within the site to accommodate the additional 6 long-stay spaces and provide visitor cycle parking spaces.

6.14.12 The design of the cycle parking must prioritise the safety and personal security of users. This should include any conflict with other vehicles and robust security measures and deterrents, including controlled access, adequate lighting, CCTV, and clear visibility within the compound. A condition of permit will therefore require the submission of a policy compliant cycle parking plan that shows details of the number, layout, foundation, stand type and spacing as well as any security measures proposed.

*Electric Vehicle Car Club and Car Club membership*

- 6.14.13 Although a car-free development is supported, we recognise there may be some need for occasional vehicle use for the residential element of the scheme. The Hackney Local Plan 2033 states that all major residential developments will be required to contribute towards the expansion of the local car club network including those using low-emission vehicles.
- 6.14.14 Car club membership and driving credit should be offered to all residents of the development. This would discourage the use of private vehicles on occasions when the use of a vehicle cannot be avoided. All future residents should be provided with the equivalent of £60 free members and or driving credit to a registered car club provider. This should be secured as part of the legal agreement.

*Travel Plan*

- 6.14.15 A travel plan aims to promote sustainable travel choices (for example, cycling) as an alternative to single occupancy car journeys that may impact negatively on the environment, congestion and road safety. A Framework Travel Plan Statement has been submitted as part of this application. A full Travel Plan will be required to be produced and implemented on occupation of the development. This will be secured through the legal agreement inclusive of financial contribution towards the monitoring of the Travel Plan.

*Demolition & Construction Management*

- 6.14.16 A framework CMP has been submitted as part of the application. Given the nature and location of the proposed development a Demolition and Construction Management Plan (DCMP) is required to mitigate the negative impact on the surrounding highway network. This should be in line with TfL CLP guidance. This should be conditioned. To effectively monitor the final CMP a financial contribution is recommended to be secured via the legal agreement.

*Highways / Public Realm Works*

- 6.14.17 The NPPF Paragraph 110 highlights the importance of connections between people and places and the integration of new development into the built environment. In accordance with policies PP1, LP41, LP42, LP43 and LP44 of the Hackney Local Plan 2033. All developments are expected to integrate the proposed development into the public realm and or provide contributions to urban realm improvements in the vicinity of the site.
- 6.14.18 A contribution is sought to improve areas of the public realm and in line with the Local Plan policies outlined above.
- 6.14.19 The scope of S278 works proposed includes removal of the existing footway material including kerbs in the carriageway, replacement with mistral blocks and painting of double yellow lines.
- 6.14.20 With these clauses to the legal agreement in place, the proposal is considered acceptable in how it will integrate the proposed development into the public realm.

*Transport Conclusions*

- 6.14.21 The proposal is considered acceptable, subject to the provision of conditions in relation to a delivery and servicing plan, a parking design management plan, a cycle parking plan, a

demolition and construction management plan along with a legal agreement in relation to monitoring, travel plan, a contribution towards car club membership and electric vehicle car club and the appropriate monitoring fees.

### **6.15 Quality of Accommodation**

- 6.15.1 Policy LP17 of the Hackney Local Plan 2033 and policy D6 of the London Plan 2021 require all homes to be of high quality design and meet the internal and external space and accessibility standards set out in the London Plan 2021, GLA Housing SPG and Hackney's Housing SPD.
- 6.15.2 Standard B2 of the Housing Design Standards relates to access to units, including incorporation of access control measures, core layouts and lift provision and that each core should be accessible to generally no more than units per core. The scheme has no more than six units accessed from a central core and decking area. As such, it complies with Housing Design Standards.
- 6.15.3 All units and bedrooms meet or exceed national space standards. All floors have acceptable floor to ceiling heights, and the units have adequate area to comply with the built-in storage requirements.
- 6.15.4 All homes proposed are dual aspect and all have a clear outlook and have windows in locations to maximise natural light and ventilation. The submitted daylight and sunlight analysis confirms adequate levels of natural light to primary living spaces.
- 6.15.5 The residential units proposed will all meet the requirements of the Nationally Described Space Standards. 23 units (67%) will benefit from direct access to private outdoor amenity space in the form of either rear gardens, courtyards or balconies, all of which will meet or exceed London Plan (2021) size standards. For those units lacking private amenity space, the majority will be oversized with additional internal floorspace above National Space Standards, which is considered an acceptable compromise to the constraints of the site. In addition, future residents will benefit from access to areas of doorstep play.
- 6.15.6 London Plan Policy D7 requires that 10% of new housing must meet Building Regulations requirement M4 (3) 'wheelchair user dwellings, whilst the remaining 90% of units meet Building Regulations requirement M4 (2) 'accessible and adaptable dwellings' and. 4 of the 35 units (11%) are to be M4(3) wheelchair user dwellings. All other remaining units are M4(2) compliant. The proposal accords with Local Plan Policy D7.
- 6.15.7 The units would receive a good level of privacy due to the position of the proposed windows, location of principle rooms and adequate separation distances between the host building and neighbouring buildings, the shortest being 14m.
- 6.15.8 Policy LP48 of the Hackney Local Plan 2033 states that all developments for 10 or more residential units must maximise on-site provision of open space and where feasible provide 14sqm per person of communal open space. Where this is not possible, the development must make physical improvements to the public realm to improve access to existing public open spaces, and make financial and/or physical contributions towards the provision of new open space, the enhancement of existing public open space or the enhancement of other green infrastructure and biodiversity in the locality.
- 6.15.9 Using the GLA Population Yield Calculator, the development would yield up to 76 residents (63 adults and 13 children). The proposal therefore requires roughly 1,064sqm

of open space. However, given the constraints of the site and the need to provide emergency vehicle & fire access into the site, no communal amenity space can be provided on site. Given the provision of private open space to most units, and the location of the site within proximity to a large area of open space in Clissold Park, the lack of provision of communal open space is considered acceptable. However, the shortfall should be mitigated by a payment in lieu to be secured via S106 to put towards the provision of new or improved space in the immediate surroundings.

6.15.10 Policy S4 of the London Plan states that development proposals for schemes that are likely to be used by children and young people should increase opportunities for play and informal recreation, incorporating good-quality, accessible play provision for all ages. Policy LP50 of the Hackney Local Plan 2033 requires the provision of sustainable, inclusive and accessible play space, with a minimum of 10 square metres of dedicated play space per child on site. The child yield of the proposal is 13.5, resulting in a requirement of 134.8sqm. The proposal provides 51sqm of child play space. As such, the shortfall should be mitigated by a payment in lieu to be secured via S106 to put towards the provision of new or improved child play space in the immediate surroundings.

6.15.11 For these reasons, the proposed residential element of the development is deemed to provide a high standard of accommodation for future occupiers.

## **6.16 Sustainability, Climate Change and Energy**

6.16.1 The development must meet the requirements of policies LP54, LP55 and LP56 of the Hackney Local Plan 2033, as well as the requirements of policies SI 2, SI 3, SI 4, SI 5 and SI 7 of the London Plan 2021.

6.16.2 Hackney declared a Climate Emergency in 2019 and pledged to become net zero carbon by 2040. In the context of the built environment, this means that all new developments must be net zero carbon and demonstrate that their climate change, energy and carbon considerations have been embedded in their design.

6.16.3 The energy strategy proposed as part of the development has been assessed by Hackney officers. The scheme is proposed to achieve overall carbon savings of 69% which surpass the minimum threshold of 35% under Part L 2021. 11% of the carbon savings are associated with the Be Lean Stage of the energy hierarchy, which is acceptable.

6.16.4 As part of the development a 'cooling booster' is being proposed to the MVHR system. This is considered a form of active cooling. It does not appear that the earlier stages of the cooling hierarchy have been fully maximised, in particular in optimising the size/format of windows/openings and in incorporating shading devices to limit solar gains. The applicant is required to demonstrate that the homes relying on higher levels of MVHR and on active cooling have had the cooling hierarchy fully maximised in a first instance. This will be secured by the recommended condition.

6.16.5 It is considered that the applicant has demonstrated that operational carbon savings have been maximised at this stage of the design, however; the scheme does not meet net zero emissions targets. As such, a carbon offset contribution of £30,593 will be secured via legal agreement, to ensure that the scheme is in line with current local and regional policies.

6.16.6 As such, the overall approach is in line with existing policy requirements. Nevertheless, a number of conditions are required to secure the key commitments and targets are adhered to throughout the process:

- Energy Statement
- Air Source Heat Pumps
- DHN Connection
- Solar PVs
- Mechanical Ventilation and Heat Recovery
- Overheating Risk and Cooling Strategy
- Water Efficiency
- Sustainable Management of Site Waste

6.16.7 The details of these recommended conditions can be found in section 9 below.

6.16.8 Detailed reporting and monitoring of the actual, as-built performance of the building is written into the proposed conditions and would require details to be sent to the LPA, to ensure that the performance of the building is as expected. A recommended clause in the legal agreement also requires reporting and monitoring in the standard way for major development.

6.16.9 As such, it is considered that the applicant has submitted satisfactory evidence in relation to the sustainability of the proposed building. Subject to the proposed conditions and legal agreement, the application is considered to be acceptable on sustainability grounds, in line with the expectations of policy.

### **6.17 Waste Management**

6.17.1 Policy LP57 of the Hackney Local Plan 2033 seeks to ensure new development in Hackney supports the objectives of sustainable waste management.

6.17.2 The refuse store is located at ground floor level adjacent to the Block B circulation core with capacities in line with Council guidance. It will be serviced from within the site, with swept path analysis drawings demonstrating that refuse vehicles will be able to enter and exit the site in forward gear. The maximum drag distance is 10m from the entrance to the bin stores to the collection point.

6.17.3 The strategy has been reviewed by the Council's waste management team and found to be acceptable.

6.17.4 The development is therefore deemed to meet the requirements of policy LP57 of the Hackney Local Plan 2033.

### **6.18 Infrastructure Impact / Planning Obligations**

6.18.1 When considering the potential content of a legal agreement, regard must be had to the tests set out in the Community Infrastructure Levy Regulations. By law, the obligations can only constitute a reason for granting planning permission if they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. It is standard practice with applications where S106 contributions are likely to be required for the applicant/agent to provide a draft head of terms, with their submission. In relation to S106 matters, the Hackney Local Plan (LP33) and the London Plan, as well as the Hackney

S106 Planning Contributions SPD are the most relevant documents. Contributions/Provisions for the following are sought:

### Financial Contributions

- £14,445 towards employment training
- £2,000 towards the monitoring of the travel plan
- £8,750 towards the monitoring of the demolition and construction management plans
- £10,000 towards to introduction of an Electric Vehicle Car Club
- £2,100 towards car club credits for the first occupant of each new residential unit
- £17,005.58 towards S278 works
- £30,593 towards Carbon Offset fund
- £1,500 per apprentice placement
- £125,547.44 towards the provision of open space
- £9,586.50 towards the provision of play space
- Monitoring costs of £6,229.35
- 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

### Non-financial contributions:

- Provision of 7 social rent units (1 x 1-bed, 3 x 2-bed, 3 x 3-bed) and 5 intermediate units (3 x 1-bed, 2 x 3-bed)
- 25% Local Labour Apprenticeships
- Employment and Skills Plan
- Full framework apprentice for every £2 Million of construction contract value
- Procurement Plan
- Participation in the Considerate Constructors Scheme
- Car free development
- Travel Plan
- Be Seen Monitoring

### *Community Infrastructure Levy*

6.18.2 Under the Mayor of London's CIL charging schedule developments within the London Borough of Hackney are subject to a CIL rate of £60 per square metre of development, with the exception of medical/health/education uses. The site is located within Zone A of the Hackney CIL Charging Zone which adopts a rate of £190 per square metre of residential floorspace. However CIL relief can be claimed for all new floorspace used for affordable housing.

6.18.3 The amount of the CIL is calculated on the basis of net additional internal floorspace with the proposal being 3,210 sqm of residential floorspace.

6.18.4 Any liability notice will reflect rates applicable at the time a planning decision is made.

## **7.0 OTHER MATTERS**

### **Local Financial Considerations**

7.1 In respect of local finance considerations other than CIL and financial obligations secured by way of Legal Agreement to mitigate the impact of the proposed development, whilst the proposed development would be rateable for Council Tax purposes, and the benefit of the additional units is not negligible in the context of the overall totals, this does not represent

a material consideration of any substantial weight in the consideration of the application, which should be determined in accordance with the relevant Development Plan policies and any other material considerations.

### **Equalities Considerations**

- 7.2 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.
- 7.3 Having regard to the duty set out in the S149 Equality Act 2010, the development proposals do not raise any equality issues.

### **8.0 CONCLUSION**

- 8.1 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.
- 8.2 The benefits of the proposal are substantial. This includes the redevelopment of an underutilised site, provision of 12 affordable housing units, all of which provide good quality of accommodation, new play areas and a development which is deemed to be sustainable in energy terms. These benefits are considered to outweigh the harm caused by the development, most notably potential harm to some neighbouring residents.
- 8.3 The proposal would have an acceptable impact in respect of all other material planning considerations as outlined above.
- 8.4 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.

### **9.0 RECOMMENDATIONS**

#### **Recommendation A**

- 9.1 That planning permission be GRANTED, subject a legal agreement and the following conditions:
- 9.1.1 **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).

**9.1.2 Development in accordance with plans**

Except where modified by the conditions attached to this planning permission, the development hereby approved relates to and shall be carried out in accordance with the following approved plans:

- 016-SBA-XX-XX-DR-A-00001 - Existing Site Location Plan - 10/06/2022
- 016-SBA-XX-00-DR-A-04007 Rev G - Proposed Ground Floor Plan - 07/11/2025
- 016-SBA-XX-01-DR-A-04002 Rev D - Proposed First Floor Plan - 21/05/2025
- 016-SBA-XX-02-DR-A-04003 Rev B - Proposed Second Floor Plan - 11/02/2025
- 016-SBA-XX-03-DR-A-04004 Rev A - Proposed Third Floor Plan - 21/06/2023
- 016-SBA-XX-04-DR-A-04005 Rev B - Proposed Roof Plan - 25/06/2025
- 016-SBA-XX-XX-DR-A-05001 Rev C - Elevations 1/6 - 29/05/2025
- 016-SBA-XX-XX-DR-A-05002 Rev F - Elevations 2/6 - 29/05/2025
- 016-SBA-XX-XX-DR-A-05003 Rev C - Elevations 3/6 - 29/05/2025
- 016-SBA-XX-XX-DR-A-05004 Rev D - Elevations 4/6 - 29/05/2025
- 016-SBA-XX-XX-DR-A-05005 Rev B - Elevations 5/6 - 29/05/2025
- 016-SBA-XX-XX-DR-A-05006 Rev B - Elevations 6/6 - 29/05/2025
- AFA-338-P-001 Rev PL4 - Landscape Proposals - 26/07/2022
- AFA-338-PP-001 Rev PL4 - Planting Plan - 26/07/2022

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

**9.1.3 Externally Facing Materials**

Prior to the commencement of development above damp proof course level, and notwithstanding the approved details in the application, particulars of all externally facing construction materials (excluding windows, window frames and doors) for the new buildings within the scheme shall be submitted to, and approved in writing by the Local Planning Authority. Samples of the proposed materials shall be made available on site for inspection and retained for the duration of the works. The proposal shall then be implemented and maintained thereafter in accordance with the approved details.

Prior to the installation of the windows, window frames, doors and door frames within the scheme, details (including plans, elevations) regarding windows, window frames, doors and door frames shall be submitted and approved in writing by the Local Planning Authority. This should include details relating to their design, materials and colour. The proposal shall then be implemented and maintained thereafter in accordance with the approved details.

REASON: To ensure the materials used within the scheme are as anticipated, and in accordance with LP1 and LP54 of the Hackney Local Plan as well as Sections 12 of the National Planning Policy Framework.

**9.1.4 Demolition & Construction Logistics Management Plan**

Prior to commencement of the development hereby approved, a Demolition and Construction Management Plan shall be submitted to, and approved in writing by, the local planning authority. The Plan shall be submitted in accordance with Hackney Council's Code of Construction Practice and the Mayor of London's Control of Dust and Emissions during Construction and Demolition SPG, and other relevant guidance relating to dust and air quality. The development shall be implemented in accordance with details and

measures approved in the Plan, covering the matters set out below, and shall be maintained throughout the entire construction period:

- a) Demolition and construction method statement, covering all phases of the development, having regard to the construction dust risk assessment;
- b) Site waste management plan setting out how resources will be managed and waste controlled at all stages of the project, including, but not limited to, details of dust mitigation measures to deal with construction waste during site clearance, demolition and construction works (including any breaking or crushing of concrete or activities requiring an environmental permit), and details of measures to be employed to mitigate noise and vibration demonstrating best practical means;
- c) An air quality and dust management plan, to include details of measures to control and mitigate emissions of dust from site clearance, demolition and construction activity, following best practice guidance, including installation of noise, vibration and dust (NVD) monitoring systems and appropriate locations around the site;
- d) A demolition and construction traffic management plan to include the following: the construction programme/timescales, details of locations where deliveries will be undertaken, the size and number/frequency of vehicles expected to access the site per day, pedestrian and vehicular access arrangements (including turning arrangements if necessary), construction traffic route and trip generation, any temporary road/footway closures during the construction period, details of parking suspensions (if required) and the duration of works;
- e) Details of how the site will comply with the relevant Non-Road Mobile Machinery (NRMM) regulations;
- f) The operation of site equipment generating noise and other nuisance causing activities, audible beyond the site boundary, shall only be carried out between the hours of 08:00-18:00 Mondays to Fridays, 08:00-13:00 Saturdays, and at no time on Sundays or bank holidays unless otherwise agreed in writing by the local planning authority. The best practical means available, in accordance with British Standard Code of Practice BS5228-1:2009 shall be employed at all times to minimise emission of noise and vibration.

The Demolition and Construction Management Plan shall set out how the following will be adhered to:

- A Notice Board shall be erected externally to have contact details for the Site and Regional Office posted. The contact details should be sufficient for Planning Enforcement and Environmental Health to be able to contact an appropriate person in event of complaints. The main contractor is requested to submit contact details to the planning authority and to display them on the site board at the site entrance:
- Details of at Least two relevant named individuals including their job role (one of whom should ideally be an off-site main office contact);
- Postal addresses;
- E-mail details; and,
- Mobile details with a robust arrangement for out of hours' complaints

**REASON:** To comply with Hackney Local Plan 2033 Policy LP58 and London Plan Policy SI 1, to protect air quality and human health by minimising emissions during construction, to minimise nuisance caused by dust, noise and vibration, to avoid hazard and obstruction being caused to users of the public highway and in the interest of public safety and amenity.

**9.1.5 Non-Road Mobile Machinery**

All Non-Road Mobile Machinery (NRMM) of net power of 37 kW and up to and including 560 kW used during the course of site preparation, demolition and construction phases shall comply with the emissions standards of the Mayor of London's NRMM Low Emission Zone. Unless in compliance with the NRMM Low Emission Zone standards, no NRMM shall be on-site, at any time, whether in use or not, without the prior written consent of the local planning authority. The applicant shall keep an up-to-date register of all NRMM used during site preparation, demolition and construction phases on the online register at <https://www.london.gov.uk/programmes-and-strategies/environment-and-climate-change/pollution-and-air-quality/nrmm>

**REASON:** To comply with London Plan 2021 Policy SI 1 and to ensure emissions from the site during the construction phase are acceptable with regard to public health and amenity.

**9.1.6 Cycle Parking**

Prior to the occupation of the development hereby permitted, full details of secure, accessible, on site bicycle storage including location, layout, stand type and spacing, shall be submitted to, and approved in writing by, the Local Planning Authority. A minimum of 70 long-stay and 13 visitor cycle parking spaces should be provided. Such details as approved shall be implemented prior to the first occupation of the development and shall thereafter be retained and maintained.

**REASON:** To ensure adequate cycle parking is provided for residents, employees and visitors in accordance with LP42 of the Hackney Local Plan and Appendix 2 (Cycle Parking Standards) of the Hackney Local Plan and Section 9 of the National Planning Policy Framework.

**9.1.7 Parking, Design & Management Plan**

Prior to first occupation of the development hereby approved, details of the Parking, Design and Management Plan (PDMP) for that phase shall be submitted to, and approved in writing by, the Local Planning Authority. The PDMP(s) shall include:

- a. A scaled layout plan showing the provision of the designated Blue Badge parking bays located within a 50-metre transfer distance of the residential cores they serve. If a 50-metre distance is not technically feasible for all blocks, technical justification must be provided alongside mitigation measures (e.g., covered routes, resting points/seating every 50m).
- b. Identification of zones or potential locations for the remaining 7% of Blue Badge bays to demonstrate future adaptability.
- c. Details of the Electric Vehicle (EV) charging infrastructure for the retained residential parking spaces, including the proposed ratio of active to passive provision and technical specifications of the charging units.

The approved PDMP(s) shall be implemented in full prior to occupation of the phase of development and maintained in perpetuity for the lifetime of the development.

**REASON:** To ensure the development provides safe, accessible, and sustainable parking infrastructure in accordance with London Plan Policies T6 and T6.1 and Hackney Local Plan LP33.

**9.1.8 Delivery & Servicing Plan**

Prior to the occupation of the development a final Delivery and Servicing Plan shall be submitted to and approved by the Local Planning Authority, in consultation with Transport for London, setting out:

- Frequency of deliveries per day/week
- Size of vehicles
- How vehicles would be accommodated on the public highway

Thereafter deliveries and servicing shall be carried out in accordance with the approved plan.

**REASON:** To ensure that the proposed development does not prejudice the free flow of traffic or public safety along the neighbouring highway(s).

**9.1.9 Bird and Bat Boxes**

Prior to the occupation of the development hereby approved, details and full specifications of 4 bird boxes and/or 4 swift bricks/boxes, and 4 bat boxes, shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:

- a. A minimum of 4 swift bricks (same requirements for swift box) incorporated into the design of the development. They should be installed in groups of at least 2, and placed at or close to eaves level of the development hereby approved. They should be placed at least 5m above the ground with a 5m unobstructed flight path, both below and in front of the swift brick. The swift brick should be located facing north, east, or north east (direct sunlight should be avoided) and should not be placed immediately above doors or windows. Where possible, swift bricks should be set flush into the external wall to match adjacent brickwork.
- b. And/or minimum of 4 bird boxes incorporated into the design of the development, with a variety of box types (including different sized entrance holes) to provide habitat for diverse bird species. The boxes should be installed at or close to the eaves level of the development hereby approved. The boxes should be between 3 and 5 metres from the ground, and there should be a clear flight path without any obstructions below and directly in front of the box. The boxes should be facing north, east or north east (direct sunlight should be avoided), and should not be placed immediately above doors or windows. Boxes located in the same area should not be placed too close together.
- c. A minimum of 4 bat boxes incorporated into the design of the development. Boxes should be placed at or close to the eaves level of the development and at least 4m above the ground. The boxes should be placed away from artificial light sources and ideally located near dark tree lines or hedgerows where possible. The boxes should be located facing south, southeast or southwest, and exposed to sun for part of the day. The details hereby approved shall be delivered, in full, prior to the first occupation of the development and shall be maintained for the lifespan of the development

**REASON:** To support bird and bat populations, including swifts, in Hackney and preserve endangered urban biodiversity, by providing nesting opportunities, in accordance with Hackney's Local Plan LP33 policy LP47.

**9.1.10 Ecological Recommendations**

Prior to the commencement of the development, the recommendations set out within section 5 of the Preliminary Ecological Appraisal (ref. ASW/UPLL/020/26/2022) ASW Ecology Ltd prepared by dated June 2022 shall be implemented and the development thereafter be carried out in strict accordance with the details.

REASON: To preserve endangered urban biodiversity, by providing nesting opportunities, in accordance with Hackney's Local Plan LP33 policy LP47.

**9.1.11 Bat Emergence Survey**

Prior to the demolition of the existing buildings on site, a full bat survey shall be undertaken by a licensed ecologist, in line with the recommendation set out within section 5.1 of the Preliminary Ecological Appraisal (ref. ASW/UPLL/020/26/2022) ASW Ecology Ltd prepared by dated June 2022, and shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in strict accordance with the details approved.

REASON: To support bat populations in Hackney and preserve endangered urban biodiversity in accordance with Hackney's Local Plan LP33 policy LP47.

**9.1.12 Japanese Knotweed**

Prior to the commencement of any works on site, all Japanese Knotweed shall be eradicated from the site by specialist contractors only.

REASON: In the interest of eliminating the spread of an invasive species.

**9.1.13 Green Roof**

Prior to commencement of works, full details and specifications of the green roofs shall be submitted to and approved in writing by the Local Planning Authority. Green roofs shall be planted with flowering species that provide amenity and biodiversity value at different times of the year. The submission shall include the following:

- a. Detailed drawings of a roof plan identifying where the green roofs will be located and the measurement of their coverage; this should include other structures on the roof including location of PV panels, roof lights and access points where applicable, and their relationship with the green roof;
- b. The design of the green roof should be in line with GRO's code of best practice;
- c. Section drawings demonstrating a minimum substrate depth of no less than 80mm for a sedum roof;
- d. Details of the proposed type of invertebrate habitat with a minimum of one feature per 30m<sup>2</sup> (where applicable for sedum roofs); which could include areas of bare, unplanted substrates, log piles, boulder or stone piles, sand piles or containers;
- e. Details of the drainage system for the roof;
- f. Details of the planting mix, including a minimum of 9+ species for sedum roof;
- g. All roofs to be sown with a wide mix of species, the roof should not rely on one species of plant life
- h. Management and maintenance plan, including access arrangements, irrigation, and general maintenance actions.

Within a month of the first occupation of the development, evidence must be submitted to and approved by the Local Planning Authority that the green roof(s) has been delivered in line with the approved details unless otherwise agreed in writing. The green roof shall be retained thereafter for the lifetime of the development in accordance with the approved management and maintenance plan.

REASON: To promote biodiversity on site through green roofs, in line with policy LP46 of Hackney's Local Plan.

#### 9.1.14 Sustainable Drainage

No development shall commence, other than works of demolition until full detailed specification of the sustainable drainage system supported by appropriate calculations, construction details, drainage layout and a site-specific management and maintenance plan of the sustainable drainage system has been provided. Details shall include but not limited to the proposed green roofs (with a substrate depth of at least 80mm not including vegetative mats), water butt (with overflow), tanked permeable paving, and the flow control system, which shall be submitted and approved by the LPA in consultation with the LLFA. Surface water from the site shall be managed according to the proposal referred to in the Flood Risk Assessment & Surface Water Drainage Strategy (Job No: 8538, Issue: 4) prepared by Cole Easdon and limit the peak discharge rate to 2 l/s for all return periods up to the 1 in 100 year storm events plus an allowance for climate change.

REASON: In the interest of sustainable drainage.

#### 9.1.15 Land & Finished Floor Levels

Prior to commencement of the superstructure works hereby permitted full details of the proposed land levels of the site and ground floor finished floor levels, which shall comply with the recommendations of section 3.19 of the Flood Risk Assessment & Surface Water Drainage Strategy (Job No: 8538, Issue: 4) prepared by Cole Easdon, shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the details thus approved, which shall be implemented in full prior to the first occupation of the relevant phase of development, and maintained as such for the lifetime of the development.

REASON: In the interest of flood risk mitigation.

#### 9.1.16 Tree Protection

Prior to the commencement of the development, the measures and recommendations set out within the Arboricultural Impact Assessment and Method Statement (ref. 22-1396-Report) prepared by Canopy Consultancy dated June 2022 shall be implemented and the development thereafter be carried out in strict accordance with the details. The measures set out in the approved Tree Protection Plan shall remain in place until the completion of the construction. Any permanent hard surfacing within RPAs of retained trees shall be installed and maintained in line with the approved AMS using a 'no-dig' method.

REASON: To safeguard existing tree(s) in the interests of visual amenity, having regard to Policy LP51 in the Local Plan 2033 (adopted 2020) and pursuant to Section 197 of the Town and Country Planning Act 1990. Details are required prior to the commencement of

development to ensure that trees to be retained are not damaged during site preparation and construction works.

#### **9.1.17 Arboricultural Monitoring (Pre-Commencement)**

Prior to the commencement of development, a qualified tree specialist must be appointed to provide arboricultural supervision and inspection. The details of this appointment and the specialist's responsibilities must be submitted to and approved in writing by the Local Planning Authority. The submission should include the methodology and program for reporting, as well as a timetable for inspections. The approved works must be carried out in strict accordance with the approved details.

REASON: To ensure that works affecting trees are carried out in a professional and controlled manner, safeguarding their health and long-term viability. This is in accordance with good arboricultural practice and is supported by BS 5837:2012 and Policy LP51 of the Hackney Local Plan 2033

#### **9.1.18 Arboricultural Monitoring (Pre-Occupation)**

Upon completion of the development, a report from the appointed arboriculturist must be submitted to and approved in writing by the Local Planning Authority, confirming that all tree protection measures and tree works were carried out in accordance with the approved plans accompanied by photographs taken at critical stages.

REASON: To ensure that works affecting trees are carried out in a professional and controlled manner, safeguarding their health and long-term viability. This is in accordance with good arboricultural practice and is supported by BS 5837:2012 and Policy LP51 of the Hackney Local Plan 2033

#### **9.1.19 Landscaping Plan**

Prior to the occupation of the development, detailed drawings and plans for the soft landscaping scheme for the development shall be submitted to and approved in writing by the Local Planning Authority. The submission will be accompanied by confirmation of the final Urban Greening Factor score.

The details shall include:

- A tree planting plan consisting of a diverse mix of species that follows as a minimum, the 10-20-30% rule (species/genus/family diversity), including both those adapted to changing climatic conditions and native species, which are known to have value to wildlife;
- Soil volumes for proposed tree planting;
- Projected mature height and crown spread of proposed new trees;
- Tree pit specifications and planter specifications for above ground tree planting;
- Methods of tree support - e.g. staking or underground guying and protection - e.g. tree guards, grilles etc;
- A varied plant structure, incorporating flowering plants, evergreen species, and shrubs to enhance habitat diversity including bat friendly plantings;
- A diverse distribution of plant species to avoid block planting;
- A maintenance and management plan to ensure the long-term success of the planting scheme, including details on watering, mulching, weeding, young tree maintenance, removal of guys, stakes and ties when no longer necessary, monitoring, and replacement of failed plants;

- A detailed tree planting plan including details of trees and shrubs showing species, size at planting, type of stock, age of tree at planting, numbers of trees and shrubs to be included;
- Areas to be grass seeded or turfed.

In the event of any tree(s) dying, being removed or becoming seriously damaged or diseased within 5 years from the completion of the development, it shall be replaced within the next planting season with others of similar size and species (unless the Local Planning Authority gives written consent to any variation), and evidence of the replacement shall be submitted and approved in writing by the Local Planning Authority.

All soft landscaping in accordance with the scheme, when approved, shall be carried out within a period of twelve months from the date on which the development of the site commences or shall be carried out in the first planting (and seeding) season following completion of the development, and shall be maintained to the satisfaction of the Local Planning Authority for a period of thirty years, as per biodiversity net gain legislation.

**REASON:** To ensure that the site protects and enhances biodiversity, and in accordance with LP47 and LP51 of the Hackney Local Plan as well as Section 15 of the National Planning Policy Framework.

### 9.1.20 External Lighting Design

No development (other than site clearance, site preparation, demolition and the formation of foundations and trenches) shall commence until an External Lighting Scheme for the building(s) and external area(s), including streets and public realm, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be designed and implemented in accordance with the Bat Conservation Trust guidelines and must be sensitive to wildlife. The lighting design should ensure that:

- Harsh lighting is minimised to avoid making habitats (including the green roofs) unfavourable to local species, particularly bats and other nocturnal wildlife.
- The use of low-intensity lighting is prioritised, ensuring that any light sources do not directly illuminate bat roosts, foraging areas, or flight paths.
- All lighting fixtures are shielded or directed to limit light pollution and to maintain dark corridors that are critical for bat and wildlife movement.

The lighting design should include, inter alia, the following details:

- a. Number and location of proposed luminaires, luminaire light distribution type, lamp type, lamp wattage and spectral distribution, stand type and mounting height, orientation/direction, beam angle (which should be as low as possible), projected light distribution maps of each lamp including light spillage on to any other features such as buildings and trees, and details of any hoods or cowls, and type of control gear and lighting regime (timing and duration of illumination).

The approved lighting scheme shall be implemented prior to the occupation of the development and maintained thereafter in accordance with the approved details.

**REASON:** To protect local wildlife, particularly bats, from the negative impacts of artificial lighting, and to ensure compliance with the Bat Conservation Trust guidelines in accordance with relevant environmental and ecological policies, specifically NPPF Chapter 15 and in the interest of the amenity of surrounding occupiers.

**9.1.21 Contaminated Land**

Prior to commencing the works, for each section of the development or stage in the development, as may be agreed in writing by the Local Planning Authority (LPA), a scheme including the following components to address the risks associated with site contamination shall be submitted to, and approved in writing by, the LPA.

- a) A generic and detailed quantitative risk assessment that identifies the risk to all receptors potentially affected, including those off site;
- b) In the event that remediation measures are deemed necessary following the results of (a), an options appraisal identifying feasible remediation options, detailing evaluation of options, and selecting the most appropriate remediation option(s);
- c) A remediation strategy focused on the remediation option(s) selected in (b) 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;
- d) A verification plan explaining how the effectiveness of the remediation works set out in (c) will be measured, and how data will be collected and assessed to demonstrate that the remediation objectives and criteria will be met;
- e) A verification report demonstrating that remediation objectives and criteria identified in (d) 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, in line with paragraphs H, I and J, LP58 of the Hackney Local Plan 2033 and the Hackney contaminated land strategy 2022/2030.

**9.1.22 Noise Impact Assessment**

Prior to the occupation of the development, the measures and recommendations set out within the Noise Impact Assessment Report (24768.NIA.01) prepared by KP Acoustics dated 14/06/2022 shall be constructed and shall be maintained as such for the lifetime of the development.

**REASON:** To ensure that the recommended internal noise levels are not exceeded and to protect future occupiers of the residential dwellings.

**9.1.23 Sound Insulation within Residential Flats**

A post installation test shall be carried out prior to occupation to demonstrate that all residential premises designed in accordance with "BS8233:2014 - Guidance on Sound Insulation and Noise Reduction for Buildings" achieve the required internal noise levels

cited in Table 5.5 of the approved Noise Impact Assessment Report have been met and the results submitted to the Local Planning Authority for approval in writing.

REASON: To ensure that the amenity of occupiers of the development site is not adversely affected by noise.

### 9.1.24 Plant Noise

Any new 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 noise level (10dB below) when measured from any residential or noise sensitive premises. An assessment of the expected noise levels shall be carried out by a suitably qualified (IOA accredited) and experienced acoustic consultant, in accordance with BS 4142:2014+A1:2019 'Methods for rating and assessing industrial and commercial sound,' and any mitigation measures necessary to achieve the above required noise levels shall be submitted to the Local Planning Authority in writing for approval.

The plant shall thereafter be installed and maintained in accordance with the approved details.

REASON: To protect the amenities of adjoining occupiers and the surrounding area.

### 9.1.25 Energy Statement

Prior to the above ground works of the development hereby approved, a revised Sustainability & Energy Statement shall be submitted to and approved by the Local Planning Authority, providing full details to demonstrate at least the following standards and key metrics have been achieved or improved upon as set out in the hereby approved Energy Statement V1 (ref. 22-E035-011) prepared by Ensphere dated June 2025 and any supporting relevant documents:

- a. Minimum cumulative carbon savings of 69% for the residential units against Part L 2021 regulated emissions.
- b. Minimum carbon savings for the Be Lean category of 11% against Part L 2021 regulated emissions.
- c. Minimum carbon savings for the Be Green category of 58% against Part L 2021 regulated emissions.

The operational carbon emissions shall be calculated using the appropriate methodology, following guidance as set out by the GLA Guide for Energy Assessments.

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

REASON: In the interest of addressing climate change and securing sustainable and net zero development and construction, in accordance with LP54, LP55 and LP56 of the Hackney Local Plan, SI2, SI3, SI4 and SI7 of the London Plan, and Section 14 of the National Planning Policy Framework

**9.1.26 Air Source Heat Pumps (Pre-commencement)**

Prior to above ground works full details of the communal heat pump based heating system specification and supporting drawings shall be submitted to and approved, in writing, by the Local Planning Authority.

This shall demonstrate at least the following standards been achieved or further optimised as set out in the hereby approved Energy Statement V1 (ref. 22-E035-011) prepared by Ensphere dated June 2025 and relevant supporting documents:

- a. Minimum Heat pump Seasonal Coefficient of Performance of 3.5 for the residential system
- b. ASHPs to provide hot water supply and heating supply to provide 100% of heating and hot water for all units and use types.
- c. Details of location of the condenser units from the heat pump systems and noise solutions to mitigate impact for nearby sensitive receptors;
- d. Details of refrigerants that are required confirming a Low or Zero Global Warming Potential (GWP) and Zero Ozone Depleting Potential (ODP)

REASON: In the interest of addressing climate change and securing sustainable and net zero development and construction, in accordance with LP55 and LP56 of the Hackney Local Plan, SI2 and SI3 of the London Plan, and Section 14 of the National Planning Policy Framework.

**9.1.27 Air Source Heat Pumps (Pre-occupation)**

Prior to the occupation of the development hereby approved, full details confirming the installation of the communal heat pump system, including as built heating system (or any other related fixed plant adopted) specification and supporting drawings and installation certificates by an MCS registered installer must be submitted to and approved in writing by the Local Planning Authority confirming the system performance has been achieved or improved upon the pre-commencement figures.

Where compliance is not met, a remedial plan and associated cost plan must be prepared and submitted to the Local Authority for approval detailing the necessary measures to meet the required level of performance.

REASON: In the interest of addressing climate change and securing sustainable and net zero development and construction, in accordance with LP55 and LP56 of the Hackney Local Plan, SI2 and SI3 of the London Plan, and Section 14 of the National Planning Policy Framework.

**9.1.28 DHN future connection readiness (Pre-commencement)**

Prior to the commencement of relevant parts of the development hereby approved, a revised set of information demonstrating the ability for future connection to Decentralised Energy Network (DEN) shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include drawings drafted at the appropriate scale and full detailed specification of the following, but not be limited to:

- a. Updated evidence of 2 ways correspondence between the applicant, the relevant local authority and network provider confirming the identified DHN has the capacity to serve

- the development, as well as supporting estimates of the CO2 emission factor to meet the limit set out in Part L 2021, installation cost and timescales for connection
- b. Layout of energy centre/plant room showing space for future heat exchanger
  - c. Layout of obstacle free safeguarded route between heat exchanger and incoming DEN entry point
  - d. Details of on-site connection with pre-installed and capped with flange
  - e. Details of pre-installed pipework connecting identified plant room/ heat exchanger to proposed heating system(s)

Where it has been robustly demonstrated that a refrigerant based heating system (VRF) is the only viable option, a retrofit plan shall be submitted to and approved in writing by the Local Planning Authority. The retrofit plan should:

1. Detail how such system will be upgraded to a wet system compatible with a local DHN when there is a viable connection opportunity or when the system reaches its end of useful life whichever comes first and
2. Identify who will be responsible to implement the upgrade

### 9.1.29 **DHN future connection readiness (Pre-occupation)**

Prior to the occupation of the development hereby approved, the as-built drawings and specifications to demonstrate the ability for future connection to Decentralised Energy Network (DEN) shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include drawings drafted at the appropriate scale and full detailed specification of the following, but not be limited to:

- a. as built layout of energy centre/plant room showing space for future heat exchanger
- b. as built layout of obstacle free safeguarded route between heat exchanger and incoming DEN entry point
- c. as built details of on-site connection with pre-installed and capped with flange
- d. as built details of pre-installed pipework connecting identified plant room/ heat exchanger to proposed heating system(s)

**REASON:** In the interest of addressing climate change and securing sustainable and net zero development and construction, in accordance with LP55 and LP56 of the Hackney Local Plan, SI2, and SI3 of the London Plan, and Section 14 of the National Planning Policy Framework

### 9.1.30 **Solar PVs**

Prior to installation of the photovoltaic panel array, full details including PV panels system (and any other related fixed plant adopted) specification, operation and maintenance plan, fire safety risk assessment and supporting drawings must be submitted to and approved in writing by the Local Planning Authority to demonstrate that the consented standards have been achieved or improved upon as set out in the hereby approved Energy Statement V1 (ref. 22-E035-011) prepared by Ensphere dated June 2025 and relevant supporting documents:

- a. Solar PV panels annual electricity peak generation of 33kWp
- b. Detailed roof plan (1:50) showing PV array, maintenance and access paths, other plants and services, landscaping including fire breaks where applicable
- c. Detailed Operation & Maintenance manual including fire risk assessment where applicable.

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

Where compliance is not met, a remedial plan and associated cost plan must be prepared and submitted to the Local Authority for approval detailing the necessary measures to meet or improve upon the 'as designed' performance.

**REASON:** In the interest of addressing climate change and securing sustainable and net zero development and construction, in accordance with LP55 of the Hackney Local Plan, SI2 of the London Plan, and Section 14 of the National Planning Policy Framework.

### 9.1.31 Mechanical Ventilation and Heat Recovery (Pre-commencement)

Prior to the above grade works of the development hereby approved, full details including ventilation system (or any other related fixed plant adopted) specification and supporting drawings must be submitted to and approved in writing by the Local Planning Authority to demonstrate at least the following standards been achieved or improved upon as set out in the hereby approved Energy Statement (Revision 01 by AES Sustainability dated 10/09/25):

- a) Minimum MVRH efficiency of a minimum of 75% for residential units unless otherwise agreed in writing with the Local Planning Authority
- b) Details of summer bypass where applicable including provision and location across the development and how this will work in relation to other cooling provisions through the EAHP to provide adequate cooling while reducing carbon emissions.

The MVHR thereby approved shall be installed prior to occupation of the development hereby approved.

**REASON:** In the interest of addressing climate change and securing sustainable and net zero development and construction, in accordance with LP54 and LP55 of the Hackney Local Plan, SI2 and SI4 of the London Plan, and Section 14 of the National Planning Policy Framework.

### 9.1.32 Ventilation System (Pre-occupation)

Prior to the occupation of the development hereby approved, full details including as built ventilation system (or any other related fixed plant adopted) specification and supporting drawings and installation certificates by a suitable contractor must be submitted to and approved in writing by the Local Planning Authority confirming the ventilation system has achieved or improved upon the pre-commencement figures,

Where compliance is not met, a remedial plan and associated cost plan must be prepared and submitted to the Local Authority for approval detailing the necessary measures to meet the required level of performance.

**REASON:** In the interest of addressing climate change and securing sustainable and net zero development and construction, in accordance with LP54 and LP55 of the Hackney Local Plan, SI2 and SI4 of the London Plan, and Section 14 of the National Planning Policy Framework

**9.1.33 Overheating Risk and Cooling Strategy (Pre-commencement)**

Prior to the above grade works of the development hereby approved, a dynamic overheating risk assessment shall be submitted to and approved in writing by the Local Planning Authority, assessing all units and following the CIBSE TM52 (non residential) & TM59 (residential) methodology.

The assessment must include design specific details of how each steps of the Cooling Hierarchy has been implemented, for reference

Step 1: Reduce the amount of heat entering a building in summer through orientation, shading, albedo, fenestration, insulation and green roofs and walls

Step 2: Minimise internal heat generation through energy efficient design

Step 3: Manage the heat within the building through exposed internal thermal mass and high ceilings

Step 4: Passive ventilation

Step 5: Mechanical ventilation

Step 6: Active cooling systems

All report results of the dynamic modelling in line with the CIBSE TM52 and TM59 compliance criteria must clearly set out the pass rate (%) of each of the Cooling Hierarchy steps, using baseline scenario and additional modelled scenario to test all mitigation (passive first, active as last resort) measures required until all units pass the overheating risk assessment, as follows

Step 1 mitigation measures description leading to pass rate of X%

Step 2 mitigation measures description leading to pass rate of XX% etc

All units must be assessed against weather files CIBSE TM49 DSY1, DSY2 & DSY3. Results should demonstrate a 100% pass rate for all units shown under weather file DSY1. In the exceptional circumstances that all units can not be reasonably assessed, a representative sample must be used and include at least one unit for each identified flat type/area type, and any unit subject to the following criteria:

- a. with large glazing areas,
- b. on the topmost floor,
- c. having limited shading,
- d. having large, sun-facing windows,
- e. having a single aspect, or
- f. having limited opening windows

The applicant should provide supporting evidence such as scope drawings highlighting what unit/area have been included in the modelling.

If 100% pass rate is not achieved under weather files DSY2 & 3, a retrofit plan must be submitted to and approved in writing by the Local Authority detailing how further mitigation measures can be installed and who will be responsible to manage future overheating risk for 100% of units to pass under both weather files DSY2 and DSY3

Where any additional remedial mitigation measures are required, the product specifications and details must be provided.

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

REASON: In the interest of addressing climate change and securing sustainable and net zero development and construction, in accordance with LP54 and LP55 of the Hackney Local Plan, SI2, and SI4 of the London Plan, and Section 14 of the National Planning Policy Framework.

#### 9.1.34 **Overheating Risk and Cooling Strategy (Pre-occupation)**

Prior to the occupation of the development hereby approved, a final “as-built” overheating risk assessment shall be submitted and approved in writing by the Local Planning Authority, assessing all units and following the CIBSE TM52 (non residential) & TM59 (residential) methodology, confirming % pass rates for each TM49 weather file have or improved upon pre-commencement figures following the prospective retrofit measures.

REASON: In the interest of addressing climate change and securing sustainable and net zero development and construction, in accordance with LP54 and LP55 of the Hackney Local Plan, SI2, and SI4 of the London Plan, and Section 14 of the National Planning Policy Framework.

#### 9.1.35 **Water Efficiency (Pre-commencement)**

Prior to above ground construction works, strategy, evidence and supporting documentation should be provided and approved in writing by the Local Planning Authority showing how water saving measures, recycling and water efficiency measures have been incorporated in the design to limit both internal and external water use and promote efficient water use.

REASON: To address the need to conserve water, to mitigate and adapt to climate change, taking into account the full range of potential climate change impacts in accordance with the London Plan, Hackney Local Plan policy and the NPPF.

#### 9.1.36 **Water Efficiency (Pre-occupation)**

Prior to first occupation, a statement must be submitted to approved in writing by the Local Planning Authority, confirming that the development has been designed and constructed to be water efficient and reduce water consumption as far as possible, demonstrating that the development will not exceed a maximum water use of 105 litres of water per person per day, with an additional maximum water use allowance for external water consumption of 5 litres.

REASON: To address the need to conserve water, to mitigate and adapt to climate change, taking into account the full range of potential climate change impacts in accordance with the London Plan, Hackney Local Plan policy and the NPPF.

#### 9.1.37 **Sustainable Management of Site Waste**

The applicant is required to ensure that in managing any waste arising from construction processes, including demolition and groundworks and above ground works, that the following targets are met:

- a) Municipal waste recycling rate of 65%
- b) Business waste recycling rate of 75%
- c) Minimum of 95% demolition or site waste diverted from landfill for reuse, recycling or recovery

- d) Minimum of 95% of excavation waste diverted from landfill for beneficial use
- e) Minimum of 20% of the new building material elements are comprised of recycled or reused content

REASON: To reduce carbon emissions, enhance climate resilience, promote the circular economy, and support low carbon development, in accordance with the London Plan SI7, GLA guidance, Hackney Local Plan LP57 and the NPPF.

### 9.1.38 **Secure By Design (Pre-commencement)**

Prior to commencement of any above ground works, a full and detailed application for the Secured by Design award scheme shall be submitted to the Local Planning Authority and the Metropolitan Police Designing out Crime Office and approved in writing, demonstrating how Secured by Design Certification will be achieved for this scheme.

REASON: To ensure that the building functions securely, in a manner consistent with the principles of 'Secured by Design'.

### 9.1.39 **Secure By Design (Pre-occupation)**

Prior to occupation, the development shall achieve a Certificate of Compliance to the relevant Secure by Design Guide(s) submitted to and approved in writing by the Local Planning Authority in conjunction with the Metropolitan Police. The development shall be carried out in accordance with the approved details and thereafter shall be fully retained and maintained as such for the lifetime of the development.

REASON: To ensure that the building functions securely, in a manner consistent with the principles of 'Secured by Design'.

### 9.1.40 **Waste**

Prior to the occupation of the development, the waste storage facilities for the residential units hereby permitted shall be constructed and shall be maintained as such for the lifetime of the development.

REASON: To ensure sufficient refuse and recycling storage within the development.

### 9.1.41 **Accessible Dwellings**

At least 10% units within the development hereby approved shall be completed in compliance with Building Regulations Optional Requirement Part M4 (3) 'wheelchair user dwellings' (or any subsequent replacement) prior to first occupation and shall be retained as such thereafter. The remaining dwellings should also be built and maintained to a minimum of M4 (2) standard.

REASON: To ensure that the development is adequately accessible for future occupiers.

### **Recommendation B**

- 9.2 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 Director of Legal Democratic and Electoral Services:

### Affordable Housing

- Provision of 7 social rent units (1 x 1-bed, 3 x 2-bed, 3 x 3-bed) and 5 intermediate units (3 x 1-bed, 2 x 3-bed)

### Highways & Transportation

- Car Free Development (Non-Blue Badge Holders) to restrict new business uses of the development from obtaining parking permits to park in the surrounding CPZ bays
- Car Club Credit of £60 per new residential unit to the first occupant of each unit
- £10,000 towards to introduction of an Electric Vehicle Car Club
- Travel Plan monitoring fee of £2,000
- Travel Plan
- Construction Logistics and Community Safety (CLOCS) and Construction Logistics Plan (CLP) monitoring fee of £8,750
- S278 Highways Works of £17,005.58.

### Hackney Works Contribution

- Employment and Training Contribution (Construction Phase) of £14,445

### Employment, Skills & Construction

- Employment and Skills Plan to be submitted and approved prior to implementation
- Commitment to the Council's local labour and construction initiatives (25% local labour on site employment and 25% local labour for first five years of operational phase) in compliance with an Employment and Skills Plan
- Active programme for recruiting and retaining apprentices and as a minimum take on at least one apprentice per £2 million of construction contract value and provide the Council with written information documenting that programme within seven days of a written request from the Council
- A support fee of £1,500 per apprentice placement
- If the length of the build/project does not allow for an apprenticeship placement, and it can be demonstrated that all reasonable endeavours have been undertaken to deliver the apprenticeship, a £7,000 fee per apprentice will be payable to allow for the creation of alternative training opportunities elsewhere in the borough
- A full written Procurement Plan detailing the goods, materials, services and works that will be used during the Construction Phase of the Development and the location of the suppliers they have been sourced from
- Considerate Constructors Scheme

### Sustainability

- Carbon Offset contribution of £30,593
- Be Seen reporting and monitoring in line with the London Plan requirements

### Open Space

- Open Space contribution of £125,547.44 to reflect the underprovision of on-site communal open space by 1094sqm.

### Play Space

- Playspace contribution of £9,586.50 to reflect the underprovision of on-site play space by 51 sqm.

### Costs

- Payment by the landowner/developer of all the Council's legal and other relevant fees, disbursements and Value Added Tax in respect of the proposed negotiations and completion of the proposed Legal Agreement, payable prior to completion of the deed.
- Monitoring costs of £6,229.35 payable on completion of the agreement.

### Recommendation C

- 9.3 That the Sub-Committee grants delegated authority to the Director, Environment and Climate Change and Assistant Director Planning and Building Control (or in their absence either the Growth Team Manager or DM & Enforcement Manager) to make any minor alterations, additions or deletions to the recommended conditions and legal agreement heads of terms 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).

## 10.0 INFORMATIVES

The following informatives should be added:

- SI.1 Building Control
- SI.2 Works Affecting Public Highway
- SI.7 Hours of Building Works
- SI.24 Naming and Numbering
- SI.50 S106 Agreement
- SI.59 CIL

### **Groundwater Risk Management (Thames Water)**

A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team

### **Underground Water Assets (Thames Water)**

The proposed development is located within 15m of Thames Waters underground assets and as such, the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. Should you require further information please contact Thames Water.

**Minimum Pressure (Thames Water)**

Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

**Secure by Design**

The applicant must seek the continual advice of the Metropolitan Police Service Designing out Crime Officers (DOCOs) to achieve accreditation. The services of MPS DOCOs are available free of charge and can be contacted via [docomailbox.ne@met.police.uk](mailto:docomailbox.ne@met.police.uk).

**Unexploded Ordnance**

Before any excavation works start, it is best practice to carry out a UXO survey. It is therefore recommended that a preliminary UXO assessment is undertaken and results are provided to the main contractor responsible for Health & Safety matters on and off site under the CDM Regs 2015.

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

**Natalie Broughton** - Assistant Director of Planning & Building Control

No.	Background Papers	Name, Designation & Telephone Extension of Original Copy	Location Contact
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  Other background papers referred to in this report are available for inspection upon request to the officer named in this section.  All documents that are material to the preparation of this report are referenced in the report	Alix Hauser Planning Officer X 6377	1 Hillman Street London E8 1DY