



P L A N N I N G S U B - C O M M I T T E E

**Wednesday 3 May 2023
at 6.30 pm Council Chamber, Hackney
Town Hall**

SUPPLEMENTARY PAPER: ADDENDUM

Members of the Sub-Committee:

Cllr Steve Race (Chair), Cllr Jessica Webb (Vice Chair), Cllr Michael Desmond, Cllr Clare Joseph, Cllr Michael Levy, Cllr Jon Narcross, Cllr Clare Potter, Cllr Ali Sadek, Cllr Lee Laudat-Scott, and Cllr Sarah Young.

Substitute Sub-Committee members:

Cllr Claudia Turbet-Delof, Cllr Shaul Krautwirt, Cllr M Can Ozsen, Cllr Benzion Papier, Cllr Fliss Premru, and Cllr Ifraax Samatar.

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Planning Sub-Committee

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(Pages 3 - 12)

LONDON BOROUGH OF HACKNEY

PLANNING SUB-COMMITTEE
03/05/2023

ADDENDUM SHEET

ITEM 5: 2020/4116: 10-13, Urban Hive, Theydon Road, Hackney, London, E5 9BQ

In para 6.5.13 reference is made to a financial contribution of £167,525 to health infrastructure in the area that was requested by the NHS. Since the report was written the applicant has had a chance to respond to this request and they say that paying the contribution would mean a reduction in affordable housing provision. Given what we know about the viability of the scheme the applicant's claim seems reasonable. In this instance the provision of affordable housing is considered to be a greater priority than the health infrastructure contribution, especially as the scheme would deliver 48 new homes, below the threshold of 50 new homes set out in the Planning Obligations SPD. There is no suggestion that the scheme has been manipulated to be below the threshold.

In para 8.1.21 of the Officers' report a condition is provided limiting the use of commercial space to light industry, research and development and offices. It is now proposed to amend the condition to limit use of the ground floor to light industry with the original restriction applying to the first floor. The justification for this is to promote the use of industrial uses within the Priority Industrial Area. The revised wording of the proposed condition is as follows:

8.1.21 Commercial use

The use of the ground floor of the commercial premises hereby approved shall fall within the Use Class E(g)(iii) [light industry] and use of the first floor of the commercial premises hereby approved shall fall within the Use Class E(g) [offices, research and development, light industry] of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 only and for no other use.

Reason: To ensure the commercial premises are used for employment purposes and not for the other uses within Use Class E, in accordance with adopted employment policies.

In para 8.1.22 of the Officers' report reference is made to a number of conditions relating to sustainability measures. The full wording of those proposed conditions is given below and the recommendation within the officer report revised to read as follows;

8.1.22 Energy Statement 1

Prior to the commencement of construction works associated with the development hereby approved, a revised Energy Statement shall be submitted to and approved by the Local Planning Authority, providing 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 (prepared by XCO2 dated March 2023):

- a) Minimum carbon savings of 17% / 8.7 tonnes against Part L 2013 through fabric efficiency for residential units and 18 %/ 5.2 tonnes for non residential units.
- b) Minimum overall carbon savings of 56 % / 28 tonnes against Part L 2013 for residential units and 53% / 14.7 tonnes for non residential units.
- c) U-values as follows; Wall = 0.15; Floor = 0.10; Roof = 0.10; Windows and Doors = 1.1 (residential) and 1.2 (non residential).
- d) Thermal bridging value of 0.08.
- e) Space Heating demand (kWh/sqm/yr) using a predictive modelling calculation methodology.
- f) Energy Use Intensity using a predictive modelling calculation methodology.

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

REASON: To ensure that the sustainability credentials of the proposed development are acceptable in order to help address climate change and in accordance with adopted policies.

8.1.23 Energy Statement 2

Prior to the occupation of the development, a Final “as-built” Energy Statement shall be submitted and approved by the Local Planning Authority confirming the following key metrics have been achieved or improved upon the pre-commencement figures:

- a) As-built U-values: walls/cladding; walls/non cladding; floors ; roof; windows and doors using 'through wall' calculations for each component and relevant datasheets
- b) As-built Space Heating demand in kWh/sqm/yr using as-built modelling calculations
- c) As-built Energy Use Intensity in kWh/sqm/yr using as-built modelling calculations

Where compliance is not met, within 6 months of first occupation of the development a remedial plan shall be prepared and submitted to and approved by the Local Authority for approval detailing the necessary measures to meet or improve upon the ‘as designed’ performance. Shortfalls may attract an additional financial contribution to the carbon offset fund that will be secured by a variation to the associated legal agreement.

REASON: To ensure that the sustainability credentials of the proposed development are acceptable in order to help address climate change and in accordance with adopted policies.

8.1.24 Emission reporting

The final as-built GLA carbon Emission Reporting spreadsheet should be submitted to the GLA at ZeroCarbonPlanning@london.gov.uk, along with any supporting evidence as per the relevant GLA guidance.

REASON: To ensure that the sustainability credentials of the proposed development are acceptable in order to help address climate change and in accordance with adopted policies.

8.1.25 Whole Life and Embodied carbon 1

Prior to the commencement of works of construction associated with the development hereby approved, a revised Whole Life Carbon Assessment shall be submitted to and approved by the Local Planning Authority, providing full details to demonstrate at least the following standards have been met, as set out in Sustainability statement hereby approved (prepared by XCO2 dated February 2023):

- a) Upfront embodied carbon (modules A1-A5) 300 kg CO₂e/sqm - excluding sequestration
- b) Life embodied carbon (modules A1-A5, B1-B5, C1-C4) 625 kg CO₂e/sqm - excluding sequestration
- c) Whole embodied carbon (modules A1-A5, B1-B7, C1-C4) (kg CO₂e/sqm) - excluding sequestration
- d) Updated Greater London Authority - Whole Life-Cycle Carbon (WLC) Assessment template

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

REASON: To ensure that the sustainability credentials of the proposed development are acceptable in order to help address climate change and in accordance with adopted policies.

8.1.26 Whole life and Embodied carbon 2

Prior to the occupation of the development, a Final “as-built” Whole Life Carbon assessment based on the actual materials, products and systems used shall be submitted to and approved in writing by the Local Planning Authority confirming the following key metrics have been achieved or improved upon the pre-commencement figures and provide:

- a) Upfront embodied carbon (modules A1-A5) in kg CO₂e/sqm - excluding sequestration
- b) Life embodied carbon (modules A1-A5, B1-B5, C1-C4) in kg CO₂e/sqm - excluding sequestration
- c) Whole embodied carbon (modules A1-A5, B1-B7, C1-C4) in kg CO₂e/sqm - excluding sequestration
- d) Final as built Greater London Authority - Whole Life-Cycle Carbon (WLC) Assessment template

REASON: To ensure that the sustainability credentials of the proposed development are acceptable in order to help address climate change and in accordance with adopted policies.

8.1.27 Whole life carbon reporting

The final as-built GLA WLC assessment should be submitted to the GLA at: ZeroCarbonPlanning@london.gov.uk , along with any supporting evidence as per the relevant GLA guidance.

REASON: To ensure that the sustainability credentials of the proposed development are acceptable in order to help address climate change and in accordance with adopted policies.

8.1.28 Circular Economy 1

Prior to the commencement of the development hereby approved, a Circular Economy statement shall be submitted to and approved by the Local Planning Authority, including the following:

- a) Minimum recycled and reused content (%) for all selected products and material of the whole development
- b) Minimum GGBS content of (%) for all concrete elements
- c) Written evidence of engagement either as donor or receiver with Material Exchange Platform
- d) Updated Greater London Authority - Circular Economy Statement template
- e) Updated supporting reports: Pre-Redevelopment Audit, Pre-Demolition Audit, Operational Waste Management Plan, Construction Waste Management Plan, Bill of Material, Cradle to Cradle certification

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

REASON: To ensure that the sustainability credentials of the proposed development are acceptable in order to help address climate change and in accordance with adopted policies.

8.1.29 Circular economy 2

Prior to the occupation of the development, a Final “as-built” Circular Economy statement based on the actual materials, products and systems used shall be submitted to and approved in writing by the Local Planning Authority confirming the following key metrics have been achieved or improved upon the pre-commencement figures:

- a) Minimum recycled and reused content for all selected products and material of the whole development
- b) Minimum GGBS content of for all concrete elements
- c) Final as built Greater London Authority - Circular Economy Statement template
- d) Final as built supporting reports: Pre-Redevelopment Audit, Pre-Demolition Audit, Operational Waste Management Plan, Construction Waste Management Plan, Bill of Material, Cradle to Cradle certification

In addition, the final as-built Circular economy statement should be submitted to the GLA at ZeroCarbonPlanning@london.gov.uk , along with any supporting evidence as per the relevant GLA guidance.

REASON: To ensure that the sustainability credentials of the proposed development are acceptable in order to help address climate change and in accordance with adopted policies.

8.1.30 Overheating 1

Prior to the commencement of works of construction associated with the approved development a dynamic overheating risk assessment shall be submitted to and approved by the Local Authority, assessing all units and following the CIBSE TM52 (non residential) & TM59 (residential) methodology. 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. If 100% pass rate is not achieved under weather files DSY2 & 3, a retrofit plan must be submitted to and approved by the Local Authority detailing how further mitigation measures can be installed 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 shall not be carried out otherwise than in accordance with the details thereby approved.

REASON: To ensure that the sustainability credentials of the proposed development are acceptable in order to help address climate change and in accordance with adopted policies.

8.1.31 Overheating 2

Prior to the occupation of the development, 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: To ensure that the sustainability credentials of the proposed development are acceptable in order to help address climate change and in accordance with adopted policies.

8.1.32 Connection ready

Prior to the commencement of works of construction associated with 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) Layout of energy centre/plant room
- b) Layout of obstacle free safeguarded route between heat exchanger and incoming DEN entry point
- c) Details of on-site heat exchanger/pipework connection to incoming DEN
- d) Details of on-site connection with pre-installed and capped with flange
- e) Details of pre-installed pipework connecting identified plantroom/ heat exchanger to proposed heating system(s)

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

REASON: To ensure that the sustainability credentials of the proposed development are acceptable in order to help address climate change and in accordance with adopted policies.

8.1.33 Air permeability

Prior to occupation of the development hereby approved, a full air permeability test report confirming all units have achieved an air permeability of 3 m³/h/m²@50pa for residential units and 4 m³/h.m² @50mPA for non residential units as set out in the hereby approved Energy Statement (prepared by XCO2 dated March 2023) shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that the sustainability credentials of the proposed development are acceptable in order to help address climate change and in accordance with adopted policies.

8.1.34 Heat pump and highly efficient boilers - Hybrid heating

The development hereby approved shall achieve no less or improve upon the following criteria, as set out in the submitted Energy strategy (prepared by XCO2 dated March 2023) prior to occupation and shall be retained as such in perpetuity; Details must be submitted to the Local Authority for approval.

- a) Heat pump Coefficient of Performance of 3.25 (residential) and 4 (non residential)
- b) High efficiency boiler 97%
- c) Provide installation certificate by MSC registered installer

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. Shortfalls may attract an additional financial contribution to the carbon offset fund that will need to be secured by a variation to the associated legal agreement.

REASON: To ensure that the sustainability credentials of the proposed development are acceptable in order to help address climate change and in accordance with adopted policies.

8.1.35 Active cooling

Prior to the occupation of the development hereby approved, full details including installation certificates by MSC registered installer must be submitted to and approved by the Local Authority providing full details to demonstrate at least the following standards have been met, as set out in the hereby approved Energy statement (prepared by XCO2 dated March 2023):

- a) Specifications of individual air conditioning system with R290 refrigerant, A+ rating
- b) Provide installation certificate by MSC registered installer

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. Shortfalls may attract an additional financial contribution to the carbon offset fund that will need to be secured by a variation to the associated legal agreement.

REASON: To ensure that the sustainability credentials of the proposed development are acceptable in order to help address climate change and in accordance with adopted policies.

8.1.36 PV panels

Prior to the occupation of the development hereby approved, full details including installation certificates by MSC registered installer must be submitted to and approved by the Local Authority providing full details to demonstrate at least the following standards have been met, as set out in the hereby approved Energy statement (prepared by XCO2 dated March 2023):

- a) Solar PV panels annual electricity generation of 11,126 kWh
- b) Solar PV panels capacity of 14,63 kWp
- c) Solar PV panels array of 77 sqm
- d) Provide installation certificate by MSC registered installer

REASON: To ensure that the sustainability credentials of the proposed development are acceptable in order to help address climate change and in accordance with adopted policies.

8.1.37 BREEAM 1

Prior to the commencement of works of construction associated with the development hereby approved, the BREEAM Interim Design Certificate shall be submitted to and approved by the Local Planning Authority, providing full details to demonstrate at least the following standards have been met, as set out in the hereby approved BREEAM pre-assessment (prepared by XCO2 dated February 2023) - targeted credits must be presented in a tracker comparing credits targeted at BREEAM Pre Assessment stage:

a) Minimum BREEAM Rating of 67.6% targeting the following credits : Ene 01, Ene 02 Ene 03, Ene 05, Ene 06, Wat 01, Wat 02, Wat 03, Wat 04, Mat 01, Mat 02, Mat 03, Mat 04, Mat 05, Mat 06, Wst 01, Wst 02, Wst 03, Wst 04,, Wst 05, Wst 06

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

REASON: To ensure that the sustainability credentials of the proposed development are acceptable in order to help address climate change and in accordance with adopted policies.

8.1.38 BREAM 2

Within 12 weeks of occupation of the development, the BREEAM Final Design Certificate shall be submitted to and approved by the Local Planning Authority, providing full details confirming the final rating and credits have been achieved or improved upon the pre-commencement figures. Achieved credits must be presented in a tracker comparing credits achieved at BREEAM Interim Certification stage.

REASON: To ensure that the sustainability credentials of the proposed development are acceptable in order to help address climate change and in accordance with adopted policies.

ITEM 6: 2022/1680 Development House, 56-64 Leonard Street, London, EC2A 4L

Air Quality Assessment

During the course of the application, the applicants have produced an Air Quality Assessment. Paragraph 4.84 of the report should be amended to state:

4.8.4 Pollution Air:

No objection. The submitted Air Quality Assessment allows us to be satisfied that the air quality impacts on neighbouring occupants from the development and on future occupants will not be significant. This is based on it being a car-free development and their information that emissions associated with energy are negligible.

The applicants have acknowledged that there is the potential for dust to impact on neighbouring receptors during the construction phase. In order to mitigate these impacts and avoid causing both nuisance and/or exceedences of air quality objectives, measures will need to be set out in a Construction Management Plan and implemented. This should be required by condition. Also, a separate stand alone condition should be applied using the standard GLA-recommended wording for NRMM.

The two recommended conditions were already within the report. The recommended

condition under paragraph 8.1.20, requiring an Air Quality Assessment to be submitted, should be deleted.

Wesley's Chapel

Following discussions with the Borough's Heritage Officer in relation to the impacts on Wesley's Chapel, we note that the proposed development is marginally visible in View 2 of the TVIA addendum and that, rather than 'neutral' the impact in View 4 should be considered at the "low end of less than substantial' harm. As such, the following paragraph should be amended as follows:

6.4.22 In relation to this objection we note that the application does not increase the massing from that which was previously approved. Wesley's Chapel is 200m from the application site and the view shown in Figure 4 of the TVIA addendum is at a further considerable distance from the Chapel (160m) because closer views either show no portion, or only a very marginally visible portion, of the proposed building. In Figure 4 the proposal appears only in the corner of the view, to the side of the Chapel and, in addition, it would actually be shielded from view throughout the year by the many trees in between. As such, the harm to the setting of Chapel is considered to be at the low end of less than substantial and is acceptably balanced against the public benefits of the scheme.

Conclusions to the Urban Design, Conservation and Heritage Impacts Section

An erroneous line in the last paragraph (6.4.32) of the Urban Design, Conservation and Heritage Impacts conclusions should be removed. It referred to "the public benefit of its reuse and restoration". The paragraph should be amended to read.

6.4.32 Subject to the recommended details, it is considered that the proposal would achieve an acceptable standard of design that would enhance the townscape and the setting of neighbouring conservation areas and thereby achieve the design aspirations of local and regional policy. Less than substantial harm is caused to the setting of listed buildings and this is considered to be balanced acceptably against the public benefits of the proposals, in line with Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Biodiversity Net Gain

As written, the report did not refer to an area of the existing site with planters providing some existing biodiversity. As such, paragraph 4.5.1 should be amended to read:

6.5.1 London Plan Policy G7 (Biodiversity and access to nature), along with Local Plan 2033 policy LP47 (Biodiversity and Sites of Importance of Nature Conservation) state proposals should contribute to urban greening and increase biodiversity. The existing site is given over to buildings and hard surface, with some planters at lower ground floor level to the south side of the existing building. In contrast, the submitted Biodiversity Net Gain document by Watermans shows that a net gain in biodiversity of 621% is proposed, with biodiverse living roofs and climbing plants on the walls at roof level. A policy compliant Urban Greening Factor of 0.30 is achieved, with specific details of the biodiverse roofs and landscaping to be secured by condition. A further condition is recommended in relation to the inclusion of bird and bat boxes or bricks on the extension. The application form states that the proposal would not have any impact on neighbouring trees.

Blue Badge Parking Spaces

The number of required blue badge car parking spaces in the conclusion to the Transport assessment should be one, in line with the assessment in the paragraphs above. As such, the amended paragraph 6.5.2 would read:

6.5.1 The proposal is considered acceptable, subject to the provision of conditions in relation to a Delivery and Servicing Plan, cycle parking spaces, a Construction Management Plan and the Servicing Bay on Kiffen Street along with legal agreement Heads of Terms in relation to the removal of parking permits, a Travel Plan, one on-street blue badge space and the charge for the relevant highways works and TfL Cycle Hire Scheme.

Kiffen Street

Following a query by the applicant and a clarification from the Highways team, one of the Heads of Terms to the legal agreement should be amended to remove reference to ‘cyclists and pedestrians’. This is a private road and the purpose of the Heads of Terms (and the condition) is to make sure that the servicing bay to the rear is always available, not to provide a public through route.

Kiffen Street Access

- Permanent access from Kiffen Street to the north - will remain open for delivery and servicing vehicles at all times.

Odour (Restaurant Use)

Since the ground floor use could include a restaurant, the following assessment should be added to the amenity section:

6.5.33 *Odour*

6.5.34 The ground floor flexible use could include a restaurant. It is noted that no flue is proposed to discharge any cooking odours at high level. Leonard Circus operates as a street food market and there are no existing residential premises directly adjacent, so it is considered unnecessary to prevent primary cooking in this space. Nevertheless, the lack of a ground level extract system, or a poorly maintained ground level extract system, would have the potential to cause amenity impacts. As such, two recommended conditions would require the provision of such a system and its maintenance.

The two proposed conditions would read:

8.1.42 Mechanical Ventilation Equipment

No primary cooking shall take place in the development hereby approved until full details of mechanical ventilation equipment have been submitted to and approved in writing by the Local Planning Authority. The details shall include but not be limited to:

- Background noise survey
- Full specification of the proposed ventilation and extract system
- Details and specification of the activated carbon filters (with a minimum dwell time of 0.4s); grease filters; particulate filters; and electrostatic precipitator.

The use shall thereafter be carried out only in accordance with the details thereby approved.

REASON: In the interests of the amenity of existing and future residents of the Borough.

8.1.43 Mechanical Ventilation Equipment maintenance

Any extraction equipment installed to service the ground floor restaurant unit shall be regularly maintained to ensure its continued satisfactory operation and the cooking operation shall cease to operate if at any time the extraction equipment ceases to function to the satisfaction of the Local Authority, in order to ensure the use does not result in excessive cooking odours outside the premises and that no nuisance to the residents occupying the nearest residential premises is caused.

REASON: In the interest of amenity of existing and future residents of the Borough.

Fire Statement

Since the report was written the applicants have amended the submitted Fire Statement to Revision 3 and the GLA have agreed that remaining considerations to be discussed are minor in nature and not material to the planning decision. These will be dealt with prior to the GLA's Stage 2 review of the referral and prior to any final decision.

ITEM 8: 2022/2678: 15, Keir Hardie Estate, Springfield, Hackney, London, E5 9AT

There are other examples of community uses located within the area which were not included, and paragraph 5.4.4 should be amended to read:

5.4.4 According to the Planning Statement the nearest community hall to the site is the Lea View Community Hall, Springfield, London, E5 9DX which is fully accessible and DDA compliant. This is situated 182 metres from the application site. Officers have also found Wrens Park Community Centre and Webb Estate Community Hall situated 0.4 and 0.3 miles from the application site, respectively, which are both fully accessible and DDA compliant. There are also other larger more accessible facilities in the area which are not operated by the council, including the Northwold Community Hall (450 metres from site).

Paragraph 5.8.5 - delete paragraph and replace with the following:

“5.8.5 In terms of accessibility, step-free access is provided at the front entrance which is in accordance with guidance. “

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

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