

ADDRESS: 2-4 Orsman Road, London, N1 5NQ	
WARD: Hoxton East and Shoreditch	REPORT AUTHOR: Gerard Livett
APPLICATION NUMBER: 2019/4090	VALID DATE: 26/11/2019
DRAWING NUMBERS: PL001; PL002; PL010/B; PL011/A; PL012/A; PL020/D; PL200/D; PL201/B; PL202/B; PL203/B; PL204/A; PL400/A; PL401; PL402/A; PL403/A; PL420/C; PL421/C; PL422/C; PL423/C; PL424/B; PL450/B; PL500/B; PL600/B; PL601/B; PL602/B; Planning Statement; Design and Access Statement Rev E; Heritage Statement; Transport Statement; Daylight and Sunlight Report; Ecology Report by eight associates; Phase 1 Desktop Study Report reference DTS/9913 Rev 1	
APPLICANT: Basin Properties Ltd C/o Agent	AGENT: Oliver Eaves Savills 33 Margaret Street London W1G 0JD
PROPOSAL: Erection of part three- and part four-storey building to provide office floorspace with ancillary refuse and cycle storage and landscaping.	
POST SUBMISSION REVISIONS: Revised drawings indicating changes to fenestration and elevation treatments received, which were subject to a second round of consultation	
RECOMMENDATION SUMMARY: Grant planning permission, subject to conditions	
NOTE TO MEMBERS:	

This application is referred to members due to the level of public interest received

ANALYSIS INFORMATION

ZONING DESIGNATION:	(Yes)	(No)
CPZ	Yes – Hoxton (F)	
Conservation Area	Yes – Kingsland and Regents Canal	
Statutory Listed Building		X
Locally Listed Building		X
Priority Office Area (POA)	Yes - Kingsland	
City Fringe Opportunity Area	Yes	
Central Activities Zone	Yes	

LAND USE DETAILS:	Use Class	Use Description	Floorspace
Existing	Vacant part of site	Storage / Parking	600 (Site Area)
Proposed	B1	Office	590 (GEA)

RESIDENTIAL USE DETAILS:	Residential Type	No of Bedrooms per Unit				
		1	2	3	4	5+
Existing		0	0	0	0	0
Proposed		0	0	0	0	0
Totals	(Total = 0)					

PARKING DETAILS:	Parking Spaces (General)	Parking Spaces (Disabled)	Bicycle storage
Existing	4 (formal)	0	0
Proposed	4	0	16

1. SITE CONTEXT

- 1.1. The site is located on the south side of the Regent's Canal and is on land to the north of Orsman Road and to the west of Kingsland Road.
- 1.2. Kingsland Road forms part of the Transport for London Road Network, and

Orsman Road is a London Borough of Hackney highway.

- 1.3. The site is within both the Kingsland and the Regent's Canal Conservation Areas and is within the safeguarding area for CrossRail 2. The Kingsland Road bridge over the Regent's Canal is locally listed.
- 1.4. The site is within the Kingsland Priority Office Area and the Core Growth Area of the City Fringe Opportunity Area.
- 1.5. The red line site is within the wider complex forming 2-4 Orsman Road, which includes a two-storey building to the west of the site, in use for residential purposes, a two-storey building to the south, also in residential use, and a three-storey building to the east, in mixed residential, commercial and live / work uses.
- 1.6. The canal to the immediate north is a site of importance for nature conservation and forms part of the open space and blue ribbon networks.

2. **CONSERVATION IMPLICATIONS**

- 2.1. The site is within both the Kingsland and Regents Canal Conservation Areas. Kingsland Bridge, to the east, is locally listed.

3. **RELEVANT HISTORY**

- 3.1. 21/07/2003 - An appeal for non-determination was DISMISSED for, 'Erection of six storey plus basement buildings to provide 572 sqm of B1 office floorspace, 49 residential units comprising 18 x 2 bedroom and 31 x 1 bedroom units, 12 live/work units together with 40 car parking spaces in basement.' (2002/0007) The appeal was dismissed on the grounds that the proposed building would have had an overbearing impact to the industrial buildings at the southern part of the site.
- 3.2. 31/03/2006 - Planning permission was GRANTED for, 'Retention of replacement cooling tower at the rear facing the canal.' (2005/0345)
- 3.3. 20/09/2011 - Planning permission was GRANTED for, 'Removal of existing manual palisade entrance gates and gate posts. Installation of new automated gates, with pedestrian and vehicular access, via intercom and proximity reader system.' (2011/1860)

- 3.4. 22/08/2012 - A planning application was WITHDRAWN for, 'Extension and refurbishment, including the installation of pontoons to existing canal mooring, on the Regents Canal; two new containers for services to moorings, new bin store and cycle storage, alterations to car parking layout.' (2012/1858)
- 3.5. 01/06/2015 - A planning application was WITHDRAWN for, 'Change of use of four residential units within 2-4 Orsman Road from residential (C3) to office (b1) [280sqm] and erection of six storey building to create 7 new dwellings (3 x 1 bed, 3 x 2 bed, 1 x 3 bed) [net gain of 3 units]; refurbishment of ground floor commercial space; external alterations comprising creation of new larger windows at ground floor level on Orsman Road frontage, repainting and façade repairs; creation of new landscaped area at canalside; provision of associated cycle parking and refuse storage.' (2015/0994)
- 3.6. 06/04/2017 - Planning permission was REFUSED for, 'Installation of four shipping containers in two groups each 2 containers high for storage (Use Class B8) purposes (retrospective application).' (2017/0059)
- 3.7. 08/01/2018 - An appeal against an Enforcement Notice was DISMISSED. The notice required the removal of the four shipping containers within one month. (2016/0028/ENF) The appeal was dismissed on the grounds that the containers were an incongruous form of development at the site. The containers have since been removed.
- 3.8. 13/09/2018 - Planning permission was REFUSED for, 'Erection of a 5-storey building to provide commercial floorspace (Use Class B1) at ground, first and second floors with 4 residential units (Use Class C3) at third and fourth floors; associated development including landscaping and cycle and refuse stores.' (2018/2519). The application was refused on the grounds of bulk, scale and mass of the proposal building, the impact to the amenities of neighbouring residential occupiers.
- 3.9. Current application for 'Creation of 3 permanent residential moorings with associated timber decking and service bollards.' (2020/1281)

3.10. RE: 6 Orsman Road

3.11. 17/12/2015 - Planning permission was GRANTED for: 'Demolition of existing building and erection part-3, part-5 and part-6 storey building to provide 4,625.5sqm of office floorspace (use class B1).' (2015/2258)

4. **CONSULTATIONS**

4.1. Date Statutory Consultation Period Started: 28/11/2019

4.2. Date Statutory Consultation Period Ended: 29/12/2019

4.3. Date second consultation (on revised drawings) period started: 06/05/2020

4.4. Date second consulted period ended: 14/06/2020

4.5. Site Notice: Yes.

4.6. Press Advert: Yes

4.7. Consultation letters were sent to 67 neighbouring occupiers. 29 letters of objection have been received raising the following grounds:

- Proposal would change the community at Canalside Studios and would also change the character of the area which would benefit from outdoor renovation
- Loss of light to commercial studios and potential for overlooking; loss of car parking space; security impact of additional comings and goings; proposed building would be another poor quality development of the type that is eroding the character of the borough
- Loss of light and impact to quality of life; overbearing appearance; difficulty using the parking space
- Loss of trees and wildlife; overshadowing of the canal; noise and light pollution; impact to SINC, including the bat corridor
- Impact of noise; noise during construction; loss of quality of life
- Building is too close to front edge of canal; building is out of scale with the surroundings
- Design is uninspired

4.8. The above objections, plus all material planning considerations are addressed in the relevant sections of the report.

Statutory Consultees

4.9. Canal and River Trust

The main issues relevant to the Trust as statutory consultee on this application are:

- a) The impact on the character and appearance of the canal corridor and the heritage significance of the Regent's Canal Conservation Area
- b) The impact on the structural integrity of the Regent's Canal
- c) The impact on the water quality of the Regent's Canal

d) The impact on the biodiversity of the canal corridor

Based on the information available our substantive response (as required by the Town & Country Planning (Development Management Procedure) (England) Order 2015 (as amended)) is the following general advice:

The Trust had no objection to the previous application, but the reduction in mass is broadly welcomed, but the quality of the design is not as high as the previous scheme. A landscaping scheme should be required for clarity about canalside landscaping.

The Daylight and Sunlight study considers the impact of the proposal on boats moored on the towpath and offside of the canal, but not the impact on the canal and towpath as a piece of open space in its own right.

Further details will need to be submitted to enable the Trust to confirm that the development will not have an adverse impact on the structural integrity of the waterway.

Details of SuDS have not been provided, and the method of discharge, whether to the canal or not, would need to be clarified.

The proposal will increase overshadowing of the Regent's Canal. The lack of sunlight can restrict the growth of invertebrates, impacting a plethora of higher species. This would therefore need to be mitigated.

A line of marginal habitat has been installed, which should be made good. We suggest new floating habitat of a minimum length of 50m in the no mooring section adjacent to the towpath to the west. This would need to include a maintenance agreement with the Trust and the Wildlife Gardeners of Haggerston.

A lighting strategy should be secured by condition to minimise the impact of external lighting on fauna, such as bats.

Use of, or access to, the Trust's land would require the Trust's prior agreement.

We recommend a number of informatives and conditions including:

Landscaping

Waterway wall surveys

Foundations

Risk Assessment and Method Statement

Drainage

External Lighting

Access

Surface water discharge

The Trust commented on this application in December 2019 (our reference CRTR-PLAN-2019-28748). We expressed the view that the quality of the proposed design was not as high as in the 2018 scheme. We welcome the changes that have been made, which we consider address our comments on the appearance of the building. Other comments and requests for conditions made by the Trust on the application in our December 2019 response are unaffected by the proposed changes. We ask that the Council continue to have regard to these in determining the application.

4.10. CrossRail 2 Safeguarding

This application relates to land within the limits of land subject to consultation by the Crossrail 2 Safeguarding Direction. If the Council, in its capacity as Local Planning Authority, is minded to grant planning permission, please apply the following conditions on the Notice of Permission:

C1 None of the development hereby permitted shall be commenced until detailed design and construction method statements for all the ground floor structures, foundations and basements and for any other structures below ground level, including piling (temporary and permanent), have been submitted to and approved in writing by the Local Planning Authority which:

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

The development shall be carried out in all respects in accordance with the approved design and method statements. All structures and works comprised within the development hereby permitted which are required by paragraphs C1(i), (ii) and (iii) and of this condition shall be completed, in their entirety, before any part of the building[s] [is] [are] occupied.

Informative:

Transport for London is prepared to provide information about the proposed location of the Crossrail 2 tunnels and structures. It will supply guidelines about the design and location of third party structures in relation to the proposed tunnels, ground movement arising from the construction of the tunnels and noise and vibration arising from the construction and use of the

tunnels. Applicants are encouraged to discuss these guidelines with the Crossrail 2 engineer in the course of preparing detailed design and method statements.

In addition, the latest project developments can be found on the Crossrail 2 website www.crossrail2.co.uk , which is updated on a regular basis.

I hope this information is helpful, but if you require any further information or assistance then please feel free to contact a member of the Safeguarding Team on 0343 222 1155, or by email to crossrail2@tfl.gov.uk

4.11. Transport for London

The site is located in close proximity to the A10 Kingsland Road which forms a part of the TLRN. TfL is the highway authority for the TLRN.

While the proposed provision of 16 cycle parking spaces is welcomed, shower and changing facilities should also be provided for the office space in line with the Draft London Plan cycle parking standards, and LCDS.

It is imperative that road safety measures are considered and preventative measures delivered through the construction and operational phases of the development. TfL encourages the use of contractors who are registered under silver membership on the FORS system and would welcome a commitment by the applicant to this scheme outlined in the EMP. Please see:

<http://www.tfl.gov.uk/info-for/freight/safety-and-the-environment/managing-risks-wrrr>.

It is noted that the re-provision of four car parking spaces is to fulfil existing legal requirements related to adjacent properties, this is understood. However, all new occupiers of the site shall be prevented from obtaining local parking permits. The use of the existing car parking spaces shall be governed by a Car Parking Design Management Plan, to be secured by condition.

A Delivery & Servicing Plan (DSP) shall be secured by condition.

TfL seeks that the final detailed submission of the Construction Logistics Plan be secured by planning condition, in consultation with TfL. It is requested that particular attention should be paid on the routing of construction vehicles to avoid/ minimise possible conflict with cyclists in the area. In order to minimise 'Left hook' incidents with cyclists, HGVs shall turn right in/ out of Kingsland Road where possible.

A Workplace Travel Plan Statement shall be produced to encourage workers to commute by sustainable transport method, in particular walking and cycling, to be secured by condition or legal agreement.

4.12. Thames Water

With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website.

<https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>

We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "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 by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk

Application forms should be completed online via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

The proposed development is located within 15 metres of a strategic sewer. Thames Water requests the following condition to be added to any planning permission. "No piling shall take place until a PILING METHOD STATEMENT (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement." Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure. Please read our guide 'working near our assets' to ensure your workings will be in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures.<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB

Water Comments

If you are planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at thameswater.co.uk/buildingwater.

On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning application. Thames Water recommends the following informative be attached to this planning permission. 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 Water's pipes. The developer should take account of this minimum pressure in the design of the proposed development.

Other Council Departments

4.13. *Network and Transportation*

- Existing Site Use, Surrounding Highways & Transport Network and Accessibility of the Site

The application site at No. 2-4 Orsman Road is currently used for informal car parking. The space available for car parking will be reduced following development of the site however four spaces are allocated to Canalside Studio residents and they will be maintained.

The application site has good access to bus routes and is within walking distance to Haggerston Station and Hoxton Station.

The Public Transport Accessibility Level (PTAL) of the site is 5, which is a “good” level of accessibility.

- Car Parking

No additional car parking would be provided on site. In addition, future occupiers of the development should not be allowed to apply for a parking permit. This is in line with the council's policy for car free developments.

- Cycle Parking

Hackney Policies DM44, DM45 and DM46 (*Officer comment: Now replaced with policies LP42, LP43 and LP46*) highlight the importance of new developments making sufficient provisions to facilitate and encourage movements by sustainable transport means. Provision of adequate cycle parking is deemed necessary to make this development acceptable in transport terms. Cycle parking needs to be in a sheltered, secure and locked facility.

Hackney Council's cycle parking standards for B1 office developments require the provision of 1 cycle space per 50m² floorspace for employees and 1 cycle parking space per 500 m² floorspace for visitors with a minimum of 2 cycle spaces.

The proposed development will provide cycle storage for 12 long stay bike spaces and 2 short stay cycle spaces at ground level. The proposed cycle parking provision would satisfy the councils cycle parking standards. This should form part of a legal agreement.

- Vehicular Servicing and Refuse Collection

Vehicular servicing for the proposed development will be made on the street

- Trip Generation and Impact

The TRICS database has been used to obtain trip generation rates for the proposed office development.

The predicted number of trips during the AM peak hour is 29 trips by all modes and in the PM peak hour 17 trips by all modes.

It is considered that this number of trips can be accommodated by the existing transport facilities.

- S278 Highway Contributions

In accordance with the requirements of policy LP1, all developments are expected to be integrated into the surrounding public realm and the existing transport networks.

This includes, upgrading the footway/carriageway in the vicinity of the site.

- Construction Logistics Plan

A Construction Management Plan has been produced and appended to the TS. This should be reviewed by the construction management and logistics team of LBH. A fee of £8,750 for CLP/CLOCS monitoring should be secured through a Legal Agreement.

- Summary

The development would be car free. The future occupiers should not be allowed to apply for parking permits. This should be secured through a condition or legal agreement. (*Officer comment: Car free agreements are sought in residential schemes*)

Cycle parking will meet LB Hackney cycling parking standards and this provision should be secured with a legal agreement.

Servicing and deliveries will continue to be made on-street. The Refuse department of the council should comment on the issue of refuse generation and collection.

A Construction Management Plan has been produced and appended to the TS. This should be reviewed by the construction management and logistics team of LBH. A fee of £8,750 for CLP/CLOCS monitoring should be secured through the Legal Agreement.

4.14. *Waste Management*

The revised refuse storage arrangements are acceptable, and a private contract would be required for collections: Maintenance staff would be required to move the bins to street level on collection day and a suitable condition is recommended

4.15. *Pollution (Land)*

I have provided the Standard Contaminated Land Condition (CLS1) below which needs to be attached to the planning application 2019/4090 which you are responsible for.

CLS1.1 – Contaminated land (pre-development): Contaminated land: Development will not commence until physical site investigation work has been undertaken and fully reported on and a remedial action plan has been produced all to the satisfaction of and approved in writing by the Planning Authority. Where physical site investigation work has not been agreed at a pre-application stage further physical investigation work must be agreed with the contaminated land officer before being undertaken. Development will not commence until all pre-development remedial actions, set out within the remedial action plan, are complete and a corresponding pre-development verification report has been produced to the satisfaction of and approved in writing by the Planning Authority. Work shall be completed and reporting produced by a competent person/company in line with current best practice guidance, including the Council's contaminated land planning guidance. The Planning Authority and Contaminated Land Officer must receive verbal and written notification at least five days before investigation and remediation works commence. Subject to written approval by the Planning Authority, this condition may be varied, or discharged in agreed phases.

CLS1.2 – Contaminated land (pre-occupation): Contaminated land: Before occupation/use of the development a post-development verification report will be produced to the satisfaction of and approved in writing by the

Planning Authority. The verification report must fully set out any restrictions on the future use of a development and demonstrate that arrangements have been made to inform future site users of the restrictions. Work shall be completed and reporting produced by a competent person/company in line with current best practice guidance, including the Council's contaminated land planning guidance. The Contaminated Land Officer must receive verbal and written notification at least five days before development and remedial works commence. Subject to written approval by the Planning Authority, this condition may be varied, or discharged in agreed phases. Any additional, or unforeseen contamination encountered during the course of development shall be immediately notified to the Planning Authority and Contaminated Land Officer. All development shall cease in the affected area. Any additional or unforeseen contamination shall be dealt with as agreed with the Contaminated Land Officer. Where development has ceased in the affected area, it shall recommence upon written notification of the Planning Authority or Contaminated Land Officer.

CLS1.3 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 7 days to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site. An assessment must be undertaken in accordance with the requirements of the site investigation, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of the approved remediation scheme. The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report must be submitted to and approved in writing by the Local Planning Authority in accordance with the implementation of the remediation scheme.

REASON: To protect the end user(s) of the development, any adjacent land user(s) and the environment from contamination.

Any unforeseen contamination encountered during the course of development shall be immediately notified to the Planning Authority and Contaminated Land Officer. All development shall cease in the affected area. Any additional or unforeseen contamination shall be dealt with as agreed with the Contaminated Land Officer. Where development has

ceased in the affected area, it shall recommence upon written notification of the Planning Authority or Contaminated Land Officer.

REASON: To protect the end user(s) of the development, any adjacent land user(s) and the environment from contamination.

Once works commence on the site, should site operatives discover any adverse ground conditions and suspect it to be contaminated, they should report this to the Site Manager and the Contaminated Land Officer at the London Borough of Hackney. Works in that location should cease and the problem area roped off. A Competent Person shall be employed to undertake sampling and analysis of the suspected contaminated materials. A Report which contains details of sampling methodologies and analysis results, together with remedial methodologies shall be submitted to the Local Planning Authority for approval in writing. The approved remediation scheme shall be implemented prior to further development works taking place and prior to occupation of the development.

Should no adverse ground conditions be encountered during site works and/or development, a Verification Statement shall be forwarded in writing to the Local Planning Authority prior to occupation of the building(s), which confirms that no adverse ground conditions were found.

REASON: To protect the end user(s) of the development, any adjacent land user(s) and the environment from contamination.

Local Groups

4.16. Kingsland Conservation Area Advisory Committee (CAAC)

Proposal has no merit in terms of character or sympathy with the surrounding buildings and would erase any character from that area of the canal. We also object to the fourth storey, as any building here should contribute to the gradual flow downwards in rooflines towards the bridge. This building does not enhance the conservation area.

4.17. Lower Regent's Coalition

Proposal will undermine the cottages and give rise to an increased sense of enclosure. Site is significant as it faces the Kingsland Basin and offers a rare open space in an otherwise built-up stretch where very little direct sunlight

reaches the waterway from the south. The building is too close to the water's edge and will interfere with biodiversity.

4.18. Wildlife Gardeners of Haggerston

We have adopted the waterway between the Kingsland Road and Whitmore Road Bridges. The proposal will overshadow the canal in a way that cannot be mitigated or compensated for. The proposal should be pulled back from the canalside. The Daylight and Sunlight Assessment must include the waterway. Light pollution must be avoided. An ecology survey should be undertaken in Spring or Summer. Automatic closing blinds should be installed. The current canalside vegetation must be preserved. For a water body to achieve a high ecological status, as required by the Water Framework Directive, it should receive appropriate sunlight, such as the varied annual sunlight that passes through deciduous trees. Other developments that have degraded the biodiversity of the canal cannot be used as a precedent for this development.

4.19. Hackney Society

4.20. There are a number of applications currently in progress for this stretch of canal which should be considered in terms of the overall effect to the conservation area context. The overall massing is creeping up, with voids between blocks being infilled thereby eroding the historic solid / void character between wharves and warehouses. The squire / flat roofline site awkwardly against the existing gable of the neighbour to the east and should be reviewed. There are concerns with the large glazing and opening vents may not be possible. Light pollution is also likely to be an issue.

4.21. Friends of Regent's Canal

4.22. Site is significant as it faces the Kingsland Basin and offers a rare open space in an otherwise built-up stretch where very little direct sunlight reaches the waterway from the south. The building is too close to the water's edge and will interfere with biodiversity.

4.23. Hackney Swifts

Proposal is in close proximity to the Regents Canal SINC and any proposal on this site should enhance biodiversity

5. **POLICIES**

5.1. **Hackney Local Plan 2033 (Adopted 22/07/2020)**

- 5.1.1. PP1 (Public Realm)
- 5.1.2. LP1 (Design Quality and Local Character)
- 5.1.3. LP2 (Development and Amenity)
- 5.1.4. LP3 (Designated Heritage Assets)
- 5.1.5. LP4 (Non Designated Heritage Assets)

- 5.1.6. LP26 (Employment Land and Floorspace)
- 5.1.7. LP27 (Protecting and Promoting Office Floorspace in the Borough)
- 5.1.8. LP42 (Walking and Cycling)
- 5.1.9. LP43 (Transport and Development)
- 5.1.10. LP44 (Public Transport and Infrastructure)
- 5.1.11. LP45 (Parking and Car Free Development)
- 5.1.12. LP46 (Protection and Enhancement of Green Infrastructure)
- 5.1.13. LP47 (Biodiversity and Sites of Importance for Nature Conservation)
- 5.1.14. LP52 (Water Spaces, Canals and Residential Moorings)
- 5.1.15. LP53 (Water and Flooding)
- 5.1.16. LP54 (Overheating and Adapting to Climate Change)
- 5.1.17. LP55 (Mitigating Climate Change)
- 5.1.18. LP58 (Improving the Environment - Pollution)

5.2. London Plan

- 5.2.1. 2.10 (Central activities zone - strategic priorities)
- 5.2.2. 2.11 (Central Activities zone - strategic functions)
- 5.2.3. 2.13 (Opportunity areas and intensification areas)
- 5.2.4. 4.1 (Developing London's Economy)
- 5.2.5. 4.2 (Offices)
- 5.2.6. 5.2 (Minimising carbon dioxide emissions)
- 5.2.7. 5.3 (Sustainable design and construction)
- 5.2.8. 5.12 (Flood risk management)
- 5.2.9. 5.13 (Sustainable drainage)
- 5.2.10. 5.21 (Contaminated Land)
- 5.2.11. 6.1 (Strategic Approach)
- 5.2.12. 6.2 (Providing public transport capacity and safeguarding land for transport)
- 5.2.13. 6.3 (Assessing effects of development on transport capacity)
- 5.2.14. 6.9 (Cycling)
- 5.2.15. 6.10 (Walking)
- 5.2.16. 6.13 (Parking)
- 5.2.17. 7.2 (An inclusive environment)
- 5.2.18. 7.3 (Designing out crime)
- 5.2.19. 7.4 (Local Character)
- 5.2.20. 7.5 (Public realm)
- 5.2.21. 7.6 (Architecture)
- 5.2.22. 7.8 (Heritage Assets and Archaeology)
- 5.2.23. 7.14 (Improving air quality)
- 5.2.24. 7.19 (Biodiversity and access to nature)
- 5.2.25. 7.24 (Blue Ribbon Network)
- 5.2.26. 7.27 (Blue ribbon network: supporting infrastructure and recreational use)
- 5.2.27. 7.30 (London's canals and other rivers and waterspaces)

5.3. SPD/SPG/Other

- 5.3.1. City Fringe Opportunity Area Planning Framework
- 5.3.2. SPG: Safeguarding Land for Industry and Transport

- 5.3.3. SPD: Planning Contributions
- 5.3.4. SPD: Sustainable Design and Construction
- 5.3.5. Kingsland Conservation Area Appraisal (1998)
- 5.3.6. Regent's Canal Conservation Area Appraisal (2007)
- 5.3.7. Community Infrastructure Levy Charging Schedule
- 5.3.8. Mayor of London's Community Infrastructure Levy Charging Schedule 2

5.4. National Planning Policies

- 5.4.1. National Planning Policy Framework
- 5.4.2. Planning Practice Guidance

5.5. Emerging Planning Policy

- 5.5.1. The GLA is producing a new London Plan, which was subject to Examination in Public between January 2019 and May 2019. The Inspectors' Panel report was published on 21 October 2019. This contained a series of recommendations on amendments to the Plan, some of which the Mayor chose to accept and some which he chose to reject. The reasons for his rejections accompany the London Plan "Intend to Publish" version was sent to the Secretary of State (SoS) on the 9th December 2019. Subsequently, on the 13th March the SoS raised significant concerns with Intend to Publish London Plan. The Mayor of London responded to the SoS on 24th April to commence discussions regarding the SoS's directions. The adoption of the new Plan is not imminent.
- 5.5.2. The NPPF sets out that decision takers may also give weight to relevant policies in emerging plans according to their stage in preparation, the extent of unresolved objections and degree of consistency with the NPPF. Both Plans are material planning considerations but carry limited weight in decision making at this stage.
- 5.5.3. Where relevant, emerging content within this document is discussed in the body of this report.
- 5.5.4. Adoption of the Council's Local Plan (LP33) is expected on 22 July 2020 and as such will be part of the adopted Development Plan by the time this matter is considered by the Planning Sub-Committee. If LP33 is not adopted by the time of the meeting, the implications for this report will be addressed in an addendum.

6. COMMENT

6.1. Background

- 6.1.1. There have been a number of planning applications relating to this part of the wider Canalside Studios site. Previously applications have not been successful, partly on the grounds that new development would have had a detrimental impact on the industrial character of the

wider site and canalside openness, as well as the impact to the amenity of residential occupiers in the wider site.

- 6.1.2. Officers note that there have been a number of canalside developments along this stretch of Orsman Road, including at No. 6 Orsman Road, to the west.

6.2. Development Proposal

- 6.2.1. The application proposes the following:
- 6.2.2. The erection of a part three- and part four-storey building to provide office accommodation (Use Class B1(a)).
- 6.2.3. The building would abut the bank of the Regent's Canal and would also link to the existing warehouse / industrial style buildings at Nos. 2-4 Orsman Road.
- 6.2.4. The building would be three-storeys in height at the west, closest to the residential buildings to the west, with the four-storey element to the east.
- 6.2.5. The upper floors would be cantilevered, with pillars, over an access way providing access to the canal side, and potentially to moorings, to which planning application 2020/1281 relates.
- 6.2.6. The ground floor would provide office accommodation, together with a residential refuse store, for existing units elsewhere on the wider site, together with a new commercial refuse store.
- 6.2.7. The first, second and third floors would also provide office accommodation, with the second and third floor roofs having both photovoltaic panels and living roofs.
- 6.2.8. The building would be completed in brick, with powder-coated aluminium windows.

6.3. Land use

- 6.3.1. The site is located in the Kingsland Priority Office Area (POA). This POA is considered to be of national significant economic importance, given the economic contribution the area currently does, and will, provide to both the Borough's and the capital's economy. An Article 4 Direction is in place removing the permitted development right for the change of use from offices to dwellinghouses. This POA has a significant amount of commercial and B1 floorspace which is continually being upgraded through the planning process for premises

that are suitable for small, medium and large businesses, which are the cornerstone of the economy in the area. This approach is also supported by the City Fringe Opportunity Area Planning Framework, which identifies the site as being within the core growth area.

- 6.3.2. For these reasons, the employment potential of this site is afforded significant protection and the provision of an additional 590 square metres (Gross External Area, 526 square metres internal area) of office floorspace is supported in this location.
 - 6.3.3. Policy LP26 (Employment Land and Floorspace) of the Hackney Local Plan sets out the criteria for proposals for the redevelopment of sites containing employment land and floorspace. In terms of the design quality of the employment floorspace, details will need to be provided with any future application demonstrating the provision of high quality employment floorspace in accordance with policy LP28 (Protecting and Promoting Office Floorspace in the Borough). The premises have been designed to have good natural lighting and, based on the target market, and include flexible design features. The proposed floor plans show the strategic lay-out of entrances, entry cores, a lift cores, loading facilities and fire escapes where applicable; together with how services are grouped including plumbing, electrics, cabling, communications infrastructure and circulation.
 - 6.3.4. Representations have been received noting that the proposal would change the character of the wider site through the introduction of an office building in an area that provides a mixture of workshops, design studios, live / work units and residential units. These comments are noted, but it is also noted that live / work units are a development type that is no longer supported by the local planning authority, and the purely residential units were not originally designed for that purpose.
 - 6.3.5. Given that the site is within a Priority Office Area, to which policies of the Local Plan seek to direct employment growth, the provision of new employment floorspace is appropriate at this location.
 - 6.3.6. In addition, it is noted that policy LP27 would require that developments in the Kingsland POA should provide a minimum of 50% B1 floorspace, and this proposal is for a 100% commercial scheme.
 - 6.3.7. The proposed land use is considered acceptable.
- 6.4. **Design and Heritage**
- 6.4.1. The site is relatively unusual insofar as it is located in two Conservation Areas: Kingsland and Regent's Canal. The site is in the Canal Zone of the Kingsland Conservation Area. The Regent's Canal Conservation Area Appraisal describes the area as a well used public

space with an important environmental landscape, and a unique industrial heritage. The appraisal also identifies an opportunity for new development on the off side of the canal.

- 6.4.2. The current proposal has been designed in the light of feedback received from the Council's specialist conservation and urban design officers and would present a contemporary interpretation of canalside industrial architecture.
- 6.4.3. The proposal as initially submitted would have had solid brickwork on the eastern elevation, which would have been particularly obtrusive when viewed from the Kingsland Road Bridge.
- 6.4.4. The revised drawings have introduced windows to that elevation which help to break up the mass and provide elements of articulation and interest.
- 6.4.5. Objectors have also raised issues with how the building relates with the neighbouring buildings to the east and have argued that the proposals are against the Conservation Area Appraisal, which mentions the openness of the wharves along the canal.
- 6.4.6. These concerns are noted, but the canal edge is characterised by a variety of buildings, and, in the light of the emerging pattern of development, the proposal is considered to be appropriate within this context.
- 6.4.7. Compared with previous schemes, the revision to a part 3- and part 4-storey building is more in keeping with the immediate context and is considered to be an appropriate response for this site. The proposed building is only marginally taller than the three storey buildings to the east and has an appropriate separation distance of approximately 12 metres with the historic, two-storey range to the west. The revised massing approach is also considered to be acceptable.
- 6.4.8. The 2007 Regents Canal Conservation Area Appraisal notes that:
'More than any other section of the canal, the area between Kingsland Road and Whitmore Bridge demonstrates its formerly industrial nature and the varied roles of canal-side buildings. The surviving wharves, warehouses, factories and other industrial buildings impart a feeling of what the canal was really like – an industrial working artery that ran through Hackney, providing employment for hundreds of people. Many of these factories and wharves have found new uses, especially in Orsman Road; others are empty waiting for developers to clear the sites.'
- 6.4.9. It goes on to state:

'It is important for the industrial heritage of Hackney that as many as possible of the empty and underused wharf buildings are refurbished and incorporated into sympathetic and appropriately scaled new developments.'

- 6.4.10. The proposals are in line with the Conservation Area Appraisal as they retain the buildings of heritage interest and introduce a building that is of an appropriate scale and massing. The new building's position on the canal edge reflects former, historic buildings on the site, which were part of Medway Wharf; and there are many examples of similar canal edge buildings within the vicinity. The proposals retain an open yard facing the canal and the new building is of a high quality design, which uses materials that are complementary to the conservation area. The proposals are therefore considered to preserve the existing character of wharves and industrial buildings and the new building provides an enhancement by obscuring the rundown appearance of the existing buildings at the rear of the site (when viewed from the canal towpath), which currently comprise rendered walls, pipework and a large flue.
- 6.4.11. In terms of the architectural language and materiality of the building, the proposals are considered to be high quality and appropriate for the canal side setting. The revised drawings have more of a warehouse feel in the visuals, which officers consider is more appropriate for this canalside setting.
- 6.4.12. The proposal is therefore considered to meet the statutory tests within Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and to comply with policies 7.4 (Local Character), 7.6 (Architecture) and 7.8 (Heritage assets and archaeology) of the London Plan and policies LP1 (Design Quality and Local Character) and LP3 (Designated Heritage Assets) of the Hackney Local Plan insofar as given the acceptable design of the proposal, no harm to the Conservation Areas would result,
- 6.4.13. In terms of external materials, these are still at an indicative stage, and officers are of the view that brick would be an appropriate external material, and details of external materials and other matters, including windows, doors and reveals should be required by way of an appropriate condition.
- 6.4.14. The proposals are therefore considered to meet the statutory tests within Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

6.5. Impact on amenity of adjoining occupiers

- 6.5.1. Significant representations have been received from neighbouring occupiers in relation to amenity concerns. These include loss of light to neighbouring properties, overlooking of neighbouring properties, impacts of noise and dust, loss of light to amenity spaces, overbearing appearance and increased sense of enclosure.
- 6.5.2. As noted above, the wider site is in mixed uses, with elements of residential, commercial and mixed-uses.
- 6.5.3. The site has been examined, and officers are of the view that, while there are no light guidelines for commercial premises, the impact to neighbouring premises has been considered. Officers consider the loss of light to neighbouring commercial premises would not be so significant as to render them unusable or to have a significantly increased reliance on artificial light due to the relative orientation of the two buildings at right angles to each other.
- 6.5.4. There are residential uses in the two-storey range of buildings to the west of the site, within the Canalside Studios complex. The applicants have submitted a daylight and sunlight assessment which indicates that any loss of light to neighbouring properties would not result in significant harm to daylight in neighbouring buildings.
- 6.5.5. Representations have been received noting that neighbouring commercial buildings would suffer harm from noise and dust associated with building activity. This concern is noted, but it is also noted that the construction period would be relatively short-term, and would be insufficient justification to refuse an otherwise acceptable scheme. In addition, measures to control noise and dust during construction would be covered by the Construction Methodology and Logistics Plan.
- 6.5.6. In terms of overlooking, there are no significant concerns regarding the north-facing windows, which would overlook the canal. There is the potential for overlooking of neighbouring properties from the flank windows in the east and west elevations, but annotations on the drawings indicate that some of these would be obscure glazed to mitigate the impacts of this. A condition requiring these to be obscure glazed and non-opening below a height of 1.7m above finished floor level is recommended.
- 6.5.7. With regards to the impact in relation to overbearing appearance and increased sense of enclosure, officers are of the view that in relation to the neighbouring residential uses this would be acceptable and not so significant as to warrant refusal on this ground given the reduced bulk, scale and mass of the proposal compared to earlier refused or withdrawn schemes

- 6.5.8. Representations have been received noting that the proposal could compromise security at the wider site. The wider site has access control arrangements, and it is anticipated that this would not change. The introduction of an office use in this location would not significantly change security arrangements for nearby properties.

6.6. Transport

- 6.6.1. Orsman Road forms part of the Hackney Road Network and is a relatively narrow street, and its easternmost end has a junction with Kingsland Road, which is part of the Transport for London Road Network.
- 6.6.2. The application has been reviewed by both highway authorities, who consider that the proposal would have an acceptable impact on the highway network.
- 6.6.3. The scheme includes the provision of 16 cycle parking spaces, which is appropriate for the size of the development. An informative advising of the need for associated lockers and showers is recommended.
- 6.6.4. Given the nature and location of the site, both highways authorities have requested a demolition, construction management and logistics plan to be secured by way of a suitable condition. It is noted that the Council's Network and Transportation Department have noted that this could be secured by way of a legal agreement, together with a monitoring fee. Officers consider that given the scale of the development it would not be necessary to secure a monitoring fee. The relevant plans will be secured via condition.
- 6.6.5. Both TfL and the Council's Network and Transportation department recommend that a Delivery and Servicing Plan be secured by condition. Similarly, a Workplace Travel Plan should also be secured by way of condition. It is noted that the Council's Network and Transportation Department have noted that this could be secured by way of a legal agreement. However, given the scale of the development, a legal agreement in this regard is not considered necessary.
- 6.6.6. The Council's Network and Transportation Department have also requested that the developer contribute to highway improvements in the vicinity of the site, and have requested that this be via an agreement under s.278 of the Highways Act. This is noted, by no estimate for such works has been received, and officers consider that this matter can better be addressed by way of a suitable condition requiring the developer to enter into a s.278 Agreement once the extent of the works required has been ascertained.

- 6.6.7. The proposal would provide four parking spaces. While the provision of private parking is discouraged by the development plan, officers are aware that these are existing spaces which form part of leasehold agreements with owners of units within the wider complex, therefore there would not be an increase in parking on site and on that basis this provision is reasonable.
 - 6.6.8. The refuse storage arrangements have been reviewed by the council's refuse department, and this is considered acceptable, subject to a condition requiring the refuse to be brought to ground level on collection day.
 - 6.6.9. The site is also within the safeguarding area of CrossRail 2. Their safeguarding team have reviewed the proposal and recommend suitable conditions to ensure that this strategically significant transport infrastructure project can be delivered.
- 6.7. Blue Ribbon Network and Biodiversity**
- 6.7.1. The site is adjacent to the Regent's Canal, which forms part of London's Blue Ribbon Network and is a Site of Importance for Nature Conservation. The proposal has been reviewed by the Canal and River Trust (CRT), a statutory consultee, and the Wildlife Gardeners of Haggerston (WGH), a local amenity group who have adopted the stretch of waterway between the Whitmore Road and Kingsland Road bridges.
 - 6.7.2. Representations have been received in relation to the impact of the proposal on the canal, in relation to its utility as part of the transport network, as a location for residential moorings, as public open space and in relation to biodiversity, both aquatic and canalside.
 - 6.7.3. The CRT had no objections to previous applications, but appreciated the reduction in mass of the current scheme, albeit with concerns about the design.
 - 6.7.4. In terms of the utility of the canal as a waterway, the CRT considers that, subject to suitable safeguards, the proposal would have an acceptable impact in this regard in terms of the navigability of the waterway.
 - 6.7.5. The CRT and WGH, and others, have concerns about the impact of the proposal in terms of loss of light to the canal, towpath and offside, and the CRT has requested conditions to mitigate these impacts.
 - 6.7.6. The CRT requires additional information to assess the impact of the proposal on the structural integrity of the waterway, and suitable conditions in this regard are requested.

- 6.7.7. The CRT, WGH and others note that the development would increase overshadowing of the waterway, which would have an impact on the growth of invertebrates, with consequent impacts on higher species that form part of the aquatic ecosystem.
- 6.7.8. The WGH in particular note that the most beneficial waterside environment are deciduous trees, which allow for greater sunlight penetration to the water in wintertime, while providing dappled shade in summer, which assists in preventing overheating of the waterway. The WGH note that the erection of a building on the southern canal bank would introduce permanent overshadowing of this part of the canal, to the detriment of the aquatic ecology of the canal.
- 6.7.9. The applicants have submitted an ecological appraisal which notes that the wider stretch of the canal from Kingsland Road Bridge to Whitmore Road Bridge is overshadowed by canalside buildings, and the aquatic ecology of this part of the canal is compromised. It is noted in the appraisal that the impact of the proposal could be mitigated through the provision of new habitats elsewhere in this part of the canal to compensate for the overshadowing.
- 6.7.10. The CRT note that the current line of marginal habitat should be made good, and recommend a new floating habitat with a minimal length of 50m in the no mooring section adjacent to the towpath to the west, which would need to include a maintenance agreement with the Trust and the Wildlife Gardeners of Haggerston.
- 6.7.11. The WGH note that the proposal will overshadow the canal in a way that cannot be mitigated or compensated for and that it should be pulled back from the canalside. Furthermore, they argue that the Daylight and Sunlight Assessment should include the waterway and that light pollution must be avoided with a further ecology survey undertaken in Spring or Summer
- 6.7.12. In addition to aquatic ecology, it is also noted that the area provides ground-based biodiversity, and the canal corridor is also used by bats as a commuting and foraging corridor. The impact of external lighting on these aspects of the environment would need to be mitigated.
- 6.7.13. The WGH have also drawn officers' attention to the extent of vegetation at the canalside at the site, which includes a large area of shrubs. Although many of the shrubs are Buddleia, which is a non-native species, the WGH argue that this area provides an important biodiversity environment for insects and other foragers, as well as providing urban greenery,
- 6.7.14. The WGH conclude that other developments that have degraded the biodiversity of the canal cannot be used as a precedent for this

development.

- 6.7.15. By contrast, the CRT are of the view that the biodiversity impacts can be mitigated and have recommended conditions in relation to landscaping, waterway wall surveys, foundations, risk assessment and method statement, drainage, external lighting, access and surface water discharge.
- 6.7.16. Representations have been received noting that the proposal would result in the loss of trees. There are some trees at the canal bank, and these appear to be self-seeded. Nonetheless, they do make a positive contribution to the greenery and biodiversity of the area. As part of the required biodiversity enhancements these would either need to be retained or mitigated for, in line with the CRT recommendations.
- 6.7.17. In addition to this, a condition regarding protection for retained trees is recommended, to ensure their long term viability.
- 6.7.18. In terms of the impact to the SINC, which comprises the waterways of the London canals, with regards to which representations have been received, officers are of the view that this can be mitigated and compensated for by way of the biodiversity enhancement condition.
- 6.7.19. On balance, officers are of the view that the ecology impacts of the proposal can be mitigated, and the conditions suggested by the CRT are recommended.

6.8. Other Matters

6.8.1. *Sustainability*

- 6.8.2. The applicants have stated, in the Design and Access Statement, that the development would meet the BREEAM 'Excellent' standard, which is in line with policy LP55 (Mitigating Climate Change) as amplified by the Sustainable Design and Construction SPD. This would incorporate thermal fabric to exceed current Building Regulations minimum standards, and energy efficient measures would be incorporated, including LED lighting where suitable.
- 6.8.3. In addition to this, the applicants have stated that the proposal would minimise the use of water by incorporating saving measures such as water efficient fittings and appliances, in line with policy 5.3 (Sustainable Design and Construction) of the London Plan.
- 6.8.4. In terms of overheating, the applicants have stated:
 'As part of the Be Lean approach, passive design measures have been considered throughout the pre-planning stage to reduce energy demand. Where possible, windows and natural

daylight have been provided to ensure appropriate daylighting levels throughout the development and reduce the lighting demand. The size and orientation of external windows has been considered carefully to balance daylight with excessive solar gains. Windows are specified to incorporate low emissivity coatings to limit overheating while ensuring adequate daylight. Other than mandatory ventilation to meet Approved Document Part F, the development utilises natural ventilation in the form of openable windows.'

This approach is supported by policy LP54 (Overheating and Adapting to Climate Change) of the Local Plan.

- 6.8.5. *Contaminated Land*
- 6.8.6. The site is situated on a Site for Potential Concern. The applicants have submitted a phase 1 site investigation which has identified potential land contamination. Conditions regarding further site investigation and remediation, if necessary, are recommended.
- 6.8.7. *Waste Water Infrastructure*
- 6.8.8. The site is located within 15m of a strategic sewer. A suitable condition regarding a piling method statement is recommended to safeguard this sewer.
- 6.8.9. *Air Quality*
- 6.8.10. The whole of Hackney is in an area of poor air quality and a condition regarding low emissions space and water heating is recommended.
- 6.8.11. The information submitted with the demolition, construction management and logistics plan must include details of low emissions off road mobile machinery.
- 6.8.12. *Green Roofs*
- 6.8.13. The proposal includes green roofs, and a suitable condition regarding full details of these is recommended.
- 6.8.14. *Other consultation responses*
- 6.8.15. *Measures to control dust*
- 6.8.16. Measures to control dust during the construction phase would be required by the demolition, construction management and logistics plan.

6.9. Community Infrastructure Levy (CIL)

- 6.9.1. The proposal is liable for a Community Infrastructure Levy (CIL) as it involves new build floor space of over 100m². The application is liable under both the London Mayoral CIL and Hackney CIL Charging Schedules. The proposal involves 529 m² of total net additional floor space.
 - 6.9.2. The London Mayoral CIL Charging Schedule sets a rate of £80 per square metre of floor space developments outside the Central Activities Zone. Based on the total net additional floor space of 529m², the development is liable for a CIL of £43,320 under the London Mayoral CIL Charging Schedule.
 - 6.9.3. The Hackney CIL Charging Schedule is separated into zones, and is differentiated in the City Fringe with additional charges for office development. The site falls outside the City Fringe, and the charging rate for office floorspace is £0 per square metre.
 - 6.9.4. These rates are subject to indexation
- 6.10. In respect of local finance considerations other than CIL, whilst the proposed development would be rateable for Business Rates Purposes, the benefit the additional floorspace is negligible in the context of the overall totals, and 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.

7. CONCLUSION

- 7.1. The proposed development is considered to be an acceptable form of development which would provide additional office accommodation and improve the existing office accommodation at this site in the Kingsland Priority Office Area. The design is considered to be of a high quality offering a contemporary take on traditional warehouse buildings and thereby preserving the character and appearance of the Kingsland and Regent's Canal Conservation Areas.
- 7.2. The development is considered to have an acceptable impact on neighbouring residents and commercial uses. With regard to the impact on the Canal with suitable mitigation measures it is considered the development would have an acceptable impact on the canal and its ecosystem.
- 7.3. With regard to the transport impact, the proposal would have an acceptable impact on the surrounding highway network and in relation to other material planning considerations as outlined above.
- 7.4. In light of the above it is considered this would be an acceptable form of

development that accord with the objectives and policies within the Development Plan.

8. **RECOMMENDATIONS**

8.1. **Recommendation A**

8.1.1. That planning permission be GRANTED, subject to the following conditions:

8.1.2. **SCB1 – Commencement within three years**

The development hereby permitted must be begun not later than three years after the date of this permission.

REASON: In order to comply with the provisions of Section 91(1) of the Town and Country Planning Act 1990 as amended.

8.1.3. **SCB0 – Development in accordance with plans**

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

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

8.1.4. **SCM2 - Materials to be approved**

Full details, including physical samples, of all the materials to be used on the external surfaces of the building, including, but not limited to new bricks, concrete and window and door frames and obscure glazing, shall be submitted to and approved by the Local Planning Authority, in writing, before any work proceeds beyond superstructure level. The development shall not be carried out otherwise than in accordance with the details thus approved.

REASON: To safeguard the visual amenity of the building and the conservation areas.

8.1.5. **SCM7 - Details to be approved**

Detailed drawings/full particulars of the proposed development showing the matters set out below must be submitted to and approved by the Local Planning Authority, in writing, before any work proceeds beyond superstructure level. The development shall not be carried out otherwise than in accordance with the details thus approved.

a) Details of fenestration, windows and doors at 1:10

REASON: To ensure that the external appearance of the building is satisfactory and does not detract from the character and visual amenity of the conservation areas.

8.1.6. NSC - Piling

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

REASON: To ensure the development would not impact or cause failure of local underground sewerage infrastructure. . Please read our guide 'working near our assets' to ensure your workings will be in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures.<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB

8.1.7. NSC - CrossRail 2 Safeguarding

Prior to the commencement of development detailed design and construction method statements for all the ground floor structures, foundations and basements and for any other structures below ground level, including piling (temporary and permanent), shall be submitted to and approved in writing by the Local Planning Authority in consultation with Crossrail 2 which:

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

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

REASON: To ensure that CrossRail 2 is safeguarded.

8.1.8. NSC - Demolition, Construction Methodology and Logistics Plan

A Demolition, Construction Construction Management and Logistics Plan

(CLP) specifying hours of working, construction traffic routing, measures to prevent dust pollution and contact arrangements between residents and contractors shall be submitted and agreed by the Local Planning Authority Prior to the commencement of the development.

The construction logistics plan shall also include the following details:

- (a) loading and unloading of plant and materials;
- (b) storage of plant and materials;
- (c) programme of works (including measures for traffic management);
- (d) provision of boundary hoarding behind any visibility zones;
- (e) wheel cleaning provision on site, if required;
- (f) measures to minimise the emission of dust

The demolition and construction shall thereafter take place in full accordance with the measures identified within the approved CLP.

REASON: In order to ensure that the development does not prejudice the amenity of adjoining occupiers and in the interests of highway safety.

8.1.9. NSC - Service and Delivery Plan

The development hereby permitted shall not be occupied until a full service and delivery plan has been submitted to, and approved in writing by, the local planning authority which should provide details of the location, number and timings of deliveries and collections, and the types of delivery and collection vehicles. The Plan should include details of refuse collections and timings, and details of how the refuse containers would be accessed and collected.

REASON: In the interests of highway safety and the amenity of neighbouring occupiers.

8.1.10. SCR8 - Obscure Glazing

The windows indicated as obscure glazed on the hereby approved drawings shall be installed as such in accordance with details required by condition 3, and shall be non-opening below a height of 1.7m above finished floor level and shall be permanently retained in that form.

REASON: To safeguard the residential amenity of neighbouring occupiers.

8.1.11. SCT1 - Landscaping

The development hereby permitted shall not be occupied until full details of a hard and soft landscaping scheme, illustrated on detailed drawings shall be submitted to and approved by the Local Planning Authority, in writing, for the planting of trees and shrubs showing species, type of stock, numbers of trees and shrubs to be included and showing areas to be grass seeded or turfed; all 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 ten years, such maintenance to include the replacement of any plants that die, or are severely damaged, seriously diseased, or removed.

REASON: To accord with the requirements of Section 197(a) of the Town and Country Planning Act 1990 and to provide reasonable environmental standards in the interests of the visual amenity of the Blue Ribbon Network and the area.

8.1.12. SCT3 - Tree Protection

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

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

REASON: To safeguard trees of significant amenity value

8.1.13. NSC - Pre Commencement Waterwall Survey

The development hereby permitted shall not be commenced until a survey of the condition of the waterway wall, together with a Risk Assessment and Method Statement setting out the details of any repair works to be undertaken to safeguard the integrity of the waterway wall during demolition and construction, has been submitted to, and approved in writing by, the local planning authority. The Risk Assessment and Method Statement shall detail how any items of heritage interest found during the survey or subsequent repair works will be documented and protected, as required.

The works to the waterway wall shall be carried out in full accordance with the approved details.

REASON: In the interests of the structural stability of the Regent's Canal. The required information and works are required prior to commencement as damage to the waterway wall may occur during demolition and construction phases.

8.1.14. NSC - Pre-occupation Waterwall Survey

Prior to the first occupation of the development hereby permitted, a survey of the condition of the waterway wall, together with a Risk Assessment and Method Statement setting out the details of the works to be undertaken to

ensure that the waterway wall is fit for purpose following the completion of the construction phase, shall be submitted to, and approved in writing by, the local planning authority. The Risk Assessment and Method Statement shall detail how any items of heritage interest found during the survey or subsequent repair works will be documented and protected, as required. The works to the waterway wall shall be carried out in full accordance with the approved details.

REASON: In the interests of the structural stability of the Regent's Canal.

8.1.15. NSC - Foundations

Prior to their installation or any associated earth works, full details of the design of the proposed foundations shall be submitted to, and approved in writing by, the local planning authority. The foundations shall be installed in accordance with the approved details.

REASON: In the interests of the structural stability of the Regent's Canal.

8.1.16. NSC - Risk Assessment and Method Statement

The development hereby permitted shall not commence until a Risk Assessment and Method Statement for works affecting the Regent's Canal has been submitted to, and approved in writing by, the local planning authority.

The Risk Assessment and Method Statement shall include details of:

- A) Impacts of the construction of foundations (e.g. vibration);
- B) Proposed surface water arrangements (either via drains or surface water run-off) during the demolition / construction works and during site occupation. The details should confirm the following:
 - a) that no surface water (either via drains or surface water run-off) or extracted perched water or groundwater shall be discharged into the Regent's Canal during the demolition / construction works, unless otherwise agreed by the local planning authority;
 - b) that any surface water drains connecting the site with the waterway are capped off at both ends for the duration of the demolition and construction works - i.e. at the point of surface water ingress and at any outfall to the canal;
- C) Daily hours of working;
- D) Measures to control dust and debris from demolition and construction operations.

The development shall be carried out in accordance with the approved Risk Assessment and Method Statement.

REASON: To ensure construction works do not have any adverse impact on the Regent's Canal and its users.

8.1.17. NSC - SuDs

No excavation or below ground works shall take place until full particulars of a Sustainable Urban Drainage System (SuDS), including the following, has been submitted to and approved in writing by the Local Planning Authority.

- a) Details of a SuDS that achieves a 50% betterment in surface water run-off rates in respect of the new build elements compared to the existing run-off rates;
- b) A detailed scheme for the ownership and maintenance for every element of the surface water drainage system proposed on the site;
- c) A strategy which demonstrates how any SuDS and/or attenuation features will be suitably maintained for the lifetime of the development.

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 development hereby approved.

REASON: To ensure that the development will provide a sustainable drainage system and in the interests of protection of the water quality of the Regent's Canal. The condition is required to be discharged prior to the commencement of development to ensure that sustainable drainage is incorporated into the design of the development.

8.1.18. NSC - External Lighting

No external lighting related to the development hereby permitted shall be installed unless it is in full accordance with details which have been previously submitted to, and approved in writing by, the local planning authority. Such details shall include location, height, type, colour and direction of light sources and intensity of illumination. Any lighting that is so installed shall not thereafter be altered without the prior consent in writing by the local planning authority.

REASON: In the interests of the protection of the biodiversity of the Blue Ribbon Network.

8.1.19. Biodiversity Enhancements

The development hereby permitted shall not be occupied until full details of biodiversity enhancements, including, but not limited to, the provision of 50m of floating habitat and the reinstatement of canalside greenery, have been submitted to and approved in writing by the local planning authority. The biodiversity enhancements shall be implemented before occupation of the development and thereafter retained and maintained in accordance with an approved maintenance plan.

REASON: In the interests of enhancing biodiversity at the site and in the wider area.

8.1.20. Works to roofs

No works to roofs shall take place during the bird nesting season (March to October) unless a nesting survey, undertaken by a suitably qualified ecologist, indicating that no nesting birds would be disturbed by the works, has been submitted to, and approved in writing by, the local planning authority.

REASON: To safeguard nesting birds at the site.

8.1.21. NSC - Contaminated land investigation

No development shall take place until details and results of a soil contamination survey of the site and details of remedial measures proposed to treat/eradicate any contamination found have been submitted by the applicant and approved by the Local Planning Authority in writing. The survey shall be carried out by a suitably qualified person or body to be agreed by the Council. The development shall not take place other than in accordance with the details so approved.

REASON: To protect the end user(s) of the development, any adjacent land user(s) and the environment from contamination

8.1.22. NSC - Contaminated Land remediation

No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

REASON: To protect the end user(s) of the development, any adjacent land user(s) and the environment from contamination.

8.1.23. NSC - Contaminated Land Implementation

The approved remediation scheme shall be implemented in accordance with the approved timetable of works. Within 6 months of the completion of measures identified in the approved remediation scheme, a validation report (that demonstrates the effectiveness of the remediation carried out) must be submitted to the Local Planning Authority.

REASON: To protect the end user(s) of the development, any adjacent land user(s) and the environment from contamination.

8.1.24. NSC - Reporting Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 7 days to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site. An assessment must be undertaken in accordance with the requirements of the site investigation, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of the approved remediation scheme.

The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report must be submitted to and approved in writing by the Local Planning Authority in accordance with the implementation of the remediation scheme.

REASON: To protect the end user(s) of the development, any adjacent land user(s) and the environment from contamination.

8.1.25. NSC - Air quality

All non-Combined Heat and Power (CHP) space and hot water fossil fuel (or equivalent hydrocarbon based fuel) boilers installed as part of the development hereby approved shall achieve dry NO_x emission levels equivalent to or less than 40 mg/kWh.

REASON: To protect air quality and people's health by ensuring that the production of air pollutants, such as nitrogen dioxide and particulate matter, are kept to a minimum as a result of the development and to contribute towards the maintenance or to prevent further exceedances of National Air Quality Objectives.

8.1.26. NSC - Non Road Mobile Machinery

Only Non Road Mobile Machinery which complies with 'chapter 7 of the Cleaner Construction Machinery for London: A Low Emission Zone for Non-Road Mobile Machinery' will be present on or used at the development site during the demolition and construction process. All NRMM must be entered on the Non Road Mobile Machinery online register at <https://nrmm.london/user-nrmm/register> before being operated. Where Non-Road Mobile Machinery, which does not comply with 'chapter 7 of the Cleaner Construction Machinery for London: A Low Emission Zone for Non-Road Mobile Machinery', is present on site all development work will stop until it has been removed from site.

REASON: To protect air quality and people's health by ensuring that the production of air pollutants, such as nitrogen dioxide and particulate matter,

are kept to a minimum during the course of building works and during the lifetime of the development. To contribute towards the maintenance or to prevent further exceedances of National Air Quality Objectives.

8.1.27. Green Roof - Full Details

Full details of a green / brown roof, to include a detailed maintenance plan, shall be submitted to and approved by the Local Planning Authority, in writing, before development commences. The development shall not be carried out otherwise than in accordance with the details thus approved and shall be fully implemented before the premises are first occupied.

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

8.1.28. NSC - s.278

The development hereby permitted shall not be occupied until a Scheme of Highway Works necessitated by this development has been submitted to and approved in writing by the local planning authority.

The scheme shall include works to reinstate the footway where the current crossover and footway is related to Canalside Studios and the cost in the necessary changes to the relevant Traffic Regulation Order, lining and any required signage.

The development shall not be occupied until the Scheme has been completed in full in accordance with the approved details.

The works shall only be undertaken by the Local Highway Authority (or by a third party appointed by the Local Highway Authority), and shall be undertaken at the expense of the developer.

REASON: In the interests of highway and pedestrian safety and to ensure the development is well integrated with its surroundings.

8.1.29. SCH10

The cycle parking hereby approved shall be made available before the use is first commenced and thereafter retained.

REASON: To ensure that a reasonable provision is made within the site for the parking of cycles in the interest of relieving congestion in surrounding streets and improving highway conditions in general.

8.1.30. SCS5

Except on day(s) of collection, all refuse and waste shall be stored in sealed containers in the refuse area shown on the plans hereby approved.

On collection days, the refuse shall be transported to the street for collection.

REASON: To ensure refuse is not left in the street, in the interests of visual amenity and to reduce the likelihood of infestation.

8.1.31. SCM9

No soil stacks, soil vent pipes, flues, ductwork or any other pipework shall be fixed to the elevations of the building other than as shown on the drawings hereby approved.

REASON: To ensure that the external appearance of the building is satisfactory and does not detract from the character and visual amenity of the conservation areas.

8.2. Recommendation B

That the Sub-Committee grants delegated authority to the Director of Public Realm and Head of Planning (or in their absence either the Growth Team Manager or DM & Enforcement Manager) to make any minor alterations, additions or deletions to the recommended heads of terms and/or recommended conditions as set out in this report provided this authority shall be exercised after consultation with the Chair (or in their absence the Vice-Chair) of the Sub-Committee (who may request that such alterations, additions or deletions be first approved by the Sub-Committee).

9. INFORMATIVES

9.1. SI.1 Building Control

9.2. SI.7 Hours of Building Works

9.3. SI.24 Naming and Numbering

9.4. CIL Informative

9.5. The applicant is advised that lockers and changing / shower facilities for cyclists should be provided in line with the London Cycle Design Guide produced by Transport for London.

9.6. There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.

<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.

9.7. There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read our guide

working near or diverting our pipes.

<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>

- 9.8. If you are planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at [thameswater.co.uk/buildingwater](https://developers.thameswater.co.uk/buildingwater).
- 9.9. 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.
- 9.10. Transport for London is prepared to provide information about the proposed location of the Crossrail 2 tunnels and structures. It will supply guidelines about the design and location of third party structures in relation to the proposed tunnels, ground movement arising from the construction of the tunnels and noise and vibration arising from the construction and use of the tunnels. Applicants are encouraged to discuss these guidelines with the Crossrail 2 engineer in the course of preparing detailed design and method statements.
In addition, the latest project developments can be found on the Crossrail 2 website www.crossrail2.co.uk , which is updated on a regular basis.
If you require any further information or assistance then please feel free to contact a member of the Safeguarding Team on 0343 222 1155, or by email to crossrail2@tfl.gov.uk
- 9.11. The applicant / developer is advised to review the Canal and River Trust's "Code of Practice for Works affecting the Canal and River Trust" and contact the Trust's Works Engineer (mansoor.omar@canalrivertrust.org.uk) in order to ensure that any necessary consents are obtained and that the works are compliant.
(<https://canalrivertrust.org.uk/business-and-trade/undertaking-works-on-our-propertyandour-code-of-practice>)
- 9.12. The applicant / developer is advised that surface water discharge to the Regent's Canal will require prior consent from the Canal and River Trust and should contact Liz Murdoch (liz.murdoch@canalrivertrust.org.uk) in the Trust's Utilities team regarding such an agreement.
- 9.13. The applicant / developer is advised that any oversail, encroachment or access to the waterway requires written consent from the Canal and River Trust, and they should contact the Trust regarding the required access agreement.
- 9.14. NPPF Informative

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

Aled Richards – Director, Public Realm

	SUBMISSION DOCUMENTS, POLICY/GUIDANCE/ BACKGROUND PAPERS	NAME/DESIGNATION AND TELEPHONE EXTENSION OF ORIGINAL COPY	LOCATION CONTACT OFFICER
1	<p>London Plan, Hackney A Place for Everyone: Local Plan 2033, National Planning Policy Framework</p> <p>Application documents and LBH policies / guidance referred to in this report are available for inspection on the Council's website</p> <p>Policy / guidance from other authorities/bodies referred to in this report are available for inspection on the website of the relevant authorities / bodies</p> <p>Other background papers referred to in this report are available for inspection upon request to the officer named in this section.</p>	<p>Gerard Livett Senior Planner - Development Management Team 020 8356 8398</p>	<p>2 Hillman Street, London E8 1FB</p>













LONDON BOROUGH OF HACKNEY
Notice of Planning Application

DATE OF NOTICE: 04/06/2020

Town and Country Planning (Development Management Procedure) (England) Order 2015

Application Number:	2020/1281
Site Address:	2-4 Canalside Studios Orsman Road Hackney London N1 5FB
Application Type:	Full Planning Permission
Development Description:	Creation of 3 permanent residential moorings with associated timber decking and service bollards.
Conservation Area	Affects the setting of Kingsland and Regents Canal Conservation Area.

Details of the proposal may be viewed on our website at: www.hackney.gov.uk/planning
If you have problems viewing the plans please contact us at planning@hackney.gov.uk or by calling 0208 356 8062 and we will endeavour to assist.

Members of the public have 24 days from the date of this notice to comment on the application. Comments can be objections, expressions of support or observations.

Please submit your comments online via the add-a-comment feature at www.hackney.gov.uk/planning-applications, or send your comments to Gerard Livett at Planning Service, London Borough of Hackney, 2 Hillman Street, London E8 1FB (Please quote the Application Number given above).

Further information regarding commenting on a planning application is available at: <https://hackney.gov.uk/planning-consultation>

Signed:

Natalie Broughton

Acting Head of Planning and Building Control
Neighbourhoods and Housing