

ADDRESSES: 209-223 Hoxton Street, London, N1 5LG	
WARD: Hoxton East and Shoreditch	REPORT AUTHOR: Barry Coughlan
APPLICATION NUMBERS: 2020/4110	VALID DATE: 23/12/2020
<p>DRAWING NUMBERS:</p> <p>1523.1.EX.E01 Existing Building Elevations; 1523.1.EX.L01 Existing Site Plan; 1523.1.EX.P00 Existing Ground Floor Plan; 1523.1.EX.P01 Existing First Floor; 1523.4.PA.A01A Axonometric Views; 1523.4.PA.E01F Proposed Elevations (East/West); 1523.4.PA.E02E Proposed Elevations (North/South); 1523.4.PA.E03E Proposed Elevations (West); 1523.4.PA.E04F Proposed Elevations (South); 1523.4.PA.L01C Proposed Site Plan; 1523.4.PA.L02 Proposed Block Plan; 1523.4.PA.P01F Proposed Basement Plan; 1523.4.PA.P02F Proposed Ground Floor Plan; 1523.4.PA.P03D Proposed First Floor Plan; 1523.4.PA.P04E Proposed Second Floor Plan; 1523.4.PA.P05E; Proposed Third Floor Plan 1523.4.PA.P06C Proposed Fourth Floor Plan; 1523.4.PA.P07C Proposed Roof Plan; 1523.4.PA.S01E Proposed Sections AA/DD; 1523.4.PA.S02E Proposed Sections BB/CC</p> <p>DOCUMENTS:</p> <p>Planning Statement (December 2020); Affordable Housing and Economic Viability Assessment (December 2020); Viability Update dated March 2021; Energy and Sustainability Statement (December 2020); Dynamic Overheating Assessment (December 2020); Transport Statement (December 2020); Heritage Statement (Jan</p>	

<p>2021); Daylight and Sunlight Report (December 2020); SUDS Drainage Impact Assessment (December 2020); Air Quality Assessment (December 2020); Preliminary Bat Roost Assessment (December 2020); Noise Impact Assessment (December 2020); Archaeological Desk-Based Assessment (Jan 2021); Land Contamination Report – Phase 1 Desk Study (Jan 2021); UXO Risk Assessment (16 May 2018).</p>	
<p>APPLICANT:</p> <p>Blair Estates Limited 3 Edge Business Centre Humber Road London NW2 6EW</p>	<p>AGENT:</p> <p>Renew Planning</p>
<p>PROPOSAL:</p> <p>Demolition of existing Class E(a) (formerly Class A1) retail units and construction of a part-three, part-four and part-five storey over basement building containing Class E(a) retail floorspace at ground and basement level and 25 Private Rented Sector residential units (Class C3) on the upper floors with related facilities, including plant and cycle parking.</p>	
<p>RECOMMENDATION SUMMARY:</p> <p>Approve conditional planning permission subject to conditions and a legal agreement.</p>	
<p>POST-SUBMISSION AMENDMENTS:</p> <p>Although there has been no amendments to the application post-submission, a re-consultation was undertaken following the publication of additional viability information submitted by the applicant and the publication of the Council's viability report .</p>	
<p>NOTE TO MEMBERS:</p> <p>The application is being brought before members due to the size and nature of the application and the extent of public interest generated.</p> <p>An identical application was brought before members in November 2019 and received a resolution to grant planning permission. The application was due to be heard again by planning sub-committee due to the publication of additional financial viability information relating to affordable housing. However, prior to this occurring, the Council suffered a serious cyber attack which resulted in key</p>	

application documents becoming inaccessible. The subject application is therefore effectively a resubmission of the previous planning application due to the cyber attack.

ANALYSIS INFORMATION

ZONING DESIGNATION:

(Yes)

(No)

CPZ	X	
Conservation Area	X	
Listed Building (Statutory)		X
Listed Building (Local)		X
Local Shopping Centre	X	
CAZ		X
PEA		X

EXISTING LAND USE DETAILS

LAND USE	USE DESCRIPTION	GIA (SQM)
A1	Retail	1,025
TOTAL		1,025

PROPOSED AMENDED LAND USE DETAILS FOR THE MAIN APPLICATION

LAND USE	USE DESCRIPTION	GIA (SQM)
E(a)	Retail	1,180
C3	Residential (Private Rented Sector)	2,656
TOTAL		3,836

RESIDENTIAL MIX:

Unit size	No. of units	Overall provision (%)
1 Bed	12	48%
2 Bed	8	32%
3 Bed	5	20%
Total	25	100%

TENURE MIX:

Tenure	Unit Size	No of units	Proportion
London Living Rent	1 bed 2p	5	
	2 beds 4p	2	
	3 beds 5p	2	
	Total	9	
Market Rent	1 bed 2p	6	
	2 beds 4p	6	
	3 beds 5p	4	

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	Total	16	64%
Total		25	100%

PARKING DETAILS:

	Parking Spaces (General)	Parking Spaces (Disabled)	Bicycle storage
Existing	0	0	0
Proposed	0	2	73

CASE OFFICER'S REPORT

1. SITE AND CONTEXT

- 1.1 The proposal site is a roughly rectangular parcel of land situated on the corner of Hoxton Street and Purcell Street. The site currently comprises a part one, part two storey building with a rear servicing yard accessed from Purcell Street. The building is currently occupied by a retail supermarket and a small retail unit containing a chemist. The primary frontage and access to the retail units is from Hoxton Street.
- 1.2 Hoxton Street is a Local Shopping Centre that is primarily characterised by retail/restaurant/pub uses at ground floor level with residential on the floors above. Hoxton Street is also a designated market street with street food available Monday-Friday and a general market in operation on Saturdays. Beyond Hoxton Street to the east and west are predominantly residential uses.
- 1.3 To the east of the site is the Hoxton Trust Community Garden which is a small publicly accessible green space. The four storey Howl at the Moon pub is also located to the east. To the north of the site is a four storey building with a fast food takeaway at ground floor level and residential above. To the south is Purcell Street and beyond that a four storey building with retail at ground floor level and residential on the floors above along with a rear yard currently used for parking/servicing. To the west is a four storey residential block separated from the site by a small courtyard and landscaped area. A two storey terraced row of residential properties with rear gardens is located to the north west of the site.
- 1.4 The predominant building heights along Hoxton Street are approximately three-four storeys with some taller buildings of five storeys located to the north near the junction with Nuttall Street.
- 1.5 Hoxton Overground Station is located approximately 8 minutes away from the site by foot. There are a number of bus routes on Kingsland Road to the east. The site has a PTAL rating of 3-4 which is 'good' accessibility as defined by TfL.
- 1.6 The site is located within the Hoxton Street Conservation Area. The site is also located in a Local Shopping Centre, the City Fringe Opportunity Area and an Archaeological Priority Area. The site is also alongside a designated Street Market on Hoxton Street.

2. CONSERVATION IMPLICATIONS

- 2.1 The site is located within the Hoxton Street Conservation Area. To the north of the site are the Grade II listed 233-235 and 237 Hoxton Street. The former cupola and clock from St Leonards Hospital located within Hoxton Community Garden are locally listed.

3. HISTORY

- 3.1 Planning Application 2018/2370 received a resolution to grant planning permission on 06/11/2019. The proposal was virtually identical to the subject proposal and had the following development description:
- 3.2 “Demolition of existing Class A1 retail units and construction of a part-four and part-five storey over basement building containing Class A1 retail floorspace at ground and basement level and 25 Private Rented Sector residential units (Class C3) on the upper floors with related facilities, including plant and cycle parking”
- 3.3 The application was due to be heard again by planning sub-committee due to the publication of additional financial viability information relating to affordable housing. However, prior to this occurring, the Council suffered a serious cyber attack which resulted in key application documents becoming inaccessible. The subject application is effectively a resubmission of the previous planning application.
- 3.4 Otherwise, planning history for the site relates to minor alterations to the shopfront of the building only.

4. CONSULTATIONS

- 4.1 Date initial statutory consultation period started: 19/01/2021
- 4.2 Date second round of consultation started: 30/03/2021
- 4.3 Date Statutory Consultation Period ended: 20/04/2021
- 4.4 A Site Notice was placed near the site and a notice was placed in the local press

4.5 Neighbours

- 4.5.1 In addition to site and press notices, 303 notification letters were sent to nearby occupiers notifying them of the application. In response to these consultations a total of 6 objections have been received to date from nearby occupiers/interested parties.
- 4.5.2 The grounds of objection and concerns can be summarised as follows:
 - Noise pollution and environmental impacts of construction.
 - Views of Hoxton Gardens would be blocked.
 - Noise impacts of the development.
 - Loss of the existing Iceland store will deprive the local community of a low cost supermarket.
 - Excessive scale and massing in relation to surroundings.

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- The design is out of character of the local area.
- The development will result in a loss of daylight/sunlight to neighbouring residential buildings.
- Overlooking impacts upon nearby residential properties.
- Overbearing impact upon nearby residential properties.
- Impact upon Hoxton Street Market during construction.
- The proposal should provide more affordable housing.
- The existing small retail unit should be retained.
- The current retailer on site, Iceland, contribute to the local community

The principles raised in the objections above are considered to have been addressed within the main body of the report unless otherwise noted above.

4.5.3 2 petitions have also been received in opposition to the proposal. The first, which received 1,100 signatures, does not mention the current application reference number specifically and appears to have been undertaken prior to the current submission. However, a request was received from the petition organiser for the petition to be taken into consideration as part of the assessment of the current application. The matters raised can be summarised as follows:

- The application should be reconsidered at planning sub-committee. OFFICER NOTE: This appears to relate to the previous application which was due to be reconsidered at planning sub-committee prior to the cyber attack.
- The council should help Iceland secure local jobs for staff in the current store if the redevelopment goes ahead. OFFICER NOTE: The re-hiring of existing staff by a new occupier is beyond the remit of the planning system and is not a material planning consideration in this case. Planning Policy in relation to local employment seeks certain obligations/contributions which are set out in the report below.
- The council should ensure continued access to affordable groceries for the local community, especially vulnerable residents. OFFICER NOTE: This is addressed below.

4.5.4 The second petition has received a total of 2,343 signatures. This petition refers to the current application specifically and appears to have been undertaken by the same organiser as the above petition. The following concerns have been raised in relation to the proposal:

- *The proposal would result in the loss of a community asset (Iceland).* The petition sets out various aspects of Iceland's operation in support of its assertion that the store is a community asset, such as low cost groceries, home delivery costs, plastic packaging policies etc. OFFICER COMMENT: A retail store of this size is not be deemed a Community Asset in planning terms - supermarket retailers are not categorised as social or community infrastructure in Hackney's Local Plan and the Iceland on Hoxton Street has not obtained Asset of

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Community Value status (in the same manner as may be afforded to certain local businesses such as local pubs etc.). The merits of a particular retailer in terms of their corporate policies etc. are not a material planning consideration in this case.

- *Lack of affordable housing (and failure to meet policy target of 50%).* The petition refers to an independent review of the submitted viability information undertaken on behalf of Iceland which argues that additional affordable housing could be achieved if Iceland were retained as part of the development. OFFICER NOTE: This is addressed in the viability section below.
- *Lack of space for a smaller retailer.* The petition refers to the local plan policy in relation to smaller retail units. OFFICER NOTE: This is addressed in the land use section below.

4.5.6 Correspondence has also been received from agents representing Iceland along with an independent review, undertaken on behalf of Iceland, of the Financial Viability information published online. The following grounds of objection have been raised.

- The Council has an acute need for affordable housing and this is reinforced by the adoption of the new local plan which also seeks contributions on small sites and reiterates the high need for affordable housing. The proposal would not provide the policy target of 50% affordable housing and the submitted viability information does not demonstrate that the maximum reasonable amount has been provided.
- The Council has failed to publish their viability appraisal, as required by the NPPF and the recent Holborn Studios judgement. OFFICER NOTE: This comment was made prior to the publication of the Council's viability report.
- Local Plan policy states that small retail units 'must' be provided in retail developments of this size. The policy is less flexible than the previous development plan policy (DM8) and therefore the lack of a small retail unit cannot be offset by a planning contribution. It is also unclear how the proposed £30,000 contribution was calculated and whether it is in compliance with CIL guidelines.
- A number of specific matters have been raised by viability consultants representing Iceland in relation to the viability information initially submitted with the application, the council's viability information, and further information submitted by the applicant. These matters will be discussed in more detail in the Affordable Housing section below.

The matters raised above are considered to have been addressed within the main body of the report unless otherwise noted above.

4.7 Local Groups / Other Consultees

Hackney Society

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- 4.7.2 As identified in the Heritage statement, it is the variety of the buildings along Hoxton Street that characterises the conservation area. The buildings date from a period of 200 or so years, with varying parapet/eaves heights, and with different relationships with the pavement. As such the contrived variety of plane, height, material and texture in the proposals seems reasonable in principle. But there is an important consistency along Hoxton Street that is not reflected in the proposals and that is the proportion of window to wall/ of solid to void. The large areas of glazing and square proportions generated by the decorative brick panels jar in the context and would fail to preserve the special quality of the conservation area. Furthermore the scale is too high at the corner, creating a disruption to the continuity of the architecture on the street.

Shoreditch CAAC

- 4.7.3 No objection, subject to the LPA ensuring that appropriate measures are put in place to ensure minimal disruption to market traders during construction as the market is an important part of the character and appearance of the Conservation Area.

4.8 Statutory Consultees

Historic England (Archaeology)

- 4.8.1 No objections subject to conditions.

Thames Water

- 4.8.2 No objection subject to informatives

Fire Brigade

- 4.8.4 No response received.

TfL (Crossrail Safeguarding)

- 4.8.5 No objections.

4.6 Council Departments

Environmental Services

Air Quality

- 4.10.1 No objections subject to conditions.

Noise Pollution

- 4.10.2 No objection subject to conditions.

Traffic and Transportation

4.10.3 No objection subject to conditions and the securing of contributions/obligations by way of legal agreement (detailed further below).

Drainage

4.10.4 No objections subject to conditions.

Waste Management

4.10.5 No objections subject to conditions.

5.1 Local Plan LP33 (2020)

LP1	Design Quality and Local Character
LP2	Development and Amenity
LP3	Designated Heritage Assets
LP4	Non Designated Heritage Assets
LP6	Archaeology
LP9	Health and Wellbeing
LP11	Utilities and Digital Connectivity Infrastructure
LP12	Meeting Housing Needs and Locations for New Homes
LP13	Affordable Housing
LP14	Dwelling Size Mix
LP15	Build to Rent
LP17	Housing Design
LP24	Preventing the Loss of Housing
LP31	Local Jobs, Skills and Training
LP35	Local Shopping Centres
LP37	Small and Independent Shops
LP40	Street Markets
LP41	Liveable Neighbourhoods
LP42	Walking and Cycling
LP43	Transport and Development
LP44	Public Transport and Infrastructure
LP45	Parking and Car Free Development
LP46	Protection and Enhancement of Green Infrastructure
LP47	Biodiversity and Sites of Importance of Nature Conservation
LP50	Play Space
LP51	Tree Management and Landscaping
LP53	Water and Flooding
LP54	Overheating and Adapting to Climate Change
LP55	Mitigating Climate Change
LP56	Decentralised Energy Networks
LP57	Waste
LP58	Improving the Environment - Pollution

5.2 London Plan (2021)

- GG1 Building strong and inclusive communities
- GG2 Making the best use of land
- GG3 Creating a healthy city
- GG4 Delivering the homes Londoners need
- GG5 Growing a good economy
- SD6 Town centres and high streets
- SD7 Town centres: development principles and Development Plan Documents
- SD8 Town centre network
- SD9 Town centres: Local partnerships and implementation
- SD10 Strategic and local regeneration
- D1 London's form, character and capacity for growth
- D2 Infrastructure requirements for sustainable densities
- D3 Optimising site capacity through the design-led approach
- D4 Delivering good design
- D5 Inclusive design
- D6 Housing quality and standards
- D7 Accessible housing
- D8 Public realm
- D10 Basement development
- D11 Safety, security and resilience to emergency
- D12 Fire safety
- D14 Noise
- H1 Increasing housing supply
- H2 Small sites
- H4 Delivering affordable housing
- H5 Threshold approach to applications
- H6 Affordable housing tenure
- H10 Housing size mix
- H11 Build to Rent
- E9 Retail, markets and hot food takeaways
- E11 Skills and opportunities for all
- HC1 Heritage conservation and growth
- HC2 World Heritage Sites
- HC3 Strategic and Local Views
- HC4 London View Management Framework
- HC5 Supporting London's culture and creative industries
- HC6 Supporting the night-time economy
- HC7 Protecting public houses
- G1 Green infrastructure
- G4 Open space
- G5 Urban greening
- G6 Biodiversity and access to nature
- SI 1 Improving air quality
- SI 2 Minimising greenhouse gas emissions
- SI 3 Energy infrastructure

- SI 4 Managing heat risk
- SI 5 Water infrastructure
- SI 6 Digital connectivity infrastructure
- SI 7 Reducing waste and supporting the circular economy
- SI 8 Waste capacity and net waste self-sufficiency
- SI 13 Sustainable drainage
- T1 Strategic approach to transport
- T2 Healthy Streets
- T3 Transport capacity, connectivity and safeguarding
- T4 Assessing and mitigating transport impacts
- T5 Cycling
- T6 Car parking
- T6.1 Residential parking
- T6.3 Retail parking
- T6.5 Non-residential disabled persons parking
- T7 Deliveries, servicing and construction
- T9 Funding transport infrastructure through planning

5.3 Strategic Policy Guidance

Accessible London: achieving an inclusive environment SPG
The Control of Dust and Emissions during Construction
Character and Context
Use of Planning Obligations in the funding of Crossrail and the Mayoral Infrastructure Levy
Play and Informal Recreation SPG
Planning for Equality and Diversity in London
Housing SPG
Housing Strategy
Affordable Housing and Viability SPG
Social Infrastructure SPG
City Fringe Opportunity Area Planning Framework
The Mayor's Transport Strategy
Planning and Access for Disabled People: a good practice guide (ODPM)
Sustainable Design and Construction SPG
Mayor's Climate Change Adaptation Strategy
Mayor's Climate Change Mitigation and Energy Strategy
Mayor's Water Strategy
Hackney S106 Planning Contributions SPD
Hackney Public Realm SPD
Sustainable Design and Construction SPD

5.4 National Policy

National Planning Policy Framework (NPPF)

National Planning Policy Guidance (NPPG)

6.0 COMMENT

Description of Proposal

- 6.0.1 The proposal is to demolish the existing building on site and to erect a part three, part four, part five storey building with retail floorspace at ground and basement level and 25 Private Rented Sector residential units on the floors above.
- 6.0.2 The building would be three storeys in height with a set back fourth storey where it adjoins the adjacent terraced building to the north. The building retains a four storey height for most of its Hoxton Street frontage with a five storey element on the corner of Hoxton Street and Purcell Street. The building then steps down to four storeys and three storeys respectively on Purcell Street. The majority of the building's western elevation is one storey in height where it adjoins the western boundary.
- 6.0.3 The Hoxton Street elevation of the building is flush with the building line on Hoxton Street at ground floor level but includes a central recess on its upper floors along with recessed balconies on its northern and southern ends. The rear of the building is arranged in a broadly U formation with garden terraces provided on top of the single storey element and balconies on the floors above.
- 6.0.4 The ground floor on Hoxton Street is comprised mainly of retail frontage with residential, bicycle and bin store access on its northern side. The Purcell Street elevation also includes retail frontage at ground floor level along with a residential entrance and a servicing entrance for the retail store.
- 6.0.5 The proposed residential units would be provided as Private Rented Sector (PRS) or Build-to-Rent units. PRS developments differ from typical residential developments in that all units are held in the same ownership and are then rented rather than sold individually. PRS developments are required by covenant to be operated in this way for a minimum of 15 years. After the 15 year covenanted period ends, the units can be sold on the private market. PRS Landlords are expected to offer longer tenancies with defined in-tenancy rent reviews and professional on-site management.
- 6.0.6 The proposed retail unit would have a total of 1,180sqm (GIA) when including the basement ancillary space. This would replace the existing retail provision on site of 1.004sqm.

Background

- 6.0.7 As set out in the Planning History section above, the subject application is a resubmission of an earlier planning application (2018/2370) which received a resolution to grant planning permission at Planning Sub-Committee on 06/11/2019. The proposal is unchanged since that submission in terms of its design and the proposed land uses. The surrounding built context is also relatively unchanged since the last submission in terms of new developments that would materially affect the assessment of the proposal.

6.0.8 There has been a change in policy context since the previous application was heard at planning sub-committee. The new Local Plan was adopted in July 2020 and the new London Plan was published in March 2021. The subject proposal has been assessed against current policy below and all relevant supporting documentation has been updated accordingly. Where there have been any specific changes in policy that relate to the assessment of the current proposal, this will be discussed below. The submitted viability information has also been updated since the previous application was considered, which is also discussed in more detail below.

6.0.9 Although the previous resolution to grant planning permission does not have the same weight as an approved planning permission, it is still a material planning consideration that should be taken into consideration as part of the assessment of the subject proposal.

Considerations

The principal material planning considerations relevant to this application are as follows:

- 6.1 Principle of Land Use;
- 6.2 Design, Appearance and impact upon Heritage Assets;
- 6.3 Standard of Commercial Accommodation;
- 6.4 Traffic and Transportation;
- 6.5 Energy and Carbon Emissions;
- 6.6 Environmental Impact upon Nearby Occupiers;
- 6.7 Trees, Landscape and Biodiversity;
- 6.8 Other Planning Matters;
- 6.9 Community Infrastructure Levy/Section 106 Agreement

Each of these considerations is discussed in turn below.

6.1 The Principle of the Use

Retail Use

6.1.1 The application site is located within the Hoxton Street Local Shopping Area. Local Plan policy LP35 states that Local Shopping Centres should provide a range of retailing and community services to meet the needs of the local community. Local Plan policy LP32 states that new retail and leisure development should be located within designated centres and that retail and/or leisure uses over 200sqm outside of designated centres will not be permitted unless it can be demonstrated that there is no suitable premises available in the designated centres and that there would be no harm to the vitality and viability of these centres. Local Plan policy LP37 states that new retail development of more than 1000sq.m gross internal retail floorspace in designated centres must incorporate small shop premises, equivalent to at least 10% of the total amount of proposed gross internal retail floorspace.

- 6.1.2 London Plan policy SD6 seeks to promote the vitality and viability of London's town centres and policy SD7 states that development proposals should ensure that commercial floorspace relates to the size and the role and function of a town centre and its catchment.
- 6.1.3 The proposal would replace 1,025sqm of A1 retail floorspace with 1,180sqm of Class E(a) retail floorspace. The overall increase in retail floorspace proposed is marginal and the principle of retail floorspace of the general scale proposed at this location is established by the existing use. As such, a sequential test or retail impact assessment is not considered necessary. The proposed use is in line with the site's Local Shopping centre designation, accords with the above mentioned policies relating to town centre uses and is considered acceptable in land use terms.
- 6.1.4 The proposal would not provide a small shopping unit in a development providing in excess of 1,000sqm of retail floorspace, as sought per LP37. However, the existing character of Hoxton Street Shopping Centre is such that it is not considered that the lack of a small unit as part of the proposal would detrimentally affect the vitality and viability of the shopping centre to a significant degree. There are already a large number of small independent shops on the street, including a chemist a short distance to the north, and the retention of a mid-size supermarket store on site is considered beneficial to the diversity and overall viability of the shopping centre as a whole. This local context remains in place since the lack of a smaller retail unit was considered acceptable under the previous application for the redevelopment of the site heard at planning sub-committee.
- 6.1.5 As with the previous application, it is recommended that a contribution of £30,000 be secured by legal agreement to help offset the lack of a small unit as part of the current proposal. This contribution, the size of which has been proposed by Economic Regeneration officers and agreed by the applicant, would be put towards relocation and fit-out costs for displaced business in the local shopping centre and/or general improvements in the immediate area to support other local small retailers. The benefit this contribution would bring in helping to improve affordability for small enterprises in the local shopping centre, combined with the local retail context described above, are considered sufficient to justify the lack of a small retail unit within the proposal.
- 6.1.6 It is noted that the wording of LP37 differs slightly from that of the previous relevant development policy (DMLP policy DM8) in that the language is less flexible and the potential use of a planning contribution to help address the objectives of the policy is not explicitly set out. However, each proposal must be considered on its own merits, in light of relevant planning policy and in the balance of all material planning considerations. It is not considered that the wording of LP37 has changed the policy context to such an extent that the lack of a small retail unit would now be unacceptable at the site, nor that the use of a monetary contribution as part of the planning balance assessment would no longer be appropriate.

6.1.7 As with the previous application, it is noted that a number of objectors have raised concerns with the loss of the existing Iceland store on site. In particular, the affordability of the store in comparison to other supermarket retailers has been raised and the benefit this provides to many people in the local area. The planning system does not generally restrict a use to a particular occupier - changes of occupier can occur within a Use Class without planning permission unless the planning permission is made personal to a particular occupier by condition (a practice which planning guidance states should only be used in exceptional circumstances). In this case, it is not considered justified or appropriate to restrict the occupier of the retail space to one particular retailer (i.e. Iceland) or to a particular type of retailer (low-cost or otherwise). However, it is noted that the occupier currently lined up to take on the retail space is another low-cost supermarket chain (Lidl). As such, whilst it is not considered necessary to make the proposal acceptable, it appears likely there will remain a low-cost supermarket on Hoxton Street at least in the short to medium term.

6.1.8 The temporary loss of a supermarket during construction is an unavoidable consequence of the redevelopment of the site and is not considered reasonable grounds to refuse the application. Similarly, the impact of the construction of the development upon Hoxton Street Market would be temporary and mitigated by highways regulations and would not represent reasonable grounds for refusal.

6.1.9 In order to ensure that the development provides a retail use at the site, a condition is suggested which restricts the use to part (a) of Use Class E. This is to prevent changes of use within Class E that would result in alternative commercial uses and is in the interests of protecting the viability and vitality of the local shopping centre.

Private Sector Rented Housing

6.1.10 Local Plan policy LP15 states that PRS/Build to Rent schemes will be supported provided they they meet all of the following criteria:

1. The homes are held as Build to Rent under a covenant for at least 15 years; and
2. All units are self-contained and let separately; and
3. The development is in unified ownership and unified management; and
4. The development has professional and on-site management; and
5. Longer tenancies of three years or more are offered with defined in-tenancy rent reviews.

6.1.11 London Plan policy H13 set out the following criteria for Build to Rent schemes:

- 1) the development, or block or phase within the development, has at least 50 units
- 2) the homes are held as Build to Rent under a covenant for at least 15

years

3) a clawback mechanism is in place that ensures there is no financial incentive to break the covenant

4) all the units are self-contained and let separately

5) there is unified ownership and unified management of the private and Discount Market Rent elements of the scheme

6) longer tenancies (three years or more) are available to all tenants. These should have break clauses for renters, which allow the tenant to end the tenancy with a month's notice any time after the first six months

7) the scheme offers rent and service charge certainty for the period of the tenancy, the basis of which should be made clear to the tenant before a tenancy agreement is signed, including any annual increases which should always be formula-linked

8) there is on-site management. This does not necessarily mean full-time dedicated on-site staff, but that all schemes need to have systems for prompt resolution of issues and some daily on-site presence

9) providers have a complaints procedure in place and are a member of a recognised ombudsman scheme

10) providers do not charge up-front fees of any kind to tenants or prospective tenants, other than deposits and rent-in-advance

6.1.12 The Mayor of London's Housing SPG notes the benefits of PRS in terms of offering longer term tenancies, providing more certainty over long term availability and ensuring high quality management through single ownership. PRS developments can also meet a wide range of needs, including those of single people, sharers, families and older people.

6.1.13 The proposal to provide 25 units of accommodation at PRS on site is broadly supported by the above policies subject to the relevant criteria being met. It is proposed that a PRS Management Plan be secured by legal agreement which would control the terms of the ownership and management of the development and the manner in which rents will be offered and reviewed. The 15 year PRS covenant should also be secured by legal agreement alongside a clawback mechanism which will help ensure that there is no financial incentive to break the covenant. Subject to such obligations, the proposal to provide 25 PRS units on site is supported. The PRS model would help bring diversity to the borough's housing stock and would provide benefits over other forms of private rented stock through greater security of tenure, formula linked rent increases and higher management standards than a buy-to-let landlord may ordinarily provide.

6.1.14 Whilst it is noted that the proposal would provide less than the 50 units required by GLA policy for PRS schemes, subject to the scheme being acceptable in all other respects, and given that Local Plan policy LP15 does not include a restriction on size for PRS developments, the principle of a 25 unit PRS scheme is considered acceptable.

Housing Mix

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6.1.15 It is noted that the proposal would provide 20% of units as family sized whereas policy DM22 requires 33% of units to be family sized in new developments. However, the GLA's Affordable Housing SPG states that local policies requiring a range of unit sizes should be applied flexibly to Build to Rent schemes to reflect demand for new rental stock, which is much greater for one and two beds than in owner-occupied or social/ affordable rented sector. Local Plan policy LP14 also states that the Council will consider variations to the dwelling size mix sought if this can be justified based on the tenures and type of housing proposed which in this case would be a non conventional form of housing more suited to smaller unit sizes. On this basis, and considering that there would still be five family sized units provided, the proposed housing mix is considered acceptable.

Affordable Housing

6.1.16 London Plan policy H13 and the adopted GLA Affordable Housing SPG state that PRS schemes must provide a proportion of affordable housing. Local Plan policy LP15 sets a target for schemes which qualify for affordable housing at 50% of the overall units on site, subject to scheme viability. In the case of PRS, both the adopted Affordable Housing SPG, H13 and LP15 state that on-site discounted market rent is the most appropriate tenure, preferably London Living Rent. This is due to the particular characteristics of PRS where the development would be under single ownership and management.

6.1.17 The Financial Viability Assessment (FVA) that has been submitted with the proposal is an updated version of the FVA submitted with the previous application. The previous FVA initially found that the proposed PRS scheme produced a deficit and could provide no affordable on site or a payment in lieu of on site affordable housing. However, at the request of Council Officers, an alternative scenario was modelled where the development was assessed as if it were 100% private sale (rather than PRS). This exercise resulted in a viability surplus being identified which would allow the provision of 9 London Living Rent units on site. This equated to 36% of the overall units on site and was considered to be the maximum reasonable amount of affordable housing that could be provided on site given the need to optimise housing provision on development sites.

6.1.18 The FVA information submitted with the subject application has been updated to reflect current market conditions. The Council's independent viability consultant has considered this information and has agreed that some viability inputs required updating, including slightly higher build costs and updated London Living Rent levels. However, the overall outcome of the Council's assessment is that the maximum number of units the scheme can provide continues to be 9 on site London Living Rent units. The mix of affordable housing units is to be slightly amended in comparison to the previous offer in order to better reflect the surplus identified - the scheme would now provide 5x1 bed, 2x2 bed and 2x3 bed instead of 6 x 1 bed and 3x2 bed. This has been accepted by the applicant and it is recommended that the overall AH provision be secured by legal agreement alongside early and late stage review

mechanisms as per the guidance set out in the Affordable Housing SPG.

6.1.19 The Council's Housing Team are satisfied that the London Living rent tenure will provide genuinely affordable rental levels for local people and that the proposed mix is appropriate for a scheme of this nature.

6.1.20 In order to ensure that there is no financial incentive to break the 15 year PRS covenant, it is also recommended that a clawback mechanism be included in the legal agreement. The clawback amount will be the difference between the total value of the market rent units based on the viability assessment at application stage, and those units valued on a 'for sale' basis at the point of sale. This amount would be payable should any of the units be sold on the private market within the 15 year covenant period and would be put towards the provision of off-site affordable housing in the local area.

6.1.21 Representations made by viability consultants acting on behalf of Iceland have raised a number of specific matters in relation to both the information submitted by the applicant and the Council's published viability report. The key matters raised are discussed in turn below:

- *The commercial revenue could be improved if Iceland were the retail occupier and the viability position thereby improved.*

The Council's viability consultant has assessed the value of the retail space based on market comparisons and the lease terms and covenant strength of Lidl compared to Iceland. It is the Council's position that the commercial revenue has been assessed robustly and in an appropriate way.

- *Construction Costs have not been properly assessed*

Cost Consultants working on behalf of the Council have assessed the updated cost plan put forward by the applicant and consider this to be reasonable as per current market conditions.

- *The Council have accepted various inputs too easily and could have achieved a better viability outcome.*

It is the council's position that the viability information has been assessed properly and robustly and the maximum amount of affordable housing has been secured.

- *The professional fees accepted are too high*

The professional fees accepted by the Council's viability consultant are 10% which is typical of fees for major developments within Hackney and has been accepted on numerous occasions previously.

- *The Council has not been sufficiently transparent in publishing relevant viability information.*

The Council has published the report of our viability consultant as well as all viability information submitted by the applicant. For the sake of transparency, additional advice provided by the Council's viability consultant in the preparation of this report, which has not affected the overall viability outcome but has been relevant to our assessment, has also been published online. It is the Council's position that it has fulfilled its obligations in terms of openness and transparency in this regard.

6.2 Design, Appearance and Impact upon Heritage Assets

Context

6.2.1 The site is positioned at the junction of Hoxton Street and Purcell Street and covers an area of approximately 1100sqm. The part of Hoxton Street at the building's front elevation is part of Hoxton Street Market. The existing building on site is an L shaped, single-storey brick-block covering approximately 80% of the site area. The current uses are a supermarket and a pharmacy, both accessed from Hoxton Street. The remaining part of the site is used as an ancillary rear-yard to the existing commercial uses, accessed from Purcell Street, to the south.

6.2.2 The site fronts the Hoxton Trust Community Garden to the east, opposite Hoxton Street. To the south, opposite Purcell Street, there is a four storey, sixty-styled brick block, of no relevant architectural value. To the west, the closest buildings are positioned approximately ten metres away from the site boundary. To the north, the site adjoins a traditional, three storey high terrace of buildings, some with mansard roofs. Towards the northern end of this terrace, approximately twenty metres away from the site, there are three statutory listed properties at nos. 233, 235 and 237. The site is within the Hoxton Street Conservation Area.

Principle of Demolition

6.2.3 The existing building on site is considered to be of little architectural merit and its single storey nature makes its height discordant with the prevailing building heights along the street. The loss of the building and its redevelopment with a replacement of an appropriate quality and scale is therefore considered to represent an enhancement of the character and appearance of the conservation area.

Layout

6.2.4 The proposal is to demolish the existing building on site and to erect a new four and partially five storey high building, incorporating commercial uses at ground floor level and residential uses on floors above. The proposed retail unit occupies the whole of the ground floor along with some basement space. The unit is accessed from Hoxton Street and service access is positioned on Purcell

Street.

6.2.5 The overall arrangement of the commercial space and residential accesses on ground floor are considered acceptable. Each core serves a maximum limited number of four units per floor, which is considered acceptable and exceeds the minimum recommended Standard 12 in the London Housing SPG. Bin stores and bike stores are thoughtfully positioned in the immediate adjacency of the residential cores.

Massing and form within context

6.2.6 The proposal is considered to be well integrated within its surrounding context. The proposed massing and form have been broken down into vertical elements, which legibly step-down from the five storey element at the junction of Hoxton Street and Purcell Street, towards the lower neighbouring buildings to the west and north. This five storey corner element is considered appropriate to mark the street junction, without being over-imposing and its scale is further justified by the generous open-space of the Hoxton Community Garden to the east. On Purcell Street, the proposal has been appropriately limited to three storeys towards the neighbouring properties to the west, which is considered beneficial to create a coherent streetscape.

6.2.7 From first to third floor level, the proposed building has an articulated form with recessed and advanced segment-elevations. The building is setback from the western boundary by a distance varying from 4 metres to 7.4 metres, with the exception of the three storey south-western element, which sits on the southern and western boundaries. This approach is considered acceptable in terms of further breaking down the perceived bulk of the building and mitigating as much as possible the potential overshadowing and sense of enclosure to neighbouring properties.

Architecture

6.2.8 The proposed architecture is characterised by a simple language of brick segment-elevations and a regular pattern of full height openings. Two colours of brick have been used to further express the intended verticality and contextual character of the scheme, which refers legibly to the neighbouring terraces to the north. Distinct brick patterns have been used selectively to further express the rhythm of openings and verticality of the façade. Similarly, at ground floor level decorative brick surrounds have been used creatively to reinforce the perceived pace of shop windows referring to the traditional character of the street.

6.2.9 Perforated metal balconies are effectively integrated within the overall appearance of the building and assist in expressing the corner element as a local marker of the Hoxton Street junction with Purcell Street. Vertical metal rail balustrades have been used on the rear balconies, in keeping with the more intimate and domestic feel of this side of the scheme.

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6.2.10 A condition is recommended requiring the submission of material samples and details of all the visible features on façade, including all sills, joints and balcony soffits. All water pipes on the street side will also be required to be concealed.

Conservation

6.2.11 The site is included within the Hoxton Street Conservation Area. Conservation Areas are managed through the Planning (Listed Buildings and Conservation Areas) Act 1990 and particularly section 72, which states: “*special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*” The scheme is considered well integrated within the character of the conservation area in terms of scale, architecture and materiality and creates a legible relationship with the traditional terrace to its north. The scheme is therefore considered to preserve the character and appearance of the conservation area in accordance with Section 72 of the 1990 Act and paragraph 193 of the NPPF. No harm identified.

6.2.12 The scheme is considered to preserve the special interest of the Grade II listed buildings at nos. 233, 235 and 237 Hoxton Street, as its northern part has been designed sympathetically to the neighbouring terraces and listed buildings in terms of materiality, height and width of segment-elevations. No harm identified.

6.3 Standard of Commercial Accommodation

6.3.1 The Mayor of London’s Housing SPG provides guidance on the standards for all new residential development within London. Local Plan policy LP17 states that new housing in Hackney should comply with the London Plan and Mayor’s Housing SPG. This includes criteria such as minimum space standards and access to private amenity space.

6.3.2 All the units within the proposed development meet the minimum size standards set out in the Mayor’s Housing SPG and the Nationally Described Space Standards. Each unit is provided with private amenity space generally in the form of balconies or terraces. Each unit is also provided with adequate levels of natural light as evidenced by the Average Daylight Factor analysis contained in the submitted Daylight/Sunlight report.

6.3.3 Although six units within the scheme would be provided with a single aspect, none of these units would be north facing. Given the constraints of the site, this is considered acceptable.

6.4 Traffic and Transportation

Surrounding Highways and Transport Network

6.4.1 The site is highly accessible by public transport and has a PTAL rating of 3-4 (on a scale of 1-6b, where 6b is the most accessible). The site is located close

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to Cycle Superhighway 1 to the west of Hoxton Street. There are a number of amenities and services within walking distance. The nearest train station is Hoxton station which is 600m away. The site is located within Controlled Parking Zone F which restricts parking from Mon - Fri 7:30am - 6:30pm and Sat 7:30am - 1:30pm.

Trip Generation

- 6.4.2 The submitted trip generation assessment which forms part of the TS predicts a relatively small increase in the overall trips to and from the application site. This is based on the assumption that existing retail use will be re-provided and therefore only the additional 25 residential units will generate additional trips.
- 6.4.3 The TS outlines projections for two-way trips in the AM and PM peak hours. A total of 11 and 14 two-way person trips are projected during the AM and PM peak hours respectively. In total, 2 of these trips are predicted to be made by vehicles. Out of the 106 total trips predicted over the course of a day, 21 trips are projected to be made by vehicles. Given the CPZ restriction and site accessibility, it is anticipated that the majority of the trips are made by sustainable modes of transport.

Cycle Parking

- 6.4.4 Hackney Policies LP41, LP42 and LP43 in LP33 highlight the importance of new developments making sufficient provisions to facilitate and encourage movements by sustainable transport means. Local Plan 2033 policy LP42 requires that cycle parking shall be secure, accessible, convenient, and weatherproof and will include an adequate level of parking suitable for accessible bicycles, tricycles and cargo bikes.
- 6.4.5 The residential and retail components of the scheme would be provided with a policy compliant number of cycle spaces. Further details will be sought by condition in relation to the basement residential cycle parking in order to ensure that the spacing and type of stands are acceptable. Details will also be sought to show where showers and lockers for the retail use will be provided.

Car Parking

- 6.4.6 LP33 states that disabled parking should be provided in accordance with the London Plan. The London Plan states that all developments irrespective of their size must provide at least one disabled parking space.
- 6.4.7 The TS outlines that there are pay and display bays on Hoxton Street and Purcell Street in close proximity to the application site. Blue Badge holders are allowed to park in pay and display bays without charge in Hackney. The submitted Transport Statement does not propose that any disabled persons parking bays are included as part of the application.
- 6.4.8 Given the size of the development and importance of providing policy

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compliant, accessible disabled car parking spaces, the funded conversion of two disabled person's parking bays is required prior to occupation. This is one for each use and ensures that residents, employees, guests or visitors are not discouraged or discriminated against when considering the application site as a place to live or work in Hackney.

- 6.4.9 The spaces should be located as close as possible to the entrance areas as possible. This should be under 50 metres. The use of the public highway may be deemed appropriate for the funded conversion of one of the parking bays. The other disabled parking bay should potentially be provided within the car park that is under the applicant's ownership.
- 6.4.10 It is recommended that the submission and approval of a Parking Design Statement that identifies the two parking bays to be converted to disabled parking space be secured by legal agreement. This should include a contribution of £6,000 to fund the conversion of the spaces. The final locations will be subject to consultation with Parking Services and Transport and Highways teams at the Council when the obligation comes to be discharged.

Delivery and Servicing

- 6.4.8 An overall reduction in weekday servicing is predicted. Around 2 deliveries per day are proposed. These can safely be accommodated on the existing public highway on Purcell Street, however, given that Hoxton Market operates on Saturdays and that there are traffic restrictions at the junction of Purcell Street and Hoxton Street, alternative arrangements are required for servicing on Saturdays. A condition is recommended requiring the submission and approval of a Delivery and Servicing Plan which is to include a stipulation that HGV deliveries do not occur on Saturdays.
- 6.4.9 Subject to the above condition, it is considered that the retail unit can be appropriately serviced on-street.

Urban Realm

- 6.4.10 In accordance with Local Plan policies, new developments and their associated transport systems should contribute towards transforming Hackney's places and streets into one of the most attractive and liveable neighbourhoods in London (see Local Plan 33 policies LP41 - 45 for further details). A Highways Works estimate of £54,100 has been provided which includes a proposal to reconstruct the footway on Hoxton Street and Purcell Street adjacent to the development. The works include kerb renewal, base course renewal, surface course renewal, removal of vehicular crossover, adjustment to service covers as required, drainage works and kerb dressing.
- 6.4.11 To encourage occupants to travel by sustainable modes, a contribution towards the Car club membership and driving credit has been proposed to be offered to all first residential occupants of the development as per Local Plan policy LP44. This would discourage the use of private vehicles on occasions

when the use of a vehicle cannot be avoided.

Construction

6.4.12 Given the nature of the proposed development and its surroundings, a construction and demolition plan is required and will be conditioned to mitigate negative impact on the surrounding highway network. The plan will be required to include the following:

- Details of the construction programme
- Vehicle type, routing and trip generation
- Effects on the highway network
- All other relevant provisions

6.4.13 A contribution of £8,750 is sought to go towards the monitoring of the Construction Management Plan and to ensure adherence Construction and Logistics Community Safety Scheme (CLOCS) as per the objectives of LP43.

6.5 Energy and Carbon Emissions

6.5.1 LP33 policy LP55 Mitigating Climate Change, and London Plan policies SI2, SI3 and SI4 require all new developments to mitigate the impact of climate change through design which minimises exposure to the effects, and technologies which maximise sustainability. Policy LP55 states that all residential development should meet a zero carbon emissions rate and that non-residential developments must achieve the BREEAM 'Excellent' rating (or an equivalent rating under any other system which may replace it) and where possible achieve the maximum number of water credits, and must be built to be zero-carbon. Where it can be robustly demonstrated that it is not possible to reduce CO₂ emissions on-site by the specified levels, carbon off-setting payments will be required and secured via legal agreement. This policy context represents a shift from that in place when the previous application was considered. The submitted sustainability information has been updated to reflect this.

6.5.2 The proposed development, both residential and non-residential, achieves at least 35 per cent reduction in regulated carbon dioxide emissions beyond Building Regulations Part L 2013 on-site. Additionally, both domestic and non-domestic development are required to be net-zero carbon. The remaining regulated carbon emissions to 100 per cent, to be zero carbon are to be off-set off-site or through the cash-in-lieu contribution.

6.5.3 The price per tonne of CO₂ has been increased to £95 since the previous application was considered. A shortfall for the whole development of around 31 tonnes of CO₂ per annum is estimated to trigger a contribution of £88,325 to the Carbon Offset Fund. It is recommended that this be secured by Legal Agreement. The domestic development achieves a 10% reduction at the be lean stage, satisfying the equal target proposed at the Local and London Plan. The non-domestic development targets 35% carbon saving at the be lean stage

and that exceeds the target of 15%. Compliance with these targets is welcome.

6.5.4 The overheating risk assessment has highlighted that without resorting to leaving the windows open during the night (for some nights) the internal temperature exceeds 26°C for approximately 85-210 hours annually. In this particular development leaving the windows open due to external noise is a cause of concern, as suggested in the noise and overheating assessment.

6.5.5 It is acknowledged that leaving the windows open for approximately 6-19 days within a year may not seem much but if these occurrences are concentrated over a shorter period (i.e. Summer) they may be more problematic for the occupants. However, if the temperatures are exceeding the 26°C threshold for a reduced degree/hour it may still be acceptable to a high percentage of occupants. This is assuming the occupant can take some adaptive opportunities to restore comfort (adaptive comfort theory).

6.5.6 Internal high reflectance blinds have been specified as an overheating mitigation requirement for the south, east and west facades with a solar reflectance of 0.8. As indicated, there are some opportunities for natural ventilation, prior to using mechanical ventilation. It is recommended that a Glazing solar factor specifications and a shading device condition be imposed.

6.5.6 Based on the above, and subject to further conditions in relation to BREEAM, Air Permeability, PV systems, Living Roof, plant noise and materials, the proposal is considered acceptable in terms of sustainability.

6.6 Amenity of Nearby Occupiers

Daylight/Sunlight

6.6.1 A daylight/sunlight assessment has been submitted in line with the methodology set out in the BRE report "Site Layout Planning for Daylight and Sunlight – A Good Practice Guide (2011)".

6.6.2 When assessing daylight to existing properties, the primary methods of measurement are vertical sky component (VSC); and No Sky Line (NSL).

6.6.3 The BRE Report sets out two guidelines for vertical sky component:

- a) If the vertical sky component at the centre of the existing window exceeds 27% with the new development in place, then enough sky light should still be reaching the existing window
- b) If the vertical sky component within the new development is both less than 27% and less than 0.8 times its former value, then the reduction in daylight will appear noticeable to the occupants and more of the room will appear more dimly lit

6.6.4 The BRE Report also gives guidance on the distribution of light in existing buildings, based on the areas of the working plane which can receive direct

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skylight before and after. If this area is reduced to less than 0.8 times its value before, then the distribution of light in the room is likely to be adversely affected, and more of the room will appear poorly lit. This is referred to as the No Sky Line (NSL) analysis.

6.6.5 For sunlight, the primary method of measurement is annual probable sunlight hours (APSH) to windows of main habitable rooms of neighbouring properties that face within 90° of due south. If a point at the centre of a window can receive more than one quarter of APSH, including at least 5% of APSH in the winter months, then the room should still receive enough sunlight. If these percentages are not met and the reduction in APSH is more than 20% of its former value, then the loss of sunlight will be noticeable.

6.6.6 For shadow assessment, the requirement is that a garden or amenity area with a requirement for sunlight should have at least 50% of its area receiving 2 hours of sunlight on 21 March.

6.6.7 It is important to note that the BRE guidelines are generally based on a suburban rather than inner urban model and acknowledge that a higher degree of obstruction may be unavoidable in densely developed or historic areas. As such, some flexibility against BRE standards is appropriate, as suggested in paragraph 1.6 of the BRE guidance.

6.6.8 Based on the methodology set out in BRE guidance a number of properties have been identified for assessment. These have been grouped together in the analysis into frontages, as set out below:

Frontage B2:

- 178 Hoxton Street
- 178 -180 Hoxton Street
- 180 Hoxton VSC
- 182-184 Hoxton Street
- 186 Hoxton Street
- 188 Hoxton Street

Frontage B3:

- 1-29 Bay Road

Frontage B4:

- 225 Hoxton Street - Rear
- 229 Hoxton Street - Rear
- 232 - 235 Hoxton Street - Rear

Frontage B5:

- 1 Fern Close

Frontage B6:

- 31 - 40 Purcell Street

Frontage B2

6.6.9 Of the 72 windows assessed for VSC at this frontage, 6 either do not have retained VSCs over 27 or experience reductions in excess of 20%. Of those 6 windows 2 only marginally exceed 20% reductions (77-79% of former values). The remaining 4 windows have retained VSCs in excess of 20 which is considered an acceptable level of daylight in an inner urban location. Only one of those windows fails BRE guidance in relation to sunlight in winter but this window passes the guidance for annual probable sunlight hours. On this basis, the impacts of the proposal upon the daylight and sunlight levels experienced at this frontage are considered to be within acceptable limits.

Frontage B3

6.6.10 Of the 6 windows assessed for VSC at this frontage, all either have retained VSCs over 27 or experience reductions of less than 20%. All of the windows also pass the BRE tests in relation to sunlight. On this basis, the impacts of the proposal upon the daylight and sunlight levels experienced at this building are considered to be acceptable.

Frontage B4

6.6.11 Of the 26 windows assessed for VSC at this frontage, all either have retained VSCs over 27 or experience reductions of less than 20%. 3 of the 26 the windows tested in relation to sunlight fail the BRE tests, one in both WPSH (Winter Probable Sunlight Hours) and APSH, one in WPSH only and the other in APSH only. All of these windows serve rooms in the terrace immediately to the north of the development where any substantial redevelopment would result in a loss of sunlight. Given that these are the only rooms on this frontage affected and that they would pass the relevant tests for daylight, the impact of the proposal upon the daylight and sunlight levels experienced at this property are considered to be within acceptable limits. Overall, the impacts of the proposal upon the daylight and sunlight levels experienced at this building are considered to be acceptable.

Frontage B5

6.6.12 Of the 10 windows assessed for VSC at this frontage, all either have retained VSCs over 27 or experience reductions of less than 20%. All of the windows also pass the BRE tests in relation to sunlight. On this basis, the impacts of the proposal upon the daylight and sunlight levels experienced at this building are considered to be acceptable.

Frontage B6

6.6.13 Of the 40 windows assessed for VSC at this frontage, all either have retained VSCs over 27 or experience reductions of less than 20%. All of the windows also pass the BRE tests in relation to sunlight. On this basis, the impacts of the proposal upon the daylight and sunlight levels experienced at this building are

considered to be acceptable.

Overshadowing

6.6.14 An assessment has also been undertaken for overshadowing of the following nearby amenity spaces:

- Rear gardens at 225-235 Hoxton Street
- Rear gardens at 1 Fern Close
- Open area at 31-40 Purcell Road
- Hoxton Community Garden

6.6.15 The assessment found that all of the amenity spaces analysed passed the BRE guidance using the 2 hours contour test and the Transient Overshadowing test. In the case of Hoxton Community Garden the analysis found that only a small area on the northern end of the space would be overshadowed from 3pm - 5pm on 31st March. This is considered to be a negligible impact and a lesser degree of overshadowing than that caused by other existing buildings in the area.

Privacy

6.6.16 The proposal would include a number of windows and balconies which may overlook the rear gardens of properties at 1 Fern Close as well as rear windows at 1 Fern Close and 31-40 Purcell Road. The rear wall of the development will prevent direct overlooking from windows at first floor level. Direct overlooking to 31-40 Purcell Road at levels 2 and 3 would be from distances of approx 19m (minimum) from windows and 17m (minimum) from balconies. This is considered to be an acceptable distance between windows/balconies in an inner urban location. The windows on the rear elevation of 1 Fern Close would only be overlooked at an oblique angle and from above rather than directly adjacent which, again, is considered an acceptable impact in this context. Overlooking from the balconies of the proposed development will be mitigated through the use of privacy screens, details of which it is recommended be secured by condition.

Amenity impact during construction

6.6.17 It is recommended that a condition be attached requiring the submission of a Demolition Construction Management Plan in order to ensure that the environmental impacts of construction are effectively mitigated. Subject to such a condition, which would also cover construction logistics, the impact of the construction of the proposed development upon neighbouring occupiers is considered likely to be within acceptable limits.

Noise and Disturbance from Use

6.6.18 The noise from plant associated with the use has been analysed in the submitted Noise Survey. This document has been assessed and is considered

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acceptable to demonstrate that the noise from plant would not have an unacceptable impact upon neighbouring amenity. This is subject to a condition requiring the noise from plant to not exceed background noise.

6.6.19 It is considered unlikely that the proposed retail units would give rise to an unacceptable noise impact when compared to the existing arrangement.

Increased sense of enclosure/overbearing impact

6.6.20 The distances of the proposed development from nearby residential windows is such that it is considered unlikely there would be an unacceptable overbearing impact arising from the development. As noted in the design section above, the scale and massing of the development is considered to relate acceptably to its surroundings. The single storey frontage of the existing building creates an unusually open view of the sky in an inner urban area. It is considered that any increased sense of enclosure or overbearing impact created by the development upon nearby residential units or Hoxton Community Garden would be within acceptable limits.

6.7 Trees, Landscaping and Biodiversity

Trees and Landscaping

6.7.1 There are no trees situated on site nor are there any adjacent street trees.

6.7.2 The first floor level of the proposal includes landscaped accessible terraces. A condition is recommended requiring the submission of details of green roofs so that adequate drainage and biodiversity for the space can be secured.

Urban Greening

6.7.3 Local Plan policy LP48 requires major mixed-use developments to achieve an Urban Greening Factor score of at least 0.3 (this is a new requirement of the Local Plan and London Plan since the previous application). The UGF score in this case would be 0.41 (based on a green roof factor of 0.7 applied to a green roof area of 651m² relative to an overall site area of 1,100m²). As such, the proposal is considered acceptable in terms of Urban Greening.

Biodiversity

6.7.4 The submitted Bat Roost Survey has found the site to have negligible potential to support roosting bats and to generally be of low ecological value. A condition is recommended requiring the installation of bat and bird boxes as part of the development in order to enhance ecology at the site. Subject to such a condition, the proposal is considered acceptable in terms of biodiversity.

6.9 Other Planning Matters

Waste

6.9.1 The proposed development is considered capable of providing adequate storage of waste, subject to a condition requiring further details.

Land and Air Pollution

6.9.2 The council's Land Pollution officer has raised no concern with the proposal subject to conditions.

6.9.3 The submitted Air Quality Assessment has been assessed and is considered to be acceptable. Conditions are recommended requiring the submission of additional information in order to ensure that the development is acceptable in respect of air quality.

Floor Risk/Drainage

6.9.4 The Council's Drainage Officer has raised no objection subject to conditions in relation to Sustainable Urban Drainage and Drainage Management. Thames Water have also raised no objection to the proposal subject to informatives.

6.10 Legal Agreement and Community Infrastructure

Legal Agreement

6.10.1 Details of likely legal agreement contributions and clauses have been prepared in line with the Council's SPD on Planning Contributions (2020), and the relevant regulations (Community Infrastructure Levy Regulations 2010) and the resulting level of contributions and Heads of Terms for the legal Agreement are detailed at Recommendation B below.

6.10.2 A covenant requiring the PRS units to be provided as PRS, in single ownerships and in accordance with a PRS Management Plan for a period of 15 years. The PRS Management Plan is to be submitted for approval and must contain details of lease lengths and terms (three years or more to be offered with defined in-tenancy rent reviews), any fees or service charges and full details of management arrangements.

6.10.3 An obligation requiring the provision of 9 units of affordable housing at London Living Rent levels on site in perpetuity. Further obligations in relation to early and late stage review mechanisms are also required along with a claw back mechanism should the 15 year PRS covenant be broken.

6.10.4 A contribution of £30,000 towards relocation and fit-out costs for displaced business in the local shopping centre and/or general improvements in the immediate area to support other local small retailers.

6.10.5 A contribution of £54,100 towards Highways Works, as set out in the transport section above, should be secured. A car club contribution is also required for credit equalling a minimum monetary value of £60 per new residential unit

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made available, to the first occupant of each new residential unit, as a contribution towards their car club membership fee and/ or driving credit. A CPZ exclusion to restrict parking permits for users of the building is also recommended. A Car Park Design and Management Plan which identifies 2 potential spaces in the local area that could be converted to blue badge spaces should also be secured alongside a contribution of £6,000 to fund the conversion of said spaces on the highway. A Construction Management Plan monitoring fee of £8,750 is also sought.

- 6.10.6 In addition, the legal agreement should include measures regarding apprentices and local labour during construction and the operational phase as well as a commitment to carry out all works in keeping with the National Considerate Contractor Scheme as per the requirements of the Planning Contributions SPD for a development of this size and nature. The proposal also qualifies for contributions towards training and support for local employment during the construction and operational phase of the development. Based on the formula set out in the Planning Contributions SPD, the Ways into Work contribution for the development would be £42,004.80.
- 6.10.7 The legal agreement should also include a contribution towards the Council's Carbon Offsetting Fund (£88,325) to offset the shortfall in carbon emissions savings against London Plan targets.

Community Infrastructure Levy

- 6.10.8 The Mayor of London has introduced Community Infrastructure Levy to assist with the funding of Crossrail (MCIL 2). In the case of developments within the London Borough of Hackney, CIL for residential floorspace is chargeable at a rate of £60 per square metre of development and retail at £165 per square meter. Hackney CIL is applicable to this development, at a rate of £190 per square meter of residential floorspace and retail at £0 per square metre.
- 6.10.9 The proposal involves the retention of the demolition of the existing buildings which have been in its lawful use continuously for 6 of the last 36 months. The proposed development would create a net additional floorspace of 1,888sqm (699.98sqm retail 1,188.02sqm residential). As such, the development is liable for both Local CIL and Mayoral CIL for the net increase in gross internal floorspace proposed. The Hackney and Mayoral CIL liability for the development are calculated below in line with Regulation 40 of the CIL Regulations 2010 (as amended). Please note Indexation, based on BCIS data published 'from time to time' by the Royal Institute of Chartered Surveyors (RICS), is subject to change; any changed indexation figure will lead to a change to the CIL chargeable amount meaning a new Liability Notice, indicating the changed chargeable amount, will be issued.

LBH CIL

1,188.02sqm x £190 (Residential) = £225,723.80
699.98sqm x £0 (Retail) = £0

Total = £295,455.44

Mayoral CIL

1,188.02sqm x £60 (Residential) = £71,917.64

699.98sqm x £165 (Retail) = £116,527.92

Total = £188,455.56

6.11 Equalities Considerations

6.11.1 The Equality Act 2010 requires public authorities, when discharging their functions, to have due regard to the need to (a) eliminate unlawful discrimination, harassment and victimisation and other conduct; (b) advance equality of opportunity between people who share a protected characteristic and those who do not; and (c) Foster good relations between people who share a protected characteristic and persons who do not share it. The protected characteristics under the Act are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

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

7 Conclusion

7.1 The proposal complies with pertinent policies in the Hackney Local Plan (2020) and the London Plan (2021), and the granting of full planning permission is recommended subject to conditions and the completion of a legal agreement.

8. RECOMMENDATIONS

Recommendation A

8.1.1 That Full Planning Permission for application 2020/4110 be approved subject to the following conditions:

8.1.2 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.

8.1.3 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.

8.1.4 Details to be approved

Notwithstanding the details shown on the plans and documents hereby approved, full particulars of the following shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of above grade works on site (excluding demolition works). The development shall not be carried out otherwise than in accordance with the details thus approved.

- a) Samples of all external materials including brickwork
- b) Details of balconies and soffits 1:10.
- c) Details of doors and windows at ground floor 1:20
- d) Details of shopfronts.

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

8.1.5 Sustainability - Green Roof

Notwithstanding the details shown on the plans and documents hereby approved, full particulars of the following shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall not be carried

out otherwise than in accordance with the details thus approved.

- Full details at 1:20 of a green / brown roof with subtract depth of 800mm, and maintenance plan

REASON: In order to ensure that the development is adequately sustainable and to enhance biodiversity at the site.

8.1.6 BREEAM

Notwithstanding the details shown on the plans and documents hereby approved, full particulars of the following shall be submitted to and approved in writing by the Local Planning Authority within 12 weeks of the occupation of the development. The development shall not be carried out otherwise than in accordance with the details thus approved.

- A BREEAM post-construction assessment (or any assessment scheme that may replace it) confirming an 'Excellent' rating (or another scheme target of equivalent or better environmental performance) has been achieved

REASON: To ensure the development meets the sustainability requirements of the London Plan.

8.1.7 Air Permeability Testing

Notwithstanding the details shown on the plans and documents hereby approved, full particulars of the following shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development. The development shall not be carried out otherwise than in accordance with the details thus approved.

- A full air permeability test report confirming the development has achieved an average air permeability of 3.5 and 5 m³ /h/m² @50pa.

REASON: In the interests of the promotion of sustainable forms of development and construction.

8.1.8 Photo Voltaic

Notwithstanding the details shown on the plans and documents hereby approved, full particulars of the following shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development. The development shall not be carried out otherwise than in accordance with the details thus approved.

- Certification by an accredited PV installer confirming that an array with an overall capacity of at least 44kWp has been installed on the roof of the development

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REASON: In the interests of the promotion of sustainable forms of development and construction.

8.1.9 Glazing

Notwithstanding the details shown on the plans and documents hereby approved, full particulars of the following shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development. The development shall not be carried out otherwise than in accordance with the details thus approved.

- Detailed specification confirming the windows (without blinds) must have a maximum g-value of 0.48 and that internal high reflectance blinds (minimum solar reflectance 0.8) are to be installed in the south, east and west windows,

REASON: In the interests of the promotion of sustainable forms of development and construction.

8.1.10 Construction Materials

All insulation and refrigerant materials used for the development must have a low (less than 5) Global Warming Potential (GWP) and Zero Ozone Depleting Potential (ODP).

REASON: In the interests of the promotion of sustainable forms of development and construction.

8.1.11 No new pipes and plumbing

No new plumbing, pipes, soil stacks, flues, vents grilles, security alarms or ductwork shall be fixed on the external faces of the building unless as otherwise shown on the drawings hereby approved.

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

8.1.12 Contaminated Land: Risk Assessment

No development shall commence until an assessment of the risks posed by any contamination shall have been submitted to and approved in writing by the local planning authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The

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assessment shall include: a survey of the extent, scale and nature of contamination; the potential risks to: human health; property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; adjoining land; ground waters and surface waters; ecological systems; and archaeological sites and ancient monuments.

REASON: To protect human health, water resources, property and the wider environment from harm and pollution resulting from land contamination.

8.1.13 Contaminated Land: Remediation Scheme

No development shall take place where (following the risk assessment) land affected by contamination is found which poses risks identified as unacceptable in the risk assessment, until a detailed remediation scheme shall have been submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use.

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

8.1.14 Contaminated Land: Implementation of Remediation Scheme

The approved remediation scheme shall be carried out [and upon completion a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority] before the development [or relevant phase of development] is occupied.

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

8.1.15 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

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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.

8.1.16 Air Quality – Operational Phase

Notwithstanding the details shown on the plans and documents hereby approved, full particulars of the following shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development. The development shall not be carried out otherwise than in accordance with the details thus approved.

- a) Details of independent air source electric heat pumps including low temperature hot water boilers powered by the heat pumps;
- b) An assessment of any changes in pollution levels at height / receptor locations around the site and details of mitigation to protect future occupiers from existing poor air quality.

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.

8.1.17 Restriction of noise from plant and equipment

The rating level of any noise generated by plant & equipment as part of the development shall be at least 5 dB (A) below the pre-existing background level as determined by BS4142 -"Method of rating industrial noise affecting mixed residential and industrial areas".

REASON: To safeguard the amenity of nearby premises and the area generally

8.1.18 Privacy Screens

Notwithstanding the details shown on the plans and documents hereby approved, full particulars of the following shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation

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

- Details of privacy screens on west elevation balconies.

REASON: To ensure that the development will not have an adverse privacy impact upon the amenity of nearby uses.

8.1.19 Demolition and Construction Management Plan

Notwithstanding the documents hereby approved, no development shall take place until a detailed Demolition and Construction Management Plan covering the matters set out below only has been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the details and measures approved as part of the demolition and construction management plan, which shall be maintained throughout the entire construction period. The plan must include:

- a) A demolition and construction method statement covering all phases of the development to include details of noise control measures and measures to preserve air quality (including a risk assessment of the demolition and construction phase);
- b) A Dust Management Plan to control dust emissions during demolition and construction;
- c) Details of compliance with 'chapter 7 of the Cleaner Construction Machinery for London: A Low Emission Zone for Non-Road Mobile Machinery' in relation to Only Non Road Mobile Machinery or used at the development site during the demolition and construction process along with details that all NRMM are entered on the Non Road Mobile Machinery [online register](https://nrmm.london/user-nrmm/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.
- d) A demolition and construction waste management plan setting out how resources will be managed and waste controlled at all stages during a construction project, including, but not limited to, details of dust mitigation measures during site clearance and construction works (including any works of demolition of existing buildings or breaking out or crushing of concrete), the location of any mobile plant machinery, details of measures to be employed to mitigate against noise and vibration arising out of the construction process demonstrating best practical means.
- e) Details of the location where deliveries will be undertaken; the size and number of lorries expected to access the site daily; the access arrangements (including turning provision if applicable); construction

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traffic routing; details of parking suspensions (if required) for the duration of construction.

- f) A liaison strategy between the applicant and the adjacent school in relation to the construction programme and means of mitigating the environmental impacts of construction.

REASON: To avoid hazard and obstruction being caused to users of the public highway, in the interest of public safety and amenity, in order to prevent the construction of the development having an unacceptable environmental impact upon neighbouring properties and to protect air quality, human health and to contribute to National Air Quality Objectives.

8.1.20 Delivery and Servicing Plan

The development hereby approved shall not be occupied until a detailed Delivery and Servicing Management Plan has been submitted to and approved in writing by the Local Planning Authority. The details to be submitted must include a stipulation that HGV deliveries do not occur on Saturdays. Delivery and Servicing to the site shall only be carried out in accordance with the details thus approved, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To avoid hazard and obstruction being caused to users of the public highway and in the interest of public safety and amenity.

8.1.21 Cycle Parking

Notwithstanding the details shown on the approved plans, full details of secure cycle parking for 64 cycles serving the residential component of the development and 12 serving the retail component. Details should include the layouts, foundations, stand-types and spacing of the cycle spaces as well as details of showers/lockers for the retail spaces. The development shall not be carried out otherwise than in accordance with the details thus approved.

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

8.1.22 Ecological Enhancements

Notwithstanding the details shown on the plans and documents hereby approved, full particulars of the following shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development. The development shall not be carried out otherwise than in accordance with the details thus approved.

- Details for the installation of nesting boxes/bricks for small birds and bats.

REASON: To ensure that the development will not have an adverse privacy impact upon the amenity of nearby uses.

REASON: In order improve the ecology and biodiversity of the site.

8.1.23 Secure by Design

The proposed development, hereby approved shall achieve Secure by Design accreditation, prior to occupation of the development

REASON: To ensure satisfactory accommodation standards and safeguard against potential crime and anti-social behaviour.

8.1.24 Waste Strategy

Prior to occupation of the development hereby approved, a refuse strategy shall be submitted to and approved in writing by the Local Planning Authority. Refuse collection shall only be carried out in accordance with the details thus approved, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure the development is satisfactorily served in terms of refuse collection and safeguard against the build-up of pollution.

8.1.25 Roof plant

No roof plant (including all external enclosures, machinery and other installations) other than any shown on the drawings hereby approved shall be placed upon or attached to the roof unless otherwise agreed in writing by the Local Planning Authority.

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

8.1.26 Obstruction of footways

No doors or gates shall be erected in a way that enables them to be opened over or across the adjoining footways, carriageways and rights of way.

REASON: In the interests of public safety and to prevent obstruction of the public highway.

8.1.27 Written Scheme of Investigation

No demolition to ground level or below or development requiring a new foundation scheme at ground level or below shall take place until a stage 1

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written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works.

- a) The statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works.
- b) The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI.

REASON: To safeguard and protect archaeological remains.

8.1.28 Sustainable Drainage

Notwithstanding the details shown on the plans and documents hereby approved, prior to commencement of the development, the applicant shall submit full details of a sustainable drainage system supported by appropriate drawings, hydraulic modelling, calculations and construction details for the drainage system, for approval by the Local Planning Authority in consultation with the LLFA. The sustainable drainage system shall aim to achieve the greenfield runoff rates and must not exceed three times the greenfield runoff rates as prescribed in the London Plan for all return periods up to the 1 in 100-year storm events plus an allowance for climate change. The development shall not commence until written confirmation has been received from the LPA, confirming approval of the surface water drainage measures.

REASON: In order to provide an adequate provision for Sustainable Urban Drainage.

8.1.29 Drainage Management

Prior to the commencement of the development, a scheme for the provision and implementation of flood resilient and resistance construction details and measures for the site against surface water flood risk shall be submitted to and agreed, in writing with the LPA in consultation with the LLFA. The scheme shall be carried out in its entirety before the building is occupied and; constructed and completed in accordance with the approved plans in line with BS 8582:2013 code of practice for "surface water management for development sites".

REASON: In order to provide an adequate provision for Sustainable Urban

Drainage.

8.1.30 Use Class E (a)

The non-residential floorspace in the development hereby approved shall be operated only as Use Class E9(a) retail floorspace.

REASON: In order to protect the viability and vitality of the town centre.

8.2. Recommendation B

- 8.2.1 That the above recommendations be subject to the applicant, the landowners and their mortgagees enter into a legal agreement in order to secure the following matters to the satisfaction to the satisfaction of Head of Planning and Interim Director of Legal Services

Private Rented Sector

- A covenant requiring the residential units to be provided as PRS, in single ownerships and in accordance with a PRS Management Plan for a period of 15 years.
- PRS Management Plan to be submitted for approval and must contain details of lease lengths and terms (three years or more to be offered with defined in-tenancy rent reviews), any fees or service charges and full details of management arrangements.

Affordable Housing

- An obligation requiring the provision of 9 units of affordable housing at London Living Rent levels on site in perpetuity
- Early and late stage review mechanisms
- Claw back mechanism

Local Shopping Centre

- A contribution of £30,000 towards relocation and fit-out costs for displaced business in the local shopping centre and/or general improvements in the immediate area to support other local small retailers.

Highways and Transportation

- £54,100 toward s278 works.
- Car Free Agreement for the residential component
- A car club contribution equalling a minimum monetary value of £60 per new residential unit
- Submission and approval of a Car Park Design and Management Plan which identifies 2 potential spaces in the local area that could be converted to blue badge spaces alongside a contribution of £6,000 to fund the conversion of said spaces on the highway.
- A Construction Management Plan (CLOCS) monitoring fee of £8,750 is also sought.

Ways into Work Contribution

- A ways into work contribution of £42,004.80 payable prior to the implementation of the development.

Employment, Skills and Construction

- Employment and Skills Plan to be submitted and approved prior to implementation;
- Active programme for recruiting and retaining apprentices and as a minimum take on at least one apprentice per £2 million of construction contract value and provide the Council with written information documenting that programme within seven days of a written request from the Council;
- Commitment to the Council's local labour and construction initiatives (30% on site employment and 30% local labour for first five years of operational phase) in compliance with an Employment and Skills Plan.
- Quarterly Labour returns through 5 year period
- A support fee of £1,500 per apprentice placement in order to cover; pre-employment, recruitment process, post-employment mentoring and support; and
- If the length of the build/project does not allow for an apprenticeship placement, and it can be demonstrated that all reasonable endeavours have been undertaken to deliver the apprenticeship, a £7,000 fee per apprentice will be payable to allow for the creation of alternative training opportunities elsewhere in the borough.
- Considerate Constructor Scheme – the applicant to carry out all works in keeping with the National Considerate Constructor Scheme.

Carbon Offsetting

- Contribution of £88,325 towards the Council's Carbon Offsetting Fund.

Costs

- Payment by the landowner/developer of all the Council's legal and other relevant fees, disbursements and Value Added Tax in respect of the proposed negotiations and completion of the proposed legal agreement, payable prior to completion of the agreement.
- S106 Monitoring costs payable prior to completion of the legal agreement.

8.3 Recommendation C

- 8.3.1 The Sub-Committee grants delegated authority to the Director of Public Realm and Head of Planning (or in their absence either the Growth Team Manager or DM & Enforcement Manager) to make any minor alterations, additions or deletions to the recommended conditions and/or Heads of Terms of the legal agreement 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

A reason for approval is required quoting all the Core Strategy, and London Plan policies listed at sections 5 of this report. In addition the following informatives should be added:

- SI.2 Work Affecting Public Highway
- SI.3 Sanitary, Ventilation and Drainage Arrangements
- SI.6 Control of Pollution (Clean Air, Noise, etc.)
- SI.25 Disabled Person's Provisions
- SI.27 Fire Precautions Act
- SI.28 Refuse Storage and Disposal Arrangements
- SI.34 Landscaping
- SI.45 The Construction (Design & Management) Regulations 1994
- SI.48 Soundproofing

NSI Advertisements shown need advert consent

NSI Prior consent for construction from the Local Authority.

NSI A Trade Effluent Consent will be required for any Effluent discharge other than a 'Domestic Discharge'. Any discharge without this consent is illegal and may result in prosecution. (Domestic usage for example includes - toilets, showers, washbasins, baths, private swimming pools and canteens). Typical Trade Effluent processes include: - Laundrette/Laundry, PCB manufacture, commercial swimming pools, photographic/printing, food preparation, abattoir, farm wastes, vehicle washing, metal plating/finishing, cattle market wash down, chemical manufacture, treated cooling water and any other process which produces contaminated water. Pre-treatment, separate metering, sampling access etc, may be required before the Company can give its consent. Applications should be made at <http://www.thameswater.co.uk/business/9993.htm> or alternatively to Waste Water Quality, Crossness STW, Belvedere Road, Abbeywood, London. SE2 9AQ. Telephone: 020 3577 9200..

NSI With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water

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courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.

NSI We would expect the developer to demonstrate what measures he will undertake 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 02035779483 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality."

NSI It is therefore recommended that flood resilience and/or resistance constructions are used for the basement to reduce the risk of groundwater ingress. Refer to the guidance document 'Improving the Flood Performance of New Buildings Flood Resilient Construction, 2007' by Department for Communities and Local Government for further guidance

Signed..... **Date**.....

ALED RICHARDS – DIRECTOR – PUBLIC REALM, NEIGHBOURHOODS AND HOUSING

NO	BACKGROUND PAPERS	NAME/DESIGN ATION AND	LOCATION OFFICER	CONTACT
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		TELEPHONE EXTENSION OF ORIGINAL COPY	
1.	<p>Application documents and LBH policies/guidance referred to in this report are available for inspection on the Council's website.</p> <p>Policy/guidance from other authorities/bodies referred to in this report are available for inspection on the website of the relevant authorities/bodies</p> <p>Other background papers referred to in this report are available for inspection upon request to the officer named in this section.</p> <p>All documents that are material to the preparation of this report are referenced in the report.</p>	1 Hillman Street London E8 1FB	Barry Coughlan 1 Hillman Street London E8 1FB Tel: 02083567939