

<b>ADDRESS: 48 Eagle Wharf Road, Hackney, London, N1 7ED</b>	
<b>WARD:</b> Hoxton West	<b>REPORT AUTHOR:</b> Nick Bovaird
<b>APPLICATION NUMBER:</b> 2021/0680	<b>VALID DATE:</b> 15/03/2021
<p><b>DRAWING NUMBERS:</b></p> <p>0276-SEW-EA-ZZ-DR-A-00000 Rev P1,  0276-SEW-PA-ZZ-DR-A-001000 Rev P5,  0276-SEW-EA-ZZ-DR-A-000001 Rev P1,  28260_01_P, 02_P, 03_P, 04_P, 05_P, 06_E, 07_ES  Rev B</p> <p>0276-SEW-PA-00-DR-A-01100 Rev P6,  01-DR-A-01101 Rev P3, 02-DR-A-01102 Rev P5,  03-DR-A-01103 Rev P5, 04-DR-A-01104 Rev P5,  05-DR-A-01105 Rev P5, 06-DR-A-01106 Rev P4,  10-DR-A-01110 Rev P6, B1-DR-A-01099 Rev P2,  B2-DR-A-01098 Rev P2, 00-DR-L-01100 Rev P4,  02-DR-L-01102 Rev P4, 05-DR-L-01105 Rev P4,  06-DR-L-01106 Rev P4, 07-DR-L-01107 Rev P3</p> <p>0276-SEW-PA-ZZ-DR-A-001300 Rev P4,  0276-SEW-PA-ZZ-DR-A-001301 Rev P5,  0276-SEW-PA-ZZ-DR-A-001302 Rev P5,  0276-SEW-PA-ZZ-DR-A-001303 Rev P3,  0276-SEW-PA-ZZ-DR-A-001304 Rev P4,  0276-SEW-PA-ZZ-DR-A-001305 Rev P5,  0276-SEW-PA-ZZ-DR-A-001306 Rev P5,  0276-SEW-PA-ZZ-DR-A-001307 Rev P5,  0276-SEW-PA-ZZ-DR-A-001308 Rev P5,  0276-SEW-PA-ZZ-DR-A-001309 Rev P4,  0276-SEW-PA-ZZ-DR-A-001310 Rev P2,  0276-SEW-PA-ZZ-DR-A-001201 Rev P3,  0276-SEW-PA-ZZ-DR-A-001202 Rev P4,  0276-SEW-PA-ZZ-DR-A-001203 Rev P5,  0276-SEW-PA-ZZ-DR-A-001250 Rev P3</p> <p>0276-SEW-PA-ZZ-DR-A-004000 Rev P4,  0276-SEW-PA-ZZ-DR-A-004001 Rev P3,  0276-SEW-PA-ZZ-DR-A-004002 Rev P3,  0276-SEW-PA-ZZ-DR-A-004003 Rev P3,  0276-SEW-PA-ZZ-DR-A-004004 Rev P2,  0276-SEW-PA-ZZ-DR-A-004005 Rev P2,  0276-SEW-PA-ZZ-DR-A-004006 Rev P3,</p>	

0276-SEW-PA-ZZ-DR-A-004007 Rev P2,  
0276-SEW-PA-ZZ-DR-A-004008 Rev P2,  
0276-SEW-PA-ZZ-DR-A-004009 Rev P3,  
0276-SEW-PA-ZZ-DR-A-004010 Rev P2,  
0276-SEW-PA-ZZ-DR-A-004011 Rev P2,  
0276-SEW-PA-ZZ-DR-A-004012 Rev P4,  
0276-SEW-PA-ZZ-DR-A-004013 Rev P2,  
0276-SEW-PA-ZZ-DR-A-004014 Rev P3,  
0276-SEW-PA-ZZ-DR-A-004015,  
0276-SEW-PA-ZZ-DR-A-004016,  
0276-SEW-PA-ZZ-DR-A-004017,  
0276-SEW-PA-ZZ-DR-A-004018,

0276-SEW-PA-ZZ-SA-A-901000 Rev P3,  
0276-SEW-PA-ZZ-SA-A-901001 Rev P3,  
0276-SEW-PA-ZZ-SA-A-901002 Rev P3,  
0276-SEW-PA-ZZ-SA-A-901003 Rev P4,  
0276-SEW-PA-ZZ-SA-A-901004 Rev P3,  
0276-SEW-PA-ZZ-SA-A-901005 Rev P4,  
0276-SEW-PA-ZZ-SA-A-901006 Rev P3, 027  
6-SEW-PA-ZZ-SA-A-901007 Rev P4

0276-SEW-EA-ZZ-DR-A-000350 Rev P1,  
0276-SEW-EA-ZZ-DR-A-001350 Rev P4,

0276-SEW-PA-ZZ-DR-A-001001 Rev P5

Planting Schedule 0276-SEW-PA-ZZ-SH-L-001000

Planning Statement, Design and Access Statement,  
Design and Access Statement Addendum\_July  
2021, Townscape and Visual Impact Assessment  
Addendum by Peter Stewart Consultancy, Daylight  
and Sunlight Assessment by EB7 Storage,  
Construction Management Plan Revision 180822 by  
Mclaren, Note on Digital Connectivity by Foreman  
Roberts, Energy Statement by Foreman Roberts,  
SAP10 Template Spreadsheet, Health Impact  
Assessment Feb 2021 by Jon Dingle, Heritage  
Statement Oct 2017 by Alan Baxter Ltd, Addendum  
Heritage Statement Sep 2019 by Alan Baxter Ltd,  
Addendum Heritage Statement Feb 2021 by Alan  
Baxter Ltd, Statement of Community Involvement  
Sep 2018 by Polity Communications Ltd,  
Sustainability Statement: BREEAM by Foreman  
Roberts, Operational Waste Management Strategy  
by Waterman Group, Letter of Conformity – Design  
Stage Site Waste Management Plan by Waterman  
Group, Archaeological Desk Based Assessment  
25/02/2021 by RPS Group, Revised Transport  
Assessment February 2021 by Alan Baxter Ltd,  
Addendum to Flood Risk Assessment 12/02/2021 by  
Alan Baxter Ltd, Addendum to Flood Risk

<p>Assessment 29/08/2019 by Alan Baxter Ltd, Structural Engineering Notes in Support of the Planning Application Sep 2018 by Alan Baxter, Addendum to ‘Structural Engineering Notes in Support of the Planning Application’ 12/02/2021 by Alan Baxter, Revised Noise and Vibration Impact Assessment 05/02/2021 by SRL, Detailed Air Quality Assessment 30/08/2019 by SRL, Access Statement 08/02/2021 by BuroHappold Engineering, Urban Greening Factor by Studio Egret West, Preliminary Ecological Appraisal 03/03/2021 by PJC Consultancy, Financial Viability Assessment July 2020 by DS2 LLP, Fire Safety Overview by Bureau Veritas dated 05/07/2021, Geo-environmental site assessment (Stage 1) 28912 R01 (00) dated February 2017 by RSK, B8 Car Parking Requirements 11/07/2021 by Alan Baxter, Letter “Sturt’s Yard – Internal Daylight and Sunlight “ from EB7 dated 13/07/2021, Letter “Re: Sturt’s Yard - Daylight and sunlight impact upon canal boats” from EB7 dated 12/08/2021</p> <p>Letter concerning viability from Avison Young CF01/02B829489 dated 29/06/2021, Financial Viability Assessment July 2020 by DS2, Argus Appraisals by Avison Young dated June 2021, Letter from DP9 “Affordable Housing Offer (Without Prejudice)” dated 21/07/2021, Email from Katharine Woods (DP9) “RE: Sturt’s Yard 2021/0680: Affordable Workspace” dated 13/07/2021</p>	
<p><b>AGENT:</b> D P 9 Ltd 100 Pall Mall LONDON SW1Y 5NQ</p>	<p><b>APPLICANT:</b> Access Self Storage Ltd</p>
<p><b>PROPOSAL:</b> Redevelopment of existing self-storage site (B8 use) to provide a mixed use scheme comprising blocks of 2-7 storeys and accommodating a self-storage facility (Use Class B8) at lower basement, basement and ground floor level, office accommodation (Use Class E(g)) at basement, ground and first floor level, 139 residential units (Use Class C3) at second to sixth floor and cafe (Use Class E) at ground and first floor level, along with landscaping and other associated works.</p>	
<p><b>POST SUBMISSION REVISIONS:</b></p> <ul style="list-style-type: none"> <li>• Applicants offer to provide 10% Affordable Housing at Hackney Living Rent;</li> <li>• Applicants increased Affordable Workspace offer to reflect a 40% discount on 10% of office floorspace, to be provided at ground floor or first floor;</li> </ul>	

- Review of Financial Viability Assessment provided by Council appointed assessor;
- Minor layout changes to improve proposed standard of accommodation;
- £40,000 to the Canal and Rivers trust towards towpath improvements and biodiversity measures;
- Submission of document justifying B8 car parking;
- Submission of Daylight/Sunlight addenda in respect of internal daylighting and neighbouring canal boats;
- Submission of contaminated land site assessment.

**RECOMMENDATION SUMMARY:**

Grant planning permission subject to conditions, legal agreement and referral to GLA.

**NOTE TO MEMBERS:**

This application is presented to Planning Sub-Committee as it constitutes 'Major development' and has received a significant number of objections.

**ANALYSIS INFORMATION**

ZONING DESIGNATION: (Yes) (No)

CPZ	Wenlock	
Conservation Area	Regents Canal	
Listed Building (Statutory)		No
Listed Building (Local)		No
Priority Employment Area	Yes	

LAND USE:	Use Class	Use Description	Floorspace Sqm
<b>Existing</b>	B8	Warehouse Storage	9498
<b>Proposed</b>	B8 E(g) E C3	Storage Office/Workspace Cafe/Restaurant Residential (139 units)	7364 4632 297 11832

RESIDENTIAL USE DETAILS:	Residential Type	No. of Bedrooms per Unit				Totals
		Studio	1	2	3	
Type		Studio	1	2	3	



<b>Build to Rent</b>	Flats	43	48	41	7	139
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<b>PARKING DETAILS: (Whole Estate)</b>	Parking Spaces (General)	Parking Spaces (Disabled)	Bicycle storage
<b>Existing</b>	8	2	0
<b>Proposed</b>	6	6	251 Residential (incl 40 for visitors)  145 Commercial (incl 24 for visitors)

### **CASE OFFICER'S REPORT**

#### **1.0 SITE CONTEXT**

- 1.1 The site comprises an existing B8 storage unit, located on the northern side of Eagle Wharf Road, to the south of Regents Canal. Adjoining the site to the west is the Holborn Studios site. To the east is the Museum of London Archaeological remains storage building.
- 1.2 In terms of land use constraints, the site is located in Wenlock Priority Office Area (POA), Regents Canal Conservation Area and is within the setting of several local and statutory listed buildings and structures. The site is also located within the Crossrail 2 Safeguarding Zone and identified as a possible site for a ventilation shaft. To the north of the site is the Arlington Road Conservation Area in Islington. Regents Canal is a designated Green Link and Site of Importance for Nature Conservation (SINC).
- 1.3 The site has a Public Transport Accessibility Level (PTAL) of 2-4 (where 1 is the lowest and 6 is the highest).

#### **2.0 Conservation Implications**

- 2.1 The site is within the Regents Canal Conservation Area. It does not contain any statutorily or locally listed buildings.
- 2.2 To the south of the site Nos.51-71 Cropley Street are locally listed. Directly adjacent to the west, the Holborn Studios site is also locally listed.
- 2.3 Across Regents Canal to the north, within LB.Islington, lies the Arlington Square Conservation Area. Arlington Square itself borders the canal to the north east. It is entirely surrounded by Grade II listed buildings. The line of properties along the south side of Arlington Avenue and Arlington Square from the former public house at the corner of New North Road to No.21 Arlington Avenue are all Grade II listed.

Further west, Nos.47-73 Arlington Avenue are locally listed. Between these buildings on the south side of Arlington Avenue/Square and the canal itself are the waterside buildings of Arlington and Union Wharves, none of which are themselves locally or statutorily listed.

### **3. History**

3.1 2014/1108 - Replacement of existing windows with crittall steel windows.  
Approved 16/07/2014

3.2 2005/1407 - Approval of details pursuant to conditions 2,3,4,5,6 and 7 of planning permission 2002/0605 dated 13/12/04 (samples of materials, boundary treatment, the provision of car and cycle parking and access).  
Approved 11/12/2017

3.3 2002/0605- Erection of a three storey storage/Warehouse building (Class B8) including formation of designated entrance and exit together with parking and erection of security fence, pole barrier and landscaping.  
Approved 13/12/2004

3.4 No enforcement or appeal history.

### **4.0 Consultation**

4.1 Date Statutory Consultation Period Started: 2nd July 2021  
*Officer note: The original consultation took place in March 2021 and a second consultation took place in July to reflect amended viability information subsequently received.)*

4.2 Date Statutory Consultation Period Ended: 23rd July 2021

4.3 Site Notices: Yes.

4.4 Press Advert: Yes

### **4.5 Neighbours**

Letters of consultation were sent to 580 adjoining owners/occupiers. At the time of writing the report (**10/08/2021**), three letters of support and objections in the form of 39 written letters were submitted, on the following grounds:

- Impact of the proposed height, massing and architectural detailing on the canal, conservation areas and surrounding context;
- Impact on the amenity of surrounding residential properties;
- The residential density of the development is too high;
- The proposal should reflect the need (and policy requirement) for Affordable Housing;

- The housing mix is not in accordance with policy or housing need;
- Loss of daylight/sunlight to the canal and lock, causing impact to public amenity and biodiversity. The application does not consider the overshadowing of these public amenity spaces;
- Loss of trees and biodiversity;
- Impact of light from windows on biodiversity of the canal, including bats;
- Use of the existing lock as a bridge to the other side of the canal would be dangerous;
- Detritus from the cafe use will end up in the water;
- Balconies and waterside uses are 'intrusive' on the use of the canal;
- Loss of employment at the current site;
- The properties facing the canal are largely single aspect, overlooking the canal and would be more than usually affected by loss of light and overlooking for that reason;
- The daylight sunlight report ignores a third storey extension, opposite, built in 2019;
- No Sky Line calculations are made without a detailed knowledge of the layout of many of the rooms;
- The application refers to the Holborn Studios scheme, which is not currently approved;
- The application does not take into account the ownership of the land adjacent to the south side of the canal wall;
- Impact of loss of light on neighbouring solar panels;
- Impact of construction on neighbouring residents and highways;
- The canal should be for the use and enjoyment of existing residents, not future residents, workers or users of the cafe;
- The canalside is already too busy because of the number of existing users, there should not be an increase in the number of users;
- Negative impact on existing business if the tourist attraction of Sturt's Lock is detrimentally affected;
- Increased rainwater run off from the site into the canal.

These objections are considered in the report that follows.

#### **4.6 Statutory / Local Group Consultees**

#### 4.6.1 Greater London Authority (GLA) - Stage 1 Review:

**Land Use Principle:** The principle of redeveloping the site to deliver an employment-led mixed-use scheme which contributes to the provision of additional housing and affordable workspace is considered acceptable in accordance with Policies SD1, GG2 and H1 of the London Plan.

**Housing:** The quantum of affordable housing within the scheme is low but is considered acceptable, since the applicant's submitted viability information has been robustly scrutinised by GLA officers. The tenure mix includes 70% DMR and 30% LLR which accords with Policy H11 of the London Plan. The unit layout and proximity of windows and balconies to neighbouring units is likely to result in a poor level of amenity for future residents, contrary to Policy D6 of the London Plan. Hackney Council should confirm that the proposed unit size mix meets local needs in order for the scheme to accord with Policy H10 of the London Plan. The quantum of private and communal amenity space and unit sizes are all considered appropriate given the urban context and land use mix of the site.

**Urban Design and heritage:** The proposal results in less than substantial harm to the character and appearance of the Regents Canal Conservation Area as well as the setting of listed buildings contained in the Arlington Conservation Area to the north of the site. GLA officers will carry out the balancing exercise once the final package of public benefit is confirmed and the application is referred back to the Mayor at Stage II, following Hackney Council's planning committee. Overall, the design, layout and appearance of the proposal is expected to enhance and contribute positively to both the existing and emerging urban context.

**Sustainable Development:** In terms of energy, the scheme is generally compliant with the Publication London Plan subject to inclusion of appropriate conditions and or legal agreement. In terms of drainage, Hackney Council should ensure that the drainage strategy complies with Policy SI13 of the London Plan. In accordance with Policy SI7 a Circular Economy statement is required prior to determination .

**Transport:** The application site is covered by the 2015 safeguarding directions relating to delivery of Crossrail 2. If planning permission is granted, suitable conditions for Crossrail 2 safeguarding should be applied in consultation between the Council and Transport for London, in order to satisfy Policy T3 of the London Plan. Details of end of journey facilities, a Car Park Management Plan, Delivery and Servicing Plan and revised Travel Plan must be secured by Condition and or s106 agreement. A reduction in the number of operational parking spaces should also be considered.

*Officer Comment:*

The issues identified are considered in the report that follows and the recommended conditions include those mentioned. The circular economy statement requested prior to determination here is recommended to be provided by condition, prior to the commencement of any development, which is considered reasonable given that this is an older application re-submitted as a result of the cyber attack to the Council's systems.

#### 4.6.2 Transport for London

No objection, subject to conditions in relation to a Travel Plan, Cycle Parking (including showers/changing areas), a Parking Design Management Plan, a Delivery and Servicing Plan, Construction Logistics Plan (CLP) and Demolition Environmental Management Plan (DEMP). The Council should secure highway improvements identified by the applicant in the ATZ assessment, which would directly benefit the development and mitigate the scheme

Operational parking in the western courtyard should be reduced to a maximum of 4 spaces, in line with our original comments. All operational parking for B8 and visitor parking will be fitted with EVCP and should have active provision from occupation.

*Officer's Note:* The applicant has submitted a document providing justification for the level of operational parking for the B8 unit during the course of this application. This, and the other issues identified, are discussed in the report that follows.

#### 4.6.3 London Borough of Islington:

Objection, on the following grounds:

1. Bulk, scale and massing, which is considered out of scale with the surroundings;
2. Detailed architecture, which is considered overly animated and to lack coherence;
3. Impact on heritage assets, including the conservation area and the heritage asset of the waterway in general;
4. Impact on the daylight and sunlight of Islington residential properties;
5. Impact on biodiversity from the loss of the treed area/ green space adjacent to the weir.

*Officer Response:* These issues are considered in the report that follows.

#### 4.6.4 Design Review Panel:

19th April 2017

*Bulk/ Scale/ Massing/ Architecture:* The Panel appreciate the overall approach of splitting the site into two main blocks with commercial courtyards surrounding a central open space providing access to the canal from Eagle Wharf Street, as this is potentially beneficial to create public access to the canal, and an attractive meeting point with a landmark quality on the canal.

Nevertheless, the 9 to 10 storey scheme presented would be significantly higher than surrounding buildings and might lead to issues with daylight and sunlight. Further work should be done to increase the active frontages to the Eagle Wharf elevation.

Generally, the Panel expresses positive feedback on the architectural approach to

the scheme. However, the Panel consider that at this stage the proposal still appears to suffer from too many ideas and should be rationalised without losing its creative and individual character.

*Conservation:* The Panel express some concern about the scheme's impact on the character of the Regent's Canal Conservation Area and consider that in order to be acceptable, the scheme should unequivocally enhance the character of the conservation area. Generally the Panel feel that there is a trade-off between the height of the scheme and the required excellent quality of design, detailing and materials and finishes of the built scheme. If the required level of quality is not be achieved in the built scheme, the Panel consider that a scheme of up to 9-10 storeys could harm the Regents Canal Conservation Area. The proposals were not thought to have a harmful effect on the Arlington Square Conservation Area

*Layout/Landscaping:* The Panel does not object the overall layout of the scheme where the two courtyards with car parking and access to commercial activities and separated by a publically accessible way through to the canal side. The courtyards should be thoughtfully detailed to provide exciting and welcoming productive-environments. Finishes of pavements, floors, walls and soffits and illumination would be key to the success of these spaces, which are for the most part covered by the first floor decks. The Panel understand the overall approach of designing the publically accessible space centrally on site, in order to optimise the layout of buildings and accommodate the underground sewer line in the scheme. However, they feel that the current scheme is partially contradictory in relation to its declared intent of celebrating the Sturt's Lock and the resulting approach of enclosing it with a ten storey block, which would be out of scale with it, reduce its visibility from the public space on the southern side of the canal and express it as a peripheral element of the central public space.

The Panel consider that further justification on the replacement of the existing trees should be provided at the next stage and the new trees cumulative impact with the nine-ten storey block on the lock visibility and quality of surrounding space be assessed comprehensively.

*Officer's Response:* The scale of the proposal has been reduced to a maximum of 7 storeys since this DRP response and the applicants have gone through multiple iterations of the scheme with Hackney officers prior to the resubmission of the application. A further review is considered unnecessary as the key concerns have been addressed. The design of the scheme, it's impact on surrounding heritage assets and its impact on the amenity of neighbouring properties are considerations of the report that follows.

#### 4.6.5 Crossrail 2

No objection, subject to a condition and an informative relating to piling, foundations, basements and other structures to mitigate any potential impact of the development on the working of Crossrail 2. The application relates to land within the limits of land subject to consultation by the Crossrail 2 Safeguarding Direction.

#### 4.6.6 Shoreditch Conservation Area Advisory Committee (CAAC):

Objection, on the grounds that the proposed buildings are too high and would be out of keeping in mood with the immediate area. The application should be rejected because the information in the submission is outdated, including references to the Holborn Studios development.

*Officers Note:* The impact of the development on the character of the surroundings is a consideration of the report that follows. The submitted information is considered perfectly adequate to allow consideration of the application and references to the quashed Holborn Studios application provide useful background information, given that the decision was not quashed on grounds of the LPA's assessment of its height, scale, massing or materiality. It is noted that the submitted Townscape and Visual Impact Assessment (TVIA) shows the proposals without the Holborn Studios development, should anyone consider it important to do so.

#### 4.6.7 Museum of London (to 2018/1510)

Objection on grounds of noise and vibration during demolition and construction, on the basis of the impacts to the museum's collection in the adjacent warehouse.

*Officers Note:* Within the recommended Demolition and Construction Management Plan condition is a requirement to ensure that any such impacts are successfully mitigated. The applicant has agreed to the condition and, as such, it is considered that it would be unreasonable to refuse the application on this basis.

#### 4.6.8 Canals and Rivers Trust:

No objection, subject to conditions on a Works Risk Assessment, a Survey of the Waterway Wall, an Impact Assessment on Construction Adjacent to the Waterway, the proposed Surface Water Arrangements, the proposed Landscaping and the proposed External Lighting/CCTV scheme. Informatives should be added in respect of works adjacent to the Trust's ownership.

The impact of the proposed development's overshadowing on the canal's biodiversity may need to be mitigated by the introduction of further habitat, and we would like to see further information on this. Overshadowing can also adversely impact on the amenity of the canal environment, for boaters and towpath users. We would therefore ask that this assessment be amended to address the moorings and canal in particular.

#### *Planning Contributions*

The proposed development of 139 residential units and commercial space would bring additional visitors to the canalside, who are likely to make use of the canal and its towpath as an amenity resource, and a convenient walking and cycling link. We therefore request that s106 contributions towards mitigating this impact be applied to the decision, particularly as the towpath is highlighted within the application as a key walking/cycling route, including from the development to Angel station, and no improvements are offered as part of the development. We consider that £40,000 towards towpath improvements would be appropriate, and commensurate with the



contribution that was to be secured at the adjacent site (should it have received planning permission), in accordance with Policy LP42 of the Hackney Local Plan 2020, and Policy SI 16 Waterways (part G) of the London Plan 2020.

It should be noted that the Canal and Rivers Trust owns the land adjacent to the offside (non-towpath side) lock chamber (converted to a bypass weir in the 1970s). Any application to develop this area should only be carried out after full consultation with the Trust

*Officer's Response:* The proposed conditions are recommended by this report. There is no current proposal to develop the CRT's land adjacent to the canal, as discussed in the report that follows.

#### 4.6.9 Friends of Regent's Canal:

Objection. The vitality of the area is better improved by encouraging the movement of boats than pedestrians. The development would dominate the canal and the amenity spaces would be overshadowed. There would be an impact on neighbouring narrowboat owners' privacy. The application should make no mention of the Holborn Studios scheme, which was quashed following approval by LB.Hackney. Consideration should be given to the use of the waterways to move materials during construction. There should be no development or use of the area adjacent to the lock and weir, for safety and operational reasons.

*Officer's Response:* These issues are considered elsewhere in the report.

#### 4.6.10 Hackney Swifts Society:

No objection but the bricks should be provided for swifts, rather than sparrows, because of the height at which swifts typically nest. They can also provide nesting spaces for sparrows should they choose to use them. This should be in addition to bat boxes, and a biodiverse roof and planting.

*Officer's Response:* A condition has been recommended requiring the provision of 30 bird and bat bricks and boxes at eaves level and elsewhere on the northern elevations of the building.

#### 4.6.11 Thames Water:

No objection, subject to conditions requiring further information on the need for water and waste water network upgrades and the piling methods proposed.

#### 4.6.12 Historic England:

The development site is located in the Regent's Canal Conservation Area, occupying a prominent stretch of land along the canal. The Regent's Canal Conservation Area Appraisal (London Borough of Hackney, October 2007) does not

identify any buildings within the development site as making a positive contribution to the character of the conservation area.

We consider that the two brick sheds (potentially of 19th century origin) at the far east end of the development site and the 20th century double hipped roof warehouse abutting Eagle Wharf Road possess architectural qualities in keeping with the industrial character of the conservation area and its historic canalside activity and make some modest contribution to the conservation area. Their proposed demolition should be considered under Paragraph 200 of the National Planning Policy Framework (NPPF).

The submitted Townscape and Visual Impact Assessment reveals that the development would still have a significant visual impact on designated heritage assets in the vicinity. In particular, Views 7.1, 7.2 and 8 demonstrate that the proposed development would be visible in views of the Grade II listed terraced houses at the south end of Arlington Square, presenting an overbearing element above a currently unbroken and consistent historic roofline.

The significance of these terraces, both in terms of their status as listed buildings and component parts of the Arlington Square Conservation Area, derives from their strong visual unity and architectural consistency. Therefore, in our opinion, the visual impact presented by the proposed development would cause harm to the significance of both designations.

In determining this application, it will be for your Council in consultation with your Conservation Officer to consider whether the harm we have identified has been clearly and convincingly justified and outweighed by public benefit in accordance with Paragraphs 194 and 196 of the NPPF respectively.

#### 4.6.13 Historic England (Archaeology):

No objection, subject to the following observations and conditions. The planning application lies in an area of archaeological interest.

There is potential for buried remains connected with the noteworthy industrial archaeology of the site to be affected by the proposals, whilst the deep basements may affect palaeolithic remains in the underlying Hackney Gravels. The site lies on the edge of the extent of the mediaeval Wenlock Manor and evidence of contemporary land use may also be present. As such, a condition requiring a written scheme of investigation should be recommended.

I also advise that any loss of the Victorian and early twentieth century buildings on site be informed by the advice of the Borough Conservation Officer. If loss is consented, then pre-demolition recording of them to an appropriate standard would be a minimum requirement. This work should be integrated with the buried archaeological work and with any investigations at 49-50 Eagle Wharf Rd next door, as the former ironworks straddled both properties.

**4.6.14 Hackney Society:**

Objection to the design of the proposal, which is considered ‘monolithic and safe’, having ‘lost its essential character’ in redesigns that aimed to reduce the height. There are some issues of land ownership to resolve - particularly in relation to the canalside spaces - and that the site is subject to safeguarding in relation to Crossrail 2. The LPA should consider conditions which maximise the chances of the scheme being built-out in its entirety and which reduce the inflationary effect that the granting of permission might have on any future compulsory purchase of the land.

*Officer’s Note:* The comment appears to relate to land bordering the canal, in the ownership of the Canal and River Trust. This land is not part of the current scheme, as per the discussion in the report that follows.

**4.6.15 Secure by Design Officer:**

Aspects of the scheme cause concern with regard to the security of the future occupants. In particular, corridors with corners in the residential areas might allow anti-social behaviour and create an element of fear of anti-social behaviour in residents. In addition, the large size of the cycle store might encourage tailgating and, thereby, theft and less use of the store. A condition should be recommended to require detailed analysis of the security of the scheme at a future stage.

*Officer’s response:* The comments are noted and are considered in the report that follows.

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**4.7 Council Departments**

- 4.7.1 Transportation: No objection to the development in principle, subject to a variety of transport related legal agreement clauses and conditions.
- 4.7.2 Waste: No objection. The proposed design is thorough and well thought out. Vehicle access, management of waste and bin numbers are in keeping with guidelines.
- 4.7.3 Pollution Noise: No objection, subject to conditions in respect of noise, soundproofing, extract systems, odour and the construction process.
- 4.7.4 Pollution Air: No objection, the Air Quality assessment is satisfactory and the Energy Assessment confirms that energy will be provided by a heat pump meaning the development remains air quality neutral. A condition should be added requiring a Construction Management Plan with dust control elements. A further condition should be added requiring that Non-Mobile Road Machinery on-site are in accordance with the emission standards set out in chapter 7 of the GLA’s supplementary planning guidance “Control of Dust and Emissions During Construction and Demolition” dated July 2014 (SPG).
- 4.7.5 Sustainability: No objection, given that this is an old resubmission and an attempt has been made to adopt a new low carbon heating strategy.
- 4.7.6 Pollution Land: No objection. While this is a site of potential concern with regard to contaminated land, the report prepared by RSK provides a preliminary risk assessment, intrusive site investigation outlining ground conditions and a

quantitative risk assessment. At this stage we are satisfied with the report and associated documents to the extent that no further investigation works will be required and that risk to human or environmental health is unlikely. A discovery strategy and watching brief should be conditioned and the watching brief should be submitted and agreed prior to occupation.

*Officer's Note:* In addition to the conditions requiring the production and submission of a discovery strategy and watching brief an informative has been added to remind the applicant that the responsibility for notifying the Council on the discovery of any contamination lies with them.

- 4.7.7 Drainage: No objection. We have reviewed the Flood Risk Assessment and SuDS strategy, together with its associated addendums. An assessment has also been carried out and concluded that the impact of the proposed basement on the groundwater in the area was assessed to be insignificant. As such, the development is deemed to be acceptable, subject to conditions in respect of SUDS and flood resilience.
- 4.7.8 Building Control: No objection. Following amendments to the Fire Safety document during the course of this application, the submission is considered acceptable. Further details would be expected on submission of the Building Regulations application and this is considered appropriate.

## **5.0 POLICIES**

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

- PP1 Public Realm
- PP5 Enhanced Corridors
- LP1 Design Quality and Local Character
- LP2 Development and Amenity
- LP3 Designated Heritage Assets
- LP4 Non Designated Heritage Assets
- LP5 Strategic and Local Views
- LP6 Archaeology
- LP8 Social and Community Infrastructure
- LP9 Health and Wellbeing
- LP11 Utilities and Digital Connectivity Infrastructure
- LP12 Housing Supply
- LP13 Affordable Housing
- LP14 Dwelling Size Mix
- LP15 Build to Rent
- LP17 Housing Design
- LP26 New Employment Floorspace
- LP27 Protecting and Promoting Office Floorspace in the Borough
- LP29 Affordable Workspace and Low Cost Employment Floorspace
- LP31 Local Jobs, Skills and Training
- LP38 Evening and Night Time Economy
- LP41 Liveable Neighbourhoods
- LP42 Walking and Cycling

- LP43 Transport and Development
- LP44 Public Transport and Infrastructure
- LP45 Parking and Car Free Development
- LP46 Protection and Enhancement of Green Infrastructure
- LP47 Biodiversity and Sites of Importance of Nature Conservation
- LP48 New Open Space
- LP49 Green Chains and Green Corridors
- LP50 Play Space
- LP51 Tree Management and Landscaping
- LP52 Waterways, Canals and Residential Moorings
- LP53 Water and Flooding
- LP54 Overheating
- LP55 Mitigating Climate Change
- LP56 Decentralised Energy Networks (DEN)
- LP57 Waste
- LP58 Improving the Environment - Pollution

## **5.2 London Plan (2021)**

- GG1 Building strong and inclusive communities
- GG2 Making the best use of land
- GG3 Creating a healthy city
- GG4 Delivering the homes Londoners need
- GG5 Growing a good economy
- GG6 Increasing efficiency and resilience
- D1 London's form, character and capacity for growth
- D2 Infrastructure requirements for sustainable densities
- D3 Optimising site capacity through the design-led approach
- D4 Delivering good design
- D5 Inclusive design
- D6 Housing 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
- H4 Delivering affordable housing
- H5 Threshold approach to applications
- H6 Affordable housing tenure
- H7 Monitoring of affordable housing
- H10 Housing size mix
- H11 Build to Rent
- S4 Play and informal recreation
- E1 Offices
- E2 Providing suitable business space
- HC1 Heritage conservation and growth
- HC6 Supporting the night-time economy
- G1 Green infrastructure
- G4 Open space

- G5 Urban greening
- G6 Biodiversity and access to nature
- G7 Trees and woodlands
- SI 1 Improving air quality
- SI 2 Minimising greenhouse gas emissions
- SI 4 Managing heat risk
- SI 6 Digital connectivity infrastructure
- SI 7 Reducing waste and supporting the circular economy
- SI 12 Flood risk management
- SI 13 Sustainable drainage
- SI 15 Water transport
- SI 16 Waterways – use and enjoyment
- SI 17 Protecting and enhancing London's waterways
- 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
- T6.2 Office Parking
- T6.5 Non-residential disabled persons parking
- T7 Deliveries, servicing and construction
- T9 Funding transport infrastructure through planning
- DF1 Delivery of the Plan and Planning Obligations
- M1 Monitoring

Mayor of London Housing SPG

Mayor of London Shaping Neighbourhoods: Play and Informal Recreation SPG

Mayor of London Sustainable Design and Construction SPG;

Mayor of London Transport Strategy

London Borough of Hackney Planning Contributions SPD

Regents Canal Conservation Area Appraisal

### **5.3 National Planning Policies/Guidance**

National Planning Policy Framework (NPPF)

Planning Practice Guidance

### **5.4 Legislation**

Town and Country Planning Act 1990 (as amended)

Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990

## **6.0 COMMENT**

- 6.0.1 Planning permission is sought for the redevelopment of the existing self-storage site

(B8 use) to provide a mixed use scheme comprising blocks of 2-7 storeys and accommodating a self-storage facility (Use Class B8) at lower basement, basement and ground floor level, office accommodation (Use Class E(g)) at basement, ground and first floor level, 139 residential units (Use Class C3) at second to sixth floor and a cafe (Use Class E) at ground and first floor level, along with landscaping and other associated works. The existing site contains warehouse buildings for self-storage.

- 6.0.2 The proposed 139 new dwellings comprises 91 x 1 bed dwellings, 41 x 2 bed dwellings and 7 x 3 bed dwellings arranged over the upper storeys of two U-Shaped blocks.
- 6.0.3 The site is in a Priority Office Area and in addition to the housing element, the following commercial spaces would be provided:
- 7364m<sup>2</sup>.m of self-storage (replacing the existing use), largely at basement and sub-basement level (Class B8);
  - 4632m<sup>2</sup> of office space (Class E(g));
  - 297sq.m of restaurant/cafe space (Class E);
- 6.0.4 Also included within the proposals are active uses fronting both the canal and Eagle Wharf road and multiple landscaped spaces, allowing public access to the canalside.
- 6.0.5 The main considerations relevant to this application are:
- 6.1 Principle of the development of the site and land uses;
  - 6.2 Housing Mix
  - 6.3 Design of the proposed development;
  - 6.4 Quality of accommodation
  - 6.5 Transport and Servicing
  - 6.6 Impact on Nearby Residential Amenity
  - 6.7 Energy and Sustainability;
  - 6.8 Trees and Biodiversity;
  - 6.9 Health and Wellbeing
  - 6.10 Other planning matters
  - 6.11 Consideration of Consultee Responses
  - 6.12 Planning contributions and Community Infrastructure Levy (CIL)
  - 6.13 Equalities Considerations

Each of these considerations is discussed in turn below.

## **6.1 Principle of the development of the site and land uses**

### Development within Wenlock Priority Office Area (POA)

- 6.1.1 Local Plan Policy LP27 states that office uses are the preferred use in the Wenlock Priority Office Area in this part of the Wenlock POA they should form at least 60% of the development. However, existing industrial uses in the POA must be re-provided. Other uses are considered acceptable within this overall mix, so long as residential uses are not found at the ground floor.
- 6.1.2 The application site currently comprises an Access self-storage (B8 use) unit



providing 9498m<sup>2</sup> floorspace. The current proposed land use quantum is storage use - 7364m<sup>2</sup>, Office use - 4632m<sup>2</sup>, Cafe use - 297m<sup>2</sup> and Residential use - 11832m<sup>2</sup>. The proposed land use quantum reflects that this is a legacy application that has been greatly renegotiated since first being submitted in 2018 and resubmitted following the cyber attack on the Council's systems. As such, while the scheme is employment led (circa 50%), this reflects its previous compliance with the Priority Employment Areas of the now redundant Core Strategy and falls short of the policy target (60%) for Wenlock POA in the recently adopted Local Plan 2033. Nevertheless, the quantum of employment floorspace on site is significantly increased and the existing storage use is re-provided, along with a significant amount of office floorspace for the first time. For these reasons, on balance, the mix of uses is considered to be in line with the aims of policy LP27 and acceptable.

- 6.1.3 The self-storage facility is intended to re-provide space for the existing occupant and, as below, the proposed office floorspace is considered likely to be attractive to future occupiers. Nevertheless, the submission does not include a marketing strategy so, in accordance with Local Plan 2033 policy LP27, this has been recommended as a condition of approval.

#### Principle of Build to Rent Units

- 6.1.4 London Plan policy H11 and LP33 policy LP15 recognise the contribution of the Build to Rent sector in addressing housing need and increasing housing delivery and the Mayor of London's Housing SPG notes the benefits of the Private Rented Sector (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.
- 6.1.5 The proposal to provide 139 PRS units is therefore supported by local and regional policy and would help bring diversity to the borough's housing stock. The benefits of build-to-rent schemes over other forms of private rented stock, such as individual flats purchased by buy-to-let landlords, are the security of tenure that would be available to tenants, formula linked rent increases and the higher management standards that a single operator can provide. The proposed Heads of Terms to the legal agreement include a management plan, which covers such matters as the accreditation of the operator and the complaints procedure that would be in place. A clawback mechanism is also required by the legal agreement, to ensure that there is no financial incentive to the operator of selling the residential units within the next 15 years.

#### Flexible Class E/ Cafe Use

- 6.1.6 The proposal is for a cafe/ restaurant although there is flexibility within Class E to allow other uses such as retail. The location is not within a town centre but the proposed floorspace is not large and it is considered that nearby local centres, most particularly Hoxton Street, would not be harmed in terms of their retail function. The creation of an active frontage at ground floor level facing the canal is supported in urban design terms and the principle of the Class E use is accepted.

Basement works

- 6.1.7 The proposal seeks to provide two basement levels of B8 storage accommodation at the site. While there is no direct policy restriction on subterranean accommodation, the associated build and maintenance costs of two basement levels, such as the large lifts needed to make the space operable, are often considered to have a significant impact on development viability and are discouraged for that reason. However, in this instance the high existing use value of the site in its use as self-storage, which has been confirmed by independent valuation, would be replicated by the proposed use, which takes up the majority of the basement floors. The proposed basement works are considered to be acceptable.

Affordable Workspace

- 6.1.8 As a proposal for a POA, the policy preference is to prioritise the provision of Affordable Workspace over Affordable Housing. There is no existing 'low cost employment floorspace on the site. Local Plan 33 Policy LP29 states the Council will seek at least 10% of the new employment floorspace within major commercial and mixed use schemes to be affordable workspace, subject to the viability of the scheme. In Wenlock POA, the requirement is that the space be rented at no more than 60% of market rate. The current proposal is that 463m<sup>2</sup> would be Affordable Workspace, which represents 10% of the proposed office provision of 4632m<sup>2</sup>, at 60% of market rate, in perpetuity.
- 6.1.9 Following negotiations with the applicant, the proposal has improved in relation to Affordable Workspace. The proposed affordable floorspace would be located at ground and first floor and would now provide the full 40% discount to market rent required by the policy. It is noted that the quantum of affordable floorspace, being only 3.7% of the total *employment* floorspace (including the B8 space), falls short of the aims of the policy- it represents 10% of the total *office* floorspace. However, given that 63% of the proposed employment floorspace is the reprovided B8 floorspace, for a very specific storage use and user, in this specific instance it is considered to be unreasonable to add this B8 floorspace to the calculation of the required quantum of Affordable Workspace. In addition, following detailed review of the submitted Financial Viability Assessment (FVA) prior to the improved offer from the applicants, it was accepted that the proposal represented the highest level of provision that was viable for this development. As such, the improved offer is also considered acceptable. The proposed Affordable Workspace would be captured in perpetuity, by way of the legal agreement.
- 6.1.10 For these reasons, on balance, the proposed quantum and discount of Affordable Workspace is considered acceptable.

Affordable Housing

- 6.1.11 Policies within the London Plan and Local Plan 2033 allow a fast tracked approach for developments that provide 50% of housing as affordable and of which 60% are social rented and 40% intermediate, to promote mixed and balanced communities.
- 6.1.12 This scheme would provide 14 Affordable units, representing 11% of the total number of residential units, measured by habitable room:
- Ten 1b2p units would be provided as Hackney Living Rent;

- Four 2b4p bedroom units would be provided as Hackney Living Rent.

Since this does not meet the threshold test for fast tracking of the application, detailed negotiations have taken place between the applicants, the Council, independent assessors and the Greater London Authority, focusing on the viability of the proposed scheme. At the conclusion of these negotiations it has been concluded that the proposed offer of Affordable Housing, along with the proposed offer of Affordable Workspace, represents the greatest quantum and discount that can reasonably be achieved, within the confines of the scheme's viability. This assessment has taken account of best practice and reflects the particular circumstances of the site, which include:

1. The particularly high existing use value of the site. This aspect has been extensively tested by independent assessors and is considered sound;
2. The proposal to re-provide the existing self-storage use, which is supported by policy and which would be provided at two basement levels;
3. The nature of the viability review process, which is intended to ensure that it does not take account of the ownership of the site and thereby deter development by the existing owners;
4. The nature of Build to Rent schemes, which typically achieve returns over a longer period than those that propose residential units for sale.

- 6.1.13 In order to fully explore the viability, an alternative scenario has also been considered, in which the units were offered for private sale and it is accepted that this does not make a significant difference to the conclusions above. An early and late stage review has been added to the proposed legal agreement, so that the achieved values can be thoroughly tested again against the market conditions at each stage.
- 6.1.14 In this Priority Office Area location the priority is to provide Affordable Workspace over Affordable Housing but, given the number of residential units proposed, the scheme originally proposed, which provided no Affordable Housing at all, drew extensive scrutiny from the Council and the Greater London Authority. The applicants therefore made an offer of 10% Affordable Housing as Discount Market Rent and London Living Rent units, despite the fact that this could not be demanded by the Council or the GLA on the basis of the viability analysis alone. The current offer, which is improved because it consists of entirely Hackney Living Rent properties, was not provided by the applicants on the basis of any changes to the viability analysis but because of the LPA's comments regarding the Council's preference for Hackney Living Rent units, which provide a lower rental level than Discount Market Rent units and a greater security of tenure for residents than both Discount Market Rent and London Living Rent units.
- 6.1.15 The very particular circumstances of the site and of the proposed development, detailed above, which are unlikely to be repeated elsewhere in the Borough, have led to the conclusion that the applicants' current offer of Affordable Housing (10% of units in an intermediate tenure) exceeds the level that can be supported by the viability analysis alone. It has been accepted by the applicants that viability is not the sole measure by which the appropriateness of development may be judged, that there is, for example, a consideration of the social sustainability of development that should also be weighed in the planning balance. As such, their offer of Affordable Housing both exceeds the amount that the viability analysis would require and falls greatly below the ambition of the policy, albeit that Affordable Workspace is also proposed.

The acceptability of these aspects of the proposal is therefore a matter for planning judgement.

- 6.1.16 In this very particular instance and on balance, the public benefits of the scheme, including the provision of workspace in a Priority Office Location and housing in an area of great need, may be weighed against the alternative option of refusing the scheme and requiring that the site remain as it is until an alternative scheme is found. Fundamentally it is accepted, following great scrutiny of the submitted details, that it is not possible to require an increased level of Affordable Housing within the proposed development. For these reasons, the proposed level of Affordable Housing is considered to be acceptable and it is noted that this low level of provision would not create a precedent that is likely to be replicated elsewhere.

#### Employment and Skills Obligations

- 6.1.17 A Ways into Work contribution of £339,269.00 has been secured which will provide employment support to residents, through job brokerage, work placements, local labour programmes, supply chain management and programmes aimed at assisting SMEs. In addition, the Heads of Terms to the legal agreement require an Employment and Skills Plan in partnership with the Regeneration Delivery Team to ensure a joined up approach to local provision of employment support. The plan should aim to achieve a 30% commitment to local labour and at least one apprentice to be employed per £2 Million of construction contract value.

#### Density

- 6.1.18 The proposed residential development of the proposal is 214 habitable rooms within the 0.53 ha of the site. As such the proposed residential density is 404 hr/ha. Given the mixed use of the proposal and the location (PTAL 2-4), it is noted that this is a high density development, as per the definition given in the London Plan. Nevertheless, Policy D6 of the London Plan encourages a design driven approach to the consideration of residential density and the proposed standard of accommodation is considered in these terms, below. As such the principle of the proposed high density development is considered acceptable, subject to the considerations below.
- 6.1.19 In light of the above, the development is considered acceptable in land use terms.

## **6.2 Housing Mix**

- 6.2.1 Local Plan 2033 policy LP14 (Dwelling Size Mix) requires 33% of the available market units to be family sized (3 bedrooms or more), with a higher proportion of 2 bedroom than one bedroom units. Family sized intermediate units are expected at a rate of 15-25% of the available units, with a higher proportion of 2 bedroom than one bedroom units. The proposed housing mix provides:

<b>Existing</b>						
	<b>Studio (1b1p)</b>	<b>1 Bed</b>	<b>2 Bed</b>	<b>3 Bed</b>	<b>Total</b>	<b>%</b>
<b>Private</b>	33	48	37	7	<b>125</b>	90%

<b>Intermediate</b>		10	4		<b>14</b>	10%
<b>Total</b>	<b>43</b> <b>(31%)</b>	<b>48</b> <b>(35%)</b>	<b>41</b> <b>(29%)</b>	<b>7</b> <b>(5%)</b>	<b>139</b>	

- 6.2.3 As such, the provision is greatly skewed towards the provision of smaller units, in a manner that is not encouraged by the policy.
- 6.2.4 Nevertheless, the Build to Rent model is reliant upon a different market from that which relies on private sale. There is an issue of affordability with larger rental properties and this is reflected in part C of LP14, which states “The Council will consider variations to the dwelling size mix sought if this can be justified based on the tenures and type of housing proposed, site location, area’s characteristics, design constraints, scheme viability...” While LP14 reflects a position justified by the Borough’s overall housing need, there is also a recognised need for smaller units. As such, it is considered reasonable to expect of each type of housing product that it delivers the type of housing mix that it is best suited to delivering. The GLA’s Affordable Housing SPG states at paragraph 4.31 that Build to Rent can be particularly suited to higher density development but that local policies requiring a range of unit sizes should be applied flexibly to reflect demand for new rental stock, which is much greater for one and two beds than for owner-occupied units. They note the distinct economics of Build to Rent, where potential yields and investment risk can be affected by increases in the number of large units within a scheme.
- 6.2.5 In this case, the larger number of smaller units is considered to be justified by the likely demand, the prohibitive expense of larger units under the Build To Rent model in this location and the impact to the scheme viability of larger units. In these terms, on balance, the housing mix of the scheme is considered acceptable.

**6.3 Design of the proposed development**

Urban Design

*Site layout and arrangement*

- 6.3.1 Four cores are proposed, organised around two commercial courtyards and a central open space, which opens up towards the Regent’s Canal. The two commercial courtyards are gated and provide access and space for visitors, delivery and staff car-parking. The 18m width of the central open space is considered acceptable, given consideration of the constraints associated with the site and would create views of the canal for all the residential units surrounding this space. The scheme also reinforces the local focus on Sturt’s Lock, with new planting and pavement heading to this interesting heritage asset. This overall arrangement is considered acceptable in design terms since it preserves the semi-industrial character of this part of the canal and Eagle Wharf Road and also provides a new, appealing public access to the canal.
- 6.3.2 On the canal side, the proposals incorporate a new passageway linking the site to the Holborn Studios to the west and generally improving the currently limited

accessibility on the southern side of the canal. On Eagle Wharf Road, the access to the canal is designed in a way to create a sense of surprise when reaching the central open space with the retained trusses from the existing Victorian warehouse.

- 6.3.3 In addition to the public open space, further communal space for the residential uses is provided on the second floor roof of the lower elements of the scheme and on the fifth floor, facing Eagle Wharf Road.
- 6.3.4 The proposal to retain trusses from the existing Victorian warehouse within the public open space is welcomed. Details of this, along with the retained structure on the first floor of the scheme are required by condition.

#### *Massing and Form*

- 6.3.5 The upper level massing ranges from 5 - 7 storeys, which is in keeping with the emerging context of contemporary canalside development in this area. The 7 storey pop up elements are contained well within the plan and the scheme maintains a 6 storey canal edge. On both the canal and Eagle Wharf Road sides, the proposed massing has been broken down into vertical elements, which creates a legible rhythm of distinct elevations, reducing the perceived bulk of the scheme and avoiding it reading as one, over-broad building. The height of the parapets of these segment elevations has been slightly varied to accentuate their distinct character and a central pair of metal framed crown elements mark the presence of the new open space and the canal lock. In a similar manner, in the north-south direction, the designed long blocks facing the central open space have been broken down into shorter elements, with heights varying from six storeys on the canal, to seven storeys facing the intermediate, centrally placed, two-storey warehouse-styled block, and five storeys towards Eagle Wharf Road. The proposed massing arrangement is considered to have an acceptable impact on the existing townscape context and is in keeping with the emerging context of development along the Regents Canal.

#### *Architecture and Materials*

- 6.3.6 The architecture of the scheme is based on an expressive language of brick facades, terracotta tiles, metal frame and crown elements. Two main colours of brick, variegated red and yellow respectively, are proposed to express the division into elements. A third white-painted brick is used on the two-storey warehouse styled block on Eagle Wharf and the intermediate element of the internal facades facing the central open-space. Copper-cladded crowns are applied to the top floors of the two pairs of blocks facing the central open-space. Different brick grains, detailing and bonds, are used on lintels, balcony slabs and interfloor fasciae to further define the rhythm and pace on the facade, together with generous openings.
- 6.3.7 The use of metal components is a principal expressive element of the scheme. The copper-cladded crowns, the metal frames on the northern and southern elevations of the central blocks and the patinated balustrades and gates creates an expressive and unifying character across the overall architecture, legibly referring to the industrial historic tradition of Regent's Canal.
- 6.3.8 Terracotta tiles with colours sympathetic to these of the proposed bricks are used thoughtfully as an infill and background to the metal frames. This overall



composition is complemented by the structure of retained trusses in the central open space, which would contribute to creating a strong sense of place.

- 6.3.12 While the proposals are supported in architectural terms, a comprehensive design condition has been recommended to ensure that the numerous architectural gestures and materials in the scheme are detailed and finished to the highest architectural quality.

#### Conservation and Heritage

##### *Direct impacts to Heritage Assets*

- 6.3.36 The site is located in the Regents Canal Conservation Area. The buildings on the site are not nationally or locally listed. The buildings are not highlighted as Buildings of Townscape Merit in the Conservation Area Appraisal (LBH, 2007). There are four main buildings on the site: a two storey gabled building dating from circa 1860; a two storey steel and concrete building dating from 1937; a two storey building near the road dating from 1965 and a modern storage building dating from 2002.
- 6.3.37 The 1965 and 2002 buildings do not have heritage significance. The 1937 building has an interesting and attractive steel truss roof structure, but this is not particularly old, unusual or significant.
- 6.3.38 The 1860 building is of significance. As the Heritage Statement highlights, this building was part of the ironworks of Henry Grissell (1817-1883). The ironworks was founded in 1841 and appears to have been on the Regents Canal site from at least 1855. This was a large and important concern, associated with the more famous Thomas Grissell which fabricated the ironwork for many high profile Victorian buildings, including parts of the Houses of Parliament. From 1871 to about 1900 the building was the Machine Shop of the Henry Rifled Barrel gun factory, a large and historically important gun factory. The site had varied later uses including a marble factory (1900 to 1937), a newspaper warehouse (marked as a Printing Works on the 1954 Ordnance Survey map) and a packing case factory. It is accepted that the significance of the building is mainly historic: the building itself has been reclad in 1930s wire cut bricks and the main surviving feature are the iron trusses to the roof structure.
- 6.3.39 The Regents Canal Conservation Area exists to retain the character of the canal as an early 19th century canal with characteristic late 19th century and later industrial buildings associated with the canal use. There is a presumption for retaining the circa 1860 building, since it is of some age, includes interesting original fabric and is associated with characteristic local industries with some national importance.
- 6.3.39 The proposed relocation of the 1860 iron Polonceau trusses as part of the Sturt's Yard café landscaping is correctly described as "not conservation" at Para 5.2.1 of the Heritage Statement. However, it will be an interesting design element in the scheme which will provide a small link with the site's past. As above, this element of the scheme would be subject to a condition to ensure delivery.
- 6.3.39 The proposals would see the full demolition of the buildings on site. Since the circa 1860 building is of significance within the Conservation Area, this would constitute



less than substantial harm. However, it is considered that this harm is outweighed by the public benefits of the scheme, which include the opening up of the site to the canal, the creation of a new public space, the removal of the large existing modern warehouse building fronting the canal and the creation of new office and residential units.

*Indirect impacts to Heritage Assets*

- 6.3.36 In addition to views from the conservation area, the proposal appears in views of a number of heritage assets located outside the conservation area:
- Grade II listed buildings at 133 and 107 to 131 Shepherdess Walk
  - Grade II listed houses forming Arlington Square, particularly Numbers 12-21 (consecutive)
  - The Arlington Square Conservation Area (LB.Islington)
  - The locally listed buildings at 51 to 71 (odd) Cropley Street
  - The locally listed buildings at 49 and 50 Eagle Wharf Road.
- 6.3.36 The objection from LB.Islington is noted in relation to the impact on buildings in Arlington Square in particular. There is historical precedent (e.g. the Gainsborough Studios building at 51 to 59 Eagle Wharf Road, which is late 19th century and was about 6 storeys) for some height, but this was generally located at nodes such as bridges, generally buildings were lower at 2 to 3 storeys. Generally, the Council has consented buildings of about 5 or 6 storeys in height along the canal in recent years.
- 6.3.36 The objection from SCAAC is noted. 49-50 Eagle Wharf Road is the neighbouring site to the west and is a locally listed group of around 2 storeys including a prominent chimney with industrial heritage interest. The proposals are considerably taller and will result in a substantial jump in height between the two sites, as well as a highly visible side elevation facing the locally listed group. The main visible elevation against this site when seen from the canal will be the upper 4 storeys of the west elevation and will be a blank, red/brown brick elevation with storeys articulated in expressed brick. The elevation will provide a neutral, contrasting backdrop to the chimney on 49-50 Eagle Wharf. From further east the full extent of the chimney will no longer be seen with a backdrop of sky, however the top third of the chimney will still rise above the development maintaining its visibility. This is considered to be an appropriate response in heritage terms.
- 6.3.37 The impacts are generally illustrated in the TVIA March 2021 and are assessed as follows:
- Views 7.1, 7.2 and 8 show the impact of the proposed development on the Grade II listed houses, particularly the south terrace at Numbers 12-21 (consecutive) Arlington Square and the eponymous Conservation Area. In summary these show that the building is not visible from the south of the square, is just visible from the centre of the square and is visible (but not to a great extent) from the far north of the square.
  - The setting of the listed houses and Conservation Area in Arlington Square does contribute to their significance, since the square is a designed set piece with an interior landscape which is inward-looking and is designed to form a coherent whole in views. The views of the square are not pristine, since taller buildings are visible on other sides of the square and in various gaps between buildings. However, it is noted that views to the south are pristine

and that elsewhere the taller buildings are at some distance and both perspective and atmospheric perspective reduce their visual impact.

- We therefore concur with Historic England, the GLA and Alan Baxter (and the Addendum Heritage Statement, September 2019, at Paras 1.2.2 and 1.4.1) that the proposed buildings cause less than substantial harm to the significance of the Arlington Square buildings because of the (albeit minor) impact on their settings. This harm needs to be balanced by adequate public benefits, helpfully listed in the Addendum Heritage Statement at Para 2.1.
- The impact to the locally listed buildings at 51 to 71 (odd) Cropley Street is shown in View 1 and is acceptable.

6.3.37 With regard to conservation of the neighbouring heritage assets, the proposed buildings are now considered to be of an acceptable height within the local context. The submitted townscape views show the building in its context and, particularly once cumulative impacts are considered, it is considered to respond appropriately to that context.

6.3.37 In relation to the impacts on the significance of designated heritage assets (the Regents Canal Conservation Area, the Arlington Square Conservation Area and the listed buildings noted above) the Council considers that the harm caused to their significance (whether through direct impacts or indirect impacts, including harm to settings) is less than substantial in terms of the NPPF Para 199 test. The Council has paid special regard to the settings of listed buildings and the preservation and enhancement of the Conservation Area and has therefore met its duties under Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

6.3.38 In relation to the impacts on the significance of non-designated heritage assets (the locally listed buildings noted above) the Council considers that the harm caused to their significance (whether through direct impacts or indirect impacts, including harm to settings) is balanced by the wider planning benefits of the scheme in terms of the NPPF Para 203 test.

6.3.39 The Council therefore also considers that the Local Plan Policy tests contained within The London Plan Policy HC1 Heritage conservation and growth and LP3 Designated Heritage Assets and LP4 Non Designated Heritage Assets are met.

#### Landscaping

6.3.31 The landscape elements comprise the central 'Sturt's Yard' open space along with the open canal edge, enclosed courtyards and upper level terraces and roof gardens. The overall strategy is to clearly define public, private and communal spaces, thereby to create clarity over who has ownership of each space. Public streets and squares are designed to be welcoming to all and private gardens are clearly defined as resident only. New routes through will bring activity to the site and the public access to the canal edge is a significant benefit of the proposals. The majority of the public realm is hard landscaped in keeping with the former industrial character of the canal, incorporating heritage style cobblestones. At the western canal edge, there is a green, natural buffer zone, which sits outside of the red line boundary. Areas next to the canal are sensitively lit and include new planting, which

is in keeping with existing, natural wild planting along the water's edge. The roof terraces and gardens comprise decked and planted areas with a variety of low level and climbing species. Overall, the landscaping strategy is considered high quality and complementary to the canalside setting. Full details of landscaping materials and planting will be provided at the next stage, by way of a full landscaping condition.

- 6.3.32 A number of objections, including that of LB. Islington, refer to the existing self seeded trees and the biodiverse area of the site adjacent to the weir. The objections relate to the loss of the trees and also to the increased access of this area of the canal, which might be dangerous. However, this is not part of the current application, since the canal edge surrounding Sturt's Lock is owned by The Canal and River Trust and falls outside the red line boundary of the site. The applicants were told in advance of the application that including detailing of their future plans for this area might be confusing for consultees but they chose to include it to show future aspirations for the landscaping and they included caveats within the documentation, easily missed, to indicate that these aspirations do not form part of the current proposal. As such, a new application would be required to propose landscaping of this area, which could be properly scrutinised at that time. For this application, the applicants have confirmed that they would accept a condition requiring tree protection during construction and that they are satisfied that the retention of the trees on a temporary or permanent basis would not render their current proposal problematic to implement. The scheme also includes planters around this treed area, to ensure that residents, workers and visitors do not walk through the trees and undergrowth to the edge of the weir and a condition has been recommended requiring details in this regard.
- 6.3.32 Cobblestones are proposed in line with the diameter similar of surrounding heritage setts of the area. The detail of these are recommended to be supplied by condition to ensure that they allow full accessibility of the sites by all users.
- 6.3.34 Following further submissions by the applicant to increase the scale of the proposed green roofs, the Urban Greening Factor of the site would be 0.4, in line with LP33 and emerging London Plan guidance.

#### Child Playspace

- 6.3.34 In line with LP50 10m<sup>2</sup> of playspace has been provided for each child. The child yield of the development, using the GLA calculator is 19.2 and 194m<sup>2</sup> is provided at the second floor terrace where it is well overlooked by the proposed residential units and the rest of the terrace. A condition has been recommended to require details of the playspace prior to the commencement of above ground works, to ensure that it meets the needs of the age ranges that will use it. The site is also within easy walking distance (approximately 160m) from both Shoreditch Park and Shepherdess Walk Park. As such, the application is considered acceptable in terms of its child playspace provision.

#### Conclusion

- 6.3.41 While the objections to the scheme are noted, it is considered that the proposals are of a high design quality and will provide an attractive canalside environment in which to live and work, from an architectural and landscape design point of view.
- 6.3.42 The scheme is considered acceptable in design and conservation terms subject to the recommended conditions, which will ensure high quality detailing and landscaping.

#### **6.4 Quality of Accommodation**

##### Residential Floorspace

- 6.4.1 New residential developments are expected to provide a good standard of amenity for future occupiers and demonstrate compliance with the minimum floorspace standards of London Plan policy D6 and the requirements of the Mayor's Housing SPG. LP33 policy LP17 references these standards.
- 6.4.2 In terms of overall unit size, all prospective flats meet the minimum overall floorspace and headroom standards. All of the units have access to private balconies, as well as communal outdoor areas. The internal rooms are also in accordance (or exceed) the Mayor's Housing SPG specification for living, dining, kitchen areas and bedrooms. The proposed level of floorspace will therefore provide acceptable living conditions for future residents.
- 6.4.3 London Plan policy D6 requires residential units to provide a good standard of internal amenity with appropriate levels of floorspace, light, ventilation and outlook. In terms of residential layout, all habitable rooms are served by at least one window.
- 6.4.4 There are a relatively high number of single aspect units, 69 (50%), in the scheme, of which 16 (12%) are single aspect and north facing. The canal is to the north, meaning there would be plenty of space and good outlook for those units. Other, inward facing, units have less outlook and while the applicant has revised the plans to include more dual aspect units at the request of the Council, the number is still higher than would commonly be expected. Sixteen inward facing (east or west) single aspect two bedroom units have very deep plan Living/Kitchen/Dining areas and are partially overhung by balconies, further impacting on the levels of lighting and outlook from those rooms.
- 6.4.5 The submitted Average Daylight Factor (ADF) results show 261 (90%) rooms achieving the suggested targets for use, while 56 (72%) of the 78 south facing living rooms meet the target Annual Probable Sunlight Hours (APSH) value within the BRE guidance.
- 6.4.6 Nevertheless, there are some notably poor rooms in relation to ADF, particularly where rooms are beneath a balcony and on the internal elevation of the block. A second floor bedroom has an ADF of 0.1, for example, and 16 Living/Kitchen/Dining rooms have an ADF of 1.0 or less (the BRE guidance suggest 1.5 for a Living Room and 2.0 for a kitchen). Nevertheless, these rooms are within larger units where acceptable levels of daylighting are otherwise proposed and the poor results for these individual rooms is as a result of the proposed balconies, which have their own amenity value for the prospective residents.

- 6.4.7 Two of the studio units would have an ADF of 1.3 and two of them would have an ADF of 1.4. Given that there is no other 'room' within a studio to find better levels of daylight, these results are not ideal, but it is noted that these four units are a small percentage of the 43 studio units proposed. Overall, given the nature of the proposal and the context of surrounding development, the internal daylighting and sunlighting results are considered acceptable.
- 6.4.8 In terms of private residential amenity space provision, the proposal is considered to meet the requirements of London Plan policy D6. All dwellings are provided with balconies that are adequately sized, practical in respect of their shape and utility and which are considered to offer good amenity.
- 6.4.9 In their response to the application, the GLA have noted that the internal corridors providing access to the residential units are not supplied with natural light and that up to 10 units are accessed off a single core on each floor. The Mayor's Housing SPG suggests 8 units at a maximum to be accessed off a core. This aspect of the scheme is noted and is resultant of a dense level of development, with a housing mix that tends towards smaller units than is typically found in a scheme within the Borough. Nevertheless, the average homes per core across all levels is 7 homes per core. This is due to 1 block hosting 8 homes per core, 1 block hosting 9 homes per core, 1 block hosting 3 to 8 homes per core, depending on the level, and 1 block hosting 3 to 10 homes per core depending on the level. The residential corridors are designed in a 'T' shape configuration to ensure short travel distance, a maximum of 5 homes sharing a circulation section, and increased privacy and sociability. Windows have been provided to the corridors on level 01, level 05, and level 06 where the corridor has access to the external envelope. Additionally, each core provides 2 lifts. A condition has been recommended requiring a lift management plan, to ensure that the lifts are regularly maintained and that they are not out of order for longer than 24 hours and it is noted that there are two lifts for each core. Nevertheless, those 10 unit, windowless, internal corridors that are proposed are a negative aspect of the scheme that must be considered within the overall planning balance.
- 6.4.10 The dense level of development and plot configuration to activate street, courtyard and canal elevations also expresses itself in a layout that has balconies and windows that are sometimes close together, particularly at the corners of the internal elevations. This feature of the scheme has been highlighted in comments received from the GLA. Where appropriate, the applicant has made changes to the layout of balconies and introduced privacy screens, during the course of this application. Following these changes, it is considered that the scheme is optimised so far as is possible in this regard for a scheme of this density.
- 6.4.11 For these reasons, it is considered that the number of smaller units proposed within the overall mix has had an impact on the proposed standard of residential accommodation, particularly in relation to the number of single aspect units, the poor ADF levels at some of the rooms, the number of units accessed from a single core and the close proximity of some balconies and windows. Overall, on balance, it is considered that the standard of accommodation is acceptable and that the positive aspects, as listed above, are sufficient to outweigh the negative aspects. Nevertheless, it is considered that this is a fine balance and that it would not be unreasonable to come to a different conclusion.



Accessibility of Residential Units:

- 6.4.12 London Plan policy D6 seeks to achieve the highest standards of accessible and inclusive design. To ensure a fully accessible environment, London Plan policy D7 requires 90% of all new housing to be built to the nationally described housing standard Building Regulations M4 (2), which replaced Lifetime Homes standards. The remaining 10% of the residential units should be wheelchair user dwellings, either Building Regulations M4 (3)(a) wheelchair adaptable and/or M4 (3)(b) wheelchair accessible.
- 6.4.13 Information has been submitted within the application illustrating all units are designed to comply with Building Regulations M4 (2) standards. 10% would be Building Regulations M4 (3)(a) wheelchair adaptable, in line with the standards, and a condition is recommended in this regard.

6.4.14 Secure by Design:

It is noted that aspects of the scheme have been raised as areas of concern by the Secure By Design officer. Particularly, concern has been raised in respect of the residential entrance lobbies, which are L-shaped, and might thereby encourage anti-social behaviour and create an element of fear of anti-social behaviour in residents. In addition, they note that the large size of the ground floor cycle store might encourage tailgating and, thereby, theft and less use of the store over time. A condition should be recommended to require detailed analysis of the security of the scheme at a future stage. While these concerns are noted they are considered insufficient to recommend refusal of the scheme. A blind corner is not an unusual arrangement for an entrance lobby and most stairwells have them by nature of their design. The ground floor cycle store is overlooked by both commercial and residential occupiers on both sides. It is large but not uncommonly so and a greater number of users suggests a greater level of surveillance, which may mitigate the concerns raised. Overall, the design is considered likely to result in an acceptable level of security and to discourage anti-social behaviour but a condition has been recommended to ensure that the Secure By Design Officer is consulted further on the details of the scheme prior to the occupation of the residential units.

- 6.4.15 In light of the above, the proposed development is deemed to provide a high standard of residential accommodation for prospective future residents and is subsequently deemed to meet the requirements of LP33 policies LP1, LP17, LP48 and LP50, London Plan policies D6 and D7 and the Mayor's Housing SPG.

Commercial Floorspace

- 6.4.16 The site is within a Priority Office Area (POA). Local Plan 2033 policies LP26 and LP27 relate to new business (Class E(g)) floorspace and require such floorspace to be well designed, high quality and incorporate a range of unit sizes and types that are flexible with good natural light, suitable for sub-division and configuration including for occupiers by small or independent commercial enterprises.
- 6.4.17 The proposed development re-provides the existing B8 space at two subterranean levels. The majority of the proposed E(g) workspace is at ground and first floor levels.

The ground floor layout has been designed thoughtfully to maximise active frontage and organically integrate the different uses of and access to the site. The units are in a number of different sizes, suitable for different occupiers across a wide range of industries and the larger floorplates could be subdivided as appropriate. 636m<sup>2</sup> of the E(g) floorspace at the first basement level would only be lit by a large rooflight but the space is open plan and is additional to the overall offer, it would not be part of the proposed 'Affordable Workspace' offer and might be suitable for particular users, such as photography studios, that do not require natural lighting. On balance, the proposed commercial floorspace is considered acceptable.

- 6.4.18 For these reasons, on balance, the proposed commercial floorspace of the development is considered to be of an acceptable quality for this Priority Office Area.

Communal Amenity Space:

- 6.4.19 Communal terraces are proposed for residential occupants at second floor level in three locations and at two locations at fifth floor level. The fifth floor terraces are accessed via a corridor on the south side of the building, which has the dual purpose of access and of allowing the adjacent residential units to face north and thereby prevent overheating despite their single aspect.
- 6.4.20 Local Plan policy LP48 requires 14m<sup>2</sup> of outdoor amenity space per resident, equating to 2996m<sup>2</sup>. LP48 also requires 4m<sup>2</sup> of outdoor space per employee of the commercial units, equating to 1736m<sup>2</sup> for the projected employee yield of 434 (based on the Hackney Planning Obligations SPD figures). As such the proposed 3739m<sup>2</sup>, which includes the private residential balconies and communal areas represents an underprovision in relation to the target. Nevertheless, it is noted that the policy requirement has changed, from 10m<sup>2</sup> per person (under Development Local Plan Policy DM31) during the course of the application and that the site is relatively constrained. In addition, the site neighbours Shoreditch Park, 160m to the east, which will provide further amenity to residents.
- 6.4.21 In line with part C(i) of LP48, which asks for physical improvements to the public realm and to improve access to existing public open spaces, the scheme would provide a payment of £62,491.00 for Highways Works and a payment of £40,000 to the Canal and Rivers trust towards towpath improvements. In addition, the northern side of the canal would become publicly accessible for the first time. For these reasons, on balance, the level of outdoor amenity space provided is considered to be acceptable, subject to the payment in lieu required by part C(ii) of LP48 where there is an overall underprovision.
- 6.4.21 For these reasons, the proposed standard of accommodation for future residents and employees is considered to be acceptable.

## **6.5 Transport and Servicing**

- 6.5.1 The site is located on Eagle Wharf Road (B144) which runs to the south of the Regents Canal. The street contains a mix of uses from commercial to residential and is relatively low-trafficked. There is relatively good access to bus services, with a number of bus stops accessible within a 5-minute walking time. A number of rail and



underground services are accessible within a 15-minute walking time, via Old Street, Angel and Essex Road stations.

- 6.5.2 As the Transport Assessment (TA) notes, Eagle Wharf Road forms part of London Cycle Network Route 16 and connects to TfL Quietway 11 which runs north-south on Shepherdess Walk, between the City and Angel.
- 6.5.3 The site has Public Transport Accessibility Level (PTAL) ratings of 2 and 4, on a scale of 0-6b where 6b is considered excellent. The site is within a short distance from areas with PTAL rating of 5 and is considered to have relatively good accessibility to public transport.

#### Healthy Street and Active Travel Zone Assessments

- 6.5.4 The applicant has submitted an updated Transport Assessment (TA) that includes Transport for London's (TfL) Active Travel Zone (ATZ) and Healthy Streets assessments. The ATZ outlines key destinations in the application site vicinity that can be accessed by walking or cycling. An ATZ is determined by plotting a 20 minute cycle isochrone from the centre of the site.
- 6.5.5 The application site benefits from a large number of services and facilities that are accessible by relatively high quality walking and cycling routes. The routes have been mapped by the applicant and include Old Street Station (14 minute walk / 4 minute cycle), Angel Station via the Regents Canal (15 minute walk / 5 minute cycle) and Hoxton Station (21 minute walk / 7 minute cycle).
- 6.5.6 The Healthy Streets Check has been taken for Eagle Wharf Road where the application site is located. The check provides an existing and proposed numerical score based on ten Healthy Streets indicators, including, 'people choose to walk, cycle and use public transport', 'clean air' and 'people feel safe'. As the TA notes: Eagle Wharf Road has a pleasant urban character with generally a good pedestrian and cycle environment. The street also benefits from a relatively low traffic flow, which creates a pleasant environment for pedestrians and cyclists. The active frontages and street lighting along the street also provide good natural surveillance.
- 6.5.7 The Healthy Streets Check identified no high-risk road danger issues. It assigned the street's current layout a score of 74 out of 100 and showed that the proposed development would increase the overall score to 81.

#### Trip generation, car and cycle parking

- 6.5.8 There is likely to be a significant uplift in travel to and from the site compared to existing use of the site. The Transport Assessment estimates the number of trips to be generated by the proposed development to be 1540 trips between 0700 – 1900. Although the number of trips represents a significant increase in comparison to the existing site, the total number of motor vehicle trips are predicted to decrease. This is owing to the residential and office aspects being car-free and the reduction in the B8 use floorspace. Owing to these factors, the overall vehicle trips to the site are considered to be well managed.

- 6.5.9 This is considered to be consistent with London Plan Policies T4, T5 and T6 and Local Plan 2033 policies LP42, LP43 and LP45. For the B8 storage use, in the west yard, 6 vehicle parking spaces are proposed for operational use and since the need for these has been justified within the submission, their inclusion is considered acceptable, despite the objection from TfL which requested the reduction to a maximum of 4 spaces. All of these spaces are proposed to have active electric vehicle charging facilities. Given the site's public transport accessibility and the limited availability of on street parking spaces for existing surrounding residents, it is considered appropriate to restrict future users' access to on street parking permits, which shall be secured via the legal agreement.
- 6.5.10 The provision six on-site disabled spaces will be controlled and monitored by the proposed Travel Plan. In line with the London Plan policy T6.1, the six spaces will provide infrastructure for electric or Ultra-Low Emission vehicles. 20% of the spaces would have active charging facilities, with passive provision for all remaining spaces. 9 additional disabled person's parking bays must be identified within 50m of the site for the residential dwellings in case they are required. These aspects have been secured through the proposed Travel Plan arrangement within the proposed legal agreement. As such, the car parking need of the site will be monitored and adapted over time. For example, the provision of blue badge spaces will be as part of a responsive arrangement that reflects on-site need at any given point. These arrangements are considered acceptable.
- 6.5.11 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. It is noted that 94% of the residential cycle parking and 95% of the non-residential cycle parking is to be provided as two-tiered stands and that two tier stands of this type are considerably less accessible for potential users. It has not been possible to negotiate a higher proportion of single tier cycle parking with the applicant and so this remains a weakness of the application that must be considered within the planning balance.. A policy compliant cycle parking plan is required by the recommended condition, to show layout, foundation, stand type and spacing. The conclusion of this report is that, with this recommended condition, the high proportion of two tier cycle parking is insufficient grounds to warrant refusal of the application in this instance.

#### Deliveries and Servicing

- 6.5.12 A maximum demand of 8 vehicles is required according to the parking survey undertaken by the applicant. 6 spaces are provided on site and 2 additional spaces can safely be accommodated informally. During the rest of the hours, the numbers of deliveries can be safely accommodated internally.
- 6.5.13 Given the increase in online retail and food shopping, a delivery and servicing Plan (DSP) is recommended to be conditioned. Deliveries that can be managed should be avoided during the peak morning and afternoon hours of 0800-1000 and 1600 to 1800 on weekdays.

#### Refuse Strategy

- 6.5.14 The Council's Waste Officer has reviewed the proposal and raises no objection to the location or capacity of waste storage provided. Due to the location of refuse and recycling stores across the site, a strategy for the collection of waste has been recommended by condition to ensure that bins are put out on the bin collection point at the front on collection days, minimising the drag distances for waste operatives. Given this, the proposal is considered to provide suitable waste and collection servicing arrangements.

#### Public Realm and Highway Improvement Works

- 6.5.15 In accordance with requirements of Local Plan 2033 policy PP1, all developments are expected to be integrated into the surrounding public realm and/or provide contributions to urban realm improvements within the site vicinity.
- 6.5.16 The estimated cost for the Highways Works is £62,491.00 and a contribution of this amount will be secured via the legal agreement. The proposal is to reconstruct the adjacent footway on Eagle Wharf Road, the removal of three redundant vehicle crossovers, two lighting column upgrades and the planting of six new small trees.

#### Works to Canal Towpath

- 6.5.17 Policy SI 16 requires that development protects and enhances adjacent waterways. LP23 policy LP52 notes that compensatory measures can be appropriate when considering the impacts to waterways. This was also the approach taken at the adjacent Holborn Studios development, where £35,000 was negotiated for works to the towpath. In this location, with the slightly larger nature of the development here proposed, it is considered that a compensatory measure of £40,000 to the Canal and Rivers trust towards towpath improvements and biodiversity measures would be appropriate and this has been agreed with the applicant and added to the proposed heads of terms for the legal agreement.

#### Car Club

- 6.5.18 At present there is a reasonable coverage of car club vehicles within a short walking distance. To encourage occupants to travel by sustainable modes a contribution towards car club membership and driving credit would be offered to all residents of the development. This would discourage the use of private vehicles on occasions when the use of a vehicle cannot be avoided and a provision in this regard is contained within the proposed legal agreement. An electric vehicle car club point is required by the legal agreement.

#### Construction Logistics

- 6.5.19 Due to the scale and nature of the proposed development, a detailed Construction Logistics Plan to mitigate negative impact on the surrounding highways network has been recommended by condition.
- 6.5.20 In line with TfL and Canal and River Trust comments, a condition has been recommended which requires the applicant to investigate the use of the canal for the transportation of construction materials.

### Travel Plan

- 6.5.21 A Framework Travel Plan (TP) outlining measures to manage travel demand has been submitted alongside the Transport Assessment. A full travel plan for both residential & commercial elements of the development should be secured via legal agreement in line with comments provided by TfL and LB.Hackney Transport officers during the course of this application. The full travel plan would be carried out in accordance with TfL's best practice guidance.

### Crossrail 2

- 6.5.22 The site is located within the limits of land subject to consultation by the Crossrail 2 Safeguarding Direction. As part of 48 and 48a Eagle Wharf Road, it is one of 5 shortlisted worksite options for locating a Crossrail 2 shaft for tunnel ventilation, evacuation and emergency access for the railway. As such, TfL have required a Crossrail 2-related infrastructure protection and safeguarding condition and this is recommended.

### Summary

- 6.5.23 The development is considered policy compliant with respect to the level of car and cycle parking, servicing arrangements and the scope of highway works. The proposal improves access to the canal, promotes the use of sustainable transport modes and will not give rise to any adverse impacts to the surrounding highway network.
- 6.5.24 Conditions requiring the provision of cycle parking, demolition, construction and delivery/servicing plans have been recommended, along with legal agreement clauses restricting future residents from applying for parking permits, Blue Badge spaces, compliance and adoption of a Travel Plan containing a Parking Design Management Plan, and Highway Works.
- 6.5.25 In light of the above, it is considered that the proposed development is acceptable in terms of transport considerations.

## **6.6 Impact on Nearby Residential Amenity**

- 6.6.1 London Plan policy D3 states that development should have regard to the form, character and function of an area, through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions and that they should deliver appropriate outlook, privacy and amenity. Policy D6 requires that the design of development should provide sufficient daylight and sunlight to new and surrounding housing that is appropriate for its context. Local Plan 2033 policy LP2 is concerned with the amenity of neighbouring occupants.

### Daylight, Sunlight and Overshadowing Assessment

- 6.6.2 The assessment of the daylight, sunlight and overshadowing impact of the proposal on nearby sensitive receptors is informed by a Daylight and Sunlight Review submitted in support of the application. The methodology adopted for the assessment

of daylight, sunlight and overshadowing is set out in the 2011 Building Research Establishment (BRE) Guidance. In accordance with BRE guidelines and with best practice, the assessments undertaken considered primarily residential properties.

- 6.6.3 When assessing daylight to existing properties, the primary methods of measurement are vertical sky component (VSC); and No Sky Line (NSL).
- 6.6.4 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 and 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 dimly lit.
- 6.6.5 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 skylight before and after the new development. 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.
- 6.6.6 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 and subtend the new development at an angle of 25 degrees from the centre of the lowest window to a main living room. 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.
- 6.6.7 BRE guidance is clear that it needs to be applied with regard to the site context. Sunlight and daylight target criteria as found in the BRE guidance have been developed with lower density suburban situations in mind. In denser inner urban contexts, sunlight and daylight levels may struggle to meet these target criteria in both existing and proposed situations. The target criteria cannot therefore be required for dwellings in denser inner urban locations as a matter of course, in line with guidance set out in paragraph 1.3.46 of the Mayor of London's Housing SPG.
- 6.6.8 In addition, the guidance clarifies that the impact of balconies may be discounted from the calculation of daylight and sunlight impacts, since balconies (and their supporting structures) bring their own amenity but will constrain existing windows by overhanging them. The guidance therefore considers that this aspect of balconies should not be to the detriment of future development.
- 6.6.9 *Daylight Impacts*
- 6.6.10 The impact of the VSC on neighbouring properties is considered acceptable.
- 6.6.11 At Nos.14-27 Eagle Wharf Road, it is noted that there are some high percentage reductions in VSC. This is to be expected because the existing windows face a surface level car park and a well set back two storey warehouse. Nevertheless, no

existing habitable room windows would be left with a VSC below the mid-teens, which is considered an acceptable figure for this inner London location.

- 6.6.12 At 28 Eagle Wharf Road, there are significant percentage impacts to the windows of two ground floor rooms and a first floor room but these impacts again do not take the VSC below the mid-teens. At other windows, the impacts to VSC are lower than 20%. As such, for this location, the impact on the daylighting of this property is considered acceptable.
- 6.6.13 At 29 Eagle Wharf Road, despite significant percentage reductions, the VSC remains acceptable (mid teens and above) at all those habitable room windows at first floor and above, where it is currently relatively good. The existing VSC at the ground and lower ground floor windows is already very low, owing to the constrained size of the basement lightwells and an overhang above the ground floor level. It is considered that the further impact to these windows is not so significant as to warrant refusal of the application.
- 6.6.14 At 1-9 Waterfront Mews, across the canal, the existing facing windows at ground floor level are high level only. The VSC at upper floors is greatly reduced by the presence of a Brise Soleil. As such, the proposed development has high percentage impacts but these are created by a design feature that is intended to reduce solar gain and has a corresponding impact on upward outlook. The impact to the VSC of these windows is low in absolute terms and the proposal is considered acceptable in this regard.
- 6.6.15 At all other tested windows the VSC impact of the proposed development is considered not to be significant in percentage and/or absolute terms and to be acceptable on this basis.
- 6.6.16 The submitted No Sky Line figures help explain the context further and are considered to support the above analysis of the VSC. Some large impacts to NSL are shown but these are explained by the site context and it is considered that an acceptable amount of floorspace is retained with a view of sky (outside the NSL). It is considered that the NSL figures do not alter the findings in regards to daylight detailed above and that the scheme is acceptable with regard to NSL.
- 6.6.17 *Sunlight Impacts*
- 6.6.18 Many of the closest properties to the site are to the south of the development and would experience no loss of sunlight.
- 6.6.19 Facing windows to two Living/Kitchen/Dining areas at the first and second floor of 29 Eagle Wharf Road experience a significant loss of winter sunlight hours but this is set in context by the fact that they would lose only a small amount of their total annual sunlight hours (from 24% to 20% and from 33% to 28% respectively). The rooms already receive a low percentage of winter sunlight and, as such, the impacts shown are reflective of the fact that the windows currently look directly over a surface level car park and set-back frontage at the proposal site. Any substantial development proposal at the main building line of Eagle Wharf Road would have a not dissimilar impact on the winter sunlight hours of these two rooms. Moreover, given that , the impact shown is considered acceptable.



- 6.6.20 At Nos. 1-2, 3, 4, 5, 6 and 7 Union Wharf there are very good existing levels of sunlight for south facing windows. This is to be expected, given the distance across the canal and the low warehouse development on the proposal site. As such, though there would be a large proportionate impact to the levels of sunlight experienced by this row of properties, each window tested would continue to receive more than 25% of annual APSH and 5% of winter APSH. This means that the windows would continue to receive good levels of sunlight throughout the year and that the proposal is considered acceptable in this regard.
- 6.6.21 1-9 Waterfront Mews is directly opposite across the canal from the proposed development and the levels of sunlight it currently receives are, purposefully, greatly lessened by the Brise Soleil. As a result, despite their orientation and the distance to the existing two-storey warehouse, the existing levels of 'Total' APSH are below the BRE guidelines. To help clarify the issue, the submitted Daylight/Sunlight report provides an alternative table that shows the impact of the proposed development with the Brise Soleil removed. This clarifies that the retained APSH would remain high throughout the year. As such, the loss of sunlight directly attributable to the proposed development is considered to be insufficient to warrant refusal of the application.
- 6.6.22 Other neighbouring properties that have south facing windows overlooking the proposal are sufficiently distant that the impacts to their sunlight are not significant. The impacts to all neighbouring properties are considered acceptable in respect of sunlight.
- 6.6.23 *Overshadowing of Private Public Outdoor Amenity Areas*
- 6.6.24 Local Plan 2033 policy LP52 requires that a daylight sunlight assessment should be produced with respect to the overshadowing of waterways. BRE guidance also considers the overshadowing impacts of a development on surrounding gardens, parks, public squares and playgrounds. In order to prevent these spaces becoming damp, cold and uninviting, BRE guidance specifies that at least half of the space should not receive less than 2 hours sunlight on 21<sup>st</sup> March equinox.
- 6.6.25 The daylight sunlight report shows that on the equinox (21st March) both the public towpath to the north and the canal itself would continue to have over 2 hours of sunlight over no less than 89% of their area. To put this into context, the increase in overshadowing in these terms is calculated to be no more than 1%.
- 6.6.26 The site visit has confirmed that no other outdoor amenity areas would be significantly overshadowed by the proposed development. As such, the development is considered to be acceptable in these terms.
- 6.6.27 *Quashed Holborn Studios development*
- 6.6.28 It is noted that the submitted Daylight/Sunlight report makes reference to the Holborn Studios development, for which planning permission was quashed on Judicial Review, and that this has drawn objection. However, it is also noted that the Holborn Studios scheme was considered acceptable in terms of its Daylight/Sunlight impacts and that this finding was not a reason behind the quashing of the decision. As such, it is understandable that the applicants would want to make reference to it to support



the findings of their summary. More importantly, the figures presented in the main tables of the report, from which the above assessment is drawn, do not take into account the Holborn Studios development, so do not prejudice the above findings.

6.6.29 *Impact on Residential Moorings*

6.6.30 It is noted that there are moorings on the pontoon adjacent to the proposed development and that these may be in residential use. An addendum to the submitted Daylight/Sunlight statement has been provided to allow the impacts of the development to be quantified in terms of the BRE guidance but it is also recognised that the moorings represent an unusual form of residential unit that the BRE guidance is not really intended to cover. Therefore, while the addendum report is expressed in terms of the BRE guidance (VSC, NSC and APSH), it is important to note that its findings are in line with the information originally submitted (which showed the impact on sunlighting of the canal) and the findings and conclusions of this officer's site visit.

6.6.31 In terms of daylighting, these boats are dual aspect by nature and any impacts to the VSC on one side of the boat would not prevent the occupants from having a view of the sky on the other. Given the proximity to the two storey wall of the existing warehouse and the distance to the other bank of the canal, the overall impact in terms of VSC and NSL is concluded to be marginal.

6.6.32 In terms of sunlighting, there are four canal boats, one of which is moored adjacent to the canalside, next to the existing warehouse wall. This boat has relatively low levels of existing sunlighting and would experience further significant losses at its two rooms. Nevertheless, given the positioning of the boat so close to the wall of the existing building, it is noted that any proposed development above the existing two storeys would have a not dissimilar effect. The other three canal boats are moored on a pontoon that is a little further towards the middle of the canal. These three boats all retain good levels of sunlighting in at least one of their rooms. For these reasons, the impacts to the sunlighting of these residential moorings are considered acceptable.

6.6.33 For these reasons, the impacts to the daylight and sunlight of the adjacent residential moorings are considered acceptable.

*Daylight/ Sunlight Conclusions*

6.6.34 The proposal is surrounded by residential development. As such, it would have a significant impact on the existing levels of daylight and sunlight experienced by some existing occupiers. However, in each case, where affected windows had adequate existing levels of daylight and/or sunlight, the retained levels are considered to be appropriate for this inner London location. Overall and on balance, the impact of the proposal on the daylight/sunlight of existing occupiers is considered to be acceptable and should be approved.

*Outlook/Sense of Enclosure*

6.6.35 In line with the assessment above in respect of daylight/sunlight, it is noted that the proposal is for a greatly increased massing for the site in comparison with the existing two storey warehouse and its surface level car parking. As such, it is accepted that there will be greater restriction to the outlook of some neighbouring properties and,

similarly, an increased sense of enclosure. Nevertheless, the proposal has been greatly reduced during the course of the application to minimise these impacts. Following these amendments it is considered that the impacts are acceptable in respect of the outlook and sense of enclosure experienced at neighbouring properties.

#### Privacy and Overlooking

- 6.6.36 The Council has no specific policy guidance on acceptable separation distances for overlooking. This is due to the differing established grain and density of the borough, the potential to limit the variety of urban space and unnecessarily restrict density.
- 6.6.37 Generally, the proposed development would be of a layout and design that provides adequate distances between windows in the proposed development and windows (and amenity spaces) in surrounding properties. These distances would be reflective of the urban grain of surrounding streets. In each case the development would be separated from the adjoining neighbours by a street or canal and public realm, which would create a fairly conventional pattern of development. In light of this, the level of overlooking created is considered acceptable.
- 6.6.38 There is an existing pontoon directly in front of the proposal at which narrowboats are currently moored. It is accepted that the opening up of the south bank of the canal to the public, the cafe use and the proposed commercial and residential windows would have an impact on the overlooking experienced by any existing or future occupants of the boats. The overlooking is mitigated somewhat at three of the four existing moorings by the width of the pontoon, which would remain private, just as the impact of overlooking from the north side towpath and canal users is mitigated somewhat by distance. The recommendation of this report is that the increase in overlooking of the neighbouring canal boats should be considered acceptable, given the low numbers of occupants involved and the public benefits of the scheme, particularly since overlooking of the moorings is a likely feature of any development of the site.
- 6.6.39 The development is therefore deemed acceptable in terms of prospective privacy and overlooking and so meets London Plan policy D3 and LP33 policy LP2.

#### Noise/Odour

- 6.6.40 Local Plan policy LP2 seeks to manage the amount of noise arising to and from a development, in line with surrounding environs.
- 6.6.41 The accommodation proposed as part of this development is deemed to reflect the existing surrounding context and the Priority Office Area, through providing predominantly office, B8 storage and residential uses with an additional Class E cafe/restaurant element. The Council's Pollution Noise team have reviewed the proposal and raise no objection, subject to internal ambient noise, soundproofing and plant noise conditions, coupled with demolition, construction and site environmental management conditions for the construction phase, which will limit noise and disturbance to surrounding occupiers. A considerate contractor's clause is included within the legal agreement to further protect adjoining residents.
- 6.6.42 The applicants have not included a flue to the Class E unit labelled as a cafe on the submitted plans. Concerns were raised during the course of the application that a

ground floor extract system might prove prohibitively expensive to maintain to a sufficient standard that it would safeguard against odour impacts on surrounding residential occupiers. As such, the applicant has suggested a condition removing primary cooking from the use and this condition is recommended below.

#### Amenity Conclusions

6.6.43 The proposed development is considered acceptable in terms of its impact on daylight, sunlight, overlooking, noise and disturbance. The proposed development is considered to be of an overall massing, layout and positioning which would not give rise to an unacceptable detrimental impact in terms of sense of enclosure or overbearing impact. Otherwise the proposed development is not considered to give rise to any issue which would have an unacceptable impact upon the amenity of adjoining occupiers or users of the area. As such the proposal is considered acceptable in terms of its amenity impact.

### **6.7 Energy and Sustainability**

6.7.1 London Plan policy SI 2 and LP33 policy LP55 state major development proposals should be net zero-carbon. The proposed site-wide heat network will be served from a single main energy centre utilising air source heat pumps which will serve all residential blocks via heat interface units in every dwelling, and background heating to the self-storage areas. The domestic development achieves 11% Carbon emission Saving at the 'be lean' stage of the energy hierarchy and 60% cumulative for the three stages of the energy hierarchy (be lean, be clean and be green).

6.7.2 Air source heat pump technology will also be used for the office areas, however, this will be a separate air to air system (VRF) suitable for such areas since this will offer greater efficiency to these areas whilst also meeting the cooling requirement. The non-domestic development achieves 16% at the 'be lean' stage and 28% cumulative stages of the energy hierarchy. Whilst the non-domestic performance is short of the minimum 35% reductions beyond Part L2A baseline, the overall site wide carbon emission savings is 52% therefore above the minimum requirement and considered acceptable given that this is an old resubmission and an attempt has been made to adopt a new low carbon heating strategy. The shortfall in carbon reductions would require a carbon offset payment of £231,733.50, based on £95 per tonne, which would be sought through the legal agreement.

6.7.3 Photovoltaic panels are proposed for the roof and a condition has been recommended to require accredited certification that the array installed has at least a power capacity of 15kW.

6.7.4 As noted by the GLA, no Circular Economy Statement has been submitted, which is a requirement of major referable applications within the new London Plan. Nevertheless, this application precedes the adoption of the new plan and it is considered acceptable that this statement be required by the condition that is recommended below.

6.7.5 LP55 requires that non-residential floorspace meet BREEAM 'Excellent' rating in line with DMLP policy DM38. It is noted that while the proposed BREEAM for the office areas is Excellent, for the self storage areas it is 'Very Good'. Following the advice of

the Borough's Sustainability Officer, it is accepted that it is unrealistic to achieve a higher rating for the self-storage unit but, in order to ensure all reasonable measures have been taken to ensure the sustainability of the commercial uses within the development, a post-construction condition is recommended requiring the submitting of a BREEAM certificate to show that an 'Excellent' rating has been achieved for the office areas and a 'Very Good' rating for the self-storage unit.

6.7.6 A further condition recommends that any insulation and refrigerant materials must have a low or zero Global Warming Potential (GWP) and Zero Ozone Depleting Potential (ODP).

6.7.7 For these reasons, the proposal is considered to be properly sustainable.

#### Flood Risk

6.7.8 The application site is located in a critical drainage area, has a 'high' risk of surface water flooding and an increased potential for elevated groundwater.

6.7.9 The Council's Drainage team have reviewed the proposal and state no objection, subject to two conditions, the first of which requires the submission and approval of the detailed specification of the sustainable drainage system supported by appropriate calculations, construction details, drainage layout and a site-specific management and maintenance plan. A further condition is recommended in respect of a scheme for the provision and implementation of flood resilient and resistant construction details and measures for the basements against groundwater flood risk

6.7.10 Thames Water have also reviewed the proposal and have also requested two conditions in respect of the potential for water and waste water network upgrades. These conditions have been recommended. They also require the recommended condition requiring details of the proposed piling in advance of the commencement of development.

6.7.11 Subject to the above conditions, the proposal is deemed to be in line with the requirements of local and regional policy.

#### **6.8 Trees and Biodiversity**

6.8.1 Policy G7 (Biodiversity and access to nature) and G7 (Trees and Woodland), along with Local Plan 2033 policies LP47 (Biodiversity and Sites of Importance of Nature Conservation) and LP51 (Tree Management and Landscaping) stress the importance of trees and biodiversity. As above, the biodiverse strip of land adjacent to the weir that contains self-seeded trees and plants does not form part of this application and will be protected by a barrier of planters to prevent public access and a condition in respect of tree protection. Any future application to landscape this area would be subject to the proper scrutiny at that time and is not necessitated by any decision made on this application.

6.8.2 As such, within the boundaries of the proposal site there are no existing trees and no existing planting. What space there is within the red line boundary that is not taken up by the warehouse buildings is of impermeable hard surface for access and car parking. In contrast, the proposed terraces and living roofs of the application provide

a net gain to the biodiversity of the site and an Urban Greening Factor of 0.4, in line with policy requirements. The proposed living roofs would be biodiverse and subject to a maintenance plan, as recommended by condition.

- 6.8.3 The proposed development is considered to provide sufficient levels of landscaped space in appropriate locations. The details submitted with the application indicate that the proposed landscaping strategy for the space is broadly acceptable. Conditions are recommended to ensure that the final details are acceptable.
- 6.8.4 London Plan policy SI 17 (Protecting and enhancing London's waterways) and Local Plan 2033 policy LP52 (Water spaces, Canals and Residential Moorings) require the protection of the biodiversity of London's waterways. Objections to the scheme refer to the impacts on the biodiversity of the canal as a result of the six storey massing proposed adjacent to it. Clearly, this is a short stretch of a long canal and the overshadowing of the canal by the four proposed additional storeys would only be for certain times of day and certain times of year. Nevertheless, there are also mitigations that can be put in place, such as mesh shelters for fish fry and invertebrates to avoid larger predators and emergent vegetation planters attached to the pontoon/jetty/bank or free floating. However, these interventions would fall outside of the site boundary. The Canal and Rivers Trust (CRT) have suggested a £40,000 compensatory/mitigatory payment, agreed by the applicant, and the CRT could use this money on such measures if they deem it appropriate. The payment will be secured by the legal agreement.
- 6.8.5 The development is identified as being in an area where swifts are nesting and will potentially nest. Being on the edge of the canal, it also provides a good location for roosting bats. The proposal is to accommodate a total of 30 bird bricks, 12 nest boxes and 2 bat boxes. This would comprise of 14 bird bricks close to the eaves on each building and 2 further down on the wall in areas which will not be disturbed by the public on their balconies. An additional 6 nest boxes would be added on each building. All boxes are located on the northern elevation to avoid overheating. This arrangement is considered to provide a welcome increase to the biodiversity potential of the site and a condition is recommended requiring the installation of these bricks and boxes.
- 6.8.6 In light of the above, the proposed development is considered to be acceptable with regard to local and regional policy in terms of the proposed impacts and improvements to on-site and site-adjacent biodiversity and trees.

## **6.9 Health and Wellbeing**

- 6.9.1 London Plan policy GG3 (Creating a healthy city) and Local Plan 2033 policy LP9 (Health and Wellbeing) state development should be designed, constructed and managed in ways that improve health and promote healthy lifestyles to help to reduce health inequalities.
- 6.9.2 The applicant has submitted a Health Impact Assessment (HIA) which seeks to assess the potential impacts of development on the social, psychological and physical health of individuals and communities. The following sections are an evaluation of the development's impact on specific health themes covered within the HIA, as advocated by the above policies.

Housing Quality and Design (Neutral)

- 6.9.3 Access to adequate housing is critically important for health and wellbeing. This development will meet the required accessibility standards. The units are in line with London and Local Plan policies in relation to unit sizes, design, and layout. While the density of the development is relatively high, single aspect units have been minimised so far as is possible within the viability constraints of the scheme, as has the Affordable Housing offer. It is noted that the housing and tenure mix is not in line with policy targets but the units that are provided will contribute in terms of the overall need for new units. As such the development is considered neutral overall in terms of housing, housing quality and design.

Access to Healthcare and other Social Infrastructure (Neutral)

- 6.9.4 Strong, vibrant and inclusive communities require good quality infrastructure. Opportunities for the community to participate in the planning of the place where they live can contribute positively to mental health and wellbeing. While the proposal does not include the provision of any healthcare services or contribute to meeting educational needs a contribution through the Community Infrastructure Levy (CIL) will be made to mitigate the increased demand for health and education services.

Access to Open Space and Nature (Neutral)

- 6.9.5 Providing convenient and attractive open/green space can lead to more physical activity and reduce levels of heart disease, strokes, obesity, cancers and mental health conditions. While there are a number of objections to the application from existing users of the canal, the development will open up access to the canalside on this section of its south bank, provide a public square and three amenity terraces for residents. The open spaces are overlooked and accessible and the proposed residential units have private outdoor amenity space.
- 6.9.6 Overall tree coverage across the site would be improved and the existing treed area adjacent to the weir would be protected. Biodiverse soft landscaping and roofing would enhance the overall biodiversity value of the site.

Air Quality, Noise and Neighbourhood Amenity (Neutral)

- 6.9.7 The development will essentially be 'car-free' minimizing transport-related emissions. The proposed Air Source Heat Pumps remove the need for NOx emitting boilers, reducing the combustion of fossil fuels and associated combustion emissions from heating. Healthy materials are specified by the recommended condition, which ensures that any insulation and refrigerant materials used would have a low or zero Global Warming Potential (GWP) and Zero Ozone Depleting Potential (ODP). The recommended conditions relating to the construction period ensure the impacts of dust and air pollution are minimised.
- 6.9.8 The development will not add significantly to external noise levels caused by traffic or commercial uses. A second floor play area is incorporated into the design but is located centrally within the development and is considered acceptable in these terms.



Accessibility and Active Travel (Positive)

- 6.9.9 Transport has a positive role for health in London; it is the main way that people stay active. As well as 'active travel' (i.e. walking or cycling trips), this also includes the incidental physical activity connected to use of public transport. Given the health benefits of physical activity, and levels of physical inactivity locally, interventions to increase uptake of walking and cycling are strongly encouraged for public health (as well as other transport) objectives.
- 6.9.10 The submitted Transport Assessment considers the application with regard to the Healthy Streets initiative and the development aims to increase accessibility of the site by opening up the route to the canal, and encourage pedestrian/cycle movement by residents and employees by providing a 'car free' residential development, by minimising commercial parking and by providing a total of 396 cycle parking spaces.

Crime Reduction and Community Safety (Neutral)

- 6.9.11 Planning and urban design that promotes natural surveillance and social interaction can help reduce crime and fear of crime, both of which impact adversely on the mental wellbeing of residents. The proposed design, through the mix of uses and the positioning of windows encourages natural surveillance of the open spaces and entryways. The Secure by Design Officer has raised some concerns (see above) and the recommended condition requires further engagement. In addition, objections have been raised in respect of the opening up of the canal to new users adjacent to residential moorings. While these objections are noted, a counter argument is of the increased natural surveillance of the canal side as a result of the proposal. Overall, the development is deemed to have a neutral impact in terms of crime reduction and community safety.

Access to Healthy Food (neutral)

- 6.9.12 Access to healthy food can improve diet, and contribute to preventing chronic diseases and obesity. The proposal does not provide opportunities for growing food locally through e.g. allotments or community food growing spaces. However, these do not currently exist on the site. A Class E unit is proposed on site which, by virtue of its use class, will not be operated as a sui generis hot-food takeaway. The development is deemed to have a neutral impact in terms of access to healthy food.

Access to Work and Training (Positive)

- 6.9.13 Employment contributes to mental and physical health through the opportunity to be active and have a sense of purpose and control, as well as reducing deprivation. Work also supports recovery from physical and mental illness. The proposed workspaces will incorporate flexible designs so they can be adaptable to the needs of end users. Affordable Workspace is to be provided on site. The proposal will provide employment opportunities during both the construction and operational phases of development. The applicant and contractor plan to sign up to the Council's construction training programmes, which would provide opportunities for local apprentices. They also intend to commit to an agreed Local Labour Plan and monitor the amount of local labour recruited, engaged, and hired. These aspects form Heads of Terms within the proposed legal agreement.



Social Cohesion and Lifetime Neighbourhoods (Neutral)

- 6.9.14 Fragmentation of social structures can lead to communities demarcated by socio-economic status, age and/or ethnicity, which can lead to isolation, insecurity and a lack of cohesion.
- 6.9.15 The development provides new workspaces, including Affordable Workspace, and housing in a range of tenures, sizes and degrees of accessibility. The canal would be opened up to public access for the first time and the proposed traditional paving would be accessible for all users. A canal side restaurant or cafe is proposed for any interested member of the public. The outdoor amenity areas are designed to accommodate a variety of ages. All entrances and access routes will provide level access enabling all users to access buildings and open spaces safely. The low levels of Affordable Housing and the high numbers of single person and one bedroom units are noted above but overall the impact of the development on social cohesion and 'lifetime neighbourhoods' is considered to be neutral.

Minimising the Use of Resources (Broadly Positive)

- 6.9.16 Reducing waste, including disposal, construction processes and encouraging recycling can improve human health by minimizing environmental impacts. The proposal greatly densifies the use of the site. It proposes using sustainable design and construction techniques. The application is accompanied by an energy and sustainability statement, which outlines the proposed energy efficiency measures for the development. The proposal delivers many new secure and waterproof cycle spaces, promoting sustainable transport. The proposal is deemed to have a broadly positive impact in terms of minimising the use of resources.

Climate Change (Positive)

- 6.9.17 The development enhances diversity through new planting, and living roofs on what is currently a site (inside the red line boundary) with little biodiversity. The development incorporates renewable energy through utilising Air Source Heat Pumps and photovoltaics. The proposal includes a surface water management strategy which is recommended to be secured by condition. Nevertheless, the number of single aspect units is noted, which cannot be efficiently naturally vented and, on the southerly aspect, can be subject to overheating. As such, the proposal is considered to be neutral in respect to its climate impacts.

Summary

- 6.9.18 The development is considered to have a broadly neutral impact on public health in Hackney but has positive aspects, such as the provision of new workspace and housing, increasing access to open/green space and supporting active modes of travel. The mitigation measures proposed for reducing impacts of construction on air quality and noise; as well as proposed measures to promote local employment and training opportunities in construction and procurement are noted and supported. The proposed development is deemed to meet the requirements of London Plan policy GG3 and LP33 policy LP9.

**6.10 Other Planning Matters**  
Ground Contamination

- 6.10.1 While the site is of potential concern with regard to contaminated land, Contaminated Land Officers have reviewed the submitted Geo Environmental Site Assessment by RSK and are satisfied with its findings. They have recommended a condition requiring a discovery strategy and watching brief, the latter of which is to be submitted for review. This condition has been recommended below. On this basis, the proposal is considered to be acceptable with regards to land contamination.

Fire Safety

- 6.10.2 In line with Policy D12 of the London Plan, the submission includes an amended Fire Statement, which has been reviewed by the Borough's Building Control department and is considered to be satisfactory. Compliance with this document is recommended by the proposed condition.

**6.11 Consideration of Consultee Responses**

- 6.11.1 In general, the response to issues raised by consultees has been outlined in the main body of the report, However there were additional consultation questions that are dealt with here:

*Impact of light from windows on biodiversity of the canal, including bats;*

The canal is surrounded by residential development along its length. As such the additional light from the proposed residential windows is considered to have an insignificant impact on local biodiversity. Contrastingly, thirty bird and bat box are to be placed on the northern elevations of the buildings, providing a new habitat for these creatures.

*Use of the existing lock as a bridge to the other side of the canal would be dangerous;*

A number of objections highlight that the weir and the canal lock are potentially dangerous. However the scheme does not involve the opening up of that part of the canal and a fence is to be erected around the existing trees that lead onto it. As detailed in the submitted documents, a future proposal may involve the landscaping of the area adjacent to the weir/ locks, at which time this objection would be a primary consideration.

*Detritus from the cafe use will end up in the water;*

While it is the case that any use neighbouring a canal might lead to littering by users, there is no reason to assume that such anti social behaviour would be an inevitable result and it would be unreasonable to refuse the application on this basis.

*Balconies and waterside uses are 'intrusive' on the use of the canal;*

The canal is already overlooked from multiple directions and by multiple uses. Nor is there a hierarchy of users that places existing users above future beneficiaries of the canal's amenity. As such the proposal is considered acceptable in these terms.

*Loss of employment at the current site*

The proposal is to reprovide the existing self-storage use and to provide additional employment in the proposed offices. As such, the proposal is considered acceptable in this regard.

*The properties facing the canal are largely single aspect, overlooking the canal and would be more than usually affected by loss of light and overlooking for that reason;* This has been noted. It is considered, as per the above, that the impacts on residential amenity should be considered acceptable.

*The daylight/sunlight report ignores a third storey extension, opposite, built in 2019;* This objection is noted but, given that the daylight/sunlight findings at the lower levels of the existing building are considered acceptable, the omission of the third floor extension does not prejudice the findings of the analysis above.

*No Sky Line calculations are made without a detailed knowledge of the layout of many of the rooms;*

This objection is noted. While it calls into question the detailed accuracy of some of the No Sky Line data, it does not impact upon the VSC calculations, which are considered the primary methodology for calculating daylight impacts: in part because they don't require detailed knowledge of room layouts that are often difficult or impossible to obtain. As above, the tabulated impacts to VSC are considered to indicate an acceptable development in this instance.

*The application does not take into account the ownership of the land adjacent to the south side of the canal wall*

The application deals exclusively with the land within the red line boundary but Certificate C has been signed showing that other owners of the land have been notified of the application. In other respects the ownership of the land is a civil matter and does not imply refusal of the application.

*Impact of loss of light on neighbouring solar panels*

While this is both unfortunate and difficult to quantify, it is considered likely that the proposed PV panels will more than offset any such sustainability impact and so it would be unreasonable to refuse the application on the basis of this impact to private interests.

*Impact of construction on neighbouring residents and highways;*

Controls outside of the planning system exist to ensure that disturbance from construction work is minimised. It is not considered that there are any constraints at or surrounding the site which would make the area particularly sensitive to disturbance from construction work and therefore justify further consideration. As such it is not considered that disturbance from construction work would justify the refusal of the application. Similarly, the proposed Construction Management Plan condition is designed to ensure that the impact of construction traffic is mitigated throughout that temporary period.

*The canalside is already too busy because of the number of existing users, there should not be an increase in the number of users;*

While it is noted that the canal in this inner London location is very popular with existing residents and visitors, there is no practical way of limiting the users of the towpath and it would be unreasonable to refuse the application on the basis that

existing residents should be prioritised in some way. In addition, the application seeks to provide more canalside space, on the other side of the canal from the towpath, so may even help in this regard.

*Negative impact on existing business if the tourist attraction of Sturt's Lock is detrimentally affected;*

The proposal is considered to be of a high quality design in the assessment above and would replace a modern warehouse that is considered to be a negative contributor to the conservation area. As such, the tourist potential of Sturt's Lock is considered unlikely to be diminished, nor neighbouring businesses negatively impacted in the manner suggested.

*Increased rainwater run off from the site into the canal.*

The scheme has been designed according to the principles of sustainable urban drainage and conditions have been added in this regard. As such, rainwater run off from the site is intended to decrease as a result of the application.

## **6.12 Planning contributions and Community Infrastructure Levy (CIL)**

6.12.1 The Mayor of London has introduced a CIL to assist with the funding of Crossrail. In the case of developments within the London Borough of Hackney, Mayoral CIL2 is chargeable at a rate of £60 per square metre of development. Hackney Zone C CIL is applicable to this development, at a rate of £190 per square meter of residential floorspace.

6.12.2 The proposal involves the erection of new buildings with a net additional floorspace of 20,813m<sup>2</sup>. The development is as such liable for both Local CIL and Mayoral CIL. The Hackney and Mayoral CIL liability for the development is calculated as follows:

### 6.12.3 LBH CIL

11832m<sup>2</sup> x £190 (New Residential Floorspace – Zone C) = £2,248,080.00

Nil charge for new commercial floorspace in this part of the borough

### 6.12.4 Mayoral CIL

24,125m<sup>2</sup> x £60 = £1,447,500.00

6.12.5 Further recommended heads of terms for the legal agreement covering Hackney Works (operational phase), Hackney Works (construction phase), Employment Skills Plan, Carbon offset contribution, Provision of Affordable Workspace and Affordable Housing, Considerate Contractor Scheme, Travel Plan, Travel Plan monitoring, Restrictions on Parking Permits, Car Club membership, Highways Works, ECV car club space, Build to Rent Management Plan, Payment to Canal and River Trust, Contribution to offsite open space delivery are set out in recommendation

## **6.13 Equalities Considerations**

6.13.1 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.

- 6.13.2 Having regard to the duty set out in the S149 Equality Act 2010, the development proposals do not raise specific equality issues other than where discussed in this report.

## **7.0 CONCLUSION**

- 7.1 The principle of the employment-led redevelopment of the site is considered acceptable in land use planning terms and in accordance with policy objectives within the Local Plan, London Plan and National Planning Policy Framework given the location within a Priority Office Area. The amount of development, land uses and their distribution across the site has been adequately justified and is supported.
- 7.2 The proposed commercial use represents a significant uplift in employment floorspace and is acceptable, re-providing the existing use and providing high quality office floorspace, with suitably discounted Affordable Workspace. The mix and quality of the build to rent residential units is also considered acceptable and while the percentage of Affordable Housing units is uncommonly low, the offer has been fully justified and has stood up to considerable scrutiny. The restaurant use proposed would complement the main use.
- 7.3 The submitted scheme is considered of high architectural quality and well integrated within its context. The scheme would contribute to improve the quality of the existing fabric, its permeability and the urban character of the local area. The detailing of the proposal and its impact on heritage assets is also considered acceptable.
- 7.4 The proposal is acceptable in planning terms in all other respects, including the impact on amenity of adjoining residents, transport impact and car parking provision, sustainability and energy efficiency measures and biodiversity.
- 7.5 The proposal is, on balance, therefore deemed to comply with pertinent policies in the Hackney Local Plan 2033 (2020) and the London Plan (2021), and the granting of permission therefore is recommended subject to conditions, completion of the legal agreement and referral to the GLA.

## 8.0 RECOMMENDATIONS

### 8.1 Recommendation A

**That planning permission be GRANTED, subject to referral to the Greater London Authority and the following conditions:**

#### 8.1.1 - 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.

#### 8.1.2 - Development in accordance with plans

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

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

#### 8.1.3 - Design details to be approved

Prior to commencement of above ground works of the development hereby approved, the following details shall be submitted to and approved in writing by the Local Planning Authority:

- a. Detailed drawings of typical windows, doors and facade sections;
- b. Detailed section drawings of all types of walls, including doors and windows, sills, thresholds and joints with the adjoining materials; interfaces with balconies, balustrades and balcony soffits. This should include details of the transition between materials on blocks with front and rear materials. (All at scale 1:5, 1:10 and 1:20);
- c. Details of ground floor residential, workspace and shopfront entrance design, and signage strategy;
- d. Full details of painted sign and horizontal brickwork banding on east and west elevations;
- e. Details of the playspace to be located on the central second floor terrace;
- f. Details of the retained and repurposed trusses of the existing buildings (to be erected in the open spaces at ground floor and first floor level)
- g. Details of the planters proposed to prevent access to the Canal and River Trust owned biodiverse area adjacent to the weir.

The development shall be carried out in full compliance with the details thereby 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 and to ensure an acceptable standard of accommodation for future occupants.

#### 8.1.4 - Design samples to be approved



Prior to commencement of above ground works of the development hereby approved, the following details shall be submitted to and approved in writing by the Local Planning Authority:

- a) At least two on site mock ups of the most significant parts of the proposed elevations (these areas to be agreed with the Council), with a red line drawing provided to show location in facade of the mock up;
- b) On site mock up mock-up to demonstrate appearance and detailing of external balcony structures;
- c) On site mock up of windows for main facade types, with red line drawing provided to show location in facade of mock-up;
- d) Material samples of all externally appearing features, including lobby materials;
- e) Provision of a detailed materials sheet showing the location of materials, their manufacturer and product reference and precedent photographs.
- f) The submitted details shall include bricks, and not brick slips.

The development shall be carried out in full compliance with the details thereby approved.

REASON: To ensure a high standard of design.

#### **8.1.5 - 1860 Polonceau Truss Method Statement**

Before the start of the relevant part of the works, an 1860 Polonceau Truss Method Statement shall be submitted to, and approved in writing by, the Local Planning Authority, and the works shall be carried out in complete accordance with the approved Method Statement which shall address the following points:

- a) The proposed system for recording, numbering and labelling of the parts prior to dismantling;
- b) The proposed method of dismantling (including how corroded bolts and other elements will be approached);
- c) The proposed method of labelling, including a table or database of the component parts giving the quantities and labels of each type of part;
- d) The proposed address for storage, together with the name and full contact details of the person responsible;
- e) The proposed method of re-erection, including details of the number, type, material and dimensions of any new or replacement parts;
- f) The proposed finishes (e.g. paint types and colours) on completion, together with details of any changes or additions to the structure.

The development hereby approved shall not be occupied until the 1860 Polonceau trusses are in situ and in complete conformity with the Method Statement approved under this condition. The 1860 Polonceau trusses shall be retained in situ for the lifetime of the development.

REASON: To ensure that special regard is paid to protecting the character and appearance of the Conservation Area under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and National Planning Policy Framework, June 2019, Paragraphs 184 to 202; The London Plan 2021 Policy HC1 Heritage conservation and growth; and Hackney Local Plan 2033, Policies LP1 Design Quality and Local Character, LP3 Designated Heritage Assets and LP4 Non Designated Heritage Assets.

#### **8.1.6 - Use as offices only**

The units shown as office units (shown as 'B1') on the drawings hereby approved shall be used only as offices (Use Class E, subsection g) and for no other use which for the

avoidance of doubt shall include other uses within Class E of the Town and Country Planning (Use Classes) Order 1987 or such relevant provision as from time to time may be in force, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To protect against an unacceptable loss of office space from the site, in line with the aims of local and regional planning policy.

#### **8.1.7 Crossrail 2 safeguarding condition**

No below ground substructure works shall be commenced until detailed design and construction method statements for all the ground floor structures, foundations and basements and for any other structures below ground level, including piling (temporary and permanent), have been submitted to and approved in writing by the Local Planning Authority which:

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

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

REASON: To ensure that the proposed development, which is in the Crossrail 2 safeguarding area, does not conflict with the construction or operation of the Crossrail 2 tunnels or other infrastructure and protects the amenity of future residents.

#### **8.1.8 Piling Method Statement (Thames Water)**

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

REASON: The proposed works will be in close proximity to underground sewerage utility infrastructure.

#### **8.1.9 - Landscaping and Public Realm Design**

Prior to commencement of the landscaping works, a detailed hard and soft landscaping scheme illustrated on detailed drawings, shall be submitted to and approved in writing by the Local Planning Authority. Details shall include: cobblestone setts, all trees and other planting showing location, species, type of stock, numbers of trees/plants, and areas to be seeded, turfed or left as a natural/biodiverse zone. All landscaping in accordance with the scheme, when approved, shall be carried out within a period of twelve months from the date on which the development of the site commences or shall be carried out in the first planting (and seeding) season following completion of the development, and shall be maintained to the satisfaction of the Local Planning Authority for a period of ten years, such maintenance to include the replacement of any plants that die, or are severely damaged, seriously diseased, or removed.

REASON: To enhance the character, appearance and ecology of the development and contribution to green infrastructure.

**8.1.10 Tree Protection: Foundations and Excavation:**

No piling mats, foundations or excavation more than 0.5m beyond ground floor footprint where it would enter the Root Protection Area of any tree. Any postholes permitted in the RPA are to be sleeved to avoid leaching of cement.

REASON: To safeguard and protect neighbouring trees.

**8.1.11 Tree Protection: Services**

No services, trenches or soakaways to impinge on any Root Protection Areas unless expressly approved in writing by the Local Planning Authority. Permission would need agreement on the precise location and method of installation.

REASON: To safeguard and protect retained trees.

**8.1.12 - Air Source Heat Pumps**

Full details of location of the condenser units from the Air Source Heat Pumps (ASHP) (or any other related fixed plant adopted), shall be submitted to and approved by the Local Planning Authority, in writing, before any above ground development commences. The ASHP thereby approved shall be installed prior to the occupation of the development.

REASON: In the interest of addressing climate change and reducing greenhouse gases.

**8.1.13 - Solar PV Array**

Prior to occupation of the development hereby approved, a report by an accredited PV installer confirming that arrays of PV panels with capacity of 15kWp have been installed on the roof of the development shall be submitted to and approved in writing by the Local Planning Authority. The arrays thereby approved shall be maintained throughout the lifetime of the development.

REASON: To ensure that the development is adequately sustainable and contribute towards local, regional and national commitments to a net-zero carbon emission future.

**8.1.14 - Air Permeability Testing**

Prior to occupation of the development hereby approved, a full air permeability test report confirming the domestic and non-domestic units have achieved an air permeability of 3 and 5 m<sup>3</sup>/h/m<sup>2</sup>@50pa, respectively, shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure the development meets the sustainability requirements of local and regional policy.

**8.1.16 – BREEAM Assessment**

Within 12 weeks of occupation of a commercial unit of the development hereby approved, BREEAM post-construction certificates (or any assessment scheme that may replace it) for the office units confirming an 'Excellent' rating and for the self-storage unit confirming a 'Very Good' rating with a minimum score of 65% (or another scheme target of equivalent or

better environmental performance) have been achieved shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure the development meets the sustainability requirements of local and regional policy.

#### **8.1.17 - Circular Economy Statement**

Prior to the commencement of development a Circular Economy Statement shall be submitted to and approved in writing by the Local Planning Authority, which will demonstrate that the design of the development proposals is in line with the circular economy hierarchy. The recommendations of the statement thereby approved shall be carried out in full.

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

#### **8.1.18 - Energy monitoring information**

In order to demonstrate compliance with the 'be seen' post-construction monitoring requirement of Policy SI 2 of the London Plan, the legal Owner shall at all times and all in all respects comply with the energy monitoring requirements set out in points a, b and c below. In the case of non-compliance the legal Owner shall upon written notice from the Local Planning Authority immediately take all steps reasonably required to remedy non-compliance.

a. Within four weeks of planning permission being issued by the Local Planning Authority, the Owner is required to submit to the GLA accurate and verified estimates of the 'be seen' energy performance indicators, as outlined in Chapter 3 'Planning stage' of the GLA 'Be seen' energy monitoring guidance document, for the consented development. This should be submitted to the GLA's monitoring portal in accordance with the 'Be seen' energy monitoring guidance.

b. Once the as-built design has been completed (upon commencement of RIBA Stage 6) and prior to the building(s) being occupied (or handed over to a new legal owner, if applicable), the legal Owner is required to provide updated accurate and verified estimates of the 'be seen' energy performance indicators for each reportable unit of the development, as per the methodology outlined in Chapter 4 'As-built stage' of the GLA 'Be seen' energy monitoring guidance. All data and supporting evidence should be uploaded to the GLA's monitoring portal. The owner should also confirm that suitable monitoring devices have been installed and maintained for the monitoring of the in-use energy performance indicators, as outlined in Chapter 5 'In-use stage' of the GLA 'Be seen' energy monitoring guidance document.

c. Upon completion of the first year of occupation following the end of the defects liability period (DLP) and for the following four years, the legal Owner is required to provide accurate and verified annual in-use energy performance data for all relevant indicators under each reportable unit of the development as per the methodology outlined in Chapter 5 'In-use stage' of the GLA 'Be seen' energy monitoring guidance document. All data and supporting evidence should be uploaded to the GLA's monitoring portal. This condition will be satisfied after the legal Owner has reported on all relevant indicators included in Chapter 5 'In-use stage' of the GLA 'Be Seen' energy monitoring guidance document for at least five years.

In the event that the in-use evidence submitted shows that the as-built performance estimates have not been or are not being met, the legal Owner must use reasonable

endeavours to investigate and identify the causes of underperformance and the potential mitigation measures and set these out in the relevant comment box of the 'be seen' spreadsheet. Where measures are identified, which it would be reasonably practicable to implement, an action plan comprising such measures should be prepared and agreed with the Local Planning Authority and be implemented by the legal Owner as soon as reasonably practicable.

REASON: In order to ensure that actual operational energy performance is minimised and demonstrate compliance with the 'be seen' post-construction monitoring requirement of Policy SI 2 of the London Plan

#### **8.1.19 - Insulation and Refrigerant Materials**

Prior to commencement of the relevant phase of construction, the selection of insulation and refrigerant materials to have, wherever feasible, a low or zero Global Warming Potential (GWP) and Zero Ozone Depleting Potential (ODP), shall be submitted to and approved in writing by the Local Planning Authority.

REASON: In the interest of addressing climate change and reducing greenhouse gases.

#### **8.1.20 - 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.

#### **8.1.21 - No visible or additional roof plant**

No fixed plant or equipment shall be positioned on the unless as otherwise shown on the drawings hereby approved. The fixed plant and equipment shown on the roof plan hereby approved shall be located and installed so as not to be visible above the parapet of the building.

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.

#### **8.1.22 - Contaminated Land**

The development hereby approved shall be carried out entirely as required by the Geo-environmental site assessment (Stage 1) 28912 R01 (00) dated February 2017 by RSK, hereby approved. A discovery strategy and watching brief will be carried out throughout excavation works and if any visual or olfactory evidence of contamination is encountered, specifically asbestos, the development must halt so further investigation works can be undertaken and reported to the local authority.

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

#### **8.1.23 - Contaminated Land: Pre-occupation**

Prior to the occupation of the development, the contaminated land watching brief statement shall be submitted detailing that no contamination was encountered and that the site is now suitable for use. Any additional, or unforeseen contamination encountered during the

course of development shall be notified to the Local Planning within 2 working days. All development shall cease in the affected area. Any additional or unforeseen contamination shall be dealt with as agreed with the Local Planning Authority in writing. Where development has ceased in the affected area, it shall recommence upon written notification of the Local Planning Authority.

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

#### **8.1.24 - Refuse Strategy**

Prior to the occupation of the development full details of the arrangements for storage for refuse and recycling areas, including details of doors to storage chambers, details of locking arrangements, details of ventilation and details of the management arrangements and proposed collection points for residential and commercial waste to be presented twice weekly (general waste/recycling) and once weekly (food waste) prior to collection, to facilitate collection of waste, shall be submitted to and approved in writing by the Local Planning Authority. Such details as approved shall be implemented prior to the occupation of the development and shall thereafter be retained.

REASON: To protect the amenity of future residents, to ensure that there is adequate provision for the hygienic and convenient storage of refuse and recycling and to ensure that the drag distances for refuse are appropriate each collection day.

#### **8.1.25 - Cycle Parking**

Notwithstanding the details shown, prior to the commencement of above ground works, details of secure bicycle storage facilities in respect of 251 long-stay and 40 short-stay residential cycle parking spaces and 145 long-stay and 24 short-stay non-residential land cycle parking spaces, including layout, stand type and spacing, shall be submitted to and approved in writing by the Local Planning Authority. The majority of these cycle spaces will be single tier and space will be made available for the storage of larger bicycles. Such details as are approved shall be implemented prior to the occupation of the development and shall thereafter be retained.

REASON: To ensure that adequate provision for the safe and secure storage of bicycles is made for occupants and visitors.

#### **8.1.26 - Works Risk Assessment,**

Prior to the commencement of the development hereby permitted, a Risk Assessment and Method Statement outlining all works to be carried out adjacent to or affecting (directly or indirectly) the water, and moorings, must be submitted to and approved in writing by the Local Planning Authority, and implemented as agreed.

REASON: To ensure that the works have no adverse impact on the adjacent moorings or the waterspace. Information should be provided prior to commencement as impacts on the canal corridor may occur during the initial construction and demolition phases.

#### **8.1.27 - Survey of the Waterway Wall**

Prior to the commencement of the development hereby permitted, a survey of the condition of the waterway wall (immediately prior to and upon completion of the works), and a method statement and schedule of works identified shall be submitted to and approved in writing by the Local Planning Authority and the Canal & River Trust. Any heritage features and



materials identified by the survey shall be made available for inspection by the Canal & River Trust. The repair works identified shall be carried out in accordance with the agreed method statement and repairs schedule by a date to be confirmed in the repairs schedule.

REASON: To ensure that the structural integrity of the waterway wall is maintained.

#### **8.1.28 - Regent's Canal Impact Assessment**

Prior to the commencement of the development hereby permitted, a detailed Impact Assessment shall be undertaken and submitted to the Local Planning Authority and Canal & River Trust, to demonstrate that ground movement loading generated throughout the construction phases and permanent design shall not pose a threat to the integrity of the canal walls, foundations, lining, locks, weirs and any other associated canal infrastructure.

REASON: To ensure that the structural integrity of the Regent's Canal is maintained.

#### **8.1.29 - Demolition and Construction Management Plan**

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

- a) A demolition and construction method statement. It will cover all phases of the development to include details of all noise and vibration (including noise from ancillary or temporary power supplies, details and locations of noisy activities including mobile plant machinery) and details of the best practicable means of mitigation employed against noise and vibration in accordance with British Standard Code of Practice BS5228 and measures to control dust and preserve air quality (including a risk assessment of the demolition and construction phase);
- b) A detailed demolition and construction logistics plan to include the following: the construction programme/ timescales; the number/ frequency and size of construction vehicles; construction traffic route; location of deliveries; pedestrian and vehicular access arrangements; any temporary road/ footway closures during the construction period;
- c) A demolition and construction waste management plan setting out how resources will be managed and waste controlled at all stages during the construction project;
- d) Procedures for maintaining good public relations including complaint management, public consultation and liaison. Arrangements for liaison with the Council's Community Safety Team;
- e) A feasibility study in respect of the removal of excavation waste from the two basement levels by canal.
- f) Showing that no surface water (either via drains or surface water run-off) or extracted perched water or groundwater shall be discharged into the Regent's Canal during the demolition/ construction works. Such waters should be discharged to the available foul sewer or tankered off-site;

- g) Showing that any surface water drains connecting the site with the waterway are capped off at both ends for the duration of the demolition & construction works i.e. at the point of surface water ingress and at any outfall to the canal;
- h) Procedures for ensuring that vibration during demolition and construction do not cause impacts to the collection of the Museum of London in the adjacent building.
- i) Details of measures to protect the existing trees in the strip of land adjacent to the weir during the construction process.

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

#### **8.1.30 - Non-Road Mobile Machinery**

All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance. Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority. The developer shall keep an up to date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/>.

REASON: To ensure that emissions from the site during the construction phase are acceptable with regard to public health and amenity.

#### **8.1.31 – NOx Emissions**

The NOx emissions standards set out in the GLA's 'Sustainable Design and Construction SPG' will be maintained on-site.

REASON: To ensure the acceptability of the scheme with respect to NOx pollution.

#### **8.1.32 - Delivery and Servicing Plan**

A Delivery Service Plan (DSP) specifying delivery and servicing arrangements shall be submitted and agreed by the Local Planning Authority prior to the occupation of the development. Delivery and service arrangements shall thereafter take place in accordance with the measures identified within the DSP.

REASON: In order to ensure that the development does not prejudice the amenity of adjoining occupiers.

#### **8.1.33 – Internal Noise Levels**

Internal Noise Levels: All residential premises shall be designed in accordance with BS 8233:2014 "Guidance on sound insulation and noise reduction for buildings" to attain the following internal noise levels:

<i>Activity</i>	<i>Location</i>	<i>07.00 to 23.00</i>	<i>23.00 to 07.00</i>
Resting	Living room	35 dB LAeq 16hour	None
Dining	Dining area	40 dB LAeq 16hour	None
Sleeping	Bedroom	35 dB LAeq 16hour	30 dB LAeq 8hour

Before commencement of the use hereby permitted a test shall be carried out prior to the discharge of this condition to show the standard of sound insulation required shall be met and the results submitted to the Environmental Protection Team for approval.

REASON: To ensure that the occupiers and users of the proposed development do not suffer a loss of amenity by reason of excess environmental noise.

#### **8.1.34 – Soundproofing**

A scheme of sound insulation designed to prevent the transmission of excessive airborne noise between the proposed commercial and residential use of the building shall be submitted to and approved in writing by the Environmental Protection Team. The airborne sound insulation performance shall achieve as a minimum a 10 dB increase in the minimum requirements of Approved Document E of the Building Regulations. The sound insulation shall be installed and maintained only in accordance with the details so approved. Before commencement of the use hereby permitted a test shall be carried out prior to the discharge of this condition to show the standard of sound insulation required shall be met and the results submitted to the Environmental Protection Team for approval.

REASON: To ensure that occupiers of the neighbouring and proposed residential premises do not suffer a loss of amenity by reason of noise.

#### **8.1.35 - Plant Noise**

The total noise level from fixed plants shall be 10dB(A) or more below the background noise level at any noise sensitive premises at any time. The fixed plant shall be installed and constructed in accordance with the approved scheme and be permanently maintained thereafter.

REASON: To ensure that occupiers of the neighbouring premises do not suffer a loss of amenity by reason of noise nuisance from fixed plant and machinery.

#### **8.1.36 – Extract System Design**

The use as a cafe/all day eatery hereby permitted under Class E shall include the serving of hot and cold drinks, sandwiches and other light refreshments for consumption on or off the premises. No primary cooking of unprepared food shall be carried out at the site. Only reheated or cold food that has been prepared elsewhere shall be served within the premises.

REASON: No flue is proposed for the unit, so the restriction would ensure that occupiers of neighbouring premises would not suffer a loss of amenity by reason of odour.

#### **8.1.37 - Sustainable Urban Drainage**

No development shall commence, other than works of demolition until full detailed specification of the sustainable drainage system, supported by appropriate calculations, construction details, drainage layout and a site-specific management and maintenance plan have been provided. Details shall include but shall not be limited to the proposed green roof (with a substrate depth of at least 80mm not including vegetative mats), underground attenuation system and the flow control system, which shall be submitted and approved by the LPA in consultation with the LLFA. Surface water from the site shall be managed according to the proposal referred to in the Flood Risk Assessment and SuDS strategy

report and its addendum (Ref: 1785/10/HW) and the overall site peak discharge rate is restricted to 5 l/s.

REASON: To safeguard against flooding and pollution and to improve local biodiversity.

#### **8.1.38 - Mitigation of Flood Risk**

No development shall commence, other than works of demolition until a scheme for the provision and implementation of flood resilient and resistant construction details and measures for the basements against groundwater flood risk have been 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 basements are occupied and; constructed and completed in accordance with the approved plans in line with BS 8102:2009 code of practice for "protection of below ground structures against water from the ground.

REASON: To safeguard against flooding and pollution.

#### **8.1.39 - Thames Water: Water Network Upgrades**

No development shall be occupied until confirmation has been provided that either:

- 1) all water network upgrades required to accommodate the additional flows to serve the development have been completed; or
- 2) a development and infrastructure phasing plan has been agreed with Thames Water to allow development to be occupied.

Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

REASON: Network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development

#### **8.1.40 - Thames Water: Wastewater Network Upgrades**

No properties shall be occupied until confirmation has been provided that either:

- 1) Capacity exists off site to serve the development, or
- 2) A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water, or
- 3) All wastewater network upgrades required to accommodate the additional flows from the development have been completed.

Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

REASON: Network reinforcement works are likely to be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents.

#### **8.1.41 - Biodiverse Green Roof**

Notwithstanding the details shown on the plans and documents hereby approved detailed drawings/full particulars of the proposed development showing the matters set out below must be submitted to and approved by the Local Planning Authority, in writing, prior to occupation. The development shall not be carried out otherwise than in accordance with the details thus approved and shall be maintained throughout the lifespan of the development.

- Biodiverse, substrate-based extensive living roofs (with a minimum substrate depth of 100mm), including a detailed maintenance plan;
- These biodiverse roofs will cover a minimum of 2128m<sup>2</sup>, in line with the Urban Greening Factor Statement hereby approved.

REASON: To enhance the character and ecology of the development, to provide undisturbed refuges for wildlife, to promote sustainable urban drainage, to enhance the performance and efficiency of the proposed building and assists in the meeting the Local Plan objective of reducing carbon emissions.

#### **8.1.42 - Bird and Bat Box Provision**

Prior to the occupation of the development 16 integrated swift bricks, 12 nest boxes and 2 bat boxes will be installed at appropriate locations on the north elevations of the buildings. The bricks and boxes will be maintained throughout the life cycle of the development.

REASON: To provide a potential habitat for local birds and bats, in line with the policy aim of increased biodiversity in this canalside location.

#### **8.1.43 – Secured by Design**

Prior to occupation of the development, details of measures to minimise the risk of crime to meet the specific security needs of the application site/development (as informed by the principles of Secured by Design), shall be submitted to and approved in writing by the Local Planning Authority, in consultation with a Metropolitan Police Secure by Design Officer. Once approved the development shall be carried out in accordance with the approved details and thereafter maintained as such.

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

#### **8.1.44 – Accessibility**

Ten percent of the residential units hereby approved shall be completed in compliance with Building Regulations Optional Requirement Part M4 (3) 'wheelchair user dwellings' (or any subsequent replacement) prior to first occupation and shall be retained as such thereafter. All other dwellings within the development hereby approved shall be completed in compliance with Building Regulations Optional Requirement Part M4 (2) 'accessible and adaptable dwellings' (or any subsequent replacement) prior to first occupation and shall be retained as such thereafter.

REASON: To assist in meeting the Local Development Framework Core Strategy objective of reducing carbon emissions.

#### **8.1.45 – Public Realm Lighting Strategy/ External Lighting**

Prior to the commencement of the relevant works, a public realm lighting strategy is to be submitted and approved by the Local Planning Authority. No external lighting related to the development hereby permitted shall be installed unless it is in full accordance with details which have been previously submitted to, and approved in writing by, the local planning authority. Such details shall include location, height, type, colour and direction of light sources and intensity of illumination. Any lighting that is so installed shall not thereafter be altered.

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

**8.1.46 – Archaeology (Written Scheme of Historic Building Investigation)**

No demolition shall take place until a written scheme of historic building investigation (WSI), prepared and implemented by a suitably professionally accredited heritage practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London, has been submitted to and approved by the local planning authority in writing. For buildings that are included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and:

A. The programme and methodology of historic building 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 WSI

REASON: Built heritage assets on this site will be affected by the development.

**8.1.47 – Archaeology (Written Scheme of Investigation)**

No demolition or development shall take place until a stage 1 written scheme of investigation (WSI), prepared and implemented by a suitably professionally accredited heritage practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London, has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works.

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

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

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

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

REASON: The site is within an Archaeological Priority Area and the deep basements involved may unearth significant remains.



**8.1.48 Fire Strategy**

The details and measures set out in the Fire Safety Overview document hereby approved shall be carried out in full and maintained to the satisfaction of the Local Planning Authority for the lifetime of the development.

REASON: To ensure that the measures outlined to mitigate the risks of fire remain part of the development as constructed.

**8.1.49 Operational Management Plan: Lifts**

Prior to occupation of the development, an Operational Management Plan detailing the following measures to ensure that the lifts serving the residential units are maintained appropriately, shall be submitted to and approved in writing by the Local Planning Authority.

- 1) The model and manufacturer of the proposed lifts;
- 2) A regular maintenance schedule for each lift;
- 3) A commitment to repairing any inoperative lift within 24 hours of its breakdown.

Once approved the development shall be carried out in accordance with the approved details and thereafter maintained as such.

REASON: To reflect the number of residential units served by a single core and to ensure that these units are at all times served by a working lift and thereby accessible by residents of all levels of mobility.

**8.2 Recommendation B**

8.2 That the above recommendation is subject to completion of a Unilateral Undertaking which secures the following matters to the satisfaction of the Head of Planning and the Director of Legal and Governance Services.

Highways and Transportation

- Car Free Agreement – to restrict new residents and business uses of the development from obtaining parking permits to park in the surrounding CPZ bays.
- Contribution towards the car club membership (£60 per unit within the development)
- Travel Plan and Travel Plan monitoring fee of £8600
- A contribution towards Highways Works of £62,491.00
- A contribution of £8750 towards Construction Logistics and Community Safety (CLOCS) and Construction Logistics Plan (CLP) monitoring
- Provision of 6x Disabled car parking spaces on the site, one of which will be served by an electric vehicle charging point (20%) and passive provision (rest);
- Provision 1x on-street car club space with electric vehicle charging points,
- Provision of a Parking Design Statement within the Travel Plan, identifying 9 additional on-street disabled parking bays in case they are required, located as close as possible to the entrance areas (under 50 metres). Also identifying the active (EVCP) and passive parking bays across the site (all B8 spaces to have charging points) . This will include periodic review of the need for the approved on-site parking and the removal of spaces that are no longer required.

## Hackney Works Contribution

- A Ways into Work contribution of £339,269.00.

## 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.

## Affordable Workspace

- The agreed Affordable Workspace to be provided in perpetuity, with the quantum and discount subject to an early and late stage review.

## Affordable Housing

- The agreed Affordable Housing to be provided in perpetuity, with the quantum and type subject to an early and late stage review.

## Build to Rent

- Standard clauses to include a clawback mechanism in respect of any sale of residential units and a management plan, covering such matters as the accreditation of the operator and the complaints procedures.

## Carbon Offset Payment

- A Carbon Offset Payment of £231,733.50

## Payment in Lieu for Open Space

- £113,956. To reflect the underprovision of on-site open space by 993m<sup>2</sup>.

## Payment to Canal and Rivers Trust

- £40,000 to the Canal and Rivers trust towards towpath improvements and biodiversity measures.

### 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 Unilateral Undertaking, payable prior to completion of the deed.
- Monitoring costs of £36,089 payable on completion of the agreement.

### **8.3 Recommendation C**

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

### **9.0 INFORMATIVES**

A reason for approval is required quoting all the Local Plan 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 Prior consent for construction from the Local Authority.

NSI The development will provide public benefits in the form of heritage benefits (which help weigh in favour of the approved scheme) as detailed in the approved Design and Access Statement. For the avoidance of doubt these are primarily considered to be:

- a) The completion of the Written Scheme of Historic Building Investigation in line with the condition;
- b) The successful dismantling, storage, conservation and re-erection of the 1860 Polonceau trusses, in line with the approved drawings and documents and the 1860 Polonceau Truss Method Statement required in the condition 8.1.6.

These heritage benefits shall be secured and finalised prior to occupation of the building.

NSI *Thames Water Informatives*

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

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

A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing [trade.effluent@thameswater.co.uk](mailto:trade.effluent@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk](http://www.thameswater.co.uk). Please refer to the Wholesale; Business customers; Groundwater discharges section.

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

<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk)

NSI The applicant is reminded that the responsibility for notifying the Council on the discovery of any contamination on the site lies with them. Should contamination that was unforeseen (by the RSK report hereby approved) be discovered during the construction process, it should be reported to the Local Planning Authority immediately.

NSI The best practical means available in accordance with British Standard Code of Practice BS5228 shall be employed at all times to minimise the emission of noise from the site.

NSI A Trade Effluent Consent will be required for any Effluent discharge other than 'Domestic Discharge'. Applications for this consent should be made to Thames Water.

NSI Thames Water recommends the installation of a properly maintained fat trap on all catering establishments.

NSI Construction activities audible at the facade of the nearest noise sensitive premises shall only be carried out between the specified hours: Monday to Friday 08:00-18:00 hours;

Saturdays 08:00-13:00 hours; at no time on Sundays and Public Holidays unless otherwise agreed in prior consent to the Local Authority under the provisions of Section 61 of the Control of Pollution Act 1974.

NSI The Fire Brigade recommends the use of sprinklers within the development. The applicant should contact the Brigade (032085551200) for further advice.

NSI The provision of deadwood and/or rubble piles to enhance wildlife value is strongly supported. These features will provide additional microhabitats to support a broader range of plants and invertebrates, and will benefit Hackney BAP target bird and moth species.

NSI In aiming to satisfy the secure by design condition, the applicant should seek the advice of the Police Designing Out Crime Officers (DOCOs). The services of the Police DOCOs are available free of charge and can be contacted via [docomailbox.ne@met.police.uk](mailto:docomailbox.ne@met.police.uk) or 0208 217 3813.

NSI Transport for London is prepared to provide information about the proposed location of the Crossrail 2 tunnels and structures. It will supply guidelines about the design and location of third party structures in relation to the proposed tunnels, ground movement arising from the construction of the tunnels and noise and vibration arising from the construction and use of the tunnels. Applicants are encouraged to discuss these guidelines with the Crossrail 2 engineer in the course of preparing detailed design and method statements.

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

NSI The applicant must seek the advice of the Metropolitan Police Service Designing Out Crime Officers (DOCOs) for further guidance on the SBD requirements for this site .The services of MPS DOCOs are available free of charge and can be contacted via [docomailbox.ne@met.police.uk](mailto:docomailbox.ne@met.police.uk).

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

**ALED RICHARDS**

Director, Public Realm

NO.	BACKGROUND PAPERS	NAME/DESIGNATION AND TELEPHONE EXTENSION OF ORIGINAL COPY	LOCATION CONTACT OFFICER
1.	Application documents and LBH	Nick Bovaird x8291	2 Hillman Street, London E8 1FB

	<p>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>		
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**APPENDIX A – Site photos**



Site and context, looking north:





Site and context, looking south:



Looking West:





Looking west with 'Holborn Studios' site in foreground:



Looking east, past Holborn Studios



North side properties facing canal:



Including Brise Soleil:





Arlington Square:

