

**DRAFT MINUTES OF THE PLANNING SUB- COMMITTEE  
HELD ON  
WEDNESDAY, 2 JUNE 2021**

**THIS MEETING WAS LIVE STREAMED AND CAN BE VIEWED HERE:**

[www.youtube.com/watch?v=KV6zfgzJ7dc](https://www.youtube.com/watch?v=KV6zfgzJ7dc)

- Chair:** Councillor Vincent Stops in the Chair
- Councillors in Attendance:** Councillor Brian Bell, Councillor Ajay Chauhan,  
Councillor Katie Hanson (Vice-Chair)
- Apologies:** Councillor Humaria Garasia, Councillor  
Clare Joseph, Councillor Michael Levy,  
Councillor Anna Lynch, Councillor Clare  
Potter
- Officers in Attendance:** Nick Bovaird, Case Planning Officer  
Natalie Broughton, Head of Planning and Building  
Control  
Robert Brew, Major Applications Manager  
Graham Callam, Growth Manager  
Barry Coughlan, Planning Case Officer  
Steve Fraser-Lim, Planning Case Officer  
Luciana Grave, CUDs Manager  
Matt Payne, CUDs Deputy Manager  
Qasim Shafi, Principal Transportation Officer  
John Tsang, DM & E Manager  
Andrew Spragg, Governance Services Team Leader  
Christine Stephenson, Planning Lawyer  
Harry Wackett, Strategic Viability Consultant  
Tim Walder, Principal Conservation and Design  
Officer

**Also in Attendance:**

**209-223 Hoxton Street, N1**  
**Simon Anderson, Director**  
**Chris Bettridge, Planning Consultant**  
**-Iceland Foods**  
**Councillor Steve Race**  
**Tim Waters, Director - Renew Planning**  
**Technico House - 5 Christopher Street, E2**  
**Aidan Cosgrove - Delva Patman Redler**  
**Chris John - CBRE Development**  
**Jim Pool - DP6**  
**Simon Robins - Make Architects**  
**Ormsby Street And Pearson Street, E2**  
**Liam Murphy - Snoozebox**  
**Nick Perry - Snoozebox**  
**Michael Westwater, Halliday Fraser Munro**

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**1. Appointment of Chair and Vice-Chair of the Planning Sub-Committee for the municipal year 2021****RESOLVED:**

- To note that Councillor Vincent Stops and Councillor Katie Hanson had been appointed as Chair and Vice-Chair of the Planning Sub-Committee by Council on 27 April 2021, for the municipal year 2021/22

**2. Terms of Reference of the Planning Sub-Committee for the municipal year 2021/22****RESOLVED:**

- To note the terms of reference of the Planning Sub-Committee

**3 Apologies for Absence**

1.1 Apologies for absence were received from Councillors Humaria Garasia, Clare Joseph, Michael Levy, Anna Lynch and Clare Potter

**NOTED**

#### **4. Declarations of Interest - Members to declare as appropriate**

4.1 The Chair declared that Councillor Steve Race who was a Councillor and a member of the Sub-Committee would be making objections in relation to the 209-223 Hoxton Street application and was known to all Council members present. The objections would be made on behalf of residents of the area and would not be personal. As was custom and practice, Councillor Race would then leave the meeting for the remaining items.

**NOTED**

#### **5. Proposals/questions referred to the Sub-Committee by the Council's Monitoring Officer**

5.1 It was noted that no proposals/questions were referred by the Council's Monitoring Officer to the Sub-Committee.

**NOTED**

#### **6. Minutes of the Previous Meetings on 3 March and 7 April 2021**

**RESOLVED:**

- That the minutes of the meetings held on 3 March 2021 and 7 April 2021 be agreed as a true and accurate record of proceedings

#### **6.2 Matters arising (if applicable):**

6.3 There were no matters arising from the minutes

#### **7. 209-223 Hoxton Street, N1 5LG - application no. 2020/4110**

**PROPOSAL:**

Demolition of existing Class E(a) (formerly Class A1) retail units and construction of a part-three, part-four and part-five storey over basement building containing Class E(a) retail floorspace at ground and basement level and 25 Private Rented Sector residential units (Class C3) on the upper floors with related facilities, including plant and cycle parking.

**POST-SUBMISSION AMENDMENTS:**

Although there has been no amendments to the application post-submission, a re-consultation was undertaken following the publication of additional viability information submitted by the applicant and the publication of the Council's viability report.

7.1 Barry Coughlan introduced the report, highlighting the following:

- The site was in Hoxton Street conservation area with listed buildings in the vicinity
- Hoxton Street was broadly characterised by retail outlets at ground level and residential accommodation on the upper levels
- Planning Application 2018/2370 received a resolution to grant planning permission on 6 November 2019. The proposal was virtually identical to the subject proposal and had the following development description:

“Demolition of existing Class A1 retail units and construction of a part-four and part-five storey over basement building containing Class A1 retail floor space at ground and basement level and 25 Private Rented Sector residential units (Class C3) on the upper floors with related facilities, including plant and cycle parking”

- The application was due to be heard again by Planning Sub-Committee due to the publication of additional financial viability information relating to affordable housing. However, prior to this occurring, the Council suffered a serious cyber attack which resulted in key application documents becoming inaccessible. The subject application was effectively a resubmission of the previous planning application
- Otherwise, planning history for the site related to minor alterations to the shopfront of the building only
- There had been slight changes to the policy context. Hackney Local Plan had been adopted in 2020 and the London Plan agreed in 2021. Overall the policy thrust was similar with minor differences outlined in the report
- The documents submitted to the Sub-Committee had been updated to reflect the current policy context and the viability assessment had been reassessed
- The loss of the small retail unit arising from the proposal was justified by the extent of existing small units in the area, the benefits of retaining a larger retail unit at the site and the £30,000 contribution to be put towards improvements in the immediate area and for support to small retailers
- There was a verbal addition to condition 30 which restricts the proposed use to part of use class E(a), adding an additional sentence that prevented permitted development change of use.
- The proposal would provide 25 private rental sector units, which differ from conventional housing units in that they would be in single ownership and management. The benefits of the model is the security of tenancy provided along with improved management and rent increase controls.
- 9 units of London living rents had been secured - 36% of the overall provision
- The sustainability contributions and conditions had been updated to reflect current policy
- The scheme was considered acceptable and approval was recommended.

7.2 Chris Bettridge, Planning Consultant for Iceland Foods, spoke against the application highlighting the following:

- The need for affordable housing in borough
- Specialist viability consultants commissioned by Iceland Foods had advised that more affordable housing could be provided and that the application contained assumptions that had not been robustly considered by the Council's assessor
- The design fees were excessive with a cost in excess of £1m
- No specific evidence was provided to support the design fees
- Greater return could have been achieved if the retail -floorspace had been open to other offers, including from Iceland
- More robust approach to viability assessment was necessary
- LP37 did not provide for a monetary contribution to offset the loss of the small retail unit
- The large number of small shops in Hoxton demonstrated a demand
- Request that the application be rejected

7.3 Simon Anderson, Property Director Iceland Foods, spoke against the application, highlighting the following:

- Iceland was a longstanding member and investor in the community for 25 years and for the majority of time one of the only food stores. It was clear about wishing to remain trading and serving the community. Iceland had not been given the opportunity to bid with the deal being made off market with Lidl
- With Iceland, extra profit for developer would have been able to provide more affordable housing
- Floor space requirement would have been allowed for a shop in line with Council policy
- A petition against the application had been signed by many residents

7.3 Councillor Steve Race spoke against the application on behalf of residents. highlighted the following:

- There was opposition to the loss of a low priced supermarket
- A campaign against the scheme had been run and a petition submitted
- Iceland Food Store would be lost and there would be an impact upon Hoxton Saturday market for a considerable period of time
- An review of the viability assessment undertaken by objectors claim the council's review was inadequate
- London living rent did not meet the target of 50% in the local plan
- The Sub-Committee should insist on a clawback mechanism
- Hoxton community garden would be overlooked and overshadowed
- Full construction plan needed to be in place

- Britannia Leisure Centre construction caused substantial congestion
- Increased traffic on Purcell Street
- In relation to design, Hoxton was a designated conservation area
- The design of the upper floors/roof level was inappropriate for the conservation area.

7.4 Tim Waters, Director, Renew Planning spoke in support of the application, highlighting the following:

- The principle objector was still the existing retailer
- Matters of commercial competition were not a material consideration for planning
- Iceland had been aware of the plans since 2014
- In relation to affordable housing - proposed 36% 9 of 25 maximum amount according to the viability assessment
- The viability assessment had been reviewed and independently verified
- An independent assessment of the cost plans and professional had been carried out
- The pharmacy had already been relocated and would continue to operate close by
- The policy objective of retaining/providing small units must be considered within the context of the proposal as a whole and all material planning considerations
- There would be substantially improved retail units
- There would be spin-off benefits locally

7.5 The Chair asked for clarification on the addition to the conditions requested by the Planning Officer. Barry Coughlan told the Sub-Committee that condition 30 restricted use to part of use class E(a) and Planning wished to add an additional sentence that prevented permitted development change of use.

7.6 Councillor Katie Hanson raised questions regarding::

- the impact on the local street market
- the rationale for the roof design
- What was being done to minimise the impact of the supermarket closure, including any possible phasing.

7.7 Barry Coughlan reported that the impact on the street market had been part of the assessment with a condition included. Qasim Shafi confirmed that the market would not be unnecessarily impacted by the development. One of the conditions imposed related to how vehicles serviced the site. Only blue badge users could apply for CPZ permits. It was confirmed that there would not be

‘through traffic’ between Purcell Street and Hoxton Street on Saturday and that the ‘trip impact’ was considered reasonable

7.8 Officers reported that the development was contemporary and as such the roof design was appropriate with traditional material used with brick facing and divided elevations. In relation to limiting closure of the supermarket, the Committee was informed that it was possible to impose a condition which tied the occupation of the retail space to the occupation of the residential units. . The applicant confirmed that this could be explored, with the need to have regard to the construction programme,. It was agreed to impose a condition tying the occupation of the retail space to the occupation of the residential units.

7.9 Councillor Brian Bell asked for details of the review mechanism in place to inform on progress of the development and whether there had been an independent assessment. Barry Coughlan reported that there was to be an early and late review to review bill costs during construction and occupation. If the covenant was broken, a clawback mechanism would take effect. Details of the development had been considered by an independent assessor. Harry Wackett confirmed the review arrangements with the applicant being asked to provide bill costs.

7.10 Councillor Ajay Chauhan asked how the £30,000 to support local business would be managed and made transparent. Barry Coughlan confirmed that this would be overseen by the Council’s Regeneration team. The Chair suggested that local Councillors be consulted on this and it was agreed to rephrase the relevant clause so that wardCouncillors would be consulted.

Action: Barry Coughlan

7.11 The Chair raised matters as follows:

- The fact that Iceland considered that if they had been allowed to make a bid, more finance would have been raised for affordable housing
- What was the purpose of the policy in relation to small units
- Asked for clarification on the challenge that the design cost were too expensive

7.12 Barry Coughlan reported that commercial considerations were not a material matter. The viability of the scheme had been tested by a viability assessor and it was considered that the outcome was robust and in line with guidance. Harry Wackett confirmed that the value of the retail space had been assessed against the market value and that there were many other matters to be taken into account beyond the rent value.

7.13 Barry Coughlan clarified that the lack of a small unit within the development would not create a precedent that would diminish the policy. Each case is considered on its own merits and in this case the nature of the proposal was such that the lack of a small retail unit was deemed acceptable.

7.14 Harry Wackett reported that design costs had been assessed by independent and experienced cost consultants who considered that costs were reasonable. A late stage review would consider the level of costs.

**RESOLVED:**

- **To approve conditional planning permission subject to conditions and a legal agreement**

Votes

In favour: Councillors Bell, Chauhan, Hanson and Stops

Against: None

Abstentions: Nonce

**8.1.2 SCB0 – Development in accordance with plans**

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

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

**8.1.3 SCB1 - Commencement within three years**

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

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

**8.1.4 Details to be approved**

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

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

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



the conservation area.

#### **8.1.5 Sustainability - Green Roof**

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

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

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

#### **8.1.6 BREEAM**

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

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

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

#### **8.1.7 Air Permeability Testing**

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

- A full air permeability test report confirming the development has achieved an average air permeability of 3.5 and 5 m<sup>3</sup> /h/m<sup>2</sup> @50pa.

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

#### **8.1.8 Photo Voltaic**

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

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

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

### **8.1.9 Glazing**

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

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

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

### **8.1.10 Construction Materials**

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

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

### **8.1.11 No new pipes and plumbing**

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

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

### **8.1.12 Contaminated Land: Risk Assessment**

No development shall commence until an assessment of the risks posed by any contamination shall have been submitted to and approved in writing by the local planning authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The assessment shall include: a survey of the extent, scale and nature of contamination; the potential risks to: human health; property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; adjoining land; ground waters and surface waters; ecological systems; and archaeological sites and ancient monuments.

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

### **8.1.13 Contaminated Land: Remediation Scheme**

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

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

### **8.1.14 Contaminated Land: Implementation of Remediation Scheme**

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

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

#### **8.1.15 Reporting unexpected contamination**

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

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

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

#### **8.1.16 Air Quality – Operational Phase**

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

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

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

### **8.1.17 Restriction of noise from plant and equipment**

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

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

### **8.1.18 Privacy Screens**

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

- Details of privacy screens on west elevation balconies.

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

### **8.1.19 Demolition and Construction Management Plan**

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

- a) A demolition and construction method statement covering all phases of the development to include details of noise control measures and measures to preserve air quality (including a risk assessment of the demolition and construction phase);
- b) A Dust Management Plan to control dust emissions during demolition and construction;
- c) Details of compliance with 'chapter 7 of the Cleaner Construction Machinery for London: A Low Emission Zone for Non-Road Mobile Machinery' in relation to Only Non Road Mobile Machinery or used at the development site during the demolition and construction process along with details that all NRMM are entered on the Non Road Mobile Machinery online register at <https://nrmm.london/user-nrmm/register> before being operated.

Where Non-Road Mobile Machinery, which does not comply with 'chapter 7 of the Cleaner Construction Machinery for London: A Low Emission Zone for Non-Road Mobile Machinery', is present on site all development work will stop until it has been removed from site.

- d) A demolition and construction waste management plan setting out how resources will be managed and waste controlled at all stages during a construction project, including, but not limited to, details of dust mitigation measures during site clearance and construction works (including any works of demolition of existing buildings or breaking out or crushing of concrete), the location of any mobile plant machinery, details of measures to be employed to mitigate against noise and vibration arising out of the construction process demonstrating best practical means.
- e) Details of the location where deliveries will be undertaken; the size and number of lorries expected to access the site daily; the access arrangements (including turning provision if applicable); construction traffic routing; details of parking suspensions (if required) for the duration of construction.
- f) A liaison strategy between the applicant and the adjacent school in relation to the construction programme and means of mitigating the environmental impacts of construction.

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

#### **8.1.20 Delivery and Servicing Plan**

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

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

#### **8.1.21 Cycle Parking**

Notwithstanding the details shown on the approved plans, full details of secure cycle parking for *61 cycles* serving the residential component of the development and 12 serving the retail component *must be submitted to and approved in writing by the local planning authority prior to the occupation of the development*. Details should include the layouts,

foundations, stand-types and spacing of the cycle spaces as well as details of showers/lockers for the retail spaces. The development shall not be carried out otherwise than in accordance with the details thus approved.

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

#### **8.1.22 Ecological Enhancements**

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

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

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

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

#### **8.1.23 Secure by Design**

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

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

#### **8.1.24 Waste Strategy**

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

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

#### **8.1.25 Roof plant**

No roof plant (including all external enclosures, machinery and other installations) other than any shown on the drawings hereby approved



shall be placed upon or attached to the roof unless otherwise agreed in writing by the Local Planning Authority.

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

#### **8.1.26 Obstruction of footways**

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

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

#### **8.1.27 Written Scheme of Investigation**

No demolition to ground level or below or development requiring a new foundation scheme at ground level or below shall take place until a stage 1 written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works.

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

REASON: To safeguard and protect archaeological remains.

#### **8.1.28 Sustainable Drainage**

Notwithstanding the details shown on the plans and documents hereby approved, prior to commencement of the development, the applicant shall submit full details of a sustainable drainage system supported by appropriate drawings, hydraulic modelling, calculations and construction details for the drainage system, for approval by the Local Planning Authority in consultation with the LLFA. The sustainable drainage system shall aim to achieve the greenfield runoff rates and must not exceed



three times the greenfield runoff rates as prescribed in the London Plan for all return periods up to the 1 in 100-year storm events plus an allowance for climate change. The development shall not commence until written confirmation has been received from the LPA, confirming approval of the surface water drainage measures.

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

#### **8.1.29 Drainage Management**

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

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

#### **8.1.30 Use Class E (a)**

Notwithstanding the provisions set out in Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to those Orders in any statutory instrument revoking and re-enacting that Order, the non-residential floorspace in the development hereby approved here permitted shall be used solely for Use Class E(a) retail floorspace purposes.

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

#### **8.1.31 Retail Use**

The residential units within the development hereby approved shall not be occupied until the retail (Use Class E[a]) space within the development hereby approved is occupied.

REASON: In order to ensure that the proposed retail use is delivered in a timely manner.

**8. Technico House, 4 Christopher Street, 56 & 58 Wilson Street and 1,3 & 5 Earl Street, E2 - application no 2021/0116**

**PROPOSAL:**

Demolition of the existing buildings, excluding the front façade of 1 Earl Street, and redevelopment of the site with a mixed use development ranging in height from 4-20 stories above ground level, and 3 basement floors, comprising 66,276sqm of office (Class E), flexible retail, café/restaurant space (Class E), ancillary space, back of house areas, cycle storage, plant, landscaping and all associated works.

**POST SUBMISSION REVISIONS:**

Submission of additional information with regard to transport, sustainability and fire strategy. No re-consultation on this information has been carried out, as revised plans feature amendments which are very small in nature.

8.1 Steve Fraser-Lim presented the application, highlighting the following:

- The various views and elevations of the application site were displayed
- The proposals were developed with constraints in mind such as heritage assets
- The site was not in a conservation area but was bounded by conservation areas and in proximity to a number of listed buildings
- The site was within the central activity zone
- There were other large scale developments in the area
- The proposals were presented to a pre-application Committee in June 2019 with the proposals changed since that time
- There was concern about the proposed shopfront on Wilson Street with a condition requiring a traditional shop front
- Affordable workspace was proposed
- Light wells had been installed in the building
- Proposed public realm enhancements had been made
- Proposed terrace areas for office use and tree planting
- The site was within a strategic view corridor but would not be visible within this
- There were concerns around daylight from 1 Crown Place
- Addendum reports with updates and corrections
- An estimate for public realm work had been agreed

8.2 Chris John, CBRE Development, spoke against the application, highlighting the following in objection to the development and on behalf of the owner of 1 Crown Court and future residents:

- 1 Crown Place was a residential led mixed development beside the site
- There would be negative community impact because of the scale of the development affecting daylight and privacy. Policy LP2 sought to ensure no significant additional impact
- The application daylight assessment almost entirely relied on mirror massing
- The most appropriate way to assess the impact was through 'retained VCS

level'

- The development would result in significant change in light in the 1 Crown Place rooms
- There had been a number of appeal decisions related to similar issues
- There were no objections to the level of daylight impacts within the applicant's daylight assessment. However, the assessment's reliance on a mirror massing justification was not sufficient to justify the scale of reduction of daylight and low retained daylight levels within 1 Crown Place.

8.3 Jim Pool of DP9, planning consultants, spoke in favour of the application, highlighting the following:

- That the developers had reached out to 1 Crown Place developers at pre-application stage, to which they did not receive a response
- Pre application community involvement had been specifically referenced in the application documents
- The acceptability of daylight impacts was a matter judgement for decision makers
- Council officers had considered that the applicants assessment was sufficient
- The area around the south east corner had been cut back to ensure a comfortable relationship with neighbours

8.4 Councillor Vincent Stops commented that the objector (developer of 1 Crown Place) had built a large development immediately adjacent to their site boundary and could have anticipated similar developments being proposed. He asked for further detail on mirror massing. Chris John stated that they had expected the proposals to be more considerate.

8.5 Steve Fraser-Lim highlighted the following:

- Mirror image massing was one part of the assessment and there were other matters that required to be taken into account
- Assessments were carried out of the whole room rather than just a window
- The impacts were not unusual in Shoreditch and within the context of site and the impact was considered reasonable in this case
- A number of different appeals had been considered and officers were mindful of these but it was considered that every site was different
- The streets in the Shoreditch area were narrow with significant daylight impacts in other developments
- The level of daylight was considered acceptable, given site context

8.6 Councillor Stops referred to the letter in the addendum that had been received recently and whether this had been considered. Steve Fraser-Lim reported that the letter was an extension of the original letter and reiterated that there was a level of impact and this was a matter of judgement.

8.7 In response to the Chair, Qasim Shafi clarified that the disabled parking spaces would be on Wilson Street and not Worship as outlined in the report. The final location was not agreed upon.

8.8 Councilor Stops asked for more detail on the £60,000 to be allocated to redistribute bicycles and whether this was a planning consideration. Steve Fraser-Lim clarified that this had been requested by Transport for London. Docking stations in the area were among the most highly used in London and the contribution would assist in distribution of bikes around the hire network in busy locations such as this, and was not just about delivery of more capacity in this location. The measures contributed to sustainable transport. The contribution made was less than that made for other developments such as 2-3 Finsbury Avenue

#### **RESOLVED:**

- **To grant conditional planning permission, subject to completion of a Legal Agreement and stage II approval from the GLA and the following planning conditions:**

##### **8.1.1 SCB0 – Development in accordance with plans**

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

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

##### **8.1.2 SCB1 - Commencement within three years**

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

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

##### **8.1.3 Contaminated land (pre-development)**

Development will not commence until physical site investigation work has been undertaken and fully reported on; with a plan being produced all to the satisfaction of and approved in writing by the Planning Authority. Where physical site investigation work has not been agreed at a pre-application stage further physical investigation work must be agreed with the contaminated land officer before being undertaken. Moreover,

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

REASON: To ensure that potential contamination risks are identified and suitable remediation is agreed.

#### **8.1.4 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 demolition and construction method statement covering all phases of the development to include details of noise control measures and measures to preserve air quality (including a risk assessment of the demolition and construction phase);
- The operation of the site equipment generating noise and other nuisance causing activities, audible at the site boundaries or in nearby residential properties shall only be carried out between the hours of 08:00 – 18:00 Mondays-Fridays, 08:00-13:00 Saturdays and at no time on Sundays or Bank Holidays unless otherwise agreed in writing by the Local Planning Authority;
- The best practical means available in accordance with British Standard Code of Practice BS5228-1:2009 shall be employed at all times to minimise the emission of noise and vibration from the site;
- A demolition and construction waste management plan setting out how resources will be managed and waste controlled at all stages during a construction project, including, but not limited to, details of dust mitigation measures during site clearance and construction works (including any works of demolition of existing buildings or breaking out or crushing of concrete), the location of any mobile plant machinery, details of measures to be employed to mitigate against noise and vibration arising out of the construction process demonstrating best practical means
- Details of the location where deliveries will be undertaken; the size and number of lorries expected to access the site daily; the access arrangements (including turning provision if applicable); construction traffic routing and trip generation and effects on the highway network; details of parking suspensions (if required) and the duration of construction
- A dust management plan to include details of how dust from construction activity will be controlled / mitigated / suppressed following best practice guidance. This should include monitoring of particulate matter at the application site boundary in the direction of sensitive receptors following the SPG Mayor of London Control of Dust and Emissions Guidance. Upon demand a monthly monitoring report should be sent to the council for review.

REASON: In the interests of public safety and amenity and to ensure noise and air pollutants such as nitrogen dioxide and particulate matter are kept to a minimum during the course of building works.

### **8.1.5 Structural Method Statement**

Prior to the commencement of demolition works to the existing buildings, a Structural Method Statement shall be prepared by a suitably qualified and experienced structural engineer and submitted to and approved in writing by the Local Planning Authority. The Structural Method Statement shall address how the existing retained facade at 56 Wilson Street stands, how it will be supported during the works of demolition and how it will be supported as part of the completed building. The development shall not be carried out other than in accordance with the details as approved, unless otherwise agreed in writing with the Local Planning Authority.

REASON: To ensure that the heritage benefit of the retention of the Non Designated Heritage Asset is achieved.

### **8.1.6 Archaeology WSI**

No demolition or development shall take place until a stage 1 written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works. 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 development except for demolition of standing buildings to ground level and associated works up to the internal face of basement slab and walls (but excluding the basement slab or walls which may not be removed) 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: To secure the provision of archaeological investigation and the subsequent recording of the remains prior to.

### **Prior to commencement (relevant part):**

#### **8.1.7 Detailed elevation drawings**

Prior to the commencement of above ground works for the development, detailed elevation and sections at 1:20 scale shall be submitted to and approved in writing by the Local Planning Authority. The submitted information shall include the following details: Facing materials; doors; windows; window surrounds and reveals; entrance canopies; gates, railings; parapets; plant room enclosures; surfacing to ground and roof terraces. The development shall not be carried out other than in accordance with the details as approved, unless otherwise agreed in writing with the Local Planning Authority.

REASON: To ensure that the external appearance of the development is satisfactory.



### **8.1.8 Shopfront details**

Notwithstanding the approved drawings, documents and details, prior to the commencement of the relevant part of the works, details of the proposed shopfronts shall be submitted to and approved in writing by the Local Planning Authority. The submitted drawings shall include a 1:20 elevation showing the glazing pattern and layout and 1:5 details of the window frames, cills, stallriser, door frames and fascias with materials and dimensions shown. The submitted information shall also include details of the ventilation louvres, lighting, security features (including cameras and shutters) and any other fixtures on the shopfronts. The development shall not be carried out other than in accordance with the details as approved, unless otherwise agreed in writing with the Local Planning Authority.

REASON: To ensure that the heritage benefit of providing replica Victorian shopfronts to the Non Designated Heritage Asset is achieved.

### **8.1.9 Details of materials / Mock up panel**

Prior to the commencement of above ground works for the development full details (including scale 1:20 plan, section elevations) and samples of all external materials including: facing materials; doors; windows; window surrounds and reveals; undercrofts and entrance side walls; entrance canopies; gates, railings; parapets; plant room enclosures; roof surfacing not comprising soft landscaping, shall be submitted for approval. This shall include the assembly on site (or alternative agreed location within reasonable travel distance) of a mock up panel / bay detail or other form as agreed with officers for approval in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the details as approved, unless otherwise agreed in writing with the Local Planning Authority.

REASON: To ensure that the external appearance of the development is satisfactory.

### **8.1.10 Fire Strategy**

A full Fire Strategy shall be submitted prior to commencement of the development (excluding demolition) demonstrating in detail how the measures in the Fire Strategy prepared by WSP (ref: P100-RPT-22-FRE REVISION P02) dated November 2020 will be implemented into the design of the building.

REASON: To ensure that the development incorporates the necessary fire safety measures in accordance with London Plan Policy D12.

### **8.1.11 Flood resilience**

No development shall commence, other than works of demolition, until a report (including intrusive investigation/trial pit and monitoring where necessary) demonstrating that the basement development will not increase the potential for groundwater flooding to itself or to the surrounding area has been submitted to the Local Planning Authority for approval. Where groundwater is identified as a potential risk, details of appropriate controls including flood resilience and/or resistance measures shall be submitted to the LPA for approval and the approved measures incorporated before the basement is occupied. The basement shall be 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" and current best practice.

REASON: To mitigate surface run off and flood risk

### **8.1.12 Sustainable Drainage**

Prior to commencement of the relevant part of the development the applicant shall submit,

and have approved in writing by the Local Planning Authority, construction details (including cross-sections), full specifications, a drainage layout and a site-specific management and maintenance plan for following. The approved details shall be installed prior to first occupation of the development:

- (a) Green/blue roof with a substrate depth of between 80 and 165mm, not including the vegetative mat.
- (b) Below ground attenuation system
- (c) Flow control system
- (d) Surface water from the site shall be managed according to the proposal referred to in the Flood Risk Assessment & SuDS Strategy Report agreed otherwise

REASON: To ensure sustainable drainage and mitigate flood risk

#### **8.1.13 Secured by design**

Prior to commencement of the relevant part of the development, details shall be submitted to and approved, in writing, by the Local Planning Authority to demonstrate that such building or such part of a building can achieve 'Secured by Design' Accreditation. The development shall only be carried out in accordance with the approved details.

REASON: In order to reduce opportunities for crime, and to safeguard the security of future occupiers and users of the development.

#### **8.1.14 Zero global warming materials.**

Prior to commencement of the relevant phase of construction, the selection of insulation and refrigerant materials to have 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.

#### **8.1.15 Piling Method Statement**

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

REASON: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure.

#### **8.1.16 Details of water main diversion**

No construction shall take place within 5m of the water main. Information detailing how the developer intends to divert the asset / align the development, so as to prevent the potential for damage to subsurface potable water infrastructure, must be submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any construction must be undertaken in accordance with the terms of the approved information. Unrestricted access must be available at all times for the maintenance and repair of the asset during and after the construction works.

REASON: The proposed works will be in close proximity to underground strategic water



main, utility infrastructure. The works has the potential to impact on local underground water utility infrastructure.

**Prior to occupation:**

**8.1.17 Biodiversity enhancements**

Details of Biodiversity enhancements including bird / bat boxes and provision for invertebrates, shall be submitted to and approved in writing by the local planning authority, prior to the first occupation of each building or part of a building or use hereby approved. The approved details shall have been fully implemented prior to first occupation of the development.

REASON: To provide potential habitat for local wildlife.

**8.1.18 Landscaping**

A hard and soft landscaping scheme illustrated on detailed drawings, shall be submitted to and approved by the Local Planning Authority, in writing, prior to occupation of the development. Details shall include: - soft landscaped areas to roof terraces; hard landscaping to roof terrace areas, external ground floor areas within the application site; tree planting; details of bio-diverse green / brown roofs and walls; and details of boundary treatments to roof terraces. All landscaping in accordance with the scheme, when approved, shall be carried out within a period of twelve months from the occupation date 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 five 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 and ecology of the development, to provide undisturbed refuges for wildlife, to promote sustainable urban drainage, and to enhance the performance and efficiency of the proposed building.

**8.1.19 Cycle Parking**

Prior to the first occupation of the development, details of the secure bicycle storage facilities for 1031 bicycles (973 long stay plus 58 visitor cycles) including layout, stand type and spacing, 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, unless otherwise agreed in writing with the Local Planning Authority.

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

**8.1.20 Contaminated land (pre-occupation)**

Prior to the first occupation of the development, a post-development verification report will be produced to the satisfaction of and approved in writing by the Local Planning Authority. The verification report must fully set out any restrictions on the future use of a development and demonstrate that arrangements have been made to inform future site users of the restrictions. Work shall be completed and a report produced by a competent person/company in line with current best practice guidance, including the Council's contaminated land planning guidance. The Contaminated Land Officer must receive verbal and written notification at least five days before development and remedial works commence. Subject to written approval by the Planning Authority, this condition may be varied, or discharged in agreed phases. Any additional, or unforeseen contamination encountered during the course of development shall be immediately notified to the Local

Planning Authority and Contaminated Land Officer. All development shall cease in the affected area. Any additional or unforeseen contamination shall be dealt with as agreed with the Contaminated Land Officer. Where development has ceased in the affected area, it shall recommence upon written notification of the Local Planning Authority or Contaminated Land Officer.

REASON: To ensure that the application site and all potentially contaminated land has been remediated to ensure contamination risks at the site are suitably dealt with.

#### **8.1.21 Air Permeability Testing**

Prior to the first occupation the development, a full air permeability test report confirming the development has achieved an average air permeability of 3.0 m/h/m<sup>2</sup> at 50pa shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure the development meets the sustainability requirements of the Local and London Plans

#### **8.1.22 PV system**

Prior to the first occupation of the development, a report by an accredited PV installer confirming that arrays covering a minimum of 249sqm and generating a minimum of 31968 kwh (per annum) have been installed, with any shortfall offset by alternative compensation measures or an increased carbon offset payment, shall be submitted to and approved in writing by the Local Planning Authority.

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

#### **8.1.23 Delivery and Servicing Plan / Operational Management Plan**

Prior to the first occupation of the development a Delivery and Servicing Plan shall be submitted to and approved by the Local Planning Authority setting out:

- (a) Frequency of deliveries per day/week
- (b) Size of vehicles
- (c) How vehicles would be accommodated on the public highway
- (d) Waste / recycling / storage and collection arrangements

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

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

#### **8.1.24 Waste and recycling facilities**

Prior to the first occupation of the development, waste and recycling facilities shall be provided in accordance with the details contained within the approved drawings.

REASON: To ensure adequate provision is made for the storage of refuse and recycling in the interests of amenity.

#### **8.1.25 Drainage strategy verification**

Prior to the first occupation of the development, evidence (including as-built drawings, photographs, post construction surveys) and a final completion statement signed off by an appropriate, qualified, indemnified engineer shall be submitted showing that the drainage system has been constructed as per the approved designs and in accordance with best practice. The hereby approved drainage measures shall be retained and maintained

thereafter.

REASON: To ensure sustainable drainage and to mitigate flood risk

#### **8.1.26 Measures to prevent overlooking from terraces towards nearby residential units**

Prior to first occupation of the development, details of boundary treatments to prevent undue overlooking of residential units to the south of the site from the proposed roof terraces shall be submitted for approval to the local planning authority. The approved details shall be installed prior to first occupation and retained and maintained thereafter.

REASON: To prevent undue overlooking and loss of privacy to neighbouring residential units.

#### **Post-occupation:**

##### **8.1.27 BREEAM Assessment**

Within 12 weeks of occupation of the development hereby approved, a BREEAM post-construction assessment (or any assessment scheme that may replace it) confirming an 'Excellent' rating (or another scheme target of equivalent or better environmental performance) has been achieved shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure the development meets the sustainability requirements of the Local and London Plans

##### **8.1.28 Secure by design accreditation**

Within three months of the first occupation of any part of the development, a 'Secured by Design' accreditation shall be obtained for that relevant part of the development.

REASON: In order to reduce opportunities for crime, and to safeguard the security of future occupiers and users of the development.

##### **8.1.29 Building Management Systems monitoring 'be seen'**

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 noncompliance.

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.

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.

**Compliance conditions:**

**8.1.30 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.

**8.1.31 Noise from plan and machinery**

Noise levels from fixed plant and machinery associated with the proposed development shall be 5dB(A) or more below the background noise level when measured at any nearby noise sensitive premises at any time.

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

**8.1.32 Development in accordance with energy strategy**

The measures identified in the submitted Energy and sustainability strategy (and any subsequent revisions / addendum) shall be incorporated prior to occupation of the development.

REASON: In order for the development to demonstrate an adequate response to climate change and climate change adaptation.

Votes

In favour: Councillors Bell, Chauhan, Hanson and Stops

Against: None

Abstentions: None

**9. Land Corner Of Ormsby Street And Pearson Street, London, E2 8JD - application no 2020/4117**

**PROPOSAL:**

Temporary (5 years) change of use from storage (Use Class B8) to mixed use (C1/E(g)/B8); erection of shipping containers to create three storeys of business units (E(g)/B8) and three storeys of hotel rooms (C1 Use Class, 44 bedrooms); erection of a three storey mixed use building with ground floor hotel reception (C1) and upper floors in office use (E(g)); installation of additional shipping containers to provide ancillary space, cycle and refuse storage; hard and soft landscaping to include installation of railings along boundary and external seating.

**POST SUBMISSION REVISIONS:**

- Provision of documents relating to Coach Parking and Secure by Design.

9.1 Nick Bovaird presented the application, highlighting the following:

- The proposal was a mixed use development consisting of office units, storage and a hotel.
- Three applications had been submitted in relation to the site.
- The site embraced biodiversity and would be landscaped with planting and biodiverse roofs .
- The development would be in place for a 5 year period after which it would be dismantled and moved to another site.
- In relation to the eastern elevation there would be no significant impact on neighbouring occupants.
- The hotel bedrooms were to be small and functional with air conditioning and sound-proofing because of the nearby railway line.
- The proposed hotel bedrooms would be set against the need for hotel accommodation as identified in the London Plan.
- The development would bring a derelict site into use prior to a permanent scheme coming forward.
- Using recycled and recyclable materials would enable the fast dismantling of the site at the end of the 5 year period.
- The application was recommended for approval, subject to conditions and legal agreement.

9.2 Liam Murphy, Snoozebox, outlined the organisation's experience and involvement in previous similar developments.

9.3 Michael Westwater, Senior Planning Consultant, Halliday Fraser Munro spoke in favour of the application, highlighting the following:

- The business units would provide workspace for the area, appealing to small businesses and creating approximately 180 full and part time jobs.
- There was to be a mix of small and large executive units with open plan areas and meeting rooms, together with storage solutions.
- The development was a new concept based on a budget model.
- The timing of the development would assist with the areas' recovery, following Covid-19.
- The development would reinvigorate a derelict site and would help the business to diversify.

- The development could be easily dismantled and taken to another location at the end of the 6 year period.

9.4 Councillor Ajay Chauhan asked questions regarding

- the interaction with the school in the area in relation to the scheme;
- Whether delivery would be limited during school time, and what consideration had been given to the impact that the noise would have on school children.
- What would be the demand for such units given that business units were to be built in York way.

9.5 Liam Murphy responded that delivery would be limited during school time. This formed part of the operations management plan. The development consisted of prefabricated material and its construction would not create substantial noise and the scheme would not be labour intensive. Further, the bulk of the work would be carried out at the weekend. There had been interaction with the school on the development. In relation to the demand for the work units, a market assessment

had been carried out which indicated a need for affordable business units. Snooze Box had met with the Small Traders Guild and universities, identifying demand for such units.

9.6 The Chair asked what the work timescales would be and it was reported that the duration would be approximately 2 months.

9.7 Councillor Kate Hanson asked:

- if the hotel bar and restaurant would be open to residents in the areas
- if there would be any constraints in regard to the development moving at the end of the 5 year period.
- Had the School Streets programme been taken into consideration in the construction management plan.
- Nick Bovaird confirmed that the bar and restaurant would be subject to the operational management plan that was recommended by condition. There would be a requirement to dismantle the development at the end of the period. It had been made clear that the development was not suitable as a permanent development because of its design. Qasim Shafi confirmed that School Streets had been taken into consideration in the construction management plan.

**RESOLVED:**

- **To grant temporary planning permission subject to conditions and legal agreement.**

Votes



In favour: Councillors Bell, Chauhan, Hanson and Stops

Against: None

Abstentions: None

## 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 - Temporary Use

The uses of the site hereby permitted shall be operated for a limited period only until five years from the date of this permission, on or before which date the use shall be discontinued and all the buildings and structures hereby approved removed from the site, unless otherwise approved in writing by the Local Planning Authority.

REASON: To ensure the site becomes available for a permanent development and to reflect the fact that the design of the development would be considered unsuitable for a permanent construction on this site.

### 8.1.3 - Development in accordance with plans

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

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

### 8.1.4 - Use only as office space

The units shown as business units on the drawings hereby approved shall be used only as offices (Use Class E, subsection g), 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.

### 8.1.5 - Operational Management Plan

An Operational Management Plan must be submitted to and approved in writing following consideration by the Hackney Planning Sub-Committee, prior to the first use of the development. The management plan will include but not be limited to:

- Details of the use of the outside terrace;
- Numbers of security staff and hotel reception hours;
- Out of hours entry for hotel occupants;
- Coach pick up, drop off and parking prohibited within the hours of the CPZ (7:30-18.30 Mon-Fri and 7:30-13.30 on Saturdays).

The use of the premises hereby approved will be strictly carried out in accordance with the approved management plan.

REASON: To ensure that occupiers of residential premises do not suffer a loss of amenity by reason of noise nuisance and to ensure that the Customer Management Plan is responsive to the concerns of residents.

#### **8.1.6 - Design details to be approved**

Notwithstanding the details shown on the plans hereby approved, prior to commencement of above ground works, the following details shall be submitted to and approved in writing by the Local Planning Authority:

- a) 1:5 details of the proposed boundary treatment, including manufacturer and product details and precedent photographs.
- b) A material schedule and 1:20 detailed drawings of the proposed windows, doors and balconies, including manufacturer and product details and precedent photographs. Samples shall be provided on request.

The development shall be constructed in accordance with the details thereby approved.

REASON: To ensure that the appearance of the development in the streetscape is satisfactory.

#### **8.1.7 – B1 Fit out and further actions strategy**

Detailed drawings/full particulars of the proposed development showing the matters set out below must be submitted to and approved by the Local Planning Authority, in writing, before the hotel use is commenced. Full details of a fit out, marketing and further actions strategy for the uptake of the B1 premises. The strategy shall include, but not be limited to, details of the wall, ceiling and floor finishes, plumbing, wiring and broadband connectivity details etc, details of the minimum general scheme of marketing, details of the maximum rates, tenures and durations to be offered, any contributions towards the start-up costs of businesses that lease the space, etc. and shall include a defined duration for the marketing exercise. The further actions strategy shall include, but not be limited to, details of further fit out, flexibility for tenants, management arrangements, etc. shall include defined timescales for further actions to be undertaken.

The approved B1 space shall be fitted out in full accordance with the details approved within two months of the first occupation of the hotel rooms hereby approved and will not be marketed otherwise than in accordance with the details approved unless otherwise agreed in writing by the local planning authority. In the event that the approved fit out and marketing are unsuccessful in finding occupier/s the further actions will be undertaken in full, unless otherwise agreed in writing by the local planning authority.

REASON: To ensure that the employment floorspace hereby approved is of an adequate standard which meets local business need and is adequately marketed and provided to meet local business need.

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

Prior to commencement of the hotel use, 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: any trees and other planting, including planters to front and terraces, 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 six 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 commencement of the development, and shall be maintained to the satisfaction of the Local Planning Authority for the lifetime of the development, 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.

#### **8.1.9 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.

#### **8.1.10 - Fire safety strategy**

Prior to the commencement of development, details and measures in respect of the Fire Safety strategy shall be submitted to and approved in writing by the Local Planning Authority. The recommendations thereby 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 measures to mitigate the risks of fire are detailed, effective and remain part of the development as constructed.

#### **8.1.11 Non CHP boilers**

Any non-CHP space and hot water fossil fuel (or equivalent hydrocarbon based fuel) boilers must achieve dry NO<sub>x</sub> emission levels equivalent to or less than 30 mg/kWh.

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

#### **8.1.12 - Air Quality Assessment**

Prior to the commencement of the development hereby approved, a full air quality assessment, shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the details thus approved.

REASON: To ensure the air quality of the development for future users of the building.

#### **8.1.13 Air Source Heat Pumps**

Prior to the commencement of the development details that the proposed heat pumps comply with the minimum performance standards as set out in the Enhanced Capital Allowances (ECA) product criteria for the relevant ASHP technology as well

as evidence that the heat pumps comply with other relevant issues as outlined in the Microgeneration Certification Scheme Heat Pump Product Certification and the Seasonal Coefficient of Performance (SCOP), the Seasonal Performance Factor (SFP) and Seasonal Energy Efficiency ratio (SEER) are not worse than the coefficients indicated in the energy assessment, shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the details thus approved.

REASON: To ensure that the systems adopted are low carbon and the development contributes towards local, regional and national commitments to a net-zero carbon emission future.

#### **8.1.14 Photovoltaic Cells**

Prior to occupation of the development hereby approved, a report by an accredited PV installer confirming that arrays with capacity as proposed in options 1 in the energy strategy assessment hereby approved (i.e. 22.95kWp for the business units, 25.5kWp for the business hub and 26.35kWp for the Hotel), have been installed on the roof development, shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the details thus approved.

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

#### **8.1.15 Installation of plant and machinery**

No plant or machinery (except Photovoltaic Cells) shall be installed on the external surfaces of the building without the submission to and agreement by the local planning authority.

REASON: In order to safeguard the appearance of building and the amenity of and surrounding occupiers.

#### **8.1.16 Overheating assessment**

Prior to the commencement of construction of the development hereby approved an assessment of the risk of overheating should be undertaken with dynamic simulation as indicated in the Greater London Authority Energy Assessment Guidance on preparing the energy assessments (2020, based on CIBSE TM52:2013) and adopting weather files as indicated in CIBSE TM49:2014, or any other methodology that may replace it. If overheating is present on the assessments, strategies proposed to mitigate the problem shall be submitted to and approved in writing by the Local Planning Authority.

REASON: to mitigate the risk of overheating with passive strategies avoiding reliance on active cooling systems.

#### **8.1.17 – Pre Commencement BREEAM Assessment**

Prior to the commencement of construction a BREEAM design stage assessment shall be submitted and approved in writing by the Local Planning Authority.

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

#### **8.1.18 – Post Occupation BREEAM Assessment**

Within 12 weeks of occupation of a commercial unit of the development hereby approved, a BREEAM post-construction certificate for the retail and office assessments (or any assessment scheme that may replace it) confirming 'Excellent' ratings (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. If BREEAM 'Excellent' is not achievable, then details shall be submitted and approved by the Local Planning Authority that demonstrate the best endeavours made by the applicant to achieve it.

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

#### **8.1.19 Biodiverse roofs**

Prior to commencement of the relevant part of the work, the applicant shall submit, and have approved in writing by the Local Planning Authority, a detailed drawing, full specifications and a detailed maintenance plan of a biodiverse roof with a minimum substrate depth of 80mm, not including the vegetative mat. Details of planting to the biodiverse roof to include native species shall also be provided. The development shall not be carried out otherwise than in accordance with the details thus approved and shall be fully implemented before the premises are first occupied.

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

#### **8.1.20 - Cycle Parking**

Prior to the commencement of above ground works, details of the secure bicycle storage facilities shown on the drawings hereby approved, including layout, stand type and spacing, to include 8 hotel (plus 4 visitor) and 36 office (plus 4 visitor) spaces shall be submitted to and approved in writing by the Local Planning Authority. Such details as are approved shall be implemented prior to the occupation of the development and shall thereafter be retained, unless otherwise agreed in writing with the Local Planning Authority.

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

#### **8.1.21 - 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 and Rail for London (RfL). 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 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) Details and locations of all 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 BS 5228;

e) Procedures for maintaining good public relations including complaint management, public consultation and liaison. Arrangements for liaison with the Council's Community Safety Team;

f) Demonstration that the development shall be carried out in accordance with Railway for London's document entitled 'Special Conditions for Outside Parties developing on or near the railway'.

g) Providing a reflected glare assessment to confirm there shall be no impact to Railway operations during or after the completion of the Development.

h) Details of measures to protect the existing street trees on Ormsby Street.

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

#### **8.1.22 - Delivery and Servicing Plan**

Prior to the occupation of development a detailed Delivery and Servicing Plan covering the matters set out below must be submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the details and measures thereby approved;

- Frequency of deliveries per day/week
- Size of vehicles
- How vehicles would be accommodated on the public highway
- Swept Path analysis (if applicable)
- The impact of delivery and servicing on the operation of the school, including the School Streets scheme, investigating how this may impact upon delivery and servicing trips. Delivery and servicing should be planned to avoid school peak times and should be carried out away from the school entrances
- No deliveries nor collections/ loading nor unloading, other than between the hours of 08:00 to 20:00 hours from Monday to Friday, 09:00 to 20:00 hours on Saturdays and Sundays and Public/Bank Holidays.

REASON: To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by noise and to ensure that the surrounding streets, including the school are not significantly impacted.

#### **8.1.23 – Extract and odour control systems**

Prior to commencement of the hotel use details shall be submitted to and approved in writing by the Council, of a suitable cleaning schedule and/or maintenance contract for the extract and odour control systems. Approved details shall be

implemented prior to occupation of the development and thereafter be permanently retained.

REASON: To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by smell, steam and other effluent.

#### **8.1.24 - Plant Noise**

The total noise level from fixed plant (internal or external) shall be 5dB(A) or more below the background noise level at any noise sensitive premises at all times. The equipment shall be installed and constructed in accordance with the approved scheme and be 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.

#### **8.1.25 – Anti- vibration mounts**

Prior to use, the extract/ ventilation and condenser systems and ducting at the premises shall be mounted with proprietary anti-vibration isolators and fan motors shall be vibration-isolated from the casing and adequately silenced and maintained as such.

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

#### **8.1.26 - Soundproofing of hotel rooms**

Within the proposed hotel rooms (with the windows closed) the following internal noise levels shall be achieved;

- 30dB LAeq 8 hours between 23.00hrs - 07.00hrs and 35dB LAeq 16 hours 07.00hrs - 23.00hrs. No individual noise event to exceed 45dB LAmax (measured with F time weighting).

REASON: To ensure an adequate quality of accommodation for future occupants as a result of the sound insulation installed.

#### **8.1.27 - 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. It must be demonstrated that there will be no increase in surface water flow being discharged offsite and an overall reduction in peak flow rate and volume with an allowance for climate change. The development shall not be carried out otherwise than in accordance with the details thereby approved.

REASON: To safeguard against flooding and pollution and to reduce waste.

#### **8.1.28 – Flood Resilience and Resistance**

A scheme for the provision and implementation of flood resilient and resistant construction details and measures for the site against surface water flood risk shall be submitted to and agreed, in writing with the LPA in consultation with the Lead Local Flood Authority (LLFA) prior to the construction of the measures. The scheme shall be carried out in its entirety before the development is occupied and

constructed and completed in accordance with the plans thereby approved and in line with current best practices.

REASON: To protect future users against the risks of groundwater flooding in this critical drainage area with a high risk of surface water flooding.

#### **8.1.29 - Bird and Bat Boxes and Insect Habitats**

Details of bird and bat bricks/boxes to be implemented at eaves level as part of the development, along with rubble piles, log piles & bug hotels in the amenity areas, shall be submitted to and approved in writing by the local planning authority, prior to occupation of the development hereby approved. The development shall not be carried out other than in accordance with the details thus approved.

REASON: To provide potential habitat for local wildlife, in line with the recommendations of the submitted habitat survey.

#### **8.1.30 - Public Realm Lighting Strategy**

Prior to the occupation of the hotel use, a public realm lighting strategy is to be submitted and approved by the Local Planning Authority. The development shall not be carried out other than in accordance with the details thus approved.

REASON: To ensure safe and satisfactory living conditions for hotel occupants and workers and to ensure the suitability of the scheme with regard to light pollution and local biodiversity.

#### **8.1.31 – RfL: Glare from External Lighting**

Permanent external lights and those installed during the construction period shall not shine directly onto Railway For London's property.

REASON: To protect the safe operation of the railway.

#### **8.1.32 – Accessibility**

Prior to first occupation, four of the ground floor hotel rooms hereby approved shall be made wheelchair accessible, as shown on drawing number 11395 - L(00) 501 A hereby approved, and shall be retained as such thereafter.

REASON: To assist in meeting the Local and Regional Plan priorities of ensuring the accessibility of new visitor accommodation.

#### **8.1.33 – Notice to Rail for London**

No part of the development shall be commenced unless a minimum of 6 weeks' notice of the commencement date has been given in writing to Rail for London (RfL).

REASON: : To protect the safe operation of the railway.

#### **8.1.34 – Asset Protection Agreement**

Prior to commencement of the development the applicant will enter into an Asset Protection Agreement with Rail for London (RfL) to ensure that the development is carried out safely and in accordance with RfL's requirements.

REASON: To protect the safe operation of the railway



**8.1.35 – RfL: Works adjacent to the Railway**

No works of excavation, demolition or construction are to be carried out until the details of such works have been submitted to and approved by the Local Planning Authority and Rail for London (RfL). These details should comprise:

- Site clearance
- Geotechnical report for the site
- Foundation design and construction methodology (including excavation, verified calculations, risks assessments and method statements).
- Details of any temporary works and all equipment planned to be used in construction.
- Crane / Lifting Management for any cranes/ plant/ HAIB proposed to be used. This would typically include base design (including certification), Risk Assessment and Method Statement for siting, erection, lifting arrangements, operational procedure (including any radio communications), jacking up, derigging in addition to plans for elevation, loads, radius, slew restrictions and collapse radius.

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

REASON: To protect the safe operation of the railway.

**10. Delegated Decisions****RESOLVED:**

To note the delegated decisions.

**11. Dates of Future meetings.****RESOLVED:**

- To note the dates of further meetings with a review of the May 2022 date given the local elections during that time

**End of Meeting.**

**Duration of the meeting:** 19:00 - 21:00

**Contact:**

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