

<b>ADDRESS:</b> 16 Orsman Road, Hackney, London, N1 5QL	
<b>WARD:</b> Hoxton East and Shoreditch	<b>REPORT AUTHOR:</b> Louise Prew
<b>APPLICATION NUMBER:</b> 2020/3839	<b>VALID DATE:</b> 22/02/2021
<p><b>DRAWING NUMBERS:</b>            1_626-WTA-XX-00-DR-A-0001 Rev P03, 0101 Rev P3, 0102 Rev P03, 0103 Rev P03, 0104 Rev P03, 0200 Rev P03, 0201 Rev P03, 0202 Rev P03, 0203 Rev P03, 0300 Rev P03, 0301 Rev P03, 1000 P04, 1101 Rev P06, 1102 Rev P06, 1105 Rev P05, 1106 Rev P06, 1200 Rev P06, 1201 Rev P04, 1202 Rev P06, 1203 Rev P04, 1300 P06, 1301 Rev P04</p> <p>Addendum to the Design and Access Statement (Waugh Thistleton, October 2020)            Air Quality Statement (MLM Group, February, 2020)            Below Ground Drainage Strategy (Meinhardt, 28 February 2020)            Biodiversity Net Gain Assessment (Greengage, October 2020)            BREEAM Pre-assessment Tracker &amp; Action List Rev 2 (MLM Group, 25 February 2020)            BS5837 Arboricultural Impact Assessment and Method Statement (Greengage, January 2021)            Construction Management Plan (RFM, February 2020)            Daylight and Sunlight Study (eb7, 9 October 2020)            Design and Access Statement Rev A (Waugh Thistleton, 03 March 2020)            Existing Utility Report (MLM, 20 June 2019)            External Lighting Statement for Planning (MLM, 8 February 2021)            Fire Strategy Report (MLM Group, 1 June 2021)            Heritage Statement (Built Heritage Consultancy, February 2020)            Land Contamination (IDOM, February 2020)            Leasing Commentary (Colliers, CBRE, March 2020)            Marketing Strategy (Colliers, CBRE, undated)            Noise Assessment (ALN acoustic design, 27 February 2020)            Planning Statement (Maddox, February 2020)            Preliminary Ecological Appraisal (Greengage, October 2020)            Summer Overheating Assessment Rev 01 (MLM, 9 October 2020)            Sustainability Statement for Planning Rev 01 (MLM, 7 October 2020)            Transport Assessment (RPS, March 2020)            UGF letter (Greengage, 8 October 2020)</p>	
<b>APPLICANT:</b> Southern Grove Orsman Limited	<b>AGENT:</b> Maddox Planning 68 Hanbury St London E1 5JL
<p><b>PROPOSAL:</b>            Demolition of existing buildings on site and erection of a part 5, part 6 storey building comprising office floorspace (Use Class E); a flexible unit at ground floor level (Use Class E);</p>	

and provision of associated waste storage, cycle parking, balconies, roof and rear terraces and plant.

**POST SUBMISSION REVISIONS:**

The Fire Strategy and BREEAM pre-assessment tracker reports were submitted after consultation.

Alterations to the ground floor and roof terraces were also made after consultation

Due to the minor nature of these changes consultation was not required.

**RECOMMENDATION SUMMARY:**

Grant planning permission subject to conditions and completion of section 106 legal agreement.

**NOTE TO MEMBERS:**

This application is presented to the Planning Sub-Committee as it constitutes Major development and due to the level of public interest

**ANALYSIS INFORMATION**

**ZONING DESIGNATION:**

CPZ	Yes	
Conservation Area	Adjacent to Regent's Canal, Kingsland	
Listed Building (Statutory)		No
Listed Building (Local)		No
Employment designation	Yes - POA (Kingsland)	

LAND USE:	Use Class	Use Description	Floorspace Sqm
<b>Existing</b>	E	Offices and light industrial	1348
<b>Proposed</b>	E (g)(i)	Offices	4223
	E	Commercial, business and service	104

<b>PARKING DETAILS:</b>	Parking Spaces (General)	Parking Spaces (Blue Badge)	Bicycle storage
<b>Existing</b>			
<b>Development Site:</b>	0	0	0

<b>Proposed Development Site:</b>	0	0	102
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## **CASE OFFICER'S REPORT**

### **1.0 SITE CONTEXT**

- 1.1 The application site comprises a parcel of land located on the northern side of Orsman Road. The northern boundary of the site borders Regents Canal.
- 1.2 The site is approximately 902 square metres and contains existing buildings of between one and three storeys.
- 1.3 The site is largely bounded by residential blocks including to its immediate east and west. Residential buildings are located on the northern side of Regents Canal and on the southern side of Orsman Road to the south of the site.
- 1.4 The site is located within an area with very good accessibility to public transport. It has a PTAL rating of 4-5 (on a scale of 1a – 6b where 6b is the most accessible). The site is located within 190 metres of Kingsland Road which is well served by bus routes and within 550 metres of Haggerston Overground station. The site is covered by a Controlled Parking Zone (CPZ) and there are Santander cycle docking stations located within close proximity to the site on Hyde, Dunston and Kingsland roads.
- 1.5 The site is located within Kingsland Priority Office Area. It is not subject to any other employment or town centre designations.
- 1.6 Regents Canal to the north is a metropolitan grade Site of Importance for Nature Conservation.

### **2.0 CONSERVATION IMPLICATIONS**

- 2.1 There are no statutory listed or locally listed buildings or structures within the site.
- 2.2 The closest statutory listed building is The Stag's Head Public House at 55 Orsman Road, about 50 metres to the west of the site (Grade II listed). 15 Orsman Road is a locally listed building located approximately 60 metres to the east.
- 2.3 The site is adjacent to Regents Canal Conservation Area to the north along the canal and Kingsland Conservation Area to the east.
- 2.4 The implications are outlined further in the assessment section of the report.

### **3.0 HISTORY**

- 3.1 There is no relevant recent planning history pertaining to the site.

- 3.2 This application was previously submitted under the application reference 2020/0781. This application was under consideration when the Council was hit by a cyber attack in October 2020. The application was subsequently withdrawn and resubmitted under its current application number to allow full public consultation.

### *Development in the vicinity*

- 3.3 There have been a number of planning applications granted in the vicinity which provide context for the proposed application. These are as follows:

#### 8-10 Orsman Road - 2015/2258

Demolition of existing building and erection part-3, part-5 and part-6 storey building to provide 4625.5sqm of office floorspace (use class B1)

Granted 17/12/2015

#### Travis Perkins, 305a Kingsland Road, Hackney, London, E8 4DL - 2019/2175

Demolition of existing buildings and structures and erection of a part 6 and part 7 (plus basement) building comprising flexible workspace (Use Class B1a and B1c) and co-living accommodation (sui generis); along with plant; cycle parking; refuse / recycling facilities; and associated works.

Granted 12/12/2020

## **4.0 CONSULTATIONS**

### **4.1 Dates**

- 4.1.1 Date Statutory Consultation Period Started: 23/02/2021  
4.1.2 Date Statutory Consultation Period Ended: 13/05/2021  
4.1.3 Site Notices: x 3  
4.1.4 Press Advert: Yes. Hackney Gazette 25/03/2021

### **4.2 Neighbours**

- 4.2.1 Letters of consultation were sent to 236 adjoining owners/occupiers.  
4.2.2 At the time of writing the report, 12 objections had been received on the grounds of:

#### Principle of development

- Not enough affordable living space
- Building is destined to remain unoccupied as with other buildings along the canal such as 6 Orsman Road. Pandemic reduced need for office buildings.

Design

- The building would protrude beyond the canal edge, overhang the canal
- Incongruous within existing frontage
- The front elevation is a very bland, almost joyless design that does little to add interest to the street scene of Orsman Road.
- The omission from the front elevation of the proposed building of any form of accessible outdoor space other than at fifth-floor level seems almost mean-spirited
- Too tall and bulky compared to neighbouring development
- High degree of visual impact
- The building balconies are now in line with those of Ronann apartments which is good.
- Curtain wall projecting beyond boundary line will have visual impact

Conservation

- The setting of the Conservation Area would be harmed less by a building that did not seek to assert its physical presence so strenuously.
- It has an overbearing character. This is not at all in keeping with the general industrial context and character of the area and would have a detrimental effect on this area of Special Landscape Character. The current structures at 16 Orsman Road may not have been maintained as the best example of heritage building in isolation, but within the industrial context they contribute to the character of the Regent's Canal Conservation Area. Kleine Wharf (14 Orsman Road) and Ronann Apartments (26 Orsman Road) use their design to positively engage with the canal context.
- Submitted documents disregard the heritage value of everyday building stock that developed around the canal, noted in the Conservation Area Appraisal. . Details of the building form an inherent part of the remaining industrial character of the canalside. The buildings that are set to be demolished, while they may not be celebrated or listed, or a focal point, have added value as everyday building stock since other examples on this stretch of canal on the adjacent sites have been demolished. Like the majority of buildings, they were not built with 'design aspiration' but functionality in mind. They are part of the rich nondesignated heritage of waterways celebrated in the London Plan 2021.
- There is a lack of clarity the potential impact on the conservation areas
- The heritage assessment notes that there will be harm to the conservation area, even if 'less than substantial'. It comments that 'assuming appropriate materials are agreed between the applicant and the LPA in due course overall, the scheme is considered to preserve the character and appearance of the Regent's Canal Conservation Area'. However, no evidence is presented that this assumption is likely to be met, nor are mechanisms to assure this.
- The scheme is noted to have a neutral – not positive- impact to the Kingsland Road Conservation Area. The heritage report also notes that there will be harm, if 'less than substantial', to the setting of the Grade II listed pub, The Stag's Head; and that other surrounding buildings, including heritage assets, will be negatively impacted.

Amenity impacts

- Loss of sunlight
- Overshadowing of roof gardens
- Loss of view
- Ground floor balcony will reduce privacy and should be reduced in size
- Direct view through the windows into the entire living space of the flat
- We believe that the adjustments made to try and counteract the fundamental light impact on Flat 66 have had the knock-on impact of increasing the invasion of privacy.
- Impacts on light to adjacent top floor unit. Incorrect assessment of primary and secondary windows
- Lack of regard for the proposed building's relationship with the surrounding environment
- Loss of light to Mandarin Wharf - Bedroom windows have been missed off plan. Furthermore even though the scheme has not substantially changed since the previous applicant for planning permission, figures light loss calculated by EB7 have moved materially in different directions (i.e. increasing and decreasing for adjacent windows) suggesting further errors in their model.

### Ecology

- Proposal will destroy trees and greenery
- Harm to local environment
- Detrimental to the wildlife, flora and distinct setting along the canal-side.
- Removes existing planting and current homes for wildlife decreasing the present levels of biodiversity eroding distinct setting
- The protected trees on the Canal & River Trust land directly north of 16 Orsman Road are not clearly visible in the design statement, making it unclear whether the applicant has considered them fully. There's also no mention of the loss of the considerable amount of ivy growing on the existing structure nor the plantings and bird nests on the south bank that would be disrupted by demolition and construction (see photos below). The proposed design is set to make a negative contribution to local canal ecology and it seems from the design statement it is doing the absolute least possible to meet requirements. As pointed out by the application's ecology consultants in their report, there is a lot of scope to improve the design's contribution to biodiversity by including a green wall and invertebrate and bird/bat habitat features in the fabric of the building.
- Light Emitting Disturbance The applicant proposes using LED based lighting, however it is not specified a colour temperature for those light fittings. I would like to note that cold/blue/white light is much more invasive for humans and to the general context of the development, and I believe the same applies to various affected wildlife on the canal. I think it would be reasonable that if planning is eventually granted to an improved scheme, it should be conditional on a Section 106 agreement that stipulates maximum light readings on the canal (in accordance with their proposed light emittance) as well as only warm (i.e. below 3400K) light fixtures being used.
- The potential negative impact on the protected canalside land and trees are a particular concern given that this is a nesting site for multiple bird species and a fishing site for herons and cormorants. The proposed scheme is

unambitious in its approach to this rejuvenated post-industrial context of biodiversity. It is counter to Hackney's Local Plan objective LP52. Apart from a basic proposal for protective fencing, the scheme lacks assurances regarding the care of this site through delivery and post-completion. The neighbouring building at 26 Orsman Road is notably more ambitious in terms of biodiversity, with its green wall.

- The development does not meet the standards set out in the published London Plan 2021 Policy SI 17. Rather, the scheme continues the elimination of the canal's local distinctiveness.
- Light Spill • The applicant's solution to previous comments about the detrimental impacts of light-spill on the canal has been to insert balconies in the central north-facing elevation. We question the logic of introducing this feature, which will create more noise and activity next to the conservation site and protected trees.

### Transportation

- Construction should be delayed traffic to minimise noise and air pollution and road safety on the residents of the street

*Officer's response: The above issues are addressed within the relevant sections of this report*

### Other issues

- Decrease value of property
- Residents need to be compensated
- The developer should pay to build another floor on the neighbours property and then have the new gardens in line with the new building

*Officer's response: These are not material planning considerations for the application.*

### Consultation

- Applicants ignored request for further consultation
- None of the neighbours that I've spoken to were invited to or visited the exhibition in 2019
- We object to the applicant's characterisation of local residents' responses as replica emails.

*Officer's response: The consultation for the application was carried out in accordance with statutory requirements*

## 4.3 **Statutory / Local Group Consultees**

### 4.3.1 Transport for London:

#### Cycle parking

- 92 long stay cycle parking spaces will be provided in the form of two-tier racks and Sheffield stands. Two racks should allow for double locking and assisted access. Minimum aisle widths are also required. 5% provision should be made for larger cycles.

- 10 short stay spaces are also proposed, these should be placed to avoid obstruction to pedestrians
- The proposed cycling welfare facilities, including showers and lockers, is very welcomed by TfL.

### Car parking

- The proposed development will be car free, which is strongly supported by TfL. Blue badge spaces to be provided following discussions with Hackney. They should be provided in line with policy T6.5 of the London Plan.

### Travel Plan

- It is understood a full Travel Plan will be prepared, which is welcomed.

### Delivery, servicing and construction

- The Transport Assessment states a Delivery and Servicing Plan (DSP) will be prepared, which is encouraged by TfL. The DSP should indicate the expected number of deliveries, identify measures to mitigate the impact of servicing and deliveries and set out how sustainable freight will be encouraged and enabled, for example through the provision of on-site cargo cycle parking
- A Construction Management Plan (CMP) has been submitted. This should be secured by condition. While this appears broadly acceptable in principle, TfL suggests the following should be considered:
  - The delivery times and routes of the construction vehicles.
  - Swept path analysis demonstrating how construction vehicles will access and egress the site in a forward gear.
  - The use of Fleet Operators Recognition Scheme (FORS) operators or similar.
  - Temporary obstructions during construction and delivery must be kept to a minimum and should not encroach on the clear space needed to provide safe passage for pedestrians and cyclists.

Providing the above is followed, TfL have no further comments or objection to this application.

*Officer's note: The above have been conditioned where appropriate*

4.3.2 Kingsland CAAC: We object to this application. The proposed building is far too large for the site and adds to the cliff face being created along the canal. The mix of building heights with occasional breaks forms a key feature of the canal and this rhythm will be lost if each new development increases in scale to this extent. The elevational treatment of ribbed metal and fibre cement cladding is very uninspiring. This development would be detrimental to the canal scape.

4.3.3 Canal and River Trust:

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

- a) The impact of artificial lighting on ecology in terms of light spill over the Regent's Canal
- b) The impact of overshadowing on the ecology and amenity of the Regent's Canal
- c) The impact of construction on the structural integrity of the Regent's Canal



d) The impact on the character and appearance of the Regent's Canal Conservation Area

4.3.4 Based on the information available our substantive response, as required by the Town & Country Planning (Development Management Procedure) (England) Order 2015 (as amended), is to advise that suitably worded conditions and/or a legal agreement are necessary to address these matters. Our advice and comments follow:

*Artificial lighting and ecology*

4.3.5 The Trust advises that artificial light spill over the surface of waterways should be avoided to minimise adverse impacts on biodiversity. Amongst other species, bats are known to use waterway corridors as foraging routes and are understood to be particularly sensitive to artificial light within these corridors. The Trust recommends that regard is had to the Institution of Lighting Professions (ILP) and the Bat Conservation Trust's guidance in considering whether light spill associated with a new development is consistent with the NPPF's requirement at paragraph 170 for "minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures".

4.3.6 An amended External Lighting Report has been submitted to reflect the proposed amendments to the canalside frontage of the building. The Report forecasts that along a strip on/over the canal 6m from the building, light spill would be an average of 5.3 lux. 14m from the canal, it would be approximately 3.3lux. While these figures are an improvement on the previous design's expected readings, the Trust's Environment Team have advised that there should be 0 lux light spill over the canal channel, with a maximum of 5Lux at the margins and banks. We would further request that this be considered and any further mitigation applied that might reduce this expected light spill, and have suggested a condition at the bottom of this letter.

*Overshadowing*

4.3.7 We note the proposal would be taller than the neighbouring buildings on each side, and that there would be quite considerable shading of the canal, illustrated in the Daylight & Sunlight Report. The shading caused by the increased height of the building can impact the potential for plankton to photosynthesise, thus impacting on their numbers and the rest of the aquatic ecosystem. Overshadowing can also adversely impact on the amenity of the canal environment, for boaters and towpath users. If the proposed building height was reduced to match the neighbouring building's height, the shadowing would be reduced.

*Ecology and mitigation*

4.3.8 Some mitigation of the above ecological impacts can be provided for by the installation of new habitat (including floating eco-systems), as proposed in the Preliminary Ecological Appraisal. This is suggested to be agreed in detail by condition, and we have therefore suggested conditions, at the bottom of this letter.

*Surface water drainage*

4.3.9 We have requested a condition regarding details of surface water drainage, to ensure that the design of this considers the canal environment.

*Waterway wall*

- 4.3.10 An underwater canal wall survey should be undertaken to assess the current state of the offside (non-towpath side) waterway wall, and submitted with a schedule of repairs to defects found, prior to construction. The Trust would also like to see the foundation design proposal of the north (canalside) elevation especially, to ensure that consideration for excavation, waterproofing and strengthening of the waterway wall has been implemented, especially if the intention is to build on top the waterway wall. We have suggested conditions regarding this, at the bottom of this letter.

*Design*

- 4.3.11 The proposed canal-facing north elevation, now subdivided into three sections of similar width but differential heights, would seem to be an improvement on the previous proposal by helping to break up the mass of the canalside frontage, with the stepped roof line responding to the heights of the properties either side. In addition, the revised proposal introduces some contrasts in materials that help to provide visual interest. The appearance of the north elevation from the conservation area is improved.

*Offsite improvements*

- 4.3.12 The development will bring additional visitors to the canalside, who are likely to make use of the canal towpath for leisure during breaks, and for commuting to the building, which will put additional pressure on this unique open space resource. There are therefore opportunities for the development to support wayfinding improvements on the towpath side of the canal, as well as through the provision of a bike wheeling channel in the nearby steps from De Beauvoir Crescent to the towpath. These would help improve the accessibility of the canal for the future site occupants, and their use of it for active travel. We would suggest a contribution should be made to provide these improvements, to help mitigate the impact of the development.

*Officer's note: Conditions have been recommended where appropriate*

- 4.3.13 Natural England: Natural England has no comments to make on this application
- 4.3.14 Hackney Society: We resubmit our comments on 2020/0781 of 9 May 2020, on the assumption this is the same application: HSPG benefited from a presentation by the development team in February 2020, for which we are grateful. The most significant aspect of our discussion was around the potential of light pollution and effect on biodiversity and visual amenity of the glazed facade upon the canal. It is regrettable more work hasn't been done in this respect prior to submission. It is clear from the language of the application that the glass curtain wall is designed to maximise views and daylight within the building and that the 'localised screening' is something of an afterthought that misses much of our concern. The design is poorly communicated with reference to 'vertically slatted railings' on p44 of the Heritage Statement and horizontal louvres depicted in scant detail on p30 of the DAS. These fail to solve any of the problems that arise from the leakage of light least of all the visual appearance along the canal, and in any event need substantially more details to be considered effective and acceptable. The Planning

Statement (4.37), Ecology Statement (6.1, 7.1 & 8.3) and External Lighting Statements (as terse as it is) refer, in a circular fashion, to each other; each deferring to the other and none providing any evidence that the effect of the lighting on the canal is not injurious to biodiversity. Fundamentally we question the logic of installing an entire glass elevation to then install louvres to limit the intended effect. A similar development at no. 6 demonstrates that the scale, material palette and use is at odds with the setting of the canal and surrounding mixed use environment, particularly after dark when the interiors are intensely artificially lit with no attempts at mitigation. We think the proposed north/canal-side elevation requires a far more considered, context-sensitive rethink that avoids another modern glowing building on the canalside that fails to reflect any of the historic character that is being eroded. The proportions of the ribbon windows to the south elevation are intended to 'relate to the neighbouring buildings and unify the massing which is differentiated by texture'. Here the ribbon windows are less effective on this relatively stubby and stepped elevation compared to no. 6. The line of tree protection screening does not appear practical, with pruning back to the building line proposed. A 1.5m space is typically required for construction work beyond the façade.

The HSPG welcomes some of the improvements to elevation and detailed design, including the balconies, but now feel the proposal is too massive - one floor less would, we think, solve that issue and be less of a dominating mass.

- 4.3.15 Thames Water: No objection subject to informatives
- 4.3.16 Met Police: No objection, subject to conditions and continued involvement.
- 4.3.17 Hackney Swifts Group: We welcome the recommendations of the ecologist Greengage in their Preliminary Ecological Appraisal, and would like to see their full implementation designed by an ecologist in the planning conditions if this development is granted permission, including lighting design to reflect the high ecological importance of the adjacent Regent's Canal SINC.

*Officer's note: These are addressed by condition*

- 4.3.18 Crossrail safeguarding: No objection subject to conditions and informatives relating to foundation design and piling
- 4.3.19 Wildlife Gardeners of Haggerston: To summarise, the biodiversity and amenity loss resulting from 2020/3839 needs to be mitigated for if biodiversity net gain is to be achieved.
- 4.3.20 The loss of established, undisturbed, riparian vegetation and aquatic habitat to the immediate north of the site can be partially mitigated with Biomatrix floating islands. However, the new taller building will cast more shadow here. Temperatures will be lower, vegetation will grow more slowly and the types of vegetation that can thrive will be restricted. To compensate for the loss of this valuable bank of vegetation, Biomatrix floating islands should be additionally installed along the sunlit, towpath edge of the canal. The towpath edge planters

will not provide habitat for birds, because of disturbance from people and dogs, but will benefit invertebrates and fishes because of the sunlight.

- 4.3.21 Because this will be of significantly lower wildlife value, mitigation can be made through additional planting along the sunlit towpath edge of the canal. This will also benefit the developer as those inside the building will enjoy the view of a naturalistic edge of the canal.
- 4.3.22 Both of these Biomatix islands will need to be maintained: the Chartered Institute of Ecology and Environmental Management (CIEEM) good practice principles for development states:11.7.1 Be specific on timescales. The good practice principles require BNG to be sustained “over the longest possible timeframe” with the expectation that it covers “at least the lifetime of the development (eg often 25 to 30 years) with the objective of net gain management continuing in the future”.
- 4.3.23 In addition, the rare earth bank to the north of the site will be disturbed during the build. The understory and herbaceous planting is likely to be destroyed and the soil compacted. This planting will need to be replaced.
- 4.3.24 Additionally, the maintenance of the building should not rely on the use of the earth bank to access the outside of the building as this would mean regular disturbance of an area that is currently not disturbed.
- 4.3.25 It would be helpful for a maintenance regime to be drawn up which clearly shows that the northern external façade of the building can be accessed from the site itself without relying on disturbing the earth bank.
- 4.3.26 Lighting that illuminates the canal and earth bank – including the trees which are potential bat roosts, should follow recommendations from the Bat Conservation Trust.
- 4.3.27 The sunlight enjoyed by people and wildlife in the morning will be lost if the proposal goes ahead in its current form. Later in the day sunlight does reach the towpath but the area is busier and less valuable for wildlife.
- 4.3.28 **Internal Consultees**
- 4.3.29 Transportation: No objection. The scheme is considered acceptable subject to conditions and section 106 contributions
- 4.3.30 Waste: No objection.
- 4.3.31 Environmental Protection Team (Noise): No objection, subject to plant noise condition.
- 4.3.32 Pollution Air: No objection, subject to construction management plan condition and condition requiring Non-Road Mobile Machinery to meet emission standards
- 4.3.33 Pollution Land: No objection, subject to contaminated land conditions.

4.3.34 Drainage: No objection, subject to sustainable drainage system conditions.

4.3.35 CCTV and Emergency Planning: No response received.

## 5.0 POLICIES

### 5.1 The London Plan (2021)

- GG1 Building strong and inclusive communities
- GG2 Making the best use of land
- GG3 Creating a healthy city
- GG5 Growing a good economy
- GG6 Increasing efficiency and resilience
- D1 London's form, character and capacity for growth
- D3 Optimising site capacity through the design-led approach
- D4 Delivering good design
- D5 Inclusive design
- D8 Public realm
- D11 Safety, security and resilience to emergency
- D12 Fire Safety
- D13 Agent of change
- D14 Noise
- E1 Offices
- E2 Providing suitable business space
- E3 Affordable workspace
- E4 Land for industry, logistics and services to support London's economic function
- E9 Retail, markets and hot food takeaways
- E11 Skills and opportunities for all
- HC1 Heritage conservation and growth
- G1 Green infrastructure
- G4 Open Space
- G5 Urban greening
- G6 Biodiversity and access to nature
- G7 Trees and woodlands
- S11 Improving air quality
- S12 Minimising greenhouse gas emissions
- S13 Energy infrastructure
- S14 Managing heat risk
- S15 Water infrastructure
- S16 Digital connectivity infrastructure
- S17 Reducing waste and supporting the circular economy
- S112 Flood risk management
- S113 Sustainable drainage
- S116 Waterways - use and enjoyment
- S117 Protecting and enhancing London's waterways
- T1 Strategic approach to transport
- T2 Healthy Streets

- T4 Assessing and mitigating transport impacts
- T5 Cycling
- T6 Car parking
- T6.2 Office Parking
- T6.3 Retail parking
- T6.5 Non-residential disabled persons parking
- T7 Deliveries, servicing and construction
- T9 Funding transport infrastructure through planning
- DF1 Delivery of the Plan and Planning Obligations

## 5.2 Hackney Local Plan 2033 (2020) (hereafter “LP33”)

- PP1 Public realm
- LP1 Design Quality And Local Character
- LP2 Development And Amenity
- LP3 Designated Heritage Assets
- LP4 Non-Designated Heritage Assets
- LP8 Social and Community Infrastructure
- LP9 Health and Wellbeing
- LP10 Arts, Culture and Entertainment Facilities
- LP11 Utilities And Digital Connectivity Infrastructure
- LP26 Employment Land and Floorspace
- LP27 Protecting and Promoting Office Floorspace in the Borough
- LP28 Protecting and Promoting Industrial Floorspace in the Borough
- LP29 Affordable Workspace and Low Cost Employment Floorspace
- LP31 Local Jobs, Skills And Training
- LP36 Shops Outside Of Designated Centres
- LP37 Small and Independent Shops
- LP41 Liveable Neighbourhoods
- LP42 Walking And Cycling
- LP43 Transport And Development
- LP44 Public Transport and Infrastructure
- LP45 Parking And Car Free Development
- LP46 Protection and Enhancement of Green Infrastructure
- LP47 Biodiversity and Sites of Importance of Nature Conservation
- LP48 New Open Space
- LP49 Green Chains and Green Corridors
- LP51 Tree Management And Landscaping
- LP52 Water spaces, Canals and Residential Moorings
- LP53 Water And Flooding
- LP54 Overheating And Adapting To Climate Change
- LP55 Mitigating Climate Change
- LP56 Decentralised Energy Networks (Den)
- LP57 Waste
- LP58 Improving The Environment - Pollution

## 5.3 Supplementary Planning Documents / Guidance

*Greater London Authority:*  
Sustainable Design and Construction (2014)

*London Borough of Hackney*  
Sustainable Design and Construction SPD (2016)  
S106 Planning Contributions SPD (2020)  
Public Realm SPD (2012)  
Transport Strategy 2015-2025  
Regent's Canal Conservation Area Appraisal 2007  
Kingsland Conservation Area Appraisal 1998

5.4 National Planning Policies/Guidance

National Planning Policy Framework  
Planning Practice Guidance

**6.0 PLANNING CONSIDERATIONS**

**6.1 Overview**

- 6.1.1 The application seeks to redevelop the site to provide a part 5, part 6 storey building providing predominantly office floorspace. The development will provide ten percent of the office accommodation as affordable workspace, at a rate of 60% of market rent.
- 6.1.2 The building will also contain a ground floor flexible unit which can be used as retail, offices or other commercial premises. This unit activates the ground floor frontage on Orsman Road.
- 6.1.3 The proposed building maintains the building line on both Orsman Road and the canal. The building will provide ground floor and roof terraces with canal facing balconies to provide amenity space for workers
- 6.1.4 The building will largely be clad in pressed / folded steel rain-screen cladding panels which will be powder coated white
- 6.1.5 Waste storage and cycle storage are provided at ground floor level and are incorporated into the main bulk of the building. Servicing will be carried out from the street.
- 6.1.6 The building incorporates sustainability features such as a biodiverse roof and photo-voltaic panels. The development will increase biodiversity on site through a green wall, floating ecosystems and integrated bird and bat boxes.
- 6.1.7 The main considerations relevant to this application are:
- Land use
  - Blue ribbon network
  - Design
  - Conservation

- Fire safety
- Green infrastructure and biodiversity
- Residential amenity of neighbouring properties
- Transportation and highways
- Waste management
- Sustainability and energy
- Drainage and flood risk
- Pollution
- Community Infrastructure Levy

6.1.8 Each of these considerations is discussed in turn below.

### 6.2 Land use

- 6.2.1 The site is currently in industrial and office use and is considered to fall within Use Class E (formerly Class B1). The premises are occupied by a company which is a supplier of medical equipment which is relocating its operation out of the Borough.
- 6.2.2 Policy LP28 of the LP33 (2020) discusses the loss of industrial floorspace outside of Priority Industrial Areas and Locally Significant Industrial Sites. The policy allows for the loss of industrial floorspace where robust evidence has been provided demonstrates that there has been no demand for the existing or vacant land and floorspace for its current or former use, new employment provides high quality flexible floorspace and the floorspace has a strong likelihood of being occupied.
- 6.2.3 Policy E1 of the London Plan (2021) states that improvements to the quality, flexibility and adaptability of office space of different sizes should be supported by new office provision and that increases in the current stock of offices should be supported in the locations including in locally-oriented, town centre office provision to meet local needs.
- 6.2.4 Policy LP26 of LP33 seeks to deliver new office floorspace across the borough and states within Priority Office Areas, office-led (B1a) development will be supported. The site is located within Kingsland POA.
- 6.2.5 Since the Local Plan was adopted in July 2020, the planning system has been amended nationally to make significant changes to the Use Class Order. The changes have resulted in the creation of a new Use Class “E”. This incorporates the former Use Classes of A1, A2, A3, B1 and parts of D1 covering activities as diverse as retail, restaurants through to medical services, recreation, offices and light industrial. References to Use Class B1a in the following policies are now understood to mean Use Class E(g)(i).
- 6.2.6 The development proposes approximately 4,000 square metres of new office floorspace in compliance with this policy. The proposed layout is considered to be acceptable in design terms with the opportunity to be used flexibly by more than one occupier and provides large floorplates with large windows with good quality light and outlook.



- 6.2.7 While there would be some loss of industrial floorspace outside a PIA or LSIS it is not considered necessary to require the reprovision on this site given the sites separate designation in the Local Plan as a Priority Office Area. This designation indicates that an assessment of this site has concluded that it would be better suited to the provision of high-quality office space. Additionally, policy GG2 of the London Plan requires development to make the best use of land including intensifying to provide additional workspaces. The proposed high quality office space is considered to be an appropriate development which makes the best use of the site in accordance with policy GG2 and its designation as a POA.

*Affordable workspace*

- 6.2.8 Policy E1 of The London Plan (2021) states that development proposals related to new or existing offices should take into account the need for a range of suitable workspace including lower cost and affordable workspace.
- 6.2.9 Policy LP29 of LP33 requires that at least 10% of the new employment floorspace (gross) should be affordable at no more than 60% of the locality's market rent in perpetuity.
- 6.2.10 The applicant has agreed to provide the floorspace in line with the requirements of the policy. The exact arrangement of the floorspace will be secured through the Section 106 legal agreement. Various arrangements were provided as options but it is considered that the applicants should talk to a registered provider about the optimum arrangement for the RP and provide the space in line with their needs.
- 6.2.11 The development is therefore in compliance with policy LP29 of LP33.

*Flexible ground floor unit*

- 6.2.12 The proposal includes the creation of one flexible unit at ground floor (Use Class E). Policy LP37 of LP33 seeks to encourage the creation of these small scale retail units within appropriate locations, subject to the impact such uses could have on the surrounding environment.
- 6.2.13 Although the applicant proposed a flexible office/retail unit, the new unit will not be restricted to a specific use within Class E. This will allow for flexibility in the uses that can be provided on site in recognition of the intention between the changes to the Use Class Order. The following policies are relevant to the types of uses that could be provided under the Use Class E. Hours of operation will be restricted by condition to minimise the impact of neighbouring residents.

Retail

- 6.2.14 Policy LP37 states that small A1 shop units suitable for small and independent retailers are supported. It states that major development must incorporate small shop units where there are no alternative shopping facilities.
- 6.2.15 The proposal is within 400 metres of other small retail units so would not be required to provide the small units. However, their provision is supported and the

small nature of the units means they would be suitable for small and independent retailers.

### Health, recreation or leisure uses

- 6.2.16 Policy LP8 of LP33 states that proposals for social and community infrastructure will be permitted where they meet the following criteria:
- i. meet the current or future identified need; and
  - ii. are of a high quality and inclusive design providing access for all; and
  - iii. provide flexible, affordable and adaptable buildings and, where possible, mixed use development, co-located with other social infrastructure uses and maximise use of buildings in evenings and at weekends.
- 6.2.17 The policy then goes on to state that facilities should be located in places that are accessible by walking, cycling or public transport for its end users.
- 6.2.18 Similarly, LP10 states that smaller scale arts, culture and leisure facilities will be permitted in areas that are accessible by public transport and walking and cycling routes by those that are likely to use the facility.
- 6.2.19 The small scale of the unit means it is unlikely to be occupied by a social or community use but it is noted that if there is demand for a use of this kind it could be supported here. The unit would be high quality, has level access and is within an area of very good accessibility for public transport and cycling infrastructure.

### *Conclusion*

- 6.2.20 In light of the above, subject to conditions, the principle of office space and a flexible unit are considered to be in accordance with policies LP8, LP10, LP26, LP27, LP29 and LP36 of LP33.

## 6.3 **Blue ribbon network**

- 6.3.1 Policy LP52 of LP33 (2020) sets policy for development on Hackney's waterways. It provides a set of criteria which development proposals must meet in order to be permitted. Development alongside water spaces and riparian areas will be permitted where all of the following criteria are met:
- i. Public access in the form of a continuous green chain along the waterfront or towpath is maintained, created or enhanced. This should include, where appropriate, the incorporation of an undeveloped buffer strip alongside the watercourse; and
  - ii. There is no conflict with nature conservation, biodiversity interest, heritage value or flood risk management. Mitigation or compensatory measures may be necessary; and
  - iii. The development enhances the leisure, recreation or educational value of the water space; and
  - iv. The development does not have an adverse impact on the structural integrity of the waterspace ; and

- v. The development does not cause additional overshadowing of a canal. A daylight and sunlight assessment must be submitted with all applications and mitigation or compensatory measures may be necessary; and
- vi. The design makes a positive contribution to the character and appearance of the waterfront area and setting.

6.3.2 The development has been assessed against the criteria listed above and are listed below.

*Public access*

6.3.3 The proposed development is located on the southern side of the canal. There is an established towpath which provides public access the length of the canal on the northern bank. The southern bank is already highly developed and does not provide access. The provision of public access on this site is not considered appropriate or necessary.

*Nature conservation*

6.3.4 The development has been assessed against this criterion and subject to appropriate conditions is not considered to conflict with nature conservation, biodiversity interest, heritage value or flood risk management. Further information on each of these is provided in relevant sections of this report.

*Leisure value*

6.3.5 The proposed development is not considered to affect the current leisure or recreational enjoyment of the canal. The proposal relates to the southern bank and is therefore away from the northern bank towpath. The development will not affect the passage of canal boats or other watercraft.

*Structural integrity*

6.3.6 The Canal and River Trust has assessed the proposed development in relation to the structure of the canal wall. Conditions including in relation to foundation design have been recommended to ensure that the development does not adversely affect the canal wall's structure.

*Overshadowing*

6.3.7 The *Daylight and Sunlight Study* (eb7, 9 October 2020) also assessed the impact of the building on shading of the canal using the Annual Probable Sunlight Hours test. The area to the immediate north of the building was assessed. The results show that the development would be compliant with the BRE recommendations.

6.3.8 In addition to the March 21st assessment the applicant undertook an analysis of the canal shading on June 21 illustrating shading in summer. This shows that there is no material shading to the canal on this date and the effects comply with the BRE criteria.

- 6.3.9 However, in accordance with policy GG2 of the London Plan sites are required to create successful sustainable mixed-use places that make the best use of land which includes intensifying the use of land to support additional workspaces. Therefore intensification of the site will inevitably cause additional overshadowing of the canal as the development is larger than the existing buildings on site. However, ecological improvements are recommended through conditions and legal agreement to mitigate the impact of the development and ensure the development represents biodiversity net gain.

### *Character and appearance*

- 6.3.10 The development has drawn elements of the neighbouring buildings to ensure it is appropriate for its waterfront setting. This is discussed further in the design section below.
- 6.3.11 Overall, it is considered the development meets the criteria set out for development on waterways and is therefore compliant with policy LP52 of Local Plan 2033 (2020).

## 6.4 Design

- 6.4.1 London Plan policy D3 says that development should enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions. London Plan policy D4 provides policy for ensuring that design quality is maintained through to completion.
- 6.4.2 Policy LP1 states that all new development must be of the highest architectural and urban design quality. Key elements of the policy include that development should respond to local character and context and be compatible with the existing townscape including urban grain and plot division.
- 6.4.3 The general scale and massing of the existing buildings along this section of the canal (taken to be from between Kingsland and Whitmore roads) ranges from 5-6 storeys, with a varied architectural character. The current character of this section of the canalscape consists of more horizontal apartment buildings, punctuated by buildings with a more vertical emphasis such as at 5 Orsman Road and 6 Orsman Road. This is demonstrated by recent planning permissions for 6 storey buildings at 8-10 Orsman Road and a decision to grant permission for a Kingsland Basin scheme made in December 2020.

### *Scale and massing*

- 6.4.4 The proposed development is for a part five-storey, part six-storey building. The building would be located on the boundary of the site on Orsman Road retaining the building line of the two buildings on either side. On the northern side of the site, adjacent to the canal, the building is set back from the red line boundary but contains a ground floor terrace of approximately 2.4 metres which would separate the main bulk of the building from Regent's Canal.

- 6.4.5 The building comprises two elements on the Orsman Road elevation with half of the building set back behind the front element by approximately 1.8 metres. It maintains a largely consistent building line with the buildings on either side. The scale of the proposal would help reinforce the currently fragmented edge condition of buildings along Orsman Road and is of an appropriate scale in relation to other buildings within the streetscape.
- 6.4.6 The development provides an active frontage to Orsman Road which includes a retail unit and main entrance to the offices. The building maintains the building line of the buildings on either side which is considered to enhance the public realm. Overall, the entrance and ground floor space are successful in activating the street and contributing to a well designed streetscape.
- 6.4.7 On the northern side of the building the building has been divided into three elements. The shorter five-storey element to the east, the six storey element to the west and a third element in the middle, also six-storeys but approximately 0.7 metres taller than the element to the west. The middle section would connect to the plant element which separates the roof terraces. This middle section would be located centrally in the roof set in 14metres from the Orsman Road elevation thereby reducing its visual impact on the streetscene.
- 6.4.8 The three elements of different heights reinforces the emerging character of the canalscape where periodic moments of increased height emphasise verticality, complementing the more horizontal apartment buildings between.

*Architectural detail*

- 6.4.9 The proposal has been modified in design from the previous design which was submitted in the application which was affected by the cyber attack. The development has removed the large curtain wall and the proposed deep revealed windows to the south and the more open north elevation are appropriate given the orientation of the site. The fenestration has been designed to maximise light into the building while minimising light out towards the canal. The solid to void ratio to both facades is considered to be in keeping with the existing ratio along both the canal and Orsman Road.
- 6.4.10 The relationship with the apartments on the setback fourth floor of Kleine Wharf is considered to be acceptable in design terms as a green wall is provided on the east facing flank elevation, which helps to mitigate the impact of development to this property.
- 6.4.11 The proposed balconies being limited to the central 'third' of the northern elevation are a positive interpretation to the design of hanging balconies found in other industrial buildings along Regents Canal, as evidenced in the provided *Addendum to the Design and Access Statement* (Waugh Thistleton, October 2020). The design of the balconies also helps to mitigate light pollution to the canal. The presence of this amenity space will help to ensure a high quality workspace to the users of the building.

- 6.4.12 The incorporation of the plant room to accommodate two roof terraces is considered to be successful and helps to minimise the potential for an incongruous element on the roof level of the proposal. The space and level of amenity on this roof terrace is considered to be of good quality.

### *Materiality*

- 6.4.13 The proposal is for the use of pressed / folded steel rain-screen cladding panels which will be powder coated white. The use of the folded steel plate material, will help contribute to the varied materiality of buildings along Orsman Road aforementioned, whilst referencing the mixed industrial heritage of the site, as explained in the Regents Canal Conservation Area Appraisal.
- 6.4.14 The proposed detailing of this material, including the white metal flashing, is considered to achieve a high quality design. The design of the balustrade to the balconies is considered appropriate and is of a high quality steel to match the materiality of the building. As such, the proposed materiality is considered to be acceptable in design terms.
- 6.4.15 The materials proposed will be conditioned in order to ensure a high quality and appropriate finish given the sensitive location of the site, and the scale of the building and will be reviewed on site. Details of materials will be required by condition to ensure the materials proposed are high quality.

### *Landscaping*

- 6.4.16 The proposed development includes rear and roof terraces. The roof terraces in particular have proposed planting which softens the terraces and helps achieve biodiversity gain on site. Details will be secured by condition to ensure high quality materials are used and appropriate planting.

### *Secured by design*

- 6.4.17 Policy LP9 of LP33 (2020) states that new development will be permitted where it is designed to promote well-being and schemes must meet 'Secured by Design principles' where feasible.
- 6.4.18 The proposed development has been assessed by the Metropolitan Police's Designing Out Crime officer. The officer has stated that the scheme has the potential to achieve accredited status. A condition requiring the scheme to achieve Secured by Design accreditation has been included.

## 6.5 **Conservation**

- 6.5.1 The Council is under statutory duties contained within sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to grant permission only to applications which preserve or enhance listed buildings, their settings and conservation areas.

- 6.5.2 The National Planning Policy Framework provides a range of policies relating to heritage protection at paragraphs 184 to 202. The Council has considered the proposed development in relation to these policies and particularly Paras 189 to 197.
- 6.5.3 Policy HC1 of the London Plan (2021) and Policies LP3 and LP4 of LP33 require that development preserves or enhances the character of designated and non designated heritage assets.
- 6.5.4 The heritage value of the existing buildings on the site has been assessed. It is considered that whilst this is one of the few remaining wharfside buildings on this section of Regent's Canal, the buildings themselves are not heritage significance due to the lack of architectural interest, and extensive low quality alterations over time. This is an assessment that is corroborated with an evaluation of the heritage statement provided.
- 6.5.5 In terms of heritage assets in the vicinity, a small part of the site is located within the Regents Canal Conservation Area. The site is also located immediately adjacent to the Kingsland Conservation Area to the East.
- 6.5.6 Furthermore, the site is located near a Grade II statutory listed building, The Stag's Head Pub, at 55 Orsman Road to the south-west, and the locally listed building at 15 Orsman Road, to the south-east. Both of these buildings are to the south side of Orsman Road and do not adjoin the application site. The site in its existing condition does not contribute to the significance of these listed and locally listed buildings.
- 6.5.7 The applicant provided *Heritage Statement* (Built Heritage Consultancy, February 2020) in support of the application.
- 6.5.8 The impacts of the proposed development on these heritage assets are considered as follows as required by the above identified legislation and policy.

*The Stags Head, 55 Orsman Road (Grade II listed)*

- 6.5.9 It is considered that the proposal would cause no harm to the setting of this building due to the appropriate scale form and massing of the proposal, which is in keeping with the scale of the northern terrace on Orsman Road, as well as the high quality of materials proposed. The proposal is only partially visible in the field of view of the pub and they are not aligned within the streetscape, on opposite sides of the street, 50 metres apart. Therefore, the impact of the proposed development on the setting of these buildings is neutral, the setting of the listed building is preserved and there is no harm identified.

*15 Orsman Road (locally listed)*

- 6.5.10 It is considered that the proposal would cause no harm to the setting of this building. The proposal is only partially visible in the field of view of the locally listed building and they are on opposite sides of the street, approximately 60 metres apart. The scale form and massing of the proposal, is in keeping with the northern

terrace on Orsman Road and helps to repair the currently fragmented building line. Therefore, the impact of the proposed development on the setting of these buildings is neutral, the setting of the locally listed building is preserved and there is no harm identified.

*Regents Canal Conservation Area*

- 6.5.11 The site sits adjacent to Regents Canal Conservation Area which is located to the north of the site. It is noted that the conservation area map appears to show a very small section of the application site located within the conservation area, however this is considered to have been a mapping error, as the host building was never intended to be included as part of the conservation area. The form, scale and massing of the proposal is in keeping with the general massing of other buildings on the edge of the Regents Canal whilst the proposed materiality, design and detailing appropriately reference the historically industrial uses associated with the canal over its history. Therefore, the proposal is considered to preserve the character and appearance of the conservation area and its setting and there is no harm identified.

*Kingsland Conservation Area*

- 6.5.12 The site is located immediately adjacent to, but not within, the Kingsland Conservation Area, which is situated to the East of the site. The form, scale and massing of the proposal is in keeping with the general massing of other buildings on the edge of the Regents Canal, whilst the proposed materiality, design and detailing appropriately reference the historically industrial uses associated with the canal over its history. Therefore, the proposal is considered to preserve the setting of the conservation area and there is no harm identified.

*Conclusion*

- 6.5.13 The relevant conservation considerations are: 1) the indirect impact (harm to setting) of the designated heritage assets (the Regents Canal and Kingsland Conservation Areas) and The Stag's Head Public House; 2) the indirect impact (harm to setting) of the non designated heritage asset (the locally listed building at 15 Orsman Road).
- 6.5.14 The existing building does not contribute positively to the setting of the designated heritage assets (the Regents Canal and Kingsland conservation areas and The Stag's Head Public House). Its loss therefore causes no harm. Because the proposed development (the replacement building) is considered to be a good contextual design, there is no indirect harm to the designated heritage assets.
- 6.5.15 The existing building does not contribute positively to the setting of the non designated heritage asset (15 Orsman Road). Its loss therefore causes no harm. Because the proposed development (the replacement building) is considered to be a good contextual design, there is no indirect harm to the non-designated heritage assets.



- 6.5.16 It is therefore considered that, since there is no harm, the policy tests relating to substantial and less than substantial harm to designated heritage assets in NPPF paragraph 195 and 196 are not engaged. It is also considered that, since there is no harm, the balancing act required in relation to non-designated heritage assets in NPPF paragraph 197 is not engaged.
- 6.5.17 Therefore it is considered that the Council has discharged its duty in relation to Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and that the proposals preserve and enhance the conservation area and do no harm to the setting of the listed building.
- 6.5.18 It is therefore further considered that the proposals are in compliance with LP33 Local Plan policies LP3 Designated Heritage Assets and LP4 Non Designated Heritage Assets and with The London Plan Policy HC1 Heritage Conservation and Growth and the NPPF.

### 6.6 **Fire safety**

- 6.6.1 Policy D12 Fire safety of the London Plan (2021) states that to ensure the safety of all building users, all development proposals must achieve the highest standards of fire safety. All major proposals are required to submit a fire statement with the application to demonstrate compliance.
- 6.6.2 The applicant has submitted *Fire Strategy Report* (MLM Group, 1 June 2021) which combines an initial fire strategy report and comments in response to queries from the Council's Building Control officer.
- 6.6.3 The Council's Building Control officer has reviewed the submitted document and subject to a compliance condition is satisfied with the design of the building in regards to fire safety.
- 6.6.4 The development is therefore compliant with policy D12 of the London Plan (2021).

### 6.7 **Green infrastructure and biodiversity**

- 6.7.1 Policy G1 of the London Plan (2021) and policy LP46 of LP33 (2020) require that all development should enhance the network of green infrastructure. The following sections of this report discuss the policies relevant to green infrastructure for this development.

#### *Trees*

- 6.7.2 Policy G7 of the London Plan (2021) states that, wherever possible, existing trees of value are retained. Policy 51 of LP33 states all development proposals must retain trees of amenity value.
- 6.7.3 There is a group of three trees on the bank immediately to the north of the development site which has a group tree preservation order. The three trees are an alder, a sycamore and a cherry.

- 6.7.4 The applicant has submitted *BS5837 Arboricultural Impact Assessment and Method Statement* (Greengage, January 2021) which assesses these trees and sets out their protection during construction. All three have been classified as Category C trees. It is noted the TPO relates to their value as a group rather than as individual trees.
- 6.7.5 The Council's Tree officer has reviewed the proposal and is satisfied with the proposed pruning of tree 1 and the other recommendations of the report. A condition will be added ensuring the development is carried out in accordance with the tree protection plan and method statement submitted.

#### *Biodiversity*

- 6.7.6 Policy G6 of The London Plan (2021) states that sites of importance for nature conservation (SINC) should be protected and policy LP47 of LP33 (2020) outlines that wherever possible, developments should make a positive contribution to the protection, enhancement, creation and management of biodiversity. New development on or adjacent to Sites of Importance for Nature Conservation (SINCs) must not have a detrimental impact on the biodiversity or nature conservation value of the site. Development will only be permitted where appropriate mitigation or compensatory measures are put in place.
- 6.7.7 Regent's Canal located to the north of the site is a designated metropolitan level SINC under the name London's Canals.
- 6.7.8 The applicant has submitted *Preliminary Ecological Appraisal* (PEA) (Greengage, October 2020) and *Biodiversity Net Gain Assessment* (Greengage, October 2020).
- 6.7.9 The ecological appraisal aimed to establish the ecological value of the site and the presence of notable and/or legally protected species in order to inform appropriate mitigation, compensation and enhancement actions. The study assessed the site and the area of embankment to the north of the site. Consultation with Canal & River Trust, has confirmed records of nesting birds, including moorhen, mallard, coot, wren and blackbird on the embankment to the north. As the embankment will be retained, the ecological appraisal recommended mitigation actions to avoid disturbing these species during the construction phase.
- 6.7.10 Additional enhancement recommendations relating to design and species specifications, which target UK, London and Hackney Biodiversity Action Plan (BAP) species include:
- Provision of a green wall, either modular or on a trellis system along the canal frontage;
  - Provision of floating ecological enhancements along the canal itself;
  - Use of integrated invertebrate habitat features; and
  - Provision integrated bird and bat boxes within the fabric of the new building.
- 6.7.11 The biodiversity assessment indicates that the current site has a baseline biodiversity value of 0.00 as the site is buildings and hardstanding only. The

provision of a green roof and shrub and herbaceous planting on the fifth floor terraces would result in a net gain of 0.28 biodiversity units.

- 6.7.12 Additional measures identified in the PEA will also help to increase biodiversity such as habitat for invertebrates and bird and bat boxes.
- 6.7.13 Conditions will be included to ensure the green roof and planting are provided to ensure the development is in compliance with these policies. The other recommendations of the PEA will also be required by condition to ensure the development makes an appropriate contribution towards biodiversity habitat.

### *Lighting*

- 6.7.14 The applicant submitted *External Lighting Statement for Planning* (MLM, 8 February 2021). Canal and River Trust raised concerns about the level of lighting on the canal and the impact this would have on biodiversity.
- 6.7.15 The applicant has advised that the lighting assessment has been undertaken as a worst case scenario demonstrating what lighting would emanate from the internal office lighting onto the canal. The lux levels shown are depicted with any blinds in the up position however it is proposed to include blinds which would limit any light spill to the canal. The lighting statement also confirms the balconies would not be externally lit.
- 6.7.16 A condition requiring further details of a lighting strategy including provision of automatic roller blinds to be closed between 20.00 and 07.00 daily, features that reduce the output of luminaires closer to the facades, light fittings controlled through the use of sensors and confirmation that the balconies will not be externally lit.

### *Urban greening factor*

- 6.7.17 Policy G5 of the London Plan (2021) and policy LP48 of LP33 (2020) should contribute to the greening of London and require major office development to achieve an Urban Greening Factor (UGF) of 0.3.
- 6.7.18 The application is accompanied by a letter outlining the UGF score achieved by the development (Greengage, 8 October 2020). The letter outlines that the development would achieve a score of 0.37 through the provision of a biodiverse roof and flower rich perennial planting.
- 6.7.19 The development is therefore considered to provide a policy compliant level of urban greening.

## **6.8 Residential Amenity of Neighbouring Properties**

- 6.8.1 London Plan policy D6 states that the design of development should provide sufficient daylight and sunlight to surrounding housing that is appropriate for its context including minimising overshadowing. Policy LP2 of LP33 states that all new

development must be appropriate to its location and should be designed to ensure that there are no significant adverse impacts on the amenity of neighbours.

### *Daylight and sunlight impacts*

- 6.8.2 The British Research Establishment (BRE) has produced guidance on assessing the impact of proposals on the daylight and sunlight received by adjoining properties. The applicant has submitted *Daylight and Sunlight Report* (eb7, 9 October 2020) with this application.
- 6.8.3 As outlined in the supporting text for LP2, BRE guidance needs to be applied with regard to the site context. Sunlight and daylight target criteria as found in the BRE guidance have been developed with lower density suburban situations in mind. In denser inner urban contexts, sunlight and daylight levels may struggle to meet these target criteria in both existing and proposed situations. The target criteria cannot therefore be strictly applied for dwellings in denser inner urban locations as a matter of course.
- 6.8.4 Three tests were carried out:
- Vertical Sky Component (VSC): This is the ratio of the direct sky illuminance on the centre of the outside pane of a window, to the simultaneous illuminance on an unobstructed horizontal plane. This should be greater than 27% or more than 0.8 times its former value (before the new development).
  - No-skyline (NSL): This is the outline of the area that has a direct view of the sky on a working plane. Where room layouts are known, in each of the main rooms, the area that receives direct light from the sky should be more than 0.8 times its former value (before the new development).
  - Annual Probable Sunlight Hours (APSH): This is the average of the total number of hours during a year in which direct sunlight reaches the centre of a window. This should be more than 25% of the total Annual sunlight hours including at least 5% of the total annual sunlight hours in the winter months or more than 0.8 times its former value.
- 6.8.5 Each neighbouring building has been assessed against the tests.

### Kleine Wharf (14 Orsman Road)

- 6.8.6 Kleine Wharf is a five-storey mixed use building to the immediate east of the development site.
- 6.8.7 The results of the VSC study for this property show that 20 out of the 24 windows assessed meet the BRE guidance. The four remaining windows are to two residential units on the top floor which are west facing windows which will therefore have a direct outlook to the development. These windows serve rooms that are dual aspect with primary windows facing south, across Orsman Road, or north, towards the canal, that will be unaffected by the proposals. The primary north and

south facing windows to the same rooms retain VSC levels of at least 35%. Therefore the overall daylight levels to these spaces will remain acceptable. This is confirmed by the NSL assessment which demonstrates that changes in daylight penetration to all rooms remain fully compliant with the BRE criteria.

- 6.8.8 An objection was received in relation to the windows outlined above. While it is noted that the residents of these properties consider that their primary windows would be those that are west facing instead of north, these windows are directly facing the development site in close proximity to the boundary. It is likely that some loss of light to these windows will occur with development on the site and the presence of additional windows facing north which retain the BRE figures is considered to ensure a satisfactory level of light is maintained.
- 6.8.9 The majority of the windows to this property are not within 90 degrees of due south and have not been assessed for APSH. All of the south facing windows experience unnoticeable shifts in direct sunlight levels and fully comply with the BRE.

### Ronan Apartments (26 Orsman Road)

- 6.8.10 This building is a residential-led mixed use building of five-storeys constructed around 2014. It is located immediately to the west of the site. There is a two storey western element within this neighbouring property, that contains above ground floor site facing windows to the east orientated elevation. These windows are set within the courtyard and therefore have a restricted view in the existing outlook.
- 6.8.11 The VSC analysis shows no material effect to any of the windows of this property.
- 6.8.12 VSC and NSC levels to all other spaces remain unchanged by the proposals.
- 6.8.13 All relevant windows assessed for APSH meet the BRE guidance target figures.

### 28 - 36 Orsman Road

- 6.8.14 28-36 Orsman Road is a five-storey block of apartments to the far west of the development site adjacent to the neighbouring 26 Orsman Road.
- 6.8.15 The results of the VSC and NSL assessments for this property demonstrate little impact as a result of the proposed scheme. All levels remain at or within 0.8 times their former value and are therefore fully compliant with the BRE guidelines.
- 6.8.16 The windows within 90 degrees of due south comply with the BRE targets therefore residents will experience unnoticeable shifts in sunlight levels.

### 46-68 De Beauvoir Crescent

- 6.8.17 46-68 De Beauvoir Crescent is a six-storey mixed-use building (with basement) located on the northern side of Regent's Canal immediately to the north of the application site. The development contains commercial uses at ground floor and residential units from first to fifth floors.

- 6.8.18 The assessment against VSC found that all but one window at first floor level are in line with the BRE targets. The window which is not within the recommended figure for VSC retains about 70% however it is situated under a balcony and with the balcony removed it would retain approximately 90%.
- 6.8.19 The NSL assessment shows that the majority of the rooms assessed comply with the BRE criteria, with 45 out of the 54 rooms assessed across the first and second floors meeting the recommended levels. The nine remaining rooms are located on the first and second floors and relate to three separate units. The kitchens and living rooms which account for four windows are of a particularly deep layout at up to 7.2 metres while the five bedroom windows are 5.5 metres deep. The BRE guidance indicates that if a room is greater than 5 metres deep then a greater reduction of NSL may be unavoidable. Given the design of these existing neighbouring units with balconies and a deep floor plan, it is likely any form of development on the site would have an impact on the NSL, on balance it is considered this impact would be negligible.
- 6.8.20 Of the windows assessed for APSH all but one window met the recommended BRE figure. The one window which didn't meet the recommended BRE figure retained approximately 70% for both summer and winter which is considered a marginal shortfall.
- 6.8.21 Overall, the daylight and sunlight impacts to this building are considered acceptable.

#### 70 De Beauvoir Cres (Mandarin Wharf)

- 6.8.22 70 De Beauvoir Cres is a mixed-use, five-storey building located on the northern side of Regent's Canal. It is located approximately 27 metres to the north-east of the development site.
- 6.8.23 Assessment of VSC found that 43 out of 45 windows meet the recommended VSC levels. Of the two windows falling below the targets, the window at second floor retained a level of 0.7 which is considered to be a marginal shortfall which is also affected due to its location behind an inset balcony. With the balcony removed the window achieved the BRE recommended level. The other window at first floor achieved a score of 0.6 but it is noted that this is a bedroom window which achieved only 10.3 to start with and the reduction is only likely to be marginally noticeable. The units' living rooms retained sufficient sunlight when assessed against the VSC criteria.
- 6.8.24 The majority of the rooms assessed for NSL comply with the BRE targets. Five rooms fall below 0.8 times their pre-existing value however one of these still achieves 75% which is considered a marginal shortfall. The four other rooms are living room/kitchens at first, second and third floors on the west of the building where they are located to the north of the development. These achieve scores of between 0.56 to 0.73. However, it is noted these rooms are particularly deep at up to 8.1m in depth with inset balconies. Given these design features, it is likely any

form of development on the site would have an impact on the NSL, and on balance it is considered this impact would be negligible.

6.8.25 The south facing windows within this property all retain good levels of sunlight meeting the APSH targets set out in the BRE guidance.

6.8.26 An objection was received that stated that windows missed off four bedrooms facing balconies in this building. The window map was reviewed and it appears all windows associated with this building were assessed.

### 43 Orsman Road

6.8.27 43 Orsman Road is a four-storey block of flats with a single storey element to the eastern wing located to the south of the site on the southern side of Orsman Road.

6.8.28 38 windows serving 32 rooms were assessed against the VSC criteria. 14 windows meet the recommended BRE figures. Of the remaining 24 windows, 17 windows retain a level of between 12.4 and 22.8 or about 60% of their former value which is generally accepted as still providing adequate light in a dense urban environment.

6.8.29 The remaining windows are either recessed or positioned beneath overhangs which restricts the amount of light to them. It is also noted that it appears entrance windows were assessed as the consultants were unable to determine the internal design of the units.

6.8.30 While it is accepted that there may be some noticeable change in the amount of daylight received to this property, this is in part due to the relatively open outlook the residents have across the development site. This is unusual for the area given the height of the neighbouring buildings and therefore any development on this site is likely to have some impact on light levels to this property.

6.8.31 The results from the NSL assessment show similar deviations from the BRE recommended figures with only 6 of 32 rooms achieving the recommended figures. As stated above it is not clear what all the windows serve but it is likely a number of the small windows do not serve habitable rooms. Similarly to VSC levels, the changes in NSL are largely as a result of the existing development offering much higher figures than would standardly be found in an urban environment of this type.

6.8.32 The majority of the windows to this property are north facing and therefore APSH was not assessed. The two windows within 90 degrees of due south, remain materially unaffected by the proposal.

### *Overshadowing*

6.8.33 The sunlight levels of amenity spaces of nearby developments are also assessed as sunlight in the spaces between buildings has an important impact on the overall appearance and ambience of a development.

6.8.34 It is recommended that for a space to appear adequately sunlit throughout the year, at least half of a garden or amenity area should receive at least two hours of

sunlight on 21 March. If, as a result of new development, an existing garden or amenity area does not meet the above, and the area which receives two hours of sun on 21 March is less than 0.8 times its former value, then the loss of sunlight is likely to be noticeable.

- 6.8.35 The Daylight and Sunlight report has undertaken an assessment of the impact of the proposed development on the amenity space of neighbouring properties. It has also assessed the solar panels to the roof of 26 Orsman Road and the northern berths of the canal.

#### Solar panels at 26 Orsman Road

- 6.8.36 The sunlight amenity test has been undertaken to the solar panels located on the roof of 26 Orsman Road. The results from this study show that all of the solar panels assessed will achieve at least two hours of sunlight on March 21 with the proposal in place and experience no additional shading when compared with the existing position. As the solar panels are oriented to the south, they will be well-sunlit throughout the year and unaffected by the development.

#### 26 Orsman Road Roof terrace

- 6.8.37 The sunlight amenity test to the four roof terrace segments, show that 81% to 86% of their area will receive 2+ hours of sunlight on March 21 with the proposal in place. These spaces will remain well sunlit and materially unaffected by the proposed scheme.

#### 26 Orsman Road top floor terraces

- 6.8.38 The shading analysis carried out demonstrates that the top floor north facing balconies do not receive 2+ hours of sunlight in the existing position given the orientation. As such these amenity spaces will not experience any additional overshadowing as a result of the proposal.

#### Berths

- 6.8.39 The berths to the northern bank of the canal will not be overshadowed in either the existing or proposed position.

#### *Privacy, overlooking and outlook*

- 6.8.40 Developments are assessed for their impact on the privacy and outlook of neighbouring properties. Privacy is assessed by looking at the distance between buildings and the placement of windows. The Council has no specific policy guidance on acceptable separation distances for outlook. This is due to the differing established grain and density of the borough, the potential to limit the variety of urban space and unnecessarily restrict density.

- 6.8.41 The buildings to the north of the canal are approximately 27 metres from the windows of the proposed building. This is sufficient to ensure there will be no undue overlooking for residents of these properties. The distance of approximately 14 metres from the building to the residential units to the south is also sufficient given this dense urban setting and the established separation distance along this street.



- 6.8.42 The development does not have any side facing windows so there is no direct overlooking of neighbouring residential properties to the east and west from within the proposed building.
- 6.8.43 An objector has raised issues relating to the loss of privacy to the top floor flat of Kleine Wharf (14 Orsman Road). The objection notes that in setting back the main bulk of the building in order to minimise light impacts, it has raised privacy concerns instead. It is acknowledged that there may be a degree of overlooking from the north facing windows of the proposed building. However, any development on this site would likely have the same result due to the design of the neighbouring unit with west facing windows close to the shared boundary. The unit benefits from north facing windows too and these will remain unaffected. A condition recommending screening will be included to reduce privacy impacts.
- 6.8.44 The roof terraces have been set back off the eastern edges of the roof to reduce any overlooking impacts on the top floor units within Kleine Wharf. The setbacks ensure that there is no direct view into windows or the terrace of the closest unit.
- 6.8.45 Given the intended use of the building as offices it is unlikely the balconies will be frequently used as places where people congregate largely due to their small size. Furthermore due to regular office operating hours it is unlikely they would impact on the amenity of neighbouring residents during evenings and weekends. To further mitigate any potential harm a condition is recommended which ensures that the building's terraces are used within standard work hours only to reduce neighbouring impacts.

*Sense of enclosure*

- 6.8.46 The proposal is one storey taller than the buildings to its immediate east and west and sits in proximity to private balconies and terraces on each building.
- 6.8.47 Following concerns from officers and objectors, the scheme submitted under the cyber attack affected application was reduced in depth on the western boundary in part because of the sense of enclosure the previous design had on north facing balconies and windows. These are no longer enclosed and so the impact on these residents significantly reduced. The proposed building will be located adjacent to the roof terraces on the building. However, the scale of the building is only one additional storey which is not considered to be unduly overbearing and a good standard of amenity is maintained.
- 6.8.48 The development would be located adjacent to residential roof terraces to the east. The proposal has been reduced following pre-application discussions to reduce the impact on these properties. The bulk of the proposed building sits about half way down the side element of the wraparound roof terrace of the top floor unit of Kleine Wharf. A green wall is proposed to reduce the impact of the flank wall on this boundary. A condition requiring maintenance has been recommended. Overall a good standard of amenity is maintained for users of the terraces.

**6.9 Transport and Highways**

- 6.9.1 The site has frontage on Orsman Road. It has a PTAL score of 4-5 (on a scale of 1 to 6b where 6b is the most accessible) indicating a very good level of access to public transport.
- 6.9.2 A number of bus services operate in close proximity to the site particularly along Kingsland Road located approximately 190 metres to the east. These routes provide access to north and east parts of London and south towards the City. Haggerston overground station is located approximately 550m north-east of the site.
- 6.9.3 The highways surrounding the site are within Hackney Controlled Parking Zone F with restrictions in place from 07.30 to 18.30 Mondays to Fridays and 07.30 to 13.30 on Saturdays. Two car clubs are located close to the site.
- 6.9.4 Cycle superhighway 1 runs along Pitfield St approximately 140 metres west of the site connecting Liverpool St and Tottenham. Santander Bike hire docking stations are located to the north-east of the site on Dunston Road and to the south-west on Hyde Road.

### *Car free*

- 6.9.5 In accordance with Hackney Policy LP45, Hackney will expect to see car free developments in most locations where there is high PTAL and is within a controlled parking zone. As such, this car-free development is supported. A CPZ exclusion to restrict parking permits being issued is recommended for all users of the proposed site (except those with a blue badge). This will be secured through the legal agreement.

### *Blue Badge Car Parking Spaces*

- 6.9.6 Policy LP45 states that disabled parking should be provided in accordance with the London Plan. The London Plan states that all developments irrespective of their size must provide at least one disabled parking space.
- 6.9.7 Blue Badge holders are able to park in the Pay and Display bays on Orsman Road. These are in close proximity to the application site. Blue Badge holders are allowed to park in pay and display bays without charge in Hackney.
- 6.9.8 In addition, the TS outlines that one blue badge parking bay will be installed on Orsman Road. The funded conversion of the disabled parking bay is supported and this is required prior to occupation. The space should be located as close as possible to the site entrance area as possible. This should be under 50 metres. A Parking Design Statement is required by condition that identifies the location of the bay. The location will be subject to consultation with Parking Services and Transport and Highways teams within the Council.

### *Trip Generation and Impact*

- 6.9.9 The trip generation of the existing development and proposed development has been estimated using data from the TRICS database. The trip rates from TRICS have been adjusted to take account of zero car parking provision. The net increase in trips associated with the proposed development has been calculated and is 131 two-way trips during the AM peak hour and 112 two-way trips during the PM peak hour. The impact of the development generated trips has been assessed and the findings included in the TA suggest that the impact would be minimal.
- 6.9.10 The development was also assessed in regard to the cumulative impact with other proposals in the area. A development at 209-223 Hoxton Road was reviewed and that development was also predicted to have minimal trips with 14 person trips in the morning peak and 11 person trips in the evening peak. Therefore the proposed development will still have a minimal impact in the context of the area.

#### *Cycle Parking*

- 6.9.11 Policy LP43 states that new development will be permitted where it enables new residents to make journeys by active modes. Policy LP42 requires development to provide cycle parking spaces for employees and visitors at a rate of 1 space per 50 sqm for staff plus 1 space per 500 sqm for visitors. Staff changing rooms and showers are also required. Provision of adequate cycle parking is deemed necessary to make this development acceptable in transport terms. Cycle parking needs to be in a sheltered, secure and locked facility.
- 6.9.12 It is proposed to provide 94 long stay spaces internally at ground level with associated showers and lockers. 8 short stay cycle spaces are provided to the front of the building in the form of Sheffield stands. The proposed cycle parking provision satisfies LBH cycle parking standards in regards to the number of spaces. While it is noted that a majority of the internal spaces are two tier which isn't the preferred cycle stand type, a policy compliant cycle parking plan is required which shows details of layout, foundation, stand type and spacing. This is recommended to be secured through a condition to ensure timely provision which is kept in good working condition in perpetuity.

#### *Travel plan*

- 6.9.13 A draft Travel plan has been produced and included in the Transport Assessment. A full Travel Plan will be required to be produced and implemented on occupation of the development. This will be secured through the legal agreement including a £5,000 contribution towards the monitoring of the Travel Plan.

#### *Public Realm*

- 6.9.14 In accordance with LP33 policies PP1, LP1 and LP41, all developments are expected to integrate the proposed development into the public realm and/or provide contributions to urban realm improvements in the vicinity of the site.

6.9.15 The entrance and ground floor space that fronts Orsman Road is successful in activating the street and contributing to a well designed streetscape. Due to the requirement for access to bin stores and substation, there is a portion of the ground level that meets Orsman Road that is inactive frontage. However, given the constraints associated with the site overall the development is considered to provide a good quality public realm.

6.9.16 A s278 contribution towards upgrades to the footway adjacent to the site will be sought through the legal agreement.

### *Deliveries and servicing*

6.9.17 Delivery, servicing and refuse collection would be carried out from the street. The TA states that a Delivery and Servicing Plan will be submitted for approval post planning. To ensure the arrangements are suitable in the long-term as well as trip rates remaining within the agreed parameters a full servicing and deliveries plan will be required by condition.

6.9.18 The proposed servicing and refuse arrangement is considered acceptable, and in accordance with policy LP43 of LP33, and the Council's general waste strategy.

### *Demolition and Construction Management*

6.9.19 The applicant has provided *Construction Management Plan* (RFM, February 2020). Given the nature of the proposed development, and the changing nature of construction, a final plan will be required by condition to mitigate any impacts on the surrounding highway network.

6.9.20 A monitoring fee of £8,750 will be secured within the legal agreement.

### *Summary*

6.9.21 Subject to conditions and completion of the legal agreement, the development is considered acceptable and will not give rise to any adverse impacts to the surrounding highway network.

## 6.10 **Waste management**

6.10.1 Policy SI7 of the London Plan (2021) requires that developments are designed with adequate, flexible, and easily accessible storage space and collection systems that support, as a minimum, the separate collection of dry recyclables and food. Policy 57 of LP33 states developments should provide clear details in plans for the facilities needed for the storage and collection of waste and recycling.

6.10.2 The development is limited in its placement of the waste store due to the narrower frontage on Orsman Road and the need to provide an active frontage. The development shows an internal bin store on the ground floor of the development. The store is large enough to accommodate eight 1280L bins, four each for refuse

and recycling. This is considered sufficient for the development and the Council's waste officer has raised no objection.

### 6.11 Sustainability and energy

6.11.1 Policy SI2 of the London Plan (2021) and policy LP54 of LP33 requires all development to regulate internal and external temperatures through orientation, design, materials and technologies which avoid overheating, in response to the Urban Heat Island Effect and addressing climate change.

6.11.2 Policy LP55 applies to all new developments and states that these must actively seek to mitigate the impact of climate change through design which minimises exposure to the effects, and technologies which maximise sustainability.

#### *Energy assessment*

6.11.3 The energy statement has presented the strategies adopted to minimise greenhouse gas emissions and comply with London and Hackney planning policies. The energy hierarchy has successfully been applied and the development achieves a 35% reduction beyond Part L2A 2013. This is the minimum requirement for the net zero policy and a carbon offset payment to the remaining 100% is required.

6.11.4 Non-domestic development should aim at reducing carbon emissions with energy efficient measures alone (the 'be lean' stage of the energy hierarchy ) by 15%. The development is proposing 6% carbon emissions reductions at this stage so it is strongly encouraged to further pursue higher carbon savings.

6.11.5 The development includes PV panels with a capacity of 29kWp, the inclusion of PVs is welcomed to generate renewable energy onsite, full details of the PVs including a roof plan indicating their location alongside the plant and green roofs will be secured via condition.

6.11.6 Proposals to monitor the energy consumption of the development should be sought and action plans in place to mitigate possible performance gaps and promote a development that is better than predicted. A condition has been recommended to address this.

#### *Carbon Offsetting*

6.11.7 With the adoption of Hackney's Local Plan in July 2020 and associated S106 Contributions SPD, any shortfall is to be offset off-site or through the cash-in-lieu contribution. The price per tonne CO<sub>2</sub> to offset contributions is now £95. This is also different from the previous price of £60 per tonne CO<sub>2</sub> assumed in the energy report submitted.

6.11.8 Based on the shortfall of regulated carbon emissions indicated as 26 tonnes of CO<sub>2</sub> per annum, for a period of 30 years and at a current price of £95 per tonne of CO<sub>2</sub>, a carbon offset contribution estimated as £74,100 is to be made to the Council's Carbon Offset Fund this will be secured via the legal agreement.

*Risk of overheating*

- 6.11.9 The cooling hierarchy was applied and the development satisfies the overheating assessment based on criteria from CIBSE TM52 (2013). To mitigate the risk of overheating or reliance on active systems the glazing specifications should have a low g-value, not higher than 0.35 and blinds with a high solar reflectance should be installed at the windows. This is in complement to mechanical ventilation and is important to reduce the cooling demand or frequency of use of the active cooling system to be installed.
- 6.11.10 Whilst the development includes a VRC system to provide comfort cooling this is expected to be only adopted when other passive cooling measures have been explored. A condition to verify the adoption of the glazing specifications and internal shading devices is recommended.

*Sustainability assessment*

- 6.11.11 The applicant has provided a BREEAM pre-assessment which indicates that the development is targeting 'Excellent'. A condition requiring a BREEAM post-construction assessment is included to ensure the development meets the Excellent.

**6.12 Drainage and flood risk**

- 6.12.1 London Plan (2021) policies SI12 and SI13 states that development proposals must comply with the flood risk assessment and management requirements over the lifetime of the development and have regard to measures proposed in flood management plans. Policy LP53 of LP33 requires all development to have regard to reducing flood risk, both to and from the site, over its expected lifetime. The policy further states that all development should decrease vulnerability to flooding through appropriate siting, design and on-, and off-site mitigation.
- 6.12.2 The site is shown to have a 'high' risk of surface water flooding and an increased potential for elevated groundwater. The applicant has submitted Below Ground Drainage Strategy (Meinhardt, February 2020). The Council's Drainage officer has assessed the submitted documentation and recommended a condition be included to ensure surface water is managed along with the recommendations of this report.
- 6.12.3 The Canal and River Trust has also requested further details to be confirmed in relation to surface water drainage, to ensure that the design of this considers the canal environment. Further details of the sustainable drainage system supported by calculations, construction details, drainage layout and a site-specific management and management plan are required by condition.
- 6.12.4 The development is therefore in accordance with policies SI12, SI13 and LP53.

**6.13 Pollution***Noise*

- 6.13.1 London Plan policy D14 seeks to reduce the amount of noise from a development to avoid significant adverse noise impacts on health and quality of life. Policy LP58 of the Local Plan 2033 (2020) states that the applicant will be required to carry out a noise assessment and demonstrate how adverse effects will be effectively mitigated.
- 6.13.2 The applicant has submitted *Noise Assessment* (ALN acoustic design, 27 February 2020). The Council's Pollution Noise team has reviewed the submitted document and is satisfied with the report subject to a condition relating to the noise levels of the plant in relation to the nearest noise sensitive premises at any time
- 6.13.3 A Construction Logistics Plan will be secured by condition which will also safeguard against noise impacts during the demolition and construction phases and site environmental management. A considerate contractor's clause is included within the Section 106 legal agreement to further protect adjoining residents.
- 6.13.4 Subject to the above conditions, the development is deemed to accord with policy D14 of the London Plan (2021) and policy LP58 of LP33.

### *Air quality*

- 6.13.5 Policy SI2 of The London Plan (2021) states that development proposals must be at least Air Quality Neutral and development proposals should use design solutions to prevent or minimise increased exposure to existing air pollution and make provision to address local problems of air quality in preference to post-design or retro-fitted mitigation measures. Policy LP58 of LP33 requires all development to, as a minimum, not exceed air quality neutral standards or contribute to a worsening of air quality at the construction or operation stage, over the lifetime of the development.
- 6.13.6 The applicant has submitted *Air Quality Statement* (MLM Group, February, 2020). The Council's air quality officer has reviewed the submitted document and found it to be satisfactory. Additional measures relating to control of dust will be addressed through the Construction Logistics Plan which is required by condition and a condition will also be included requiring all Non-Road Mobile Machinery to meet emission standards.

### *Contamination*

- 6.13.7 Policy LP58 of LP33 requires that for development on contaminated or potentially contaminated land, a desk study and site investigation in line with the most up-to-date guidance will be required and remediation proposals agreed to deal with any identified contamination
- 6.13.8 The Council's contaminated land officer has reviewed the proposed development and has requested that the appropriate contaminated land conditions requiring site investigation be included. This will ensure any contamination is identified and appropriately remediated to protect end users from risks of contaminated land.

### *Conclusion*

6.13.9 Overall, the proposed development is considered to be in accordance with London Plan policies D14, SI2 and policy LP58 of LP33.

### 6.14 Equalities Considerations

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

6.14.2 Having regard to the duty set out in the S149 Equality Act 2010, the development proposals do not raise any equality issues.

### 6.15 Community Infrastructure Levy (CIL)

6.15.1 Developments within London Borough of Hackney are subject to Mayoral CIL2 which sets a levy on development to help fund Crossrail 2. The rate for Hackney is set at £60 per square metre of development subject to indexation.

6.15.2 Therefore the development will be required to pay approximately £178,740 = £60 x 2,979 sqm additional floorspace.

6.15.3 Hackney CIL is not applicable to this development as office and retail developments are not liable in this part of the borough.

6.15.4 The figures above do not take into account any relief sought, or indexation to be applied. These will be applied when CIL is payable, prior to commencement of development.

## 7.0 CONCLUSION

7.1 The development delivers a wide range of significant planning benefits through the provision of a high quality office building which provides approximately 430 square metres of affordable workspace.

7.2 Cycle parking, public realm improvements and a flexible ground floor unit will provide additional benefits for the scheme.

7.3 The development is considered to mitigate impacts on the canal in relation to the effects on biodiversity through the provision of floating eco-systems and results in a net gain in biodiversity due to the provision of a green roof and bird and bat boxes.



- 7.4 The proposal is, on balance, deemed to comply with the relevant policies in the Hackney Local Plan 2033 (2020) and the London Plan (2021), and the granting of planning permission is recommended subject to conditions and the completion of the legal agreement.

### 8.0 RECOMMENDATIONS

#### 8.1 Recommendation A

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

##### 8.1.1 **Commencement within three years**

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

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

##### 8.1.2 **Development in accordance with plans**

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

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

##### 8.1.3 **Design details to be approved**

Notwithstanding the details shown on the plans and documents hereby approved, the following details to consist of drawings scaled 1:10/1:20, a fully detailed materials sheet and material samples to be reviewed on site, for all the visible parts of the scheme, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of above ground works. This shall include, but not be limited to, the following:

- A. Samples of cladding system and flashing
- B. Sample of External Doors and Windows
- C. Sample of Balconies including Railings, soffits and structural system
- D. Sample of Low Transparency Glazing
- E. Technical detail drawings (scaled 1:5, 1:10 and 1:20) of walls and features, showing all joints and interface of materials, including doors and windows, sills, walls, balconies, balustrades, and parapets.

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

##### 8.1.4 **Landscaping**

Notwithstanding the details shown on the plans and documents hereby approved,

the following details shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of above ground works.

- Detailed materials sheet and drawings indicating all materials and sections, scaled 1:5 and 1:10, of the shared external amenity spaces at ground and roof levels
- Boundary screening for the amenity spaces including balconies

The details hereby approved shall be implemented prior to the occupation of the development and retained in accordance with the details hereafter.

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.

### 8.1.5 **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.

### 8.1.6 **Construction logistics and management plan - demolition**

Prior to commencement of demolition, a detailed Construction Logistics and Management Plan covering the matters set out below must be submitted to and approved in writing by the Local Planning Authority. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration and dust from the site. The development shall only be implemented in accordance with the details and measures approved as part of the construction management plan, which shall be maintained throughout the entire construction period.

The construction management plan covering demolition shall include but not be limited to the following:

- i) A method statement covering all phases of demolition and construction of the project to include details of noise, vibration and dust control measures.
- ii) A demolition and construction method statement covering all phases of demolition to include details of noise control measures, measures to prevent asbestos and other debris from entering the canal or being deposited on the towpath, protection of the adjacent SINC (Regent's Canal) and measures to preserve air quality (including a risk assessment of the demolition and construction phase);
- iii) 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.
- iv) Details of the locations 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) and the duration of construction.

iv) Deliveries to site and associated with removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.

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

vii) Details of measures to reduce the environmental impact of the works on the northern embankment such as those to reduce dust deposition and impact from vibration etc

REASON: To ensure that occupiers of residential premises do not suffer a loss of amenity by reason of noise nuisance during site activities

### 8.1.7 **Construction logistics and management plan**

Prior to commencement of above ground works, a detailed Construction Logistics and Management Plan covering the matters set out below must be submitted to and approved in writing by the Local Planning Authority. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration and dust from the site. The development shall only be implemented in accordance with the details and measures approved as part of the construction management plan, which shall be maintained throughout the entire construction period.

The construction management plan covering all phases of above ground works shall include but not be limited to the following:

i) A method statement covering all phases of above ground works of the project to include details of noise, vibration and dust control measures.

ii) A demolition and construction method statement covering all phases of above ground works to include details of noise control measures, measures to prevent asbestos and other debris from entering the canal or being deposited on the towpath, protection of the adjacent SINC (Regent's Canal) and measures to preserve air quality (including a risk assessment of the demolition and construction phase);

iii) 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.

iv) Details of the locations 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) and the duration of construction.

iv) Deliveries to site and associated with removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.

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

vii) Details of measures to reduce the environmental impact of the works on the northern embankment such as those to reduce dust deposition and impact from vibration etc

REASON: To ensure that occupiers of residential premises do not suffer a loss of amenity by reason of noise nuisance during site activities

### 8.1.8 **Non-Road Mobile Machinery**

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

REASON: To contribute to the protection of air quality during construction

### 8.1.9 **Deliveries and servicing**

Prior to the occupation of the development, a Delivery and Servicing Plan shall be submitted to and approved by the Local Planning Authority, in consultation with Transport for London, setting out:

- Frequency of deliveries per day/week
- Size of vehicles
- How vehicles would be accommodated on the public highway
- identify measures to mitigate the impact of servicing and deliveries
- how sustainable freight will be encouraged and enabled, for example through the provision of on-site cargo cycle parking

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).

### 8.1.10 **Cycle Parking and Storage**

Notwithstanding the hereby approved plans, a cycle parking plan shall be submitted to the Local Planning Authority and approved in writing prior to the commencement of above ground construction, the plan shall include:

- space for 92 cycles for occupants and 10 visitor cycle spaces
- a majority of the spaces should be sheffield style stands
- details of layout, foundation, stand type and spacing, of all cycle parking spaces
- two tier racks with a mechanical or pneumatically assisted system for accessing the upper level
- spaces which allow for double locking

- 5% of the spaces should be for larger cycles

The storage spaces and stands must be retained and maintained in good working order, in accordance with the approved details, for the lifetime of the development.

Reason: To ensure that adequate provision for the safe and secure storage of bicycles is made for future occupiers and in the interest of safeguarding highway safety.

### 8.1.11 **BREEAM**

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) and where possible achieve the maximum number of water credits has been achieved shall be submitted to and approved in writing by the Local Planning Authority

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

### 8.1.12 **Air Permeability**

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

Reason: In the interest of addressing climate change and to ensure that the development is adequately sustainable and contributes towards local, regional and national commitments to a net-zero carbon emission future.

### 8.1.13 **Windows**

Prior to occupation of the development hereby approved, confirmation that windows on the south side have shading devices (e.g. internal blinds with a high solar reflectance) and the glazing has been specified with high solar control (g-value of 0.35) as indicated in the energy and overheating assessments, shall be submitted to and approved in writing by the Local Planning Authority.

The development should hereafter be maintained in accordance with the details hereby approved.

Reason: to minimise the risk of overheating and reduce the energy consumption for cooling.

### 8.1.14 **PV system**

Prior to occupation of the development hereby approved, full details of the PV panels to be installed on the roof shall be submitted to and approved in writing by the Local Planning Authority, details shall include a plan with the location of the PV panels, section of the angle of PV and confirmation the PVs will have an outage of

29kWp. The PVs shall be installed in accordance with the approved details and retained and maintained in perpetuity.

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

### 8.1.15 **Materials Global Warming Potential**

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

The development shall be undertaken in accordance with the details thus approved.

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

### 8.1.16 **Energy monitoring information**

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

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

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

c. Upon completion of the first year of occupation following the end of the defects liability period (DLP) and for the following four years, the legal Owner is required to provide accurate and verified annual in-use energy performance data for all relevant indicators under each reportable unit of the development as per the methodology outlined in Chapter 5 'In-use stage' of the GLA 'Be seen' energy

monitoring guidance document. All data and supporting evidence should be uploaded to the GLA's monitoring portal. This condition will be satisfied after the legal Owner has reported on all relevant indicators included in Chapter 5 'In-use stage' of the GLA 'Be Seen' energy monitoring guidance document for at least five years.

In the event that the in-use evidence submitted shows that the as-built performance estimates have not been or are not being met, the legal Owner should use reasonable endeavours to investigate and identify the causes of underperformance and the potential mitigation measures and set these out in the relevant comment box of the 'be seen' spreadsheet. Where measures are identified, which it would be reasonably practicable to implement, an action plan comprising such measures should be prepared and agreed with the Local Planning Authority and be implemented by the legal Owner as soon as reasonably practicable.

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

### 8.1.17 **Waste**

Prior to the occupation of the development, the waste storage facilities hereby permitted, shall be implemented in full and shall be maintained as such for the lifetime of the development.

REASON: To ensure sufficient refuse and recycling storage within the development.

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

Prior to the commencement of development physical site investigation work shall be undertaken and fully reported on and a remedial action plan has been produced all to the satisfaction of and approved in writing by the Local Planning Authority.

Where physical site investigation work has not been agreed at a pre-application stage further physical investigation work must be agreed with the contaminated land officer before being undertaken.

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

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

8.1.19 **Contaminated land (pre-occupation):**

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

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

8.1.20 **Commercial Units**

The office floorspace hereby approved shall at all times be used only for the approved uses being Class E (g)(i) (Offices to carry out any operational or administrative functions) and for no other purposes under the Schedule to the Town and Country Planning (Use Classes) Order 2015 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order.

REASON: In order to safeguard the provision of commercial floorspace to meet the needs of future residents.

8.1.21 **Hours of Operation**

The use of the flexible unit at ground floor shall not operate outside of the following hours:

Monday- Saturday: 08.00 - 21.00  
Sunday and Public/Bank Holidays: 09.00-18.00

REASON: To protect the amenity of surrounding residents

8.1.22 **Hours of amenity spaces**

The use of the ground floor terrace, roof terraces and balconies hereby approved shall not be used outside the hours of 08.00 - 20.00 Mondays to Fridays and at no time during the weekend.

REASON: To protect the amenity of neighbouring occupiers



**8.1.23 Plant/Equipment Noise**

The total noise level from fixed plants shall be 5 dB(A) or more below the measured LA90 level at the nearest noise sensitive premises at any time. The method of assessment shall be carried in accordance with BS4142: 2014: Methods for rating and assessing industrial and commercial sound. Before commencement of the use hereby permitted a test shall be carried out to show that the above criterion shall be met and the results submitted to the Local Planning Authority for approval.

REASON: To protect the amenity of neighbouring residents

**8.1.24 Secure by Design Details**

Prior to the first occupation of the building, a "Secured by Design" accreditation shall be obtained and the results submitted to the Local Planning Authority for approval in writing. Thereafter all features are to be permanently retained.

REASON: In the interest of creating safer, sustainable communities.

**8.1.25 Waterway wall**

Prior to the commencement of the development hereby approved, a survey of the condition of the waterway wall, and a method statement and schedule of the repairs identified, shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Canal & River Trust. The development shall be carried out in accordance with the approved details.

REASON: To ensure, prior to work starting on site, that there is no adverse impact on the structural integrity of the Regent's Canal as a result of the proposed development

**8.1.26 Foundation design**

Prior to the commencement of the development hereby permitted, details of the proposed foundation design shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Canal & River Trust. The development shall be carried out in accordance with the approved details.

REASON: To ensure, prior to work starting on site, that there is no adverse impact on the structural integrity of Regent's Canal as a result of the proposed development.

**8.1.27 Below ground structures**

None of the development hereby permitted shall be commenced until detailed design and construction method statements for all of the ground floor structures, foundations and for any other structures below ground level, including piling and any other temporary or permanent installations and for ground investigations, have been submitted to and approved in writing by the Local Planning Authority in consultation with Crossrail 2, which:

(i) Accommodate the proposed location of the Crossrail 2 structures including temporary works,

(ii) Accommodate ground movement arising from the construction thereof,

(iii) Mitigate the effects of noise and vibration arising from the operation of Crossrail 2 within its tunnels and other structures.

The development shall be carried out in all respects in accordance with the approved design and method statements. All structures and works comprised within the development hereby permitted which are required by paragraphs 1(i), 1 (ii) and 1 (iii) of this condition shall be completed, in their entirety, before any part of the building[s] hereby permitted is/are occupied. No alteration to these aspects of the development shall take place without the approval of the Local Planning Authority in consultation with Crossrail 2.

REASON: To protect the route for Crossrail 2 from inappropriate development

#### 8.1.28 **Sustainable drainage system**

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

The development shall hereafter be retained in accordance with the details such approved.

REASON: To minimise the effects of surface water flooding

#### 8.1.29 **Surface water**

Surface water from the site shall be managed according to the proposal referred to in the below ground drainage strategy report (Ref: 2558-MHT-CV-RP-00001 dated 28 Feb 2020) and the overall site peak discharge rate is restricted to 2 l/s. If surface water run-off and groundwater are proposed to drain into Regent's Canal, prior to commencement of development, details shall be submitted to and approved in writing by the Local Planning Authority in consultation with Canal & River Trust. The development shall be implemented in accordance with the agreed details and retained as such thereafter.

REASON: To determine the potential for pollution of the waterway and likely volume of water. Potential contamination of the waterway and ground water from wind blow, seepage or spillage at the site, and high volumes of water should be avoided to safeguard the waterway environment and integrity of the waterway infrastructure.

**8.1.30 Ecological management plan**

Prior to the commencement of the development hereby permitted, with reference to the recommendations of the *Preliminary Ecological Appraisal* ref 551286jc13Feb20FV01\_PEA.docx hereby approved, an Ecological Management Plan, setting out details of the proposed ecological mitigation, to include marginal habitat, roof terrace landscaping, integrated invertebrate habitat features, and bird and bat boxes and details of the long-term management and maintenance of these, shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Canal & River Trust.

The development shall be carried out in accordance with the approved details prior to occupation of the development and retained as such thereafter.

REASON: To ensure there is no adverse impact on the biodiversity of Regent's Canal as a result of the proposed development

**8.1.31 Tree protection**

Tree protection for all retained trees at the site and on adjacent land shall be undertaken in accordance with BS5837:2012 (Trees in relation to construction - Recommendations) and the recommendations and tree protection plan within *BS5837 Arboricultural Impact Assessment and Method Statement* prepared by Greengage dated January 2021.

REASON: To protect the neighbouring trees during the construction of the development

**8.1.32 Clearance work**

Demolition and site clearance work should be undertaken outside of the nesting bird season, taken to run from March to August inclusive. If this is not possible, site clearance must only take place after a suitably qualified ecologist confirms the absence of nesting birds on site and within any suitable habitat within 10m of the works.

REASON: In the interest of the biodiversity of the adjacent metropolitan grade SINC

**8.1.33 Lighting**

Prior to occupation of the development, full details of the proposed lighting scheme including UV spectrum, to include a lux levels plan and details of measures to adequately mitigate light pollution affecting the adjacent Site of Importance to Nature Conservation shall be submitted to and approved in writing by the Local Planning Authority prior to relevant part of the development commencing on site. These measures shall include:

- Roller blinds set on an automated timer and automatically lowered daily between the hours of 20:00 and 07:00 the following day, which shall cover the full extent of the windows;
- Lighting strategies that reduce the output of luminaires closer to the facades
- Light fittings controlled through the use of sensors
- Confirmation that the balconies will not be externally lit

The approved mitigation measures shall be implemented strictly in accordance with the approved details prior to first occupation and shall be permanently maintained thereafter.

REASON: In the interests of biodiversity and avoid disturbance to the ecosystem

### 8.1.34 Fire Strategy/Statement

The development should be carried out in accordance with the approved fire strategy that complies with all aspects of Part B Fire Safety under schedule 1 (Requirements) of the Building Regulations 2010 (as amended) and should be maintained thereafter. Due consideration should be taken in particular to the means of escape, safe evacuation for disabled persons and access for the fire brigade appliances. This is to ensure that appropriate fire safety measures are in place for people in and around the building and access for the fire brigade. Should any subsequent changes be required to the approved fire strategy to ensure compliance, a revised fire strategy would need to be submitted and approved by the Local Planning Authority.

REASON: To ensure the development adequately addresses fire safety

### 8.2 Recommendation B

That the above recommendation be subject to the applicant, the landowners and their mortgagees enter into a Legal agreement in order to secure the following matters to the satisfaction of the Director of Legal and Governance Services:

#### Financial

- 8.2.1 Support fee of £1,500 per apprentice placement.
- 8.2.2 Employment and Training Contribution (procurement phase): Cost of training and support (£4,500) X 4,327 (floorspace)/1000 = £19,471.50
- 8.2.3 Employment and Training Contribution (operational phase): Cost of training and support: (£4,500) X Employee Yield\* of the development (4327 /10.8) X 0.24 (Employees resident in Hackney) X 0.29 (Employees potentially requiring training and support) = £125,483
- 8.2.4 Carbon Offset Contribution: £74,100
- 8.2.5 S278 contribution of £13,479
- 8.2.6 CLP and CLOCS Monitoring Contribution: £8,750
- 8.2.7 Travel plan monitoring: £5,000

#### Affordable workspace

- 8.2.8 Submission of affordable workplace statement
- 8.2.9 A draft form of lease must be submitted to the Council for the rent of the affordable workspace including a plan showing its location. The affordable workspace must make up 10% of the total floorspace and be rented out at no more than 60% of market rent

#### Transport

- 8.2.10 Occupiers to be restricted from applying for car parking permits within current and future adopted Controlled Parking Zones
- 8.2.11 Travel Plan

A Framework Travel Plan has been submitted as part of this application. A full Travel Plan will be required to establish a long-term management strategy that encourages sustainable and active travel<sup>1</sup>. The Travel Plan is required to include SMART targets that are: specific, measurable, achievable, realistic and time bound.

The Travel Plan should be reviewed and monitored annually for at least 5 years in consultation with Council Officers and an appointed Travel Plan Coordinator (TPC). Reviews should evaluate the plan and ensure that the targets are appropriate to encourage sustainable transport uptake. New interim targets should be set and correspond to our Transport Strategy and LP33.

New occupants must be provided with an information pack containing the location of local travel information i.e. local bus routes, nearest tube and rail stations and local tube or rail network.

- 8.2.12 Parking design statement  
To set out the location of the blue badge parking space. The space shall be located as close to the entrance as possible which shall be under 50 metres. The location will be subject to consultation with Parking Services and Transport and Highways teams within the Council.

#### Employment, Skills & Construction

- 8.2.13 Apprenticeships: At least one full framework apprentice for every £2 Million of construction contract value.
- 8.2.14 Employment and Skills Plan to be submitted and approved prior to implementation
- 8.2.15 25% Local Labour - The owner/developer (and their agent's employees, contractors and subcontractors) will be required to use all reasonable endeavours

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<sup>1</sup> <https://hackney.gov.uk/travel-plan-for-new-developments>

to secure a minimum of 25% of the workforce as Local Labour and to report to the council quarterly on local labour Commitments.

### 8.2.16 Procurement Plan

The owner/developer must engage with local suppliers directly and must supply the Council's Economic Development team with a full Procurement Plan identifying the services and materials that will be sourced for the lifetime of the project and the location of the suppliers they have been sourced from.

### 8.2.17 Considerate Constructors Scheme compliance

#### Costs

8.2.18 Monitoring costs in accordance with the S106 Planning Contributions SPD (2020) to be paid prior to completion of the proposed legal agreement.

8.2.19 Payment by the landowner/developer of all the Council's legal and other relevant fees, disbursements and Value Added Tax in respect of the proposed negotiations and completion of the proposed legal agreement

### 8.3 **Recommendation C**

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

### 8.4 **INFORMATIVES**

The following information should be added as informatives :

- S1.1 Building Control
- SI.2 Work Affecting Public Highway
- SI.3 Sanitary, Ventilation and Drainage Arrangements
- SI.6 Control of Pollution (Clean Air, Noise, etc.
- SI.7 Hours of Building Works
- SI.25 Disabled Person's Provisions
- SI.27 Fire Precautions Act
- SI.28 Refuse Storage and Disposal Arrangements
- SI.34 Landscaping
- SI.40 Application for Advertisement Consent - Advert Not Shown
- SI.43 Safeguarding Employment Generating Uses
- SI.45 The Construction (Design & Management) Regulations 1994
- SI.48 Soundproofing

SI.57 CIL  
NPPF - Applicant/Agent Engagement

- 8.4.1 Additionally, the following informatives requested by consultees should be added:

*Canal and River Trust*

- 8.4.2 Code of Practice for Works Affecting the Canal & River Trust  
The applicant/developer should refer to the current “Code of Practice for Works affecting the Canal and River Trust” to ensure that any necessary consents are obtained  
(<http://canalrivertrust.org.uk/about-us/forbusinesses/undertaking-works-on-our-property>).  
Surface water discharge The applicant is advised that surface water discharge to the waterway will require prior consent from the Canal & River Trust. Please contact Liz Murdoch from the Canal & River Trust Utilities team ([liz.murdoch@canalrivertrust.org.uk](mailto:liz.murdoch@canalrivertrust.org.uk))

*Encroachment*

The applicant/developer is advised that any oversail, encroachment or access to the Trust’s land or waterway requires written consent from the Canal & River Trust’s Estates team ([Bernadette.McNicholas@canalrivertrust.org.uk](mailto:Bernadette.McNicholas@canalrivertrust.org.uk)) regarding the required agreement

*Metropolitan Police*

- 8.4.3 The applicant must seek the continual advice of the Metropolitan Police Service Designing out Crime Officers (DOCOs) to achieve accreditation. The services of MPS DOCOs are available free of charge and can be contacted via [docomailbox.ne@met.police.uk](mailto:docomailbox.ne@met.police.uk).

*Thames Water*

- 8.4.4 The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk)
- 8.4.5 There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>

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

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

*Crossrail 2 Safeguarding*

8.4.8 Applicants should refer to the Crossrail 2 Information for Developers available at [crossrail2.co.uk](http://crossrail2.co.uk). Crossrail 2 will provide guidance in relation to the proposed location of the Crossrail 2 structures and tunnels, ground movement arising from the construction of the tunnels and noise and vibration arising from the use of the tunnels. Applicants are encouraged to contact the Crossrail 2 Safeguarding Engineer in the course of preparing detailed design and method statements.

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

**ALED RICHARDS**  
Director, Public Realm

NO.	SUBMISSION DOCUMENTS, POLICY/GUIDANCE, BACKGROUND PAPERS	NAME/DESIGNATION AND TELEPHONE EXTENSION OF ORIGINAL COPY	LOCATION CONTACT OFFICER
1.	<p>Application documents and LBH policies/guidance referred to in this report are available for inspection on the Council's website.</p> <p>Policy/guidance from other authorities/bodies referred to in this report are available for inspection on the website of the relevant authorities/bodies</p> <p>Other background papers referred to in this report are available for inspection upon request to the officer named in this section.</p> <p>All documents that are material to the preparation of this report are referenced in the report</p>	Louise Prew (Senior Planning Officer) x8613	2 Hillman Street, London E8 1FB



Site photographs



Aerial view



View looking south-east towards the site from the northern bank towpath



Looking south towards site from towpath with TPO trees in foreground



Canal context showing existing buildings



Orsman Road elevation



Orsman Road elevation