

ADDRESS: 49 – 50 Eagle Wharf, London, N1 7ED	
APPLICATION NUMBER: 2017/3511	
WARD: Hoxton West Ward	REPORT AUTHOR: Stuart Hammond

DRAWING NUMBERS:	VALID DATE: 10/10/2017
<p>Drawings Numbers:</p> <p>EAG-P100-S2-P0 Existing Ground Floor EAG-P101-S2-P0 Existing First Floor EAG-P102-S2-P0 Existing Second Floor EAG-P103-S2-P0 Existing Location Plan EAG-P104-S2-P0 Existing North and South Context EAG-P105-S2-P0 Existing Demolition Ground Floor EAG-P106-S2-P0 Existing Demolition First Floor EAG-P107-S2-P0 Existing Demolition Second Floor EAG-P108-S2-P0 Existing Courtyard Elevations EAG-P109-S2-P0 Existing Courtyard Elevations</p> <p>EAG-P110-S2-P0 Proposed Basement Floor Plan EAG-P111-S2-P1 Proposed Ground Floor Plan EAG-P112-S2-P0 Proposed First Floor Plan EAG-P113-S2-P1 Proposed Second Floor Plan EAG-P114-S2-P1 Proposed Third Floor Plan EAG-P115-S2-P1 Proposed Fourth Floor Plan EAG-P116-S2-P1 Proposed Fifth Floor Plan EAG-P117-S2-P0 Proposed Sixth Floor Plan EAG-P118-S2-P0 Proposed Block Plan EAG-P220-S2-P1 South Elevation SEP 2018 EAG-P221-S2-P1 North Elevation SEP 2018 EAG-P222-S2-P1 Street Scene SEP 2018 EAG-P223-S2-P1 South Long Section SEP 2018 EAG-P224-S2-P1 North Long Section SEP 2018 EAG-P225-S2-P1 West Cross Section SEP 2018 EAG-P226-S2-P1 East Cross Section SEP 2018</p> <p>EAG-K173-S2-P1 Use Plans Proposed Basement and Ground Floor SEP 2018 EAG-K174-S2-P1 Use Plans Proposed First and Second Floor SEP 2018 EAG-K175-S2-P1 Use Plans Proposed Third and Fourth Floor SEP 2018 EAG-K176-S2-P1 Use Plans Proposed Fifth Floor SEP 2018</p>	

<p>Supporting Documents: Planning Statement, prepared by Montagu Evans 2018; Response to Consultation Comments Received and Enclosures, prepared by various 2018; Additional Information Cover Letter, prepared by Montagu Evans 2018; Design and Access Statement, prepared by Peter Davy Smith 2018; Drainage Report, prepared by Tully De'Ath 2017; Heritage Statement, prepared by Montagu Evans; Archaeological Assessment, prepared by Howe Malcolm Archaeology and Planning Ltd; Daylight/Sunlight Assessment, prepared by Dixon Payne; Ecological Appraisal 2018, prepared by Lloyd Bore; Drainage Energy Statement, including Overheating Design Note, prepared by XCO2 Energy; Ventilation Statement, prepared by XCO2; Employment Floorspace Viability Report, prepared by Currell Commercial 2017; Noise Impact Assessment, prepared by Accon UK; Sustainability Statement, prepared by XCO2; Desk Study Report, prepared by Southern Testing Environmental and Geotechnical; Statement of Community Involvement, prepared by AECOM 2018; Air Quality Assessment and Air Quality Neutral Assessment prepared by Accon UK; Transport Statement, prepared by TTP Consulting 2018; and, Agreed Appraisal SEP 2018; Viability Summary 12.9.18_ V2 prepared by Savills</p>	
<p>APPLICANT: GHL (Eagle Wharf Road) Ltd.</p>	<p>AGENT: Montagu Evans 5 Bolton Street London W1J 8BA</p>
<p>PROPOSAL: <i>Partial demolition of existing buildings, retention of 3 storey building and former industrial chimney and redevelopment of the site to provide a mixed use scheme comprising blocks of 2 to 7 storeys and accommodating 5644 sq. m, of commercial floorspace at basement, ground, part first, second, third, fourth and fifth floor level, 50 residential units at part first, part second, third, fourth, fifth and sixth floor levels (23 X 1 bed, 17 X 2 bed, 8 X 3 bed, 2 X 4 bed) as well as 127 sq. m. cafe floorspace (A3) at ground floor level, landscaped communal gardens, pedestrian link route to the Regents Canal and other associated works.</i></p>	
<p>POST SUBMISSION REVISIONS:</p> <p>Further Information:</p> <ul style="list-style-type: none"> o Further information provided in response to consultation comments o Further information provided as revised planning statement with enclosures addressing multiple considerations o Clarification of ownership o Revised development description o Disclosure of viability appraisal and assumptions 	

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RECOMMENDATION SUMMARY:

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

NOTE TO MEMBERS:

This application has been brought before Planning Sub-Committee as it is a Major Development

ANALYSIS INFORMATION

ZONING DESIGNATION: (Yes) (No)

CPZ	X (Zone F)	
Conservation Area	X (Regents Canal)	
Listed Building (Statutory)		X
Listed Building (Local)	X	
PEA	X (Wenlock)	

LAND USE DETAILS:	Use Class	Use Description	Floorspace
Existing	B1	Business	4,784
	A3	Food and drink	251
Proposed	B1	Business	5644
	A3	Food and Drink	127
	C3	Residential units	4609

RESIDENTIAL USE DETAILS:	Residential Type	No of Bedrooms per Unit				
		1	2	3	4	5+
Existing	0	0	0	0	0	0
Proposed	Flats	23	17	8	2	0
	Dwellings	0	0	0	0	0
	Studio	0	0	0	0	0
Totals	(Total = 50)	23	17	8	2	

Overall Residential Unit Totals:	Market	Intermediate	Social	Total
Existing	0	0	0	0
Proposed	50	0	0	50

PARKING DETAILS:	Parking Spaces (General)	Parking Spaces (Disabled)	Bicycle storage
Existing	10 (informal)	0	20 (informal)
Proposed	0	3	168

CASE OFFICERS REPORT

1. SITE DESCRIPTION

- 1.1** The site is immediately north of Eagle Wharf Road, N1 and within the Hoxton West Ward. The site is bounded by Eagle Wharf Road to the south and Regents Canal to the north, and neighbouring properties no.48/48a to the east and no. 51-59 to the west. It is roughly rectangular in shape and approximately 0.39ha.
- 1.2** The Borough boundary with the London Borough of Islington follows the northern bank of the Regents Canal at this location.
- 1.3** Existing development on site comprises of a complex of 2-3 storey commercial buildings. The majority of the space provided by the complex is in B1 use class, in part used for photographic studios, and partly for offices and other ancillary B1 uses, with the remaining space in A3 use class. About 1,200m² of the B1 space is double storey height studio space and the rest is single storey height studio, office and ancillary space.
- 1.4** The applicant has stated that the following leases apply to the site:
- 49 Eagle Wharf Road is leased to Holborn Studios for a period of 15 years commencing on and including 29 June 2015;
Unit 1, 50 Eagle Wharf Road leased to Holborn Studios for a period of 15 years, commencing on and including 29 June 2015.
Unit 2, 50 Eagle Wharf Road leased to Stonemanor (trading as Apricot) between 1 March 2007 and 31 March 2018; and,
Units 3 and 4, Eagle Wharf Road are leased to Holborn Studios for a period of 15 years, commencing on and including 29 June 2015.
- 1.5** From site inspection and consultation responses, the space leased to Holborn Studios operates as a film and photography studio, and 'hire out' surplus space to businesses that operate within similar or associated fields.
- 1.6** Holborn Studios also operate the space which is in A3 use. This space is operated as a bar and brasserie and it is located in the north east of the complex, adjacent to and opening out onto Regents Canal. It is known as the Commissary.
- 1.7** Within the complex there is also a courtyard shared by the businesses on site. The courtyard is approximately 61sqm. On inspection, the courtyard provides space for parking on site, though the amount has been disputed during consultation and is unclear given the lack of distinct marked bays. The type of parking provided is for vehicles and bicycles. Based on a site visit, it is considered that there is informal parking space for circa 10 vehicles and 20 bicycles.
- 1.8** The site's primary access is from Eagle Wharf Road. It provides both vehicular and pedestrian access through into the courtyard. There are also two secondary access points for servicing and loading. The site has a Public Transport Accessibility Level

(PTAL) of 2 though the level rises within 100m of the site to a PTAL of 5. The site lies within a Crossrail 2 safeguarding area.

- 1.9** On the basis of the site visit, soft landscaping is limited with only potted plants visible throughout the site.
 - 1.10** Immediately adjacent the site to the east is No. 48/48a Eagle Wharf Road. Development on this site comprises a 3 storey warehouse facility for self-storage with associated car parking.
 - 1.11** Immediately adjacent the site to the west is No. 51-59 Eagle Wharf Road. Development on this site comprises a recent development of 4 – 7 storey modern mixed use development.
 - 1.12** To the south of the Site, across Eagle Wharf Road, development comprises of a range of 3-4 storey residential buildings.
 - 1.13** To the north of the Site, is the Regents Canal, and at this location for the length of the site is the pontoon dock of Eagle Wharf Marina (EWM). A lease plan provided during consultation outlines provision for the pontoon dock and 5 commercial and 7 residential barges. The moorings and pontoon are immediately adjacent the site.
 - 1.14** EWM can be accessed from the site and vice versa. EWM can also be accessed from a controlled point on the publically accessible Packington Street Bridge, which is approximately 50m east of the site as the crow flies. Across the canal is the public towpath and residential buildings ranging from 2 – 6 storeys in height.
 - 1.15** Within approximately 250m east and west along the canal, there are instances of canalside development where the massing is up to 7 storeys in height.
 - 1.16** The site is located within the Wenlock Priority Employment Area (PEA) and the City Fringe Opportunity Area (CFOA). The Regent Canal is designated as a Conservation Area (CA), Site of Interest for Nature and Conservation (SINC), Green Link, Green Corridor and as Open Space, and forms part of the GLA Blue Ribbon network.
- Red line boundary and ownership*
- 1.17** The site location plan submitted shows a redline site boundary that extends into the Regents Canal. Partly within the redline boundary, as it extends into the Regents Canal, is Eagle Wharf Marina (EWM) as discussed. EWM is operated under a lease from the Canal Rivers Trust (CRT).
 - 1.18** Notwithstanding this, the freehold ownership of the land within the redline boundary is understood to be under the sole ownership of the applicant, as evidenced by a land registry deed. The CRT, who own and manage the Regents Canal have agreed with this position. The applicant has confirmed that the only tenancies that are either noted on the registry deed or have been subsequently granted, and which constitute Interested Parties are to Holborn Studios Limited, who have been served notice.
 - 1.19** On the basis of the information available, it is accepted that all Interested Parties have been notified of the application.

Conservation and Heritage

- 1.20** The site is located within the designated Regents Canal Conservation Area (RCCA). Development on site and specifically the Commissary are outlined within the conservation area appraisal:

Much of the western end of Eagle Wharf from opposite Sturts Lock as far as Packington Road Bridge has in last twenty years been extensively refurbished with many factory buildings now being part of Holborn Studios, one of London's major film locations and photographic studios. The Commissary, a bar and restaurant with a large conservatory overlooking the canal and extensive outdoor seating is part of Holborn Studios and is an attractive and sensitive conversion of an industrial building.

- 1.21** The existing buildings are identified as Buildings of Townscape Merit. The existing buildings were also added to the local list in 2012. It is noted on the list that the building is a "Victorian former industrial building (now studios)".
- 1.22** The area immediately north of the Canal, within the London Borough of Islington, is designated as being within Arlington Square Conservation Area (ASCA).
- 1.23** Beyond No. 51-59 Eagle Wharf Road, at the junction of Eagle Wharf Road and Shepherdess Walk are No. 107-133 (Odd) Shepherdess Walk, which are a grade II listed terrace of residential buildings.

2. RELEVANT PLANNING HISTORY

- 2.1** The site was subject to an application submitted by the same applicant for the redevelopment of the site in 2015. The application reference was 2015/2596. The proposed development was:

Partial demolition of existing buildings, retention of 3 storey building and former industrial chimney and redevelopment of the site to provide a mixed use scheme comprising blocks of 2 to 7 storeys and accommodating 5644 sq. m, of commercial floorspace at basement, ground, part first, second, third, fourth and fifth floor level, 50 residential units at part first, part second, third, fourth, fifth and sixth floor levels (23 X 1 bed, 17 X 2 bed, 8 X 3 bed, 2 X 4 bed) as well as 127 sq. m. cafe floorspace (A3) at ground floor level, landscaped communal gardens, pedestrian link route to the Regents Canal and other associated works.

- 2.2** The proposed development of 2015/2596 is, for the majority, is the same in scope to that being considered under this application.
- 2.3** The application was recommended for approval by Officers and Members resolved to approve the application at a meeting of Planning sub-committee in July 2016, subject to conditions and the completion of a legal agreement. The application was subsequently approved on the 8th November 2016. The decision was subsequently challenged by way of a Judicial Review. The challenge was brought by Holborn Studios and a Mr D. Brenner. The challenge was upheld and the decision was subsequently quashed for procedural reasons mainly relating to the consultation process.

2.4 Further to this, the following list comprises relevant applications for development on the site:

2.5 Application Reference: 2013/0032

Application Description: Demolition of existing buildings associated with the erection of a mixed use building to provide 5,139sqm of class b1 floor space, 371sqm class a3 (restaurant) floor space and 82 residential units together with associated car parking spaces, delivery bay, cycle parking and associated amenity space and landscaping
Application Decision: Withdrawn by applicant

2.6 Application Reference: 2012/3923

Application Description: Demolition of existing buildings and the erection of a mixed use building to provide 5,139sqm of Class B1 floor space, 371sqm Class A3 (restaurant) floor space and 82 residential units together with associated car parking spaces, delivery bay, cycle parking and associated amenity space and landscaping.
Application Decision: Withdrawn by applicant

2.7 Application Reference: SOUTH/479/98/FP

Application Description: Change of use of existing use of existing staff restaurant to public restaurant (A3 Use).
Application Decision: Granted

2.8 The following applications were for proposed development adjacent to the site:

Eagle Wharf Marina

2.9 Application Reference: SOUTH/570/97/FP

Application Description: Provision of facilities and pontoons to facilitate the provision of 15 residential and commercial boat moorings.
Application Decision: Granted

No. 51-59 Eagle Wharf Road (164 – 168 Shepherdess Walk)

2.10 Application Reference: 2009/2154

Application Description: Change of use of Unit 11 from class A3 (restaurants and cafes) to alternative use Class A3 or B1 (Business) or D1 (non-residential institutions) to include the following uses only: Clinics (except those treating alcohol or drug addiction or dependency or mental health problems), Health Centres, Crèche and Day Nurseries; Day Centres; Art Galleries; Museums; Libraries; and Non-residential education and training centres.
Application Decision: Granted

2.11 Application Reference: 2009/0546

Application Description: Change of use of units 3, 4, 5, & 6 from class B1 (Business) to a dual use class B1 (Business) / D1 (Non-residential institutions) to include the following uses only: Clinics, except those treating alcohol or drug addiction or dependency; or mental health problems; Health Centres; Day Centres; Art Galleries; Museums; Libraries; and Non-residential education and training centres.
Application Decision: Granted

2.12 Application Reference: 2005/2375

Application Description: Demolition of existing buildings and erection of a part 5, part 6, part 7 storey plus basement level building to provide 3000sqm of Class (B1)

(Commercial) floor space; 310sqm of Class A3 (Restaurant) floor space and 108 residential units, comprising 33 x 1 bed, 41 x 2 bed, 30 x 3 bed and 4 x 4 bed units together with 29 car parking spaces and 5 servicing bays and associated landscaping
Application Decision: Granted

Packington Bridge Gate House, Sturts Lock, N1

2.13 Application Reference: 2013/0843

Application Description: Erection of a single storey gatehouse building, external staircase and wheelchair lift with a timber pontoon and secure bike store.

Application Decision: Granted

3. CONSULTATION

- 3.1** The Council informs people of planning applications in a number of different ways. There is a statutory requirement to inform specific Statutory Consultees of planning applications through Schedule 5 of The Town and Country Planning (Development Management Procedure) (England) Order 2010. A list of these stakeholders is outlined on the Council's website.
- 3.2** The Council has also adopted a Statement of Community Involvement (SCI) which sets out the standards of consultation. In deciding how and who to consult on a planning application, the Council take the following into account:
- The minimum statutory requirements for publicity of planning applications as set out in the relevant legislation; and
 - The type of application - for example the Council will normally go beyond the minimum notification requirements where a development may give rise to significant local controversy, or is on a particularly sensitive site or is of a large-scale.
- 3.3** The statutory requirement for publicity of the application is considered to be a Press Notice and either Site Notice or Neighbour Notification, and which is set out in the SCI. With specific regard to neighbour notification, the SCI sets out that the council will notify all properties within at least 30m of the boundaries of the application site as a minimum. It is Officers discretion to notify neighbours outside of this area.
- 3.4** Consultation was undertaken on the application. In line with statutory requirements and the SCI the publicity of the application comprised:
- A Press Notice
 - Site Notices
 - Notification of neighbours within 30m of the application site as a minimum.
 - Publication on the Councils weekly list of applications and website; and,
 - Consultation with the Conservation Area Advisory Committee
- 3.5** In addition, objectors to application 2015/2956 were also notified at the discretion of the Officer.
- 3.6** Applications can be amended during their determination. There is no statutory requirement for the council to re-consult or stipulations on methods to be used. The SCI outlines that changes may be made to resolve objections. In these cases there is

no legal requirement to re-consult stakeholders, although the Council may re-advertise and re-consult for a 14 day period.

3.7 There were six rounds of consultation on the application and the details of each are outlined below. In each round relevant statutory consultees, local groups and members of the public were invited to comment.

3.8 Overall, there has been full compliance with statutory requirements and the SCI. All documents in support of the application have been publically available for comment for over 21 days. Comments received from the date on which the application was first publicised until the time of writing have been considered in this report. Where requests to view elements file have been made, this has been reasonably accommodated.

3.9 Consultation with members of the public is discussed at 3.18.

3.10 Consultation with local groups is discussed at 3.19

3.11 Consultation with statutory consultees is discussed at 3.20

3.12 First Round of Consultation

3.12.1 Date Statutory consultation period started: 12/10/2017

3.12.2 Date Statutory consultation period ended: 02/11/2017 (21 days)

3.12.3 Site Notice: Yes (x3 – x2 within LBH and x1 within LBI)

3.12.4 Press Advert: Yes

3.12.5 In addition to the site notice and press notice, 368 notification letters were sent to nearby occupiers and previous objectors to application 2015/2596 notifying them of the application.

3.13 Second Round of Consultation

3.13.1 In response to comments raised by the Officers, further information was submitted by the applicant. The information provided clarification around various matters including ownership, Interested Parties, existing uses and employment levels, daylight and sunlight, ecological matters and a response to objections.

3.13.2 The substantial objections raised during initial consultation and content of the information addressing these objections was considered to justify further consultation.

3.13.3 Date Statutory consultation period started: 25/04/2018

3.13.4 Date Statutory consultation period ended: 09/05/2018 (14 days)

3.13.5 Site Notice: (x3 – x2 within LBH and x1 within LBI)

3.13.6 Press Notice: No

3.13.7 In addition to the site notice, 471 notification letters were sent to nearby occupiers inviting them to comment. Furthermore, all consultees (where details were provided) who responded to the initial consultation were also invited to comment.

3.14 Third Round of Consultation

- 3.14.1 In response to further comments raised by the Officers, further information was submitted by the applicant. The information provided clarification regarding the reference to consultation with Holborn Studios in the application, alongside a drainage strategy, revised transport assessment, further daylight and sunlight information and revised ecology assessment.
- 3.14.2 The substantial objections raised during initial consultation and content of the information addressing these objections was considered to justify further consultation.
- 3.14.3 Date Statutory consultation period started: 05/06/2018
- 3.14.4 Date Statutory consultation period started: 19/06/2018 (14 days)
- 3.14.5 Site Notice: (x3 – x2 within LBH and x1 within LBI)
- 3.14.6 Press Notice: No
- 3.14.7 In addition to the site notice, 499 notification letters were sent to nearby occupiers inviting them to comment. Again, all consultees (where details were provided) who responded to the initial rounds of consultation were also invited to comment.
- 3.15 Fourth Round of Consultation**
- 3.15.1 In response to further comments raised by the Officers, further information was submitted by the applicant. The information provided further clarification regarding remaining references to consultation with Holborn Studios in the application, and accordingly revised the design and access statement and statement of community involvement.
- 3.15.2 The substantial objections raised during initial consultation and content of the information addressing these objections was considered to justify further consultation.
- 3.15.3 Date Statutory consultation period started: 12/07/2018
- 3.15.4 Date Statutory consultation period started: 26/07/2018 (14 days)
- 3.15.5 Site Notice: (x3 – x2 within LBH and x1 within LBI)
- 3.15.6 Press Notice: No
- 3.15.7 In addition to the site notice, 465 notification letters were sent to nearby occupiers inviting them to comment. Furthermore, consultees (where details were provided) who responded to the initial consultation were also invited to comment.
- 3.16 Fifth Round of Consultation**
- 3.16.1 In response to further comments raised by the Officers, further information was submitted by the applicant. The information provided further detail on and clarification regarding the development description, errors contained within drawings, ownership details, affordable workspace and viability. Consequently, a more detailed development description to explicitly set out the constituent elements of the proposed development was agreed; clarification regarding drawing errors and ownership; justification and clarification of the affordable workspace; and, full disclosure of the viability assessment and subsequent revised affordable housing offer was provided.
- 3.16.2 The substantial objections raised during initial consultation and content of the information which addressed these objections was considered to justify further consultation.

- 3.16.3 Date Statutory consultation period started: 17/09/2018
- 3.16.4 Date Statutory consultation period ended: 11/10/2018 (24 days)
- 3.16.5 Site Notice: (x3 – x2 within LBH and x1 within LBI)
- 3.16.6 Press Notice: No
- 3.16.7 In addition to the site notice, 441 notification letters were sent to nearby occupiers inviting them to comment. Furthermore, consultees (where details were provided) who responded to the initial consultation were also invited to comment. 130 notification letters were sent to the previous commenters to 2015/2956
- 3.16.8 The site notice was erected a day after the circulation of notification letters. The site was dated accordingly outlining a minimum of 24 days for comments to be made.
- 3.17 **Sixth Round of Consultation**
- 3.17.1 Officers noted an error with the fifth round of consultation. Consequently, the application and all supporting information was reconsulted upon.
- 3.17.2 Date Statutory consultation period started: 15/11/2018
- 3.17.3 Date Statutory consultation period ended: 09/12/2018 (24 days)
- 3.17.4 Site Notice: (x3 – x2 within LBH and x1 within LBI)
- 3.17.5 Press Notice: No
- 3.17.6 In addition to the site notice, 667 notification letters were sent to nearby occupiers inviting them to comment. Furthermore, consultees (where details were provided) who responded to the initial consultation were also invited to comment.
- 3.18 **Public Responses**
- 3.18.1 At the time of writing, during all rounds of consultation detailed above, there were 930 objectors and 2 supporters..
- 3.18.2 A summary of the main grounds raised in support are as follows:
- Provision of much needed housing
 - Provision of public access to the Canal
 - Retention of the most historic elements
- 3.18.3 A summary of the main issues raised by these objections are as follows:
- o Loss of employment – 300+ jobs
 - o Loss of employment to local people
 - o Loss of 25 local businesses
 - o Loss of viable business as protection to heritage assets
 - o Loss of businesses on site and in area
 - o Loss of locally listed buildings
 - o Loss of historic building of townscape merit in the CA – more protection should be afforded to it because few remain
 - o Loss of high profile/internationally renowned photography studio
 - o Loss of cultural heritage / community asset / landmark / iconic use
 - o Loss of operation that supports local businesses
 - o Loss of affordable workspace
 - o Loss of amenities provided for canal boat residents
 - o Loss of incubator space for new business

- o Loss of a community amenity space
- o Loss of educational facility
- o Loss of access to the canal moorings
- o Loss of a wedding venue
- o Loss of SME business premises
- o Loss of a performing venue
- o Loss of studio space for arts and creative business
- o Loss of historic use
- o Loss of site of special historic significance
- o Loss of photography and film studios, and darkroom facility
- o Loss of anchor tenant

- o Impact to local community – socially, culturally, environmentally and economically
- o Impact to media / photography industry – few studios of this calibre left in central London, difficult to recreate parameters in new developments
- o Impact to PEA
- o Impact to wider businesses in area
- o Impact to wider creative and media industry
- o Impact to the vitality of creative and media industry in the borough
- o Impact on canal boat residents
- o Impact to the canal users
- o Impact to the canal
- o Impact to the Conservation Area appearance and character physically
- o Impact to the Conservation Area character culturally and socially
- o Impact on the diversity of film and photography studios offered in Greater London
- o Impact to ecology
- o Impact of additional housing on local services
- o Impact to existing local businesses with the likely build programme and having to relocate
- o Impact on traffic generated on cyclists using Eagle Wharf Road
- o Impact to local views

- o Proposal isn't needed / no need to develop the site / no justification
- o Proposal would result in the existing businesses leaving the borough
- o Proposal does not meet the specific housing needs of Hackney
- o Proposal does not provide affordable housing in line with policy
- o Proposal is unsympathetic to the conservation area
- o Proposal would be detrimental to the character and appearance of the conservation area
- o Proposal is not suitable for a photographic studio use of the existing calibre
- o Proposal will not deliver housing that is affordable to existing community residents
- o Proposals will be marketed offshore before marketing to local residents
- o Proposals will force out creative business that benefit area
- o Proposal would result in an imbalance of land use within PEA
- o Proposals could be accommodated on other sites
- o Proposal is unworkable at canal side given the relationship between the current leaseholders
- o Proposal does not provide employment space suitable for businesses that operate in this area
- o Proposal results in overdevelopment
- o Proposal will generate traffic

- o Proposal for basement space does not provide suitable space for artists
- o Proposal for basement space does not provide suitable space for photographic/film studios
- o Proposal will deliver poor quality housing
- o Proposal conflicts with the Regents Canal CA Appraisal
- o Proposal does not provide provision for retaining jobs during construction
- o Proposal reduces stock of affordable workspace
- o Proposal has not been developed in consultation with the existing businesses

- o Misleading information in the planning application
- o Objections made to application 2015/2956 should be considered
- o Lack of policy protection to creative businesses and districts
- o No provision to retain current jobs during construction period
- o Responses from photographers and professionals within the film/photography industry outlining that the basement space could not function to provide high end studios
- o Increase in use of Packington Street bridge as access
- o Planning policy has a presumption is in favour of retaining employment floorspace
- o Reconfiguration of space is not suitable for existing businesses
- o Unnecessary delay tactics by the applicant
- o Reducing stock of small units
- o Loss of space supported by the Mayor
- o Proposed office accommodation is inappropriate for the site specific characteristics and location
- o Proposals would harm character and appearance of conservation area by demolishing most of the existing buildings
- o Historic chimney is negatively affected by being left as a standalone structure
- o Redacted viability report contradicts policy seeking transparency in such matters

3.19 Local Groups

3.19.1 A summary of the comments offered by local groups consulted are as follows:

Holborn Studios

3.19.2 An objection from the operators of Holborn Studios was received on the following grounds(summary):

- *Unsuitability of proposed space for photographic and moving image studio on the grounds of –*
 - o *Access / Operational Requirements*
 - o *Fire Safety*
 - o *Ceiling Heights / Operational requirements*
- *In professional opinion the proposed space would be unviable for business.*
- *Loss of business diversity and suitable space for SME's*
- *Inappropriate introduction of residential use*
- *Loss of light industrial land*
- *The application doesn't address the structural report*
- *Loss of the largest film/photography studio in Hackney*
- *Misrepresentation in the planning application*
- *Conflicts with London Plan Policy and Draft London Plan Policy*
- *Leases/occupancy*
- *Political statements made by Hackney politicians*

- *Substantial impact to heritage assets*
- *No affordable housing provided*
- *Lack of transparency with regards to viability*
- *Multiple professional photographer objections*

Eagle Wharf Marina (EWM)

3.19.3 An objection was received on the following grounds (summary):

- *Lack of consultation with Eagle Wharf Marina or any other occupiers on site*
- *Proposal will end the symbiotic relationship between EWM and businesses in 49 – 50 Eagle Wharf Road*
- *Proposal will result in the existing moorings – 5000sqft office space / 7 residential moorings – not being able to operate due to access*
- *No agreement to use pontoon/moorings as set out in application*
- *Unsuitability of proposed space for photographic and moving image studio*
- *Recent mayoral promises*
- *Lease with CRT provides for 5 business barges and 7 residential barges for 20 years – access from Packington Street Bridge*
- *Pre application advice to 2015/2596 suggested the retention of the existing uses*

Inland Waterways Association (IWA)

3.19.4 Support was received, subject to conditions, on the following ground (summary):

- *Advocate the use of the canal for the movement of materials, given cycling accidents and seek a condition for such.*
- *Generally in support of application due to opening up of the canal and retention of genuine heritage buildings subject to further information concerning sunlight to the canal and wildlife issues.*

Angel Association / FORC

3.19.5 An objection was received on the following grounds (summary):

- *Loss of iconic building*
- *Loss of destination*
- *Loss of listed building site*
- *Impact to the canal – heritage*
- *Impact to the canal – overshadowing*

Association of Photographers

3.19.6 An objection was received on the following grounds (summary):

- *Loss of only central London studio large enough to take a car or other large subjects*
- *Impact on the photographic industry*
- *Impact to creative industry*
- *Loss of culturally significant asset*

Friends of Regents Canal

3.19.7 Objection on the grounds of (summary):

- *Loss of Holborn Studios*
- *Loss of buildings on site all of which are locally listed*
- *The scheme threatens the employment of over 300 people within the Holborn Studios community and there is no provision to retain jobs offsite during a prolonged construction period.*

- *The scheme will deprive Hackney (and the Regent's Canal) of a large number of visitors who flow through Holborn Studios and who contribute to the vibrancy and economy of the area.*
- *Loss of a destination*
- *The scheme offers no affordable housing.*
- *The scheme involves demolition of a locally listed heritage asset that is within the Regents Canal Conservation Area.*
- *The proposed studio configurations in the basement are totally unsuitable.*
- *London needs places like Holborn Studios and this scheme would result in a net loss for London.*
- *A very similar scheme has recently been rejected by the high Court.*
- *Request for committee members to visit the site prior to the committee*
- *Objections to similar applications – 2012/3923, 2015/2596, 2017/3511 should be considered as part of the assessment of this application*

Regents Canal/Shoreditch Conservation Area Advisory Committee CAAC

3.19.8 No response received.

The Regents Network

3.19.9 Objection on the ground of (summary):

- *Disruption to local community and businesses*
- *The existing accommodates and caters for the local community there would be no benefit from the development to the community or the waterway*
- *Impact of the proposed development in terms of height, bulk and appearance to the Regents Canal as a heritage and public asset*
- *Lack of notification during consultation process*
- *Non waterway use in the proposed development beside the canal which would be contrary to policy;*
- *The canal and conservation area have been degraded by existing large and bulky developments and the proposed development is overly large and bulky, adding to this degradation;*
- *Protruding balconies are detrimental;*
- *Proposals result in the loss of industrial land and would not provide suitable space for the existing tenants;*
- *Residential and commercial accommodation should be affordable;*
- *Manner in which the chimney is being retained is not appropriate;*
- *Viability information should be provided in the public domain*

The Greater London Industrial Archaeological Society (GLIAS)

3.19.10 Objection on the ground of (summary):

- *Intensive character of the proposed development within the conservation area*
- *The loss of viable and distinctive studio space*
- *The loss without recognition of the last remains of the historic Regents Canal Iron Works*
- *The loss without recognition of fine examples Henry Grissel's style of manufactured iron and trusses*
 - *If the Council decides to approve the development, then we ask not only that the iron roof be archaeologically recorded to a good standard but also that some of the roof trusses be retained as instructive ornamental*

features of the site, together with a cast-iron pillar also located on the site.

Hackney Society Planning Group (HSPG)

3.19.11 Objection on the ground of (summary):

- *More effort made to rehouse the existing occupier;*
- *Quality of courtyard spaces are compromised given the orientation of the site looking toward the canal (north) with most of the massing to the south;*
- *Internally the planning of the housing blocks is problematic with long corridors with no daylighting and a large number of single aspect units;*
- *Consider forms of the proposed buildings and choice of material are overly complex;*
- *Retention of the existing chimney is welcomed but loss of building at its base diminishes this as it loses its context;*
- *Highly desirable to preserve the current economies of the site and its intensive employment-led use;*
- *Existing is demonstrably highly sustainable both economically and in terms of sensitive use of the heritage buildings; and,*
- *The current proposal is highly speculative and does not offer any certainty that it can maintain the current employment levels or, in particular, the affordable resources for small enterprises that are currently enjoyed.*

3.20 Statutory Consultees

3.20.1 A summary of the comments offered by statutory consultees consulted are as follows:

Historic England (Historic Buildings and Areas)

3.20.2 No comments further to those made on 2015/2596 outlining the following:

Historic England is broadly content with the proposed redevelopment of this site and the proposed scheme. However, the setting of the chimney and its ability to be appreciated as a landmark in locally important views would be compromised. Given that it is locally listed building and within the conservation area identified as a building of townscape merit, this would cause some harm. Should you be minded to approve these proposals, we strongly urge you to secure the retention, repair and future maintenance of the chimney tower by legal agreement.

Historic England (Archaeology)

3.20.3 No objection subject to conditions relating to:

- *Two stage archaeology condition including written schemes of investigation and if required method site investigation and post investigation programme of work.*
- *Building recording and publication in line with section 12 of the NPPF (2012)*
- *Written schemes of investigation should be prepared and implemented by a suitably qualified professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London.*

The Canal and Rivers Trust

3.20.4 No objection to the proposed development subject to conditions and with comments made on the following grounds:

Land Ownership – CRT agrees with developer. The redline plan does not include any Canal & River Trust owned land.

Design

The Trust welcomes the preservation of the chimney,

Removal of adjacent low brick buildings on the canalside also removes its functional context.

Concerns about the proximity of the proposed six storey element to block 1, and in particular the projecting balcony, which gets very close to the brick chimney, and compromises the setting of this non-designated heritage asset which forms an important landmark on the canal corridor.

Concerns about the height of the proposed development adjacent to the canal and its impact on the appreciation of the chimney, impact on the conservation area and relationship to the retained building.

Design changes to the above could improve the setting of the scheme within the Regent's Canal Conservation Area.

Canal Wall

Works will need to comply Code of Practice for Works Affecting the Canal & River Trust Survey of the canal wall will be required to inform potential mitigation measures to carry out demolition and piling work safely

Canalside Uses and Moorings

Generally support the principle of animated uses on the canalside to provide activity, as the existing development does.

Concern raised about the adverse impact on the existing moorings here, which we consider make a positive contribution made to the Regent's Canal Conservation Area.

Ensure that the relationship between the application site and the moorings is carefully managed.

Concern regarding the management of the access provided to the adjacent existing mooring pontoons and adverse impacts them – suggests additional security and privacy measures for the occupants of the moorings.

The LPA may be aware that the Trust leases the waterspace for the moorings to the operator, but we make these comments in our role as a statutory consultee.

Ecology and Overshadowing

New ecological assessment should be conducted and submitted prior to determination of the scheme.

Consideration should be given to bats using the canal as a feeding corridor and how this might be affected by the development, and what mitigation may be required.

Daylight, Sunlight and Overshadowing report does not assess the impact of the proposal on the canal or the adjacent moorings.

Mitigation measures may be required.

Any additional ecological enhancements that might be considered near the canalside should be sustainable and not affect navigation. This site may also benefit from environmental enhancements such as bird and bat boxes.

Lighting

No lighting should be installed which directly illuminates the surface of the canal, in order to protect this SINC and its role as a bat feeding corridor.

Off-site works

Contribution from the development towards the Enterprise team's project to improve the canal environment for all users. We consider that a figure of £35,000 would be reasonable for a development of this scale. Welcomes the agreement by the developer to this figure.

Consequently, conditions and planning obligations on the following matters were sought:

- *Risk Assessment and Method Statement for all works adjacent to the water and moorings*
- *Full details of landscaping scheme*
- *Pre commencement survey of the waterway wall and method statement for repair*
- *Details of proposed lighting and CCTV*
- *Full details of measures to ensure continued enjoyment of adjacent moorings*
- *Secure payment of £35,000*

London Fire and Emergency

- 3.20.5 *No objection with comments made on the following ground (summary):
With reference to the application no. 2017/3511 dated 25 April 2018, the Commissioner requests plans clearly indicating how the proposal will meet the requirements of Approved Document B, Section B5.*

Thames Water

- 3.20.6 *No objection subject to the following comments and conditions relating to:
Waste Comments
Developer should follow sequential approach to the disposal of surface water. Discharge to the public sewer will require approval from Thames Water.*

Water Comments

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

Supplementary Comments

As the site is closer to a natural water course we expect all surface water to be discharged here.

London Borough of Islington (LBI)

- 3.20.7 *Comments on the following matters:
Use and opening hours of proposed ground floor café and its outdoor seating area should be controlled to ensure amenity impacts (including for Islington residents opposite) are limited.*

No objection in design and conservation terms.

Seeks the retention of Holborn Studios as a unique asset in terms of employment and cultural heritage, would be of public benefit. This public benefit would extend beyond borough boundaries. References 2012/6858/P.

A complete (written and illustrated) assessment of the impact of the proposed development upon views and the setting of the Arlington Square Conservation Area should be provided by the applicant.

The removal of the unsightly boundary wall (visible from the Islington side of the canal, between the application site and the adjacent development on the corner of Shepherdess Walk and Eagle Wharf Road) should be secured if it is under the control of the applicant.

Control of glare and lighting overspill should be undertaken in line with paragraph 10.42 of the applicant's Ecological Appraisal

Adjacent residents of Islington should be consulted directly by LB Hackney, if they have not been already.

Crossrail Limited

- 3.20.8 No objection subject to conditions and informatives relating to:
- *Detailed design and construction method statements to ensure accommodation/safeguarding of Crossrail 2*
 - *Reference to the Crossrail 2 Information for Developers*

Natural England

- 3.20.9 No objection.

Secure By Design (SBD) – Metropolitan Police

- 3.20.10 No objection subject to conditions relating to:
- *Request Secured by Design condition and community safety informative*

Transport for London

- 3.20.11 No objection subject to conditions and general comments on the grounds of:
- *Cycle parking provision in line with London Plan and Draft New London Plan.*
 - *It is recommended the total number of 90 and 78 cycle parking spaces for the Residential and Commercial uses respectively are secured by condition.*
 - *5% of cycle parking spaces should be provided to accommodate larger cycles to be in accordance with the London Cycle Design Standards (LCDS).*
 - *Requests a Construction Logistics Plan in line with TfL guidance*
 - *It is imperative that road safety measures are considered and preventative measures delivered through the construction and operational phases of the development. TfL encourages the use of contractors who are registered on the FORS system under silver membership and would welcome a commitment by the applicant to this scheme outlined in the CMP. Please see: <http://www.tfl.gov.uk/info-for/freight/safety-and-the-environment/managing-risks-wrrr>.*
 - *Requests a Delivery and Servicing Plan in accordance with TfL guidance*
 - *Understands that 3 car parking spaces are provided for electric vehicles only*
 - *TfL supports the inclusion of a framework Travel Plan and requests that it is updated accordingly as development progresses.*
 - *Given the scale, location and nature of the proposal, TfL recommends the production of a Construction Management Plan that will be submitted to and approved by both the Borough of Hackney and TfL prior to works commencing*

on site. This document should include both the demolition and construction phases.

- *Car free nature of development welcomed and this should be secured by restricting occupiers from applying for permits.*

GLA culture team

3.20.12 General comments made on the following:

- *Consideration should be given to the draft policies of the London Plan specifically policies on creative workspace and re-provision of workspace, and the Mayor's Cultural Infrastructure Plan*
- *Holborn Studios contribution to London's cultural infrastructure is valuable and significant. It is essential that creatives in London have access to a range of spaces to suit their diverse needs.*

3.21 Council Departments

Pollution - Land Contamination

3.21.1 No objection subject to conditions relating to:

- *Additional information to be carried out further to Desk Study Report prepared by ST Consult (Ref DS2568, November 2014) including:*
 - *An additional cable percussive borehole position in the western corner of the site.*
 - *As well as three combined gas and water monitoring installation in WS's, similar installations in all of the cable percussive positions.*
 - *Groundwater monitoring, sampling and analyses from all positions where groundwater is encountered.*
 - *Initially 6 ground gas monitoring visits (to include PID) over a three month period.*
- *Condition CSL 1*
- *Condition CSL 2*

Economic Regeneration

3.21.2 No objection subject to conditions, obligations and general comments on the ground of:

- *The percentage of affordable workspace is significant in the context of our policy requirement and the opportunity to secure the quantum, rates, management and end-use are strong positives.*
- *What we require is for the applicant to commit to a process by which the affordable element is secured for tenants that provide space for businesses from the same sector as the current tenants.*
- *Conditions and obligations –*
 - *Employment and skills plan*
 - *Procurement plan*
 - *Ways into work contribution*
 - *24% as affordable workspace*

Private Sector Housing

3.21.3 Consideration should be given to:

- *Building regulations*
- *Natural lighting and ventilation*
- *Internal ventilation for internal windowless bathrooms, WC's and kitchens*
- *Windowless rooms must have mechanical ventilation*

- *Adequate provision for refuse*

Pollution – Air

3.21.4 No objection subject to conditions relating to air quality management.

Streetscene - Highways

3.21.5 The following works to the surrounding highways network are required and are to be secured via a S278 agreement:

- *Reconstruction of the footway along the front of the site on Eagle Wharf Road using new ASP slabs and new kerb;*
- *The conversion of the redundant crossovers to footway,*
- *Provision of new crossovers as required reconstruction of the two remaining crossovers and provision of a dropped kerb for the proposed goods lift;*
- *The resurfacing of the carriageway between Shepherdess Walk and Cropley Street;*
- *The refitting of the lamp columns along the same stretch of road with LED relocation of any street furniture as required to accommodate the development amendments to parking, loading and other traffic regulation orders to accommodate the revised street design and access arrangements.*

The works have been costed at £100,130 which has been agreed with the applicant.

Sustainable Drainage Officer

3.21.6 No objection subject to conditions relating to:

- *Details of proposed Sustainable drainage system – no discharge until such works undertaken*
- *Evidence, signed off by appropriate professional, of final completion survey*

CCTV & Emergency Planning

3.21.7 No objection general comments requesting:

- *If CCTV is to be installed, there are minimum standards which the system must meet in order to be compatible with the councils systems.*

Pollution Noise

3.21.8 No objection subject to conditions relating to:

- *Ventilation and extraction details for A3 use*
- *Safeguarded background noise levels*
- *Safeguarded internal noise levels*
- *Ensuring additional soundproofing between adjacent residential and commercial elements*
- *Standards for noise emissions from proposed plant*
- *Standards for noise emissions from demolition and construction management plan.*

Traffic and Transportation

3.21.9 No objection subject to the following conditions, obligations and general comments:

- *Transport Improvements*
- *Travel Plan monitoring fee*
- *Future residents excluded from applying for a car parking permit*
- *Future residents provided with free car club membership and driving credit to the figure of £60*

- Cycle parking – secure sheltered and accessible cycle park including end of journey facilities such as shower and changing facilities to be provided in accordance with Hackney Transport Strategy provisions on site prior to first occupation of the development and maintained there afterwards.
- Delivery Service Plan
- Demolition & Construction Management Plan
- Work & Residential Travel Plans

Waste Management

3.21.10 No objection subject to conditions and general comments made as follows:

- *Application requires 9200 litres for domestic waste and recycling, and further 10,900 litres for commercial waste*
- *Suggest a ratio of 10:4 provision for commercial waste in favour of B1*
- *Separate storage of waste between commercial and residential waste*
- *Rates of collection should be clarified and details of servicing should be provided by condition to ensure suitable provision*

Pollution Noise

3.21.11 No objection subject to conditions relating to:

- *Fixed plant noise 10dB below background noise levels*
- *Ventilation and extraction details*

3.22 Prior Consultation and Objections to application reference 2015/2596

3.22.1 Given that the application has the same development description and the proposed development would be of the same character to that of application reference 2015/2596, consultation comments made to 2015/2956 have been considered in the assessment of this application.

3.22.2 The objections were summarised by the Officers report to committee as follows:

- *The demolition of the locally listed buildings is unacceptable and would harm to the conservation area;*
- *The proposals result in overdevelopment of the site, the scale is excessive, would harm the canal and conservation area and would significantly reduce the dominance of the existing chimney in views along the canal;*
- *Proposals are not employment led, provide for a decrease in employment floorspace and the loss of the existing employment floorspace is not consistent with policy as it is viable and in high demand;*
- *Proposed floorspace would not be suitable for the existing businesses resulting in the loss of Holborn Studios;*
- *Proposals would reduce availability of affordable workspace;*
- *Proposed development would impact existing businesses and residents along the canal resulting in their closure;*
- *Proposals would harm the amenities of neighbouring residents by causing losses of day light and sunlight, overlooking, and by compromising security;*
- *Proposals would have unacceptable transport impacts and provide insufficient levels of car parking;*
- *Proposals would not provide sufficient play space;*
- *Construction impacts would harm amenities of neighbouring residents;*
- *The proposals would result in the loss of trees, plants and wildlife habitats;*

- *Insufficient facilities for disabled people are proposed; and*
- *Insufficient levels of affordable housing are proposed.*

4. POLICIES

4.1 In accordance with Section 38(6) of The Planning and Compulsory Purchase Act (2004) planning applications should be determined in accordance with the development plan, unless other material planning considerations indicate otherwise.

4.2 The development plan comprises:

- The London Plan (adopted March 2016)
- The London Borough of Hackney Core Strategy Development Plan (adopted December 2012)
- The London Borough of Hackney Development Management Plan Local Plan (July 2015): and
- The London Borough of Hackney Site Allocations Local Plan (July 2015)

4.3 Within these documents it is considered that the pertinent policies are as follows:

4.4 Hackney Core Strategy (2010)

Policy CS6 - Transport and Land Use
Policy CS12 - Health and Environment
Policy CS19 - Housing Growth
Policy CS20 - Affordable Housing
Policy CS22 - Housing Density
Policy CS24 - Design
Policy CS25 - Historic Environment
Policy CS27 – Biodiversity
Policy CS28 – Water and Waterways
Policy CS29 - Resource Efficiency and Reducing Carbon Dioxide Emissions
Policy CS30 - Low Carbon Energy, Renewable Technologies and District Heating
Policy CS32 - Waste
Policy CS33 - Promoting Sustainable Transport

4.5 Hackney Development Management Plan (2015)

Policy DM1 – High Quality Design
Policy DM2 – Development and amenity
Policy DM3 – Promoting health and well-being
Policy DM4 – Community infrastructure levy and planning contributions
Policy DM5 – Protection and delivery of social and community facilities and places of worship
Policy DM19 – General Approach to new housing development
Policy DM21 – Affordable Housing Delivery
Policy DM22 – Homes of different sizes
Policy DM28 – Managing the historic environment
Policy DM31 – Open space and living roofs
Policy DM35 – Landscaping and tree management
Policy DM37 – Sustainability standards for residential development

- Policy DM38 – Sustainability standards for non-residential development
- Policy DM39 – Offsetting
- Policy DM40 – Heating and Cooling
- Policy DM45 – Development and Transport
- Policy DM47 – Parking, Car free and car capped development

4.6 **London Plan (2016)**

- Policy 3.3 Increasing housing supply
- Policy 3.4 Optimising housing potential
- Policy 3.5 Quality and design of housing developments
- Policy 3.6 Children's and young people's play and informal recreation facilities
- Policy 3.7 Large residential developments
- Policy 3.8 Housing choice
- Policy 3.9 Mixed and balanced communities
- Policy 3.11 Affordable housing targets
- Policy 3.12 Negotiating affordable housing on individual private residential and mixed use schemes
- Policy 3.15 Coordination of housing development and investment
- Policy 4.1 Developing London's economy
- Policy 4.12 Improving opportunities for all
- Policy 5.1 Climate change mitigation
- Policy 5.2 Minimising carbon dioxide emissions
- Policy 5.3 Sustainable design and construction
- Policy 5.5 Decentralised energy networks
- Policy 5.6 Decentralised energy in development proposals
- Policy 5.7 Renewable Energy
- Policy 5.9 Overheating and cooling
- Policy 5.10 Urban Greening
- Policy 5.11 Green roofs and development site environs
- Policy 5.12 Water use and supplies
- Policy 6.1 Strategic approach to transport
- Policy 6.3 Assessing the effects of development upon transport capacity
- Policy 6.9 Cycling
- Policy 6.10 Walking
- Policy 6.13 Parking
- Policy 7.1 Building London's neighbourhoods and communities
- Policy 7.2 Inclusive environment
- Policy 7.3 Designing out crime
- Policy 7.4 Local character
- Policy 7.5 Public realm
- Policy 7.6 Architecture
- Policy 7.7 Location and design of tall buildings
- Policy 7.8 Heritage assets and archaeology
- Policy 7.13 Safety security and resilience to emergency
- Policy 7.14 Improving air quality
- Policy 7.15 Reducing noise and enhancing soundscapes
- Policy 7.19 Biodiversity and access to nature
- Policy 7.21 Trees and woodlands
- Policy 7.24 Blue Ribbon Network
- Policy 7.27 Blue Ribbon Network: supporting infrastructure

- Policy 7.28 Restoration of the Blue Ribbon Network
- Policy 7.30 London's canals and other rivers and waterspaces
- Policy 8.2 Planning obligations
- Policy 8.3 Community Infrastructure Levy

4.7 Further to the development plan is the following guidance and national policies which are material considerations:

4.8 Supplementary Planning Guidance and Documents

Regional Guidance

- Accessible London (October 2014);
- Affordable Housing and viability (August 2017)
- Character and Context (June 2014);
- City Fringe Opportunity Area Planning Framework (2015);
- Energy Planning (April 2014);
- Guidance on the preparation of energy assessments (2016);
- Housing SPG (2016)
- Housing Design Guide (2010);
- London Planning Statement (May 2014);
- Play and Informal Recreation SPG (2012);
- Planning for Equality and Diversity in London (October 2007);
- Sustainable design and construction SPG (April 2014); and,
- The control of dust and emissions during construction and demolition (July 2014);

Local Guidance

- Sustainable design and construction SPD (2016);
- Planning Contributions SPD (2015);
- Public Realm SPD (2012);

4.9 National Planning Policies and Guidance

National Planning Policy Framework (NPPF)

The NPPF was revised and published on 24 July 2018 and superseded previous national planning guidance. The NPPF sets out the Government's approach to planning matters.

National Planning Policy Guidance (NPPG)

The NPPG was published in March 2014 (with subsequent updates). It is a simplified source of national guidance on planning matters.

4.10 Emerging Planning Policy

There is currently a suite of emerging policy documents. The GLA consulted upon a draft new London Plan between December 2017 and March 2018, with the intention of replacing the previous versions of the existing London Plan. The Council has also published the Draft Local Plan 2033 (LP33) for consultation (Regulation 18) between October and December 2017. This was the first draft of the LP33 to be published, with the Regulation 19 draft subsequently considered by Cabinet and Council in late October 2018 ahead of future consultation and submission to the Secretary of State in 2019. The emerging LP33 therefore still carries extremely little weight in material

planning terms, although none of its emerging content would change the recommendations set out in this report.

The NPPF sets out that decision takers may also give weight to relevant policies in emerging plans according to their stage in preparation, the extent of unresolved objections and degree of consistency with the NPPF. It is considered by Officer's that neither of the draft plans referenced above are at a stage where they carry anything more than limited material weight in decision making.

5. COMMENT

5.1 Proposal

5.1.1 Planning permission is being sought for:

Partial demolition of existing buildings, retention of 3 storey building and former industrial chimney and redevelopment of the site to provide a mixed use scheme comprising blocks of 2 to 7 storeys and accommodating 5644 sq. m, of commercial floorspace at basement, ground, part first, second, third, fourth and fifth floor level, 50 residential units at part first, part second, third, fourth, fifth and sixth floor levels (23 X 1 bed, 17 X 2 bed, 8 X 3 bed, 2 X 4 bed) as well as 127 sq. m. cafe floorspace (A3) at ground floor level, landscaped communal gardens, pedestrian link route to the Regents Canal and other associated works.

5.1.2 The proposal would demolish all existing buildings on site, except for a 3 storey L shaped block fronting onto the canal and the chimney. The new build elements are three new blocks, which will be from 2 to 7 storeys in height with basement, and adjoin the retained building at two points to the south.

5.1.3 The proposal would comprise of 5644sqm GIA/4554sqm NIA of employment space (B1 use class), 127sqm GIA/116sqm NIA of restaurant and café space (A3 use class) and 50 new dwelling houses (C3 use class) (4609sqm) provided in the following mix:

- 23x 1 bed (46%);
- 17x 2 bed (34%);
- 8x 3 bed (16%) ; and,
- 2x 4 bed (4%).

5.1.4 Of these, 5 wheelchair adaptable dwelling houses are proposed (4x 2 bed 3 person, and 1x 1bed 2 person). This represents 10% of the overall residential units.

5.1.5 Private amenity space is provided by balconies to the majority of the residential units. Shared amenity space is provided by the creation of courtyards and landscaped space around the development.

5.1.6 The proposed development will be car free except for three blue badge parking spaces and a total of 168 cycle storage spaces will be provided; 90 of these spaces will be provided for residents, with the remaining 78 spaces provided for users of the B1 and A3 space.

Comparison with quashed scheme

5.1.7 In summary, there are the following differences between this application and application reference 2015/2956 (i) additional payment of £757, 076 to affordable housing, (ii)

additional payment of £47, 592 to carbon offsetting and (iii) provision of 24% affordable workspace on site only (removal of previous payment). There are no differences between this application and application reference 2015/2596 in terms of land uses, their quantum, mass, design and layout. The application proposes no works to EWM.

5.2 Considerations

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

- Principle of Development;
- Design and Heritage Considerations;
- Quality of accommodation: Residential
- Impact to Amenity;
- Biodiversity;
- Traffic and Transportation;
- Energy and Sustainability;
- Landscaping;
- Waste and Refuse;
- Air and Land Contamination;
- Drainage and Flooding;
- Community Infrastructure Levy; and,
- Planning Contributions.

5.2.2 Each of these considerations is discussed in turn below.

5.3 Principle of Development

Employment

5.3.1 The site is located within the Wenlock Priority Employment Area (PEA) and the Core Growth Area of the City Fringe Opportunity Area (CFOA).

5.3.2 The London Plan identifies that the CFOA as having an indicative employment capacity of 70,000 jobs and a minimum of 8,700 new homes.

5.3.3 The Core Strategy sets out that the main purpose of PEAs is to protect and promote business locations in the borough, especially in areas where clusters are well established. As a reflection of this they are exempt from permitted development rights allowing a change from office to residential uses.

5.3.4 Policies CS17, CS18 and DM17 confirm that residential uses (C3) may be acceptable in PEA's, as long as such uses are auxiliary to business and do not undermine the primary and long term function of PEA's as employment areas. There is no specific ratio given in any policy as an acceptable split in employment to residential uses. There is no specific preference given to a single employment use class. Specifically for Wenlock PEA, policy DM17 states that development must result in an increase of office floorspace compared to the existing amount.

5.3.5 The evidence base upon which LP33 is being prepared was published in 2017. The evidence base, specifically the Employment Land Study, concludes that there is a shortfall in the delivery of employment space and there will be demand for 117, 000sqm of B1a in the borough across the plan period to 2033.

- 5.3.6 Consequently, it is concluded that the primary function of sites within these designations is to support and promote commercial opportunities, but there may be opportunities to supplement this with other uses including residential.
- 5.3.7 Policy DM14 of the DMLP sets out a prescriptive set of criteria that proposals for the redevelopment of sites containing employment land and floorspace, and where the loss of employment land and floorspace must meet to be considered compliant. DM17 states that applicants must first consider the commercial opportunities and potential of that land and floorspace, and demonstrate in the first instance that the maximum economically feasible amount of employment land and floorspace is provided. New A Class and residential (C3) uses may be acceptable in PEAs, as long as auxiliary to business, and where not considered to draw trade away from existing identified retail centres to the detriment of their vitality and viability.
- 5.3.8 The existing development provides 4,784sqm GIA / 3387sqm NIA of B1 floorspace. This floorspace is provided within buildings that have been developed and amended over time. The space provided has a light industrial feel to it as it is provided in a mixture of period structures with high ceilings, narrow corridors, multiple cores and stepped access.
- 5.3.9 The proposal seeks to provide 5,644sqm GIA / 4,554sqm NIA of B1 floorspace. This represents an uplift of 860sqm GIA / 1,167sqm NIA. As a percentage of the land uses proposed, the GIA of B1 floorspace is about 54% of the total.
- 5.3.10 The proposal was supported by a viability assessment, which was independently assessed, and it is accepted that the proposed amount of B1 floorspace represents the maximum economically feasible amount.
- 5.3.11 The proposal also seeks to provide 50 dwelling houses (C3 use class) which equates to 4609sqm GIA and 116sqm NIA/ 127sqm GIA of café and restaurant (A3 use class) floorspace. As a percentage of the land uses proposed, the GIA of C3 floorspace is about 45% and the GIA of A3 floorspace is about 1%.
- 5.3.12 Despite the introduction of residential use and café/restaurant use the development remains employment led in terms of overall floorspace.
- 5.3.13 The amount of retail type floorspace reprovided on site is less than that currently operational. It is therefore considered that this level of provision is auxiliary to the employment floorspace provided and will not draw any additional trade from existing identified retail centres which is acceptable.
- 5.3.14 Surrounding employment uses are within B1 use class. There are no significant uses within close proximity to the site within B2 use class. B1 use class allows for employment appropriate in residential areas. Consequently, the proposed residential use is not considered to undermine the operation of the PEA in this location.
- 5.3.15 The CFOA asserts that there is capacity for 70,000 jobs in the opportunity area. An up to date evidence base concludes there is an existing shortfall of employment space, and sets out a borough target of 117, 000sqm to inform forthcoming policy preparation and decision making. Existing policy does not set out a preference for a specific employment use class, nor does it prefer a specific type of use.

5.3.16 The proposed development will deliver over 1000sqm NIA of additional B1 floorspace in the PEA, which has been assessed as the maximum feasible amount, and results in an employment led development; an element of which will also be affordable (as discussed below). The additional space will be capable of supporting a wide range of employment generating uses and generate employment opportunities, supporting the PEA, helping to meet economic objectives of the borough, address existing shortfalls and accommodate forecasted demand overall supporting the strategic functions of the CFOA.

Affordable Workspace

5.3.17 DM16 seeks 10% of new floorspace within major commercial schemes to be provided as affordable and in the first instance, this provision should be on site. As set out in supporting text, the Council consider affordable workspace to be 20% less than comparable market rates in perpetuity.

5.3.18 The Core Strategy notes that the main purpose of PEAs is to protect and promote affordable business locations in the borough as this provides employment opportunities and supports Hackney's economy.

5.3.19 The Tech City/City Fringe OAPF outlines that the role played by affordable employment space and the importance this will have in future are particularly recognised.

5.3.20 It is understood from consultation that the current operation of the Holborn Studio lease allows for the hiring out space at 'below market rent' to various occupiers. It is understood that the amount of space provided fluctuates subject to the Holborn Studios space requirements, the level of rent is not known, but nevertheless cannot be controlled.

5.3.21 Given their continued operation, this hiring out of space is considered to have led to a successful business model for the tenants, and based on consultation comments benefitted numerous businesses. However, the quantum of space, the rent level and the process of its allocation to potential occupiers is not secure.

5.3.22 The applicant has proposed 24% of the total employment floorspace to be provided as affordable workspace. This would equate to 1,354.5sqm GIA. The workspace would be provided at 80% of market rent and be let on such rents in perpetuity. In effect, the offer means that all of the 860sqm GIA uplift in B1 space and a further 494.5sqm GIA of the existing B1 space will be secured as affordable workspace on site at policy compliant levels of rent. This reflects the previous offer proposed in 2015/2596.

5.3.23 It has been confirmed that the space will be provided in the south west corner of the site from ground to fifth floor. This arrangement of the space allows for it to be contained within a specific block of the development, whilst also being flexible to be split and accommodate various occupiers including small businesses. This is considered to be beneficial to the operation, management and market resilience of the space. The space is accessible, served by two cores, dual aspect, served by private external space and therefore considered to be good quality.

5.3.24 The proposed affordable workspace has been reviewed by the Council's Economic Regeneration team and is deemed to be an acceptable and '*significant*' offer.

- 5.3.25 The level of proposed affordable workspace exceeds the 10% which is sought by policy and satisfies the expectation for this to be on site. The policy does not preclude securing a higher level of affordable workspace, subject to viability. Notwithstanding this however given the quantum of residential units proposed as part of the development, which cross subsidises the redevelopment of employment space, policy CS20 requiring affordable housing is triggered. The policy requires 50% of all units subject to site characteristics, location and overall scheme viability. The matter is discussed further in section 5.3.58 below. Both the delivery of affordable workspace and affordable housing are noted as strategic issues for the borough.
- 5.3.26 This matter has been discussed between the Applicant and the Officers. Consequently, the proposed affordable workspace has been driven by balancing two factors; seeking the delivery of 10% or more of affordable workspace on site; and, the successful operation and management of the space as part of the wider development, which would not undermine its potential to address other strategic needs.
- 5.3.27 The proposed level of onsite affordable workspace is considered to exceed policy, offering more than double sought. It is considered that this will support the applicable land use designations, whilst being deemed flexible and manageable for workspace providers. In addition, it does not undermine the wider operation and viability of the scheme and therefore, its ability to deliver wider benefits, specifically towards affordable housing. It is considered that, based on the viability appraisal, further onsite provision would require changes to the layout, cores and overall operation which could undermine the viability of the scheme and therefore the balanced delivery of wider benefits.
- 5.3.28 The legal acquisition of a fixed quantum of affordable space in perpetuity and supported by a binding fair process open to various local creative businesses is considered to be a wider benefit of the proposed workspace.
- 5.3.29 Overall the affordable workspace provision is considered to be, on balance, acceptable. This will need to be secured via a legal agreement.

Quality of accommodation: Employment

- 5.3.30 Core Strategy policy 18 sets out that employment floorspace provided should be high quality, flexible and easily adaptable to the modern needs of business. This is reflected in policy DM15 which requires all new B1 floorspace to be well designed and high quality incorporating a range of units sizes and types that are flexible, with good natural light, suitable for sub-division and reconfigurations for various uses and activities, which should be supported by a marketing strategy.
- 5.3.31 As discussed, policy DM14 seeks for applicants to consider the commercial opportunities and potential of employment land and floorspace and ensure the maximum economically feasible amount of floorspace is being provided; and, PEAs represent the core portfolio of employment land in the borough.
- 5.3.32 The application is supported by a Viability Report Relating to Employment Floorspace (VREF). The application argues that the existing B1 space on site is substandard in that it provides basic and dated employment space, characterised by inefficient employment floorplates. It is also set out that the existing space is not compliant with the Disability Discrimination Act (DDA). Consequently, the application sets out that the existing space

comprises an unattractive offer for commercial tenants. Beyond this the VREF outlines that the quality of the proposed space will be attractive to the current market.

- 5.3.33 It is accepted that the existing B1 floorspace is not compliant with the DDA, and is considered to have comparatively dated and inefficient floorplates to typical modern development, however it is not accepted that this results in the space being an unattractive offer. The space provides and has provided an acceptable standard for both Holborn Studios and Stonemanor to operate for reasons inherent to the physical nature of the building. It is considered more accurate to conclude that the space does not meet the modern standards that would be reasonably expected by some of the broad range of businesses that could occupy B1 space in planning terms, and therefore could comprise an unattractive offer for them.
- 5.3.34 The space proposed is considered to provide a good range of unit sizes and floorplates which, given the layout, are flexible and sub dividable. The space is also supported by the provision of landscaped amenity space and an on site café/restaurant. It is considered that the majority of space will benefit from a comparatively better outlook and better levels of natural light than the existing space.
- 5.3.35 The application sets out that the space provided at basement level has been designed for an intended photographic and film use. This includes a proposed floor to ceiling height of 5m together with the arrangement of structural columns to provide the free space needed for photographic white infinity spaces or ‘coves’ – where photos are taken of subjects. The level of light to this space is consummate with an operation that isn’t reliant on natural daylight.
- 5.3.36 On assessment of the proposed space, in the basement and throughout, it is considered by Officers that the specific operational needs of Holborn Studios, as set out in their consultation comments, would not be accommodated. It is therefore logical to assume that if the proposed development is approved, this user may likely vacate the site as it could no longer operate from this space. Beyond this, Holborn Studios have also stated that the studio space proposed would be unsuitable for any *‘photographic and moving image studio’* and *‘in their professional opinion would be unviable’*. Officers do not contend this opinion and consider that it may not be useable for the quality of work which is presently carried out there, but Officers consider that the proposed development is capable of providing for a wide range of occupiers within the B1 use being applied for, including those within the photographic studio trade.
- 5.3.37 Other businesses operating under licence from Holborn Studios in the existing buildings have also commented that they would be forced to vacate the space if the application was approved. Based on visual inspection of the existing buildings and space in which they operate, Officers believe that this is not due to their operational needs and more the relationship they have with Holborn Studios and requirement to vacate during construction. On this assessment, it is considered that the proposed floorspace could meet their operational needs.
- 5.3.38 Policy DM14 does not seek to protect specific types of employment floorspace, merely the quantum. Further to this, CS Policy 18 and DM15 seek to provide flexible employment floorspace, suitable for various uses and no specific or existing use.

- 5.3.39 In strictly policy terms, the development provides the maximum economically feasible amount of employment floorspace, which is an uplift against the existing provision in line with DM14.
- 5.3.40 Overall, there is a clear policy objective for new business floorspace to be designed to respond to changing economic conditions and support economic growth. The space is considered to be meet modern standards, be flexible, suitable for a range of sizes, suitable for a range of uses within B1 in line with CS Policy 18 and DM15.
- 5.3.41 The proposed development may lead to the loss of Holborn Studios. Given the number of consultation comments in support of its retention the loss of Holborn Studios is regrettable, however it is considered that there is no Development Plan policy requirement to retain the specific type of floorspace that Holborn Studios desire within the broader B1 use class.

Employment Generation

- 5.3.42 The proposed development, based on consultation comments, provides 350+ jobs across the various operations on site. It is not doubted that there is a significant amount of existing employment generation from the site, but without an actual head count, which is considered unreasonable, it is hard to clarify.
- 5.3.43 The applicant has provided an assumption of the employment generation of the site for the existing and proposed development. This assumption is based on the Homes and Communities Agency's Employment Density Guide 3rd Edition (2015) (HCA guide). The use of this document is considered to be acceptable by Officers.
- 5.3.44 The HCA guide sets out an approach to calculating employment generation, based on the employment density – that being the average floorspace in sqm per full time equivalent member of staff (FTE) of specific uses and operations in certain configurations – telemarketing operation in a modern office space.
- 5.3.45 The calculation of employment generation for the proposed development is 329 FTE. This is based on medians between the thresholds of FTE's per A3 and B1 uses as set out in the HCA and the best and worst case scenarios for possible operators within the B1 use given that such use can accommodate various operations.
- 5.3.46 Applying the same calculations to the employment generation for the existing site is 254 FTE's.
- 5.3.47 Employment generation is subject to the specific employment use on site. The current use on site reflects the existing space provided. The proposed development will result in an increase in the amount of employment space, and this space is considered to be flexible and suitable for a range of uses within B1, supported by good amenity.
- 5.3.48 Consequently, whilst there is a scope for a fluctuation in employment generation given the uses that could be accommodated by the space over time, the proposed development will result in the delivery of flexible employment floorspace with good amenity. This is considered to result in space that is adaptable and therefore resilient to market forces, which is assumed may likely lead to sustained employment generation which is preferable in regards to this matter.

Cultural Matters

- 5.3.49 Comments made during consultation raised the issue of culture and the loss of a 'cultural asset' in Holborn Studios.
- 5.3.50 Holborn Studios operates within the B1 use class as discussed. The wider space licenced by businesses also operates within the B1 use class. Arts, culture and tourism are defined by the core strategy as activities which include the following uses - hotels, theatres, museums, galleries, concert halls and conference facilities. These uses would typically fall in other use classes outside of B1.
- 5.3.51 As discussed, the development provides for an uplift in B1 space, securing a policy compliant element as affordable in perpetuity operated to support creative businesses. Whilst there is no policy requirement to retain specific types of floorspace within a B1 use class (beyond affordable workspace objectives), the new space provided could operate as a photography studio, albeit not necessarily by Holborn Studios'. There are a number of photographic studios located within Hackney and they occupy a wide variety of accommodation including space of the same character as that currently proposed.

Residential Mix

- 5.3.52 The London Plan target for residential development in Hackney, as set out in table 3.1 of the London Plan, is 1,599 new residential units per year (15, 988 total to 2025). The OAPF seeks a minimum of 8,700 new homes to be delivered. The proposed development will provide 50 dwelling houses, which is considered to assist in meeting these targets.
- 5.3.53 The proposed dwelling mix is as follows:
- 23x 1 bed (46%);
 - 17x 2 bed (34%);
 - 8x 3 bed (16%) ; and,
 - 2x 4 bed (4%).
- 5.3.54 London Plan policies 3.8, 3.9 and 3.11 and the Mayor's Housing SPG promote housing choice and seek a balanced mix of unit sizes and tenures in new residential developments with priority given to affordable family housing (those of 3 bedrooms or more).
- 5.3.55 Core Strategy policy 19 and Policy DM22 of the DMLP reflect the London Plan policies and seek to provide a mix of dwellings. Policy DM22 sets out a preferred dwelling mix which reflects borough needs. The preferred mix seeks to deliver a higher proportion of 2-bed (3 person) and 3+ (5+ person) bed units than 1 bed (2 person) units. However, the policy notes that variations to this size mix may be considered dependant on site, area, location and characteristics and scheme viability.
- 5.3.56 The proposed dwelling mix is not in line with the preferred dwelling mix. Notwithstanding this, given the relevant policy designations and the subsequent prioritised land uses applicable to the site, employment floorspace generation and its operation is considered to be a significant factor in assessing the application. In effect, residential development is secondary to employment development in PEAs and the principle that A and C3 uses may be acceptable if they function in a 'supporting capacity' for redevelopment to assist with the viability and quality of the replacement employment floorspace generally is acceptable.

5.3.57 The proposed mix, whilst not in line with the preferred dwelling mix, is not considered to significantly depart from the preferred mix and supports the viable delivery of an uplift of employment floorspace which will support the operation of the PEA by generating employment opportunities. Consequently, given the flexibility offered in the policy, on balance, the housing mix is considered acceptable in this instance.

Housing Affordability

5.3.58 In reflection of London Plan policies, Hackney Core Strategy policy 20 sets a target of 50% of new residential development to be affordable within developments of 10 or more units, with a tenure split of 60% affordable/social rent and 40% intermediate, subject to site characteristics, location and scheme viability. CS Policy 20 sets out a sequence that affordable housing should be delivered on-site in the first instance, where off-site provision and in-lieu contributions may only be considered in exceptional circumstances. Policy DM21 sets out the requirement to comply with CS Policy 20, and outlines criteria to which on site provision of affordable housing will apply to, subject to the content of supporting paragraphs 5.3.5, 5.3.6 and 5.3.7 of the DMLP.

5.3.59 The content of the policies' supporting paragraphs details the instances where in lieu contributions are acceptable, and how such should be ring fenced for the delivery of affordable housing.

5.3.60 The application proposes no on site affordable housing. The application was supported by a viability assessment that outlined it would be unviable to provide any affordable housing.

5.3.61 It is acknowledged that the proposal reflects that of application reference 2015/2596. This proposal also did not provide any affordable housing offer. However, since this 2015 application the context and data upon which viability assessments are undertaken has changed.

5.3.62 The table below provides the summary of the key differences in the appraisals between the respective assessors:

Assumption	Applicant's Agent	Independent Assessors
Residential Sales Value	£35,295,000	£33,855,000
Commercial GDV	£24,227,429	£26,925,000
Costs	£28,743,884	£25,837,747
Benchmark Land Value	£12,840,000	£12,000,000
Profit on GDV	16.64%	16.90%
Professional Fees	10%	10%
Planning Contributions	£1,421,100	£1,421,100
Finance Rate	7%	6.75%

5.3.63 The largest areas of difference between the Applicant's Agent and Independent Assessors were:

- Benchmark Land Value;
- Construction Costs;
- Sales Values;
- Commercial Values; and

- Finance.

- 5.3.64 Through negotiations with Officers the conclusions provided by independent assessors were accepted by the applicant. Consequently, the applicant agreed to the provision of £757, 076 beyond that of other financial contributions and non-financial obligations to satisfy policy requirements.
- 5.3.65 As discussed, there is a policy emphasis on maximising employment led development on this site in the first instance. The proposed development is considered to be acceptable with regards to these policies, specifically the affordable workspace offer. On this basis, it was considered that the £757, 076 viability surplus should be attributed towards meeting or mitigating a further policy issue or material concern. It was concluded by Officers that housing delivery, and specifically affordable housing delivery is a primary strategic issue in the wider borough, (and it was raised during consultation), therefore on this basis the surplus should be provided towards this matter, in line with affordable housing policy.
- 5.3.66 Officers therefore consider that the affordable housing provision represents the maximum reasonable amount once other policies have been fully satisfied.
- 5.3.67 The affordable housing provision is offered as a financial contribution, and consequently, this is therefore a contribution in lieu of affordable housing provision on site or on an alternative site within the vicinity.
- 5.3.68 The provision of affordable housing on site reflecting £757, 076 was assessed internally. There is an identified borough wide need for social rented units, and the most pressing need in the borough within this tenure is for 3 bed social rented units. Given land values it is considered unlikely that the surplus amount would secure more than two of such units on site. This level of provision alone is not preferred by Registered Providers (RPs) in general, and it could be difficult to secure an RP to manage them in isolation. Further to this, layout design changes to accommodate the units and access, are considered to undermine the delivery of the maximum feasible amount of employment and affordable employment workspace, and the maximum reasonable amount of affordable housing.
- 5.3.69 In comparison, the off-site contribution could be secured, ring fenced and used within the Council's affordable housing supply programme, which would ensure the delivery of the maximum amount of affordable housing within the borough, in more predominantly residential areas that can better support family housing.
- 5.3.70 Overall, the contribution of £757, 076 towards affordable housing delivery does not undermine the policy compliant employment element and its benefits, represents a betterment against the previous application reference 2015/2596 and will ensure the delivery of the maximum amount of affordable delivery for this amount.

5.4 **Design and Heritage Considerations**

- 5.4.1 London Plan policy 7.4 requires new development to respect its context; policy 7.6 seeks to ensure that buildings and structures are of the highest architectural quality; and, policy 7.8 sets out that development should identify, conserve, restore, re-use and incorporate heritage assets, where appropriate, being sympathetic to asset's form, scale, materials and architectural detail where they affect them and their setting.

London Plan policy 7.8 also states that all new development should protect, enhance and promote archaeological heritage and where required, archaeological fieldwork will be required.

5.4.2 Core Strategy policy 24 seeks to adopt a rigorous design approach and ensuring a good and optimum arrangement of the site in terms of form, mass and scale. Core Strategy policy 25 sets out that all development should make a positive contribution to the character of Hackney's historic and built environment.

5.4.3 Hackney's Policy DM 1 also seeks to ensure that all new development achieves a high standard of design and layout, in which buildings and their contexts are respected. Hackney's Policy DM 28 sets out how the borough will manage its historic environment prescribing criteria that development shall meet and how considerations shall be balanced.

Overall Site Layout

5.4.4 The site layout provides for the retention of the C19th elements and opens up the canal frontage by pulling back the building line which is currently hard up against the canal.

5.4.5 There is a further standalone new build facing the canal of six storeys and a five to seven storey building that wraps around the eastern and southern boundary of the site, providing a street frontage to Eagle Wharf Road. The five to seven storey building is reduced to two storeys where it meets the canal.

5.4.6 The layout of the buildings create three landscaped areas. The first is the landscaped area within the northern part of the site created by removing the existing building adjacent to the canal and opening it up; the second, the main square within the eastern part of the site created in the space between the wrap around building and standalone; and, the third, is the courtyard in the western part of the site created between the retained canal buildings and the wrap around.

5.4.7 Ground floor uses are split between employment (B1 use class) and café/restaurant (A3 use class), with residential units above served by four cores. The café/restaurant occupies the ground floor of the standalone building and has a landscaped seating area spilling out north towards the canal.

5.4.8 The orientation of the site has sought to open up the canal, open up the C19th elements on site, increase views of these elements from the canal and place massing which maximises the use of the site away from these elements and to create a legible street frontage.

5.4.9 Overall this approach works well in the surrounding context, opening up key assets on site, activating the ground floor and logically and sensitively positioning massing given the site's constraints.

Form, massing and height

5.4.10 The scheme proposes the retention of the 3 storey 19th century ranges facing the canal; and proposes a range of new buildings with varying heights, reduced where adjacent the canal. The height and massing is considered consistent with more recent development along the canal and the relationship in scale with the retained heritage buildings is considered to be acceptable. The retained chimney is considered to remain

significantly taller than all of the other buildings on the site and remains as a landscape feature when seen from the canal.

- 5.4.11 Development proposed on Eagle Wharf Road undulates between 5 and 7 storeys, though for its majority is 5. This is taller than the existing 3 storey building, but is consistent with adjacent development at Angel Wharf, and more generally with the emerging canalside development. The scale change between the 6 storey Eagle Wharf Road buildings and the three storey modern terrace to the south of the site is considered an acceptable transition in design terms given the overall character of the area.
- 5.4.12 The opening up of the canal is considered beneficial. Distances provided between buildings do not raise any significant amenity concerns as later discussed, and allow for policy compliant landscaped and public areas. The overall massing strategy is considered sound.

Architecture and materials

- 5.4.13 It is considered that the retained canalside ranges will be refurbished sympathetically in matching materials. A condition seeking the detail of these materials and on site mock ups to assess the quality will be required. In line with previous considerations, no balconies are provided on the northern elevation of the ranges to allow them to be read in their original form, providing more distinction from new build elements.
- 5.4.14 The new development is contemporary but has distinct features such as large vertically proportioned windows and brick facings to reflect the historic vernacular of canalside setting. Development facing Eagle Wharf Road follows a simple elevational rhythm with a vertical split in the design to demarcate the employment at ground and first floor and residential above. The proposed material is predominately brick, with framing around set back elements and balconies. A different material treatment to the tallest element in the elevation signifies the principle and public access to the development. The eastern elevation is blank so that adjacent development is not compromised.
- 5.4.15 The material palette proposed consists of two styles of contemporary brick and, dark aluminium finishes and fenestration to accentuate these features.
- 5.4.16 The design will be controlled with various conditions relating to materials, details and brickwork, including mock ups; and, conditions ensuring no brick slips, pipework, shutters and roof plant.
- 5.4.17 Overall, the design is considered acceptable given the retention and sympathetic refurbishment of buildings of key heritage interest and bringing forward new build elements of an appropriate scale and massing. The proposed architecture of the new build elements is well composed, with gridded elevations and a high quality, restrained palette of materials that is considered to complement the retained heritage buildings and wider vernacular of the immediate area.

Landscape, Public Realm and Access

- 5.4.18 Landscape amenity and public realm will be provided on site. The spaces will be provided by hard landscape areas, with seating and lighting and limited urban greening to reflect the industrial character of the site. This approach is understood. The spaces provided are considered to be generous for an inner London development and meet

policy standards. The arrangement is considered to be appropriate with playspace and private parking separated from public areas and proposed café seating. The opening up of a publically accessible area from Eagle Wharf Road extending towards the canalside is considered beneficial and will be secured by way of legal agreement.

- 5.4.19 Access to the development from Eagle Wharf Road will be gated. Of the two proposed access points, the western gate will provide access for residential and commercial occupants only, whilst the east gate will provide time restricted access to the public to access the canal side area during set hours.
- 5.4.20 The proposed design allows for access to be provided to the canalside by a landscaped area. The boundary between the site and the canal, and consequently, the pontoon of Eagle Wharf Marina is marked by intermittent planters on site. Overall, passive provision is provided by the development for access between the site and the pontoon to replicate the current arrangement. This arrangement is reliant on both parties maintaining this access. It is considered possible, especially given the context, that Eagle Wharf Marina could erect a boundary up to 2m without the need for planning permission, which would remove access to the pontoon and close off the site from the canal. Such an erection is beyond the control of this application, and it is not considered prejudicial to the determination of this application, and recommendation of this report.
- 5.4.21 Should consent be granted, a full landscaping plan including maintenance will be required and the Council's Landscape Officer has requested that the applicants explore the potential to use the retained chimney as a bird and bat nesting tower and for vertical greening along the canal edge. Further to this, the access details and operation of the landscaped spaces given the proposal will be requested by way of condition as part of an overall management plan.

Impact on designated Heritage Assets

Context

- 5.4.22 The site is located within the Regents Canal Conservation Area (RCCA). The RCCA was first designated in 2007 and extended in 2011. The CA is a designated heritage asset. Within the appraisal to the CA, the application site's history from the C19th alongside wider development along Eagle Wharf Road is noted in the text. Specific reference is made to Holborn Studios and The Commissary, which is considered an attractive and sensitive conversion of an industrial building. The existing buildings are noted as Buildings of Townscape Merit in the Regents Conservation Area Appraisal. This means they have been identified as positive buildings which contribute to the significance of the conservation area.
- 5.4.23 The land immediately north of the borough boundary with LBI is designated as the *Arlington Square Conservation Area (ASCA)*. There are also Grade II listed buildings to the west of the site.

Demolition

- 5.4.24 The application was supported by a full Heritage Statement, which provided an assessment of the historic environment, and provided conclusions on the significance of the various elements on site.

- 5.4.25 A site visit was undertaken in 2015 by the LBH Planning Service's Conservation team and Historic England, during the assessment of application reference 2015/2596. The conclusion of this site visit was that the elements of most significance were the 19th Century ranges present on the north of the site, though some had been heavily altered which had lessened their significance. The later ad hoc additions that currently face the canal and are on the south of the site are of lesser significance.
- 5.4.26 Both parties were satisfied that the proposed development sought in application reference 2015/2596 retained the buildings of key significance and the removal of the later ad hoc additions facing the canal allows the buildings to be more readily understood in their original form.
- 5.4.27 A further site visit has been carried out by the Conservation team in May 2018. The visit confirmed that the site and buildings have not been significantly altered since the site visit in 2015.
- 5.4.28 The proposed development seeks to retain the existing intact 19th century elements which are the brick warehouses facing canal and the chimney. The proposal would strip away heavily altered sections of these elements and later additions considered to be of lesser significance. The further wider development to the south of the site from later periods are of less significance will also be removed. It is considered that this approach reflects that of 2015/2596 proposals.
- 5.4.29 Concern has been raised over the loss of wrought iron trusses inside one of the buildings due to their associations with the former ironworks on the site and the Foundryman, Henry Grissell.
- 5.4.30 The value of the trusses has been considered by both the Conservation Team and Historic England. The trusses are not considered to be important enough to justify their retention. Instead, a recording condition is proposed. This approach is supported by Historic England – GLAAS. Opportunities for features to reflect previous uses will be explored in the detailed development of the landscaping, which will be conditioned.
- 5.4.31 On this basis, it is considered that the proposed extent of demolition is acceptable in the context of an otherwise acceptable proposal.
- Impact on the Regents Canal Conservation Area (RCCA)*
- 5.4.32 The RCCA is a designated heritage asset and the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Council is required to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
- 5.4.33 The site is located in the west of the RCCA. The RCCA appraisal sets out that it was designated as it constitutes a well-used public space with an important environmental landscape and it also represents a unique industrial heritage both along the canal (including the locks, bridges, moorings) and in the industrial buildings beside the canal and in the canal basins.
- 5.4.34 The site contains a complex of buildings, including a collection of 19th Century gabled ranges, which are reminiscent of the Canal's industrial past. The buildings are noted of being Buildings of Townscape Merit. It was concluded by both LBH and HE that overall

the existing buildings are of varying date and character with differing levels of significance within and across the site

- 5.4.35 The proposed development seeks to retain the ranges that date from C19th that are considered of most significance and removes elements that have been heavily altered and more modern ad hoc development that are considered of less significance.
- 5.4.36 The proposed new build elements follow the emerging context of canalside development in the area, whilst being sympathetically stepped back from the canalside. This allows the retained chimney to maintain its landmark status along the canal by virtue of height and increased visual presence.
- 5.4.37 Officers consider that there is an impact to the conservation area as buildings of townscape merit are being demolished. However, it is considered that the existing buildings have varying significance, and the later additions that are being demolished are of lesser significance. Officers also note that this approach may likely result in the loss of Holborn Studios as a business from the site.
- 5.4.38 Overall, this impact is considered to result in less than substantial harm to the RCCA. Paragraph 196 of the NPPF sets out that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal discussed in the conclusion at 5.4.53.
- 5.4.39 The Council have therefore paid the special regard required by Section 72 and the scheme is therefore considered to preserve and enhance the Conservation Area.

Impact on the Arlington Square Conservation Area (ASCA) (LBI)

- 5.4.40 The ASCA adjoins the RCCA to the north of the site within the London Borough of Islington (LBI). It is a designated heritage asset first designated in 1969 and later extended in 1994. Paragraph 194 of the NPPF requires the Council to consider the impact proposals may have on the setting of designated heritage assets. In the case of the Arlington Square Conservation Area, the special architectural and historic interest derives from the strong visual unity of its Georgian terraces. As the proposed development follows the emerging context along this part of the canal, its scale, massing and detailed design is considered appropriate for the site and will not adversely affect the setting of the ASCA.

107-133 Shepherdess Walk

- 5.4.41 107 -133 Shepherdess Walk is Grade II listed Georgian terrace, and the Council under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is required to pay special regard to the desirability of preserving the building or its setting in determining planning applications.
- 5.4.42 The property is located 73m west (as the crow flies) of the site. On the basis of distance and scale of the proposed development, and having paid special regard in line with Section 66, it is considered that there is no adverse impact or harm to the setting of this heritage asset.

Impact on Non-Designated Heritage Assets

49-50 *Eagle Wharf Road (the site) (Locally Listed Building)*

- 5.4.43 In 2012, the Council locally listed the whole Holborn Studios complex for its historical and architectural interest. Officers consider the interest to primarily derive from the surviving remnants of the early Victorian ironworks and later gabled ranges and distinctive chimney which are considered collectively a good example of an historic canalside complex.
- 5.4.44 Paragraph 197 of the NPPF indicates that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application and that a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 5.4.45 The approach is to retain elements considered to be more significant, and remove those of lesser significance.
- 5.4.46 With regards to the chimney there would be a restriction of views to it from the east. However, given the wider context and views, and likely redevelopment of the adjacent sites to the east, this change is not considered to be harmful. The chimney would remain a landscape feature as the tallest structure within the development. Historic England have raised low level concerns that the chimney will lose meaning and context as a standalone structure. However, the applicants in their Heritage Statement have argued that the chimney has already lost some of its meaning as the ad-hoc buildings attached to it are piecemeal and unlikely to be associated with its original use. Officers are persuaded by this argument. Removal of these later structures increases the visual prominence of the chimney when viewed from the canal.
- 5.4.47 With regards to the retained ranges, it is agreed that they are of more significance than the later ad hoc buildings. The removal of the later structures again increases the visual prominence of these elements when viewed from the canal. Officers also note that this approach may likely result in the loss of Holborn Studios from the site.
- 5.4.48 Paragraph 197 of the NPPF requires a balanced judgement between the wider planning benefits and having regard to the scale of any harm and also the significance of the non-designated heritage asset.
- 5.4.49 Applying paragraph 197, Officers conclude that the proposal retains the elements identified as having the most significance; and, the elements of lesser significance are lost, but this allows the more significant elements to be better appreciated visually within the RCCA. Further to this are the wider planning benefits discussed in the report. Therefore on balance, in line with the Paragraph 197 test the proposal is considered acceptable in this regard.
- 5.4.50 Full details of the chimney's repair, retention and ongoing maintenance will be secured through condition and the Section 106 agreement.

Archaeology

- 5.4.51 The site is not located within a designated archaeological priority area. The application was supported by an Archaeological Assessment. This was reviewed by Historic England - Greater London Archaeological Advisory Service (GLAAS). GLAAS considered that the application lay within an area of archaeological interest and potential archaeological significance connected with the industrial heritage of the site, Wenlock Manor and prehistoric potential. Consequently, a two-stage condition will be

added comprising of a process of archaeological investigation comprising: first, evaluation to clarify the nature and extent of surviving remains, followed, if necessary, by a full investigation.

Conclusion

- 5.4.52 Overall, in design terms the proposals are considered to respond positively to the site and its heritage context and delivers new build elements which are of an appropriate scale and massing, filling the urban block, opening up the canal and defining its edge on Eagle Wharf Road.
- 5.4.53 Whilst there will be some change to the built fabric identified by the loss of later ad-hoc additions and the proximity and scale of the new build elements to the retained, this change is not considered to harm the significance of the heritage assets.
- 5.4.54 Although “less than substantial harm” is found in terms of the impact on the non-designated heritage assets forming part of the Conservation Area, in terms of the NPPF Paragraph 197 test it is considered that on balance the harm is outweighed by the public benefits delivered by the scheme, which are considered to include:
- Provision of additional employment floorspace, that would assist in meeting an identified need locally and support the strategic objectives of the Opportunity Area, and therefore the London Plan.
 - Provision of affordable workspace that exceeds the required amount by policy and supports the PEA designation, strategic objectives of the Opportunity Area, and therefore the London Plan.
 - Provision of 50 residential units that will assist in meeting an identified need for housing in the borough.
 - Payment of financial contribution to affordable housing is: £757, 076
 - Public access to landscaped canalside courtyards to be secured in perpetuity;
 - Retention, preservation and ongoing maintenance of chimney considered to be significant and add to the RCCA secured by legal agreement; and,
 - Payment of £35000 towards the maintenance and enhancement of canalside towpath.
- 5.4.55 On the basis of the considerations set out in this section and the statutory duties in the Planning (Listed Buildings and Conservation Areas) Act 1990 the design of the proposal and its heritage impacts are acceptable.

5.5 Quality of Accommodation: Residential (C3)

- 5.5.1 Hackney’s policy DM1 seeks to ensure that all new development achieves a high standard of design and layout. New residential developments are expected to provide a good standard of amenity for future occupiers and policy DM2 outlines that new residential development should not lead to substandard private amenity space. New residential units are expected to comply with London Plan policy 3.5 and the requirements of the Mayor’s Housing SPG.
- 5.5.2 Residential units are located on upper floors and accessed via four cores. Eight residential dwellings are provided in the retained C19th building and these are all 1bd2p and 2bd3p units. The remaining 42 residential dwellings are provided in the new buildings.

- 5.5.3 In terms of overall unit size, the proposed units would meet the nationally prescribed space standards, and the layouts of the units are acceptable with adequate circulation and storage provided.
- 5.5.4 There are no windows proposed on the eastern boundary of the site. Consequently, the internal corridor to the eastern wrap around block is windowless. It is windowless so that development isn't compromised on the adjacent site. The units in this block are served by two cores and as such the maximum length of travel to access a flat is 10-12m.

Inclusive Design

- 5.5.5 London Plan policy 7.5 seeks to achieve the highest standards of accessible and inclusive design. London Plan policy 3.8 seeks to ensure housing with the highest possible standard of environment.
- 5.5.6 Residential units above fourth floor level are served by a lift, and level access is provided from the street and landscaped areas. Lifts are not provided in the retained warehouse to ensure the integrity of the building is not compromised.
- 5.5.7 Of the 50 residential units proposed five units (10%) will be provided to meet Part M(3) - wheelchair user dwellings and are therefore considered to be wheelchair accessible. The wheelchair units are located on second third fourth and fifth floors and the new buildings. The units proposed are both 3bd3p and 2bd2p sizes. This will be secured by way of condition. The remaining 90% will be conditioned to meet the provisions of Part M(2) 'accessible and adaptable dwellings'.
- 5.5.8 Conditions will be attached to secure these elements. Subject to conditions, the development is considered to meet the requirements of London Plan policy 3.8 and 7.2.

Daylight, Sunlight, Outlook and Privacy

- 5.5.9 London Plan policy 3.5 requires residential units to be provided with a good standard of internal amenity by appropriate levels of light, ventilation and outlook. Policy DM1 requires proposals to demonstrate that they have addressed certain criteria, including ensuring sunlight, daylight and good aspects to all parts of the development.
- 5.5.10 A report by Dixon Payne was provided in support of the application. This report (DSR) assessed the levels of daylight, sunlight and overshadowing experienced by the development. The assessments were carried out in accordance with the Building Research Establishment Report document entitled "Site Layout planning for daylight and sunlight: A guide to good practice" Second Edition by Paul Littlefair (2011) (the BRE guidance). This publication is accepted as a standard basis for such assessments.
- 5.5.11 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 required for dwellings in denser inner urban locations as a matter of course.

- 5.5.12 The GLA's Housing SPG defines dual aspect as a dwelling with openable windows on two external walls, which may be either on opposite sides of a dwelling or on adjacent sides of a dwelling where the external walls wrap around the corner of a building.
- 5.5.13 Standard 29 of the SPG seeks to minimise the number of single aspect dwellings. Single aspect dwellings that are north facing, or exposed to noise levels above which significant adverse effects on health and quality of life occur, or which contain three or more bedrooms should be avoided.
- 5.5.14 The majority of proposed residential dwellings (28 units or 54%) would be dual aspect with all habitable rooms benefitting from vertical openable windows.
- 5.5.15 On review of the submitted DSR, whilst not all of the units would meet the BRE guidance it is considered that these units will still experience an acceptable level of internal illuminance when consideration is given to the balconies as per the BRE guidance.
- 5.5.16 The remaining 22 units are considered to be single aspect, again all habitable rooms benefit from vertical openable windows.
- 5.5.17 Of these units only 3 units (6%) are north facing. None of these north facing units contain three or more bedrooms. Being north facing, at this site they all enjoy good outlook across the canal. Two of the units are located within the retained warehouse and given the weight towards protection the building's fabric the provision is considered on balance acceptable. The one further single aspect unit is B16 which is a 1bd2p at fourth floor level within the wraparound building. The unit's layout is considered to be sufficiently shallow and therefore the habitable rooms with windows ensure good light levels. Nevertheless the applicant has offered to provide a rooflight above unit B16 – fourth level. The delivery of this element will be conditioned.
- 5.5.18 On review of the submitted DSR, all of the units would meet the BRE guidance and are considered to benefit from acceptable levels of internal illuminance.
- 5.5.19 Of 19 remaining units, 16 units are located in the eastern block. These units have been designed to maximise views of the canal and across landscaped amenity area whilst not compromising the development potential of the adjacent site. The remaining three units contain three or more bedrooms. These units benefit from being south facing, have a wide elevation with multiple windows to all habitable rooms and policy compliant level of external private amenity space which would offer a second aspect.
- 5.5.20 On review of the submitted DSR, whilst not all of the units would meet guidelines set out in the BRE guidance it is considered that these units will still experience an acceptable level of internal illuminance especially when consideration is given to the balconies as per the BRE guidance. Where shortfalls exist, they are considered to be minimal and nevertheless acceptable given the urban context of the site and level of amenity that would still be achieved.
- 5.5.21 Overall, the single aspect units when assessed in context are deemed to be acceptable on balance.

5.5.22 In terms of privacy the residential units are located at first floor or above. A general yardstick applied previously in local policy has been 18-21 metres between homes, however flexibility is now accepted in policy and guidance as a means to not unnecessarily restrict development whilst minimising overlooking and protecting privacy. The smallest distance between two residential windowed elevations is 11m. It is considered, in general, that sufficient distance is provided between units with the only exception being between pinch points where elevations meet. This is considered an issue on the wrap around building and the relationships between B03 and B04 and as they are duplicated up the development. Consequently, a condition will be added to explore screening and privacy options at this location and Officers are satisfied that there are a number of methods which could mitigate any potential overlooking impacts.

External Amenity Space

5.5.23 The Mayor's Housing SPG specifies that a minimum of 5sqm of private outdoor space is required for all 2 person dwellings and an extra 1sqm should be provided for each additional occupant. The SPG further stipulates that all private balconies are required to have a minimum depth of 1.5m.

5.5.24 Six units (those facing north towards the canal) within the retained C19th warehouse have not been provided any amenity space. These six units comprise of four 2bd3p and two 1bd2p. The balconies were removed due to the impacts to the visual and architectural appearance of the C19th century warehouse. Such is provided for in London Plan policy 3.5 part D. Furthermore, there is also 1,335sqm which has been designed as being open, shared communal amenity space for both the residential and commercial elements.

5.5.25 The remaining 44 units are all served by private amenity space in the form of terraces and balconies in line with the SPG.

5.5.26 A door step child's play area for under 5 olds with an area of 95sqm would be provided within the northern half of the western (separated) communal courtyard which would comply with the Mayor's Playspace SPG requirements for doorstep play for such age groups. Details of the makeup of this play space will be required by way of condition.

Overshadowing

5.5.27 The BRE guidance is a minimum standard insofar as overshadowing is concerned, and states that the centre of an amenity area should receive at least two hours of sunlight on March 21st. Within the DSR it outlines how on March 21st only limited areas of the amenity space would receive direct sunlight and BRE guidance would not be achieved.

5.5.28 Given the restrictions provided by the site's orientation and the intention to maximise views of and accessibility to the canal, the overshadowing to the external amenity space is not considered to be significantly harmful to the scheme to warrant refusal. Overall, the standard of shared and external amenity space and the general landscaping is considered to be of an acceptable standard.

Internal Noise Levels

5.5.29 The proposed development would provide a mix of uses vertically and horizontally adjacent to each other so double glazing and specifically designed ventilation has been proposed to ensure acceptable internal noise levels.

- 5.5.30 In response to comments made by the Council's Noise Officers, to ensure noise levels are acceptable within the proposed residential units beyond the features outlined above, conditions will require details to be submitted which demonstrate that internal noise transmission between the commercial units when experienced in the adjoining residential units are maintained at acceptable levels. There are a number of tried and tested methods of achieving this. As such, noise levels within the proposed residential units are anticipated to be acceptable, as secured by condition.
- 5.5.31 In summary, the quality of proposed residential accommodation is deemed to be broadly in line with the Mayor's Housing SPG and London Plan policy 3.5 and acceptable level of amenity would be provided for residential occupiers across the site. The development is therefore considered to be compliant with Policy DM2 in regards to the quality of residential accommodation proposed.

5.6 Impact to Amenity

- 5.6.1 London Plan policy 7.4 states development should have regard to the form, character and function of an area and the scale, mass and orientation of surrounding buildings. Policy DM2 states that development proposals should be appropriate to their location and should be designed to ensure that they will not result in significant adverse impacts on the amenity of occupiers and neighbours.

Daylight/Sunlight/Overshadowing

- 5.6.2 As discussed a report by Dixon Payne was provided in support of the application. This report (DSR) assessed the levels of daylight, sunlight and overshadowing experienced by the surrounding residential development given the proposed development.
- 5.6.3 To reiterate, the assessments were carried out in accordance with the Building Research Establishment Report document entitled "Site Layout planning for daylight and sunlight: A guide to good practice" Second Edition by Paul Littlefair (2011) (the BRE guidance). This publication is accepted as a standard basis for such assessments, and its guidance should be assessed in context and not applied as a matter of course, as discussed.
- 5.6.4 Having regard to the preliminary 25 degrees line test and orientation test recommended in the BRE, it is considered that the nearest residential developments which have the potential to be affected are:
- 14-27 Eagle Wharf Road
 - 12A/B Eagle Wharf Road
 - Bletsoe Walk
- 5.6.5 The submitted D/S report provides information on the methods of assessment. The report utilised the Vertical Sky Component (VSC) and Annual Probable Sunlight Hours (APSH) assessments as set out in the BRE Guidance. VSC assess impacts to daylight and APSH assess impacts to sunlight.
- 5.6.6 The VSC assessment of daylight is based on the calculation of the vertical sky component (VSC) to an affected window in both the existing and proposed condition. The VSC, simply put, is the amount of light received at the centre of a window. If the VSC is greater than 27% then enough skylight should still be reaching the window of the existing building. The guidance states that if the vertical sky component with the

new development in place is both less than 27% and 0.8 times its former value (less than a 20% reduction) then the occupants of the existing building will notice the reduction in the amount of skylight. The guidelines advise that bathrooms, toilets, storerooms, circulation areas and garages need not be analysed.

- 5.6.7 The ASPH assessment of sunlight is based on the probable sunlight hours taking into account the total number of hours a year that the sun is expected to shine, also taking into account average levels of cloud cover for the geographical location. The guidance states that a good level of sunlight will be achieved where a window achieves at least 25% of annual probable sunlight hours with at least 5% of winter probable sunlight hours, but no less than 0.8 times the former if the sunlight is originally below these levels. The BRE guidelines also limit the extent of testing for sunlight to those windows which face within 90 degrees of due south.
- 5.6.8 Further to this, additional information was submitted on the 19th April 2018 providing clarification on daylight, sunlight and overshadowing to the moorings, towpath and canal and Waterfront Mews (London Borough of Islington) in response to consultation comments.

14-27 Eagle Wharf Road

- 5.6.9 14-27 Eagle Wharf Road are modern 3 storey residential properties to the south of the proposed development across and orientated towards Eagle Wharf Road.
- 5.6.10 The DSR demonstrates that there will be a discernible effect to the windows on the front (northern) elevation facing the site, with the resultant VSC levels representing a change of up to 0.5 (50% reduction) times the former value.
- 5.6.11 As discussed, the proposed massing follows that of adjacent development alongside the canal and the levels of daylight retained are not considered to be out of context with inner city levels.

12A/B Eagle Wharf Road and Bletsoe Walk

- 5.6.12 12A/B Eagle Wharf Road are three storey residential properties to the south of the proposed development across Eagle Wharf Road. In terms of daylight, all of the windows assessed to this property meet BRE guidance with regards to the VSC assessment and retain at least 0.83 (17% reduction) their former value. This is again not considered to be out of context with inner city levels.

Further assessment

- 5.6.13 Further information was also provided on the Regents canal, canal moorings, towpath, Waterfront Mews in response to consultation comments.
- 5.6.14 Given the orientation of the canal, moorings and towpath they will all receive overshadowing. But the proposed development has removed massing immediately adjacent to the canal on site. Consequently, this has reduced the overall amount of overshadowing to these elements.
- 5.6.15 Waterfront Mews is immediately north of the site across the Regents Canal and located within LBI. Despite not subtending the 25 degree line, further information was provided to demonstrate that the lowest level windows serving Waterfront Mews all had resultant VSC's in excess of 29%, and APSH in excess of guidance.

Conclusion

- 5.6.16 For the reasons outlined above, the sunlight, daylight and shading levels of the proposed development are considered to be acceptable. While it is noted that there are transgressions and in some cases impacts will be discernible to neighbouring occupiers, in general the massing is considered reasonable and matches that of adjacent development and retained light levels would be in keeping with those expected in such an inner city, urban location.

Privacy and Outlook

- 5.6.17 Given the proposed arrangement of the development and its uses, and its location to existing identified neighbouring residential development, the proposed development is not anticipated to compromise neighbouring privacy and outlook.

Noise and Odours

- 5.6.18 The proposed development provides for residential uses alongside commercial uses and a time limited publically accessible landscaped area. It is considered that the majority of the employment uses and public access to the landscaped areas will operate during daytime hours, rather than into the night which could be harmful to residential amenity. The operation of the café/restaurant however would have the potential to impact on neighbouring amenity.

- 5.6.19 Consequently, in line policy DM11, to ensure the site is adequately managed and the operation of the various uses do not cause unreasonable impacts to other uses conditions requiring the following will be required to be submitted for approval:

- ventilation and extraction details and
- operational hours of any proposed B1 and A3 uses
- management plan for public/private landscaping and overall site; and,
- noise levels emitted from the proposed Air Source Heat Pump

- 5.6.20 The noise assessment undertaken also recommends acoustic glazing and acoustic trickle vents are to be installed in the dwellings identified overlooking Eagle Wharf Road given the noise levels recorded. Consequently, details on these elements will be requested, and how these elements could impact the proposed sustainable strategy of natural ventilation (opening windows at night for cooling).

5.7 Impact to Canal Users

- 5.7.1 Impact to canal uses and the blue ribbon network has been raised during consultation. The Blue Ribbon Network is a strategically important series of linked open spaces where, according to Policy 7.24 of the London Plan, uses of the waterspaces and land alongside for water related uses should be prioritised. The text explains that the starting point for consideration of development and use of land alongside the network “must be the water”. Policy 7.27 provides that development proposals should protect and improve existing access points to the Network and should protect and enhance waterway support infrastructure such as moorings. Policy 7.28 provides that development proposals should protect the open character of the Network. Policy 7.30 provides that development proposals along London’s canal network should respect their local character and contribute to their accessibility and active water related uses where these are possible. Policy 2.18E(b) also provides that development proposals should encourage the linkage of the Blue Ribbon Network to the wider public realm to improve

accessibility for all. This will assist to promote healthy living (as paragraph 2.88 notes) by increasing recreational opportunities, access to and enjoyment of the Blue Ribbon network.

- 5.7.2 The policy seeks the consideration of the unique aspect of the water, and seeks consideration of how it can be used, maintained and improved. Canal users are considered to be those who occupy the moorings at EWM, users of canal boats and members of the public who use the towpath.
- 5.7.3 The proposed development is adjacent to the canal, but has no direct access to the water given the location and operation of EWM. No development is proposed to EWM. EWM can continue to be accessed from the Packington Street bridge. The access has recently been improved in line with the built out development of application reference 2013/0843.
- 5.7.4 In line with policy, it is considered that the design of the development, maximises the asset of the canal through its orientation, providing publically landscaped courtyards adjacent to the canal and removing massing adjacent to the canal which reduces the overshadowing to the moorings, canal and towpath. The landscaping discussed below would provide for improved levels of vegetation at the site all of which would contribute positively toward the green link / corridor along the canal and support its designation as a SINC.
- 5.7.5 In addition to the above, the proposals retain elements related to the industrial legacy of the canal, and allows for increased views and appreciation of these elements. A contribution OF £35,000 will be secured for the Canal and Rivers Trust to improve the canal towpath at this location and further conditions will ensure that impacts to canal users during construction and operation are acceptable.
- 5.7.6 With regards to the provision of public access to the site, this could allow for public access to the EWM moorings, subject to agreement between parties. Examples of public access adjacent to moorings can be seen along the Regents Canal towpath and no significant concern is raised. In addition, the application will be conditioned to meet secure by design as requested during consultation.

5.8 **Biodiversity and Landscaping**

Biodiversity

- 5.8.1 Policy CS27 seeks to ensure that nature conservation areas protect, preserve and enhance biodiversity. CS27 goes on to explain that “*development will be encouraged to include measures that contribute to the borough's natural environment and biodiversity and where appropriate, a biodiversity survey of the site must be carried out, with actions to enhance the biodiversity value, mitigate or compensate for any harm to habitats and / or species.*”
- 5.8.2 Policy CS28 seeks to protect and enhance the natural habitat and setting of waterways and their riparian areas. Where appropriate, CS28 seeks to ensure that public access, continuous green links, towpaths and heritage value along the waterfront are maintained, improved and extended for the purposes of nature conservation, leisure, recreation, education and economic activity.

- 5.8.3 Policy DM32 seeks to ensure that development adjacent to Sites of Important Nature Conservation (SINC) must not have a significant detrimental impact on the nature conservation value, geodiversity value and biodiversity of these sites and mitigation and/or compensatory measures will be considered in assessing the impact on nature conservation, biodiversity and geodiversity.
- 5.8.4 Policy DM32 seeks to protect and enhance existing open space and amenity green space by inter alia not having a detrimental impact on nature conservation and biodiversity, and should seek to improve such.
- 5.8.5 The site is not afforded any designations based on its ecological value. On the basis of the site visits, it was observed that there was little opportunity for flora given the hard standing and buildings styles with no capacity for greenroofs.
- 5.8.6 The application is adjacent to the Regents Canal which is designated as a Site of Importance for Nature Conservation (SINC), is identified within the council's proposals map as being a Green Corridor, Green Link and Open Space Excluding Amenity Space within Hackney. Given the proximity of the Regents Canal and older styles of building on site, it was concluded that there were opportunities for fauna to be present, specifically bats and birds.
- 5.8.7 In response to Officer Concerns about the accuracy of the Ecological Appraisal submitted initially, a further Preliminary Ecological Appraisal (EA) was prepared and submitted.
- 5.8.8 The EA recorded existing habitats on site, determined the ecological importance of the site, makes recommendations for possible further ecological surveys and mitigation and identifies enhancements measures to improve the ecological value of the site. The EA was informed by a site visit on the 7th February 2018 and a desk study.
- 5.8.9 The EA considers that the existing site is unlikely to support protected flora, development includes sections that are moderate suitability for roosting bats, provides opportunities for bird nesting.
- 5.8.10 The EA recognises that the Regents Canal is a Habitat of Principal Importance (HPI) and notes the SINC designation is afforded protection through the planning system. The EA notes that development's ecological impacts can extend beyond the site known as the Zone of Influence (Zol), and the Canal is noted as being within the Zol for the site.
- 5.8.11 Consequently, the EA makes multiple recommendations for ecological enhancements and mitigation measures, including; pollution prevention measures to be included in the construction stage to minimise the risk of adverse impacts to the Canal; minimisation of light pollution during construction and operation of the site, bat emergence surveys; intrusive checks prior to demolition for bird nests and roosting bats in accordance with legislation and appropriate seasons, provide opportunities for ecological enhancements such as additional roosting aligned to compensate with the level of activity found from further surveys and checks. These recommended mitigation measures will be secured by way of condition and subsequently existing levels of biodiversity will be protected and where possible enhanced in line with policies.

Landscaping

- 5.8.12 London Plan policy 5.10 states proposals should integrate green infrastructure from the beginning of the design process to contribute to urban greening and increase biodiversity. Policy CS27 seeks to encourage development to include measures that contribute to the borough's natural environment and biodiversity and where appropriate. Policy DM31 expects communal amenity open space which is high quality and clearly integrated into the proposed development, maximising bio-diversity benefits and living roofs. Policy DM35 sets out that landscaping plans include environmentally appropriate planting, with appropriate irrigation plans and ensure such does not negatively impact on the structure of nearby buildings or hinder accessibility.
- 5.8.13 Currently on site, there is limited flora and no green roofs are provided. As part of the proposed development, there will be the creation of a landscaped courtyard, providing trees and planting, ecology features, and the introduction of living roofs, with a varied mix of green and brown styles, again incorporating ecology features. The proposed courtyard has been in discussion as part of the development since pre-application stages and is considered to represent a benefit of the proposal, complimenting and supporting the proposed uses, providing new publically accessible open space, introduction of trees and planting and increasing the bio-diversity and ecology on site. This is considered to be in line with policy.
- 5.8.14 The details of the landscaping and living roofs will be secured by condition as well as further exploration of locations for bat and bird boxes and the feasibility of including these on the retained chimney.

5.9 Traffic and Transportation

- 5.9.1 The site has a Public Transport Accessibility Level (PTAL) of 2, though this rises to a PTAL of 5 within 100m. The site is within 1000m of both Angel and Old Street and principal red routes of the TLRN served by multiple bus services.
- 5.9.2 The site is currently accessed via three vehicle crossovers from Eagle Wharf Road. The main crossover is provided in the middle and provides access to the courtyard which provides vehicle parking as discussed providing informal parking for 10 vehicles. The remaining two provide service access.
- 5.9.3 The site is located within a CPZ Zone A Wenlock – with controls in place Monday to Friday from 8:30 to 18:30 and there are Traffic Regulation Orders (TRO's) in place along the site frontage on Eagle Wharf Road. Pay bays are provided across Eagle Wharf Road to the south of the site.
- 5.9.4 Eagle Wharf road is traffic calmed with two speed bumps provided on the section of road immediately adjacent the site.
- 5.9.5 Within the vicinity of the site there are Cycle Hire Docking stations (including a 45 space docking station on Eagle Wharf Road itself) and a number of car club parking spaces. Eagle Wharf Road is currently a sign posted cycle route and is aligned to the Central London Cycle grid at this location. The site is considered to have good cycle accessibility.
- 5.9.6 The site lies within the Crossrail 2 safeguarding area.

5.9.7 The layout and proposed management of the site allows for a pedestrian link from Eagle Wharf Road to the canalside and also to Eagle Wharf Marina, which in turn can be accessed (controlled) from Packington Gate House Bridge.

5.9.8 The application was supported by a Transport Statement and Travel Plan.

Trip Generation

5.9.9 The Transport Statement outlines that there are currently about 979 two way trips generated by the site a day. The modal split highlights that the majority of trips are associated with public transport, which is considered to be representative of the access to such transport methods.

5.9.10 The TRICS database has been used to establish the trip generation from the proposed residential element of the proposal. The parameters used are considered acceptable. The in/out survey has been used to factor the trips generated for the employment element.

5.9.11 The proposed development is expected to generate approximately 1300 two way trips a day. This is a net increase of approximately 35% against existing levels. To support the trips generated it is proposed to secure financial contributions to highway works to the surrounding public footpath under Section 278 and secured by legal agreement. Subject to this work, it is considered that the development would not have a harmful impact upon the local transport network. These have been costed at £100,130 and accepted by the applicant.

Car Parking

5.9.12 The proposed development involves the removal of the existing informal parking provided within the courtyard. The applicant has agreed to enter into a car free agreement save for three blue badge parking supported by electric charging points. This will be secured by legal agreement. This level of provision is considered acceptable and in line with policy.

5.9.13 Given the proposed layout the subsequent changes to vehicle access will require the reorganisation of vehicle crossovers and existing parking bays. Evidence has been submitted that this can be accommodated on Eagle Wharf Road without having detrimental impacts to the existing on street parking provision, which has been accepted, and consequently, this will be delivered through financial contributions under Section 278 and secured by legal agreement.

Cycle Parking

5.9.14 The development is proposing to provide a total of 163 cycle spaces, comprising of:

- 90 spaces in support of the residential element; and,
- 73 spaces in support of the commercial element.

5.9.15 This provision accords with current Development Plan (London Plan) cycle standards, although is not in line with those set out in Hackney Transport Strategy (2015 – 2025). The residential spaces will be provided in two secure, covered stores using the Josta 2 tier system, with the remaining provision via Sheffield stands.

5.9.16 Information has been submitted to show how compliancy with the Hackney Transport Strategy would impact on the amount and function of the landscaped amenity areas.

The impact is to such an extent it is considered preferable, on balance and given the context of surrounding cycle infrastructure, not to comply with cycle storage provision outlined in the Hackney Transport Strategy in this instance. Consequently, the level of cycle provision is considered acceptable on balance and in any case is in line with Development Plan policy.

Deliveries and Servicing

- 5.9.17 It is proposed that two residential and two commercial refuse stores would be provided on the ground floor of the development. The proposed plans indicate that the refuse stores are located within a suitable location, with an acceptable drag distance to the public highway.
- 5.9.18 A loading / delivery bay is proposed within the site, to be accessed from Eagle Wharf Road. The applicant has demonstrated that a 7.5 box van can access the space using a reversing manoeuvre and this is considered acceptable. A Delivery and Servicing Plan has been provided as an appendix to the submitted Transport Assessment and this provides some detail on the servicing arrangements, management and the information on the expected number of servicing trips. A final detailed Delivery and Servicing Plan will need to be agreed and this would be secured by a condition.

Crossrail

- 5.9.19 The site is located within the limits of land affected by the Crossrail 2 Safeguarding Direction. Subsequently, Transport for London's Crossrail 2 Safeguarding were consulted and requested conditions which will be added.

Construction Impacts

- 5.9.20 Subject to the submission of a Construction Management / Logistics Plan, including CLOCS as stipulated in consultation, it is anticipated that the temporary impacts of any construction activity in relation to the transport and the highway network would be acceptable. Given this should be approved before construction and demolition works commence, it is considered appropriate to require this as a pre-commencement condition.
- 5.9.21 Damage to the highway as a result of development and construction activities on land adjacent to the highway has become an increasing cause of concern to the Council. To address these concerns a pre and post construction conditional highway survey will be required and any impacts agreed and rectified. This will be secured in a legal agreement.

Travel Plan

- 5.9.22 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 inclusive of a £3,500 contribution towards monitoring of the Travel Plan and has been agreed too.

Section 278 Contributions

- 5.9.23 Council's Highways department have assessed the site and considered that works would be required for the following:
- Reconstruction of the footway along the front of the site on Eagle Wharf Road using new ASP slabs and new kerb;

- The conversion of the crossover at the western end of the site to footway, reconstruction of the two remaining crossovers and provision of a dropped kerb for the proposed goods lift;
- The resurfacing of the carriageway between Shepherdess Walk and Cropley Street; and
- The refitting of the lamp columns along the same stretch of road with LED lanterns.

The estimated costs of the above works is £100,130 and this will be secured through the section 106 legal agreement.

5.9.24 Overall, the proposal is considered to be in a sustainable location in transport terms in accordance with pertinent policies.

5.10 Energy and sustainability

1.1.1 London Plan policy 5.2 states that development proposals should make the fullest contribution to minimising carbon dioxide emissions. This involves the implementation of the energy hierarchy, meeting a carbon dioxide target of zero carbon for residential buildings and 35% beyond Part L 2013 to non-residential developments. Policy 5.7 states major development proposals should provide a reduction in expected carbon dioxide emissions through the use of on-site renewable energy generation, where feasible. Policy 5.9 seeks to mitigate the impact of the Urban Heat Island and addresses the risk of overheating and reliance on active systems for cooling in accordance with the cooling hierarchy. Policy DM37 sets out requirements in sustainability standards for residential development including improvements in the efficiency standards of existing buildings. Policy DM38 sets the requirement for a BREEAM assessment with an excellent rating for non-residential developments, and Policy 39 sets the carbon off-setting payments with a cash in lieu payment. This will include any remaining regulated carbon emissions to 100% for major residential developments and any specified level to 35% for non-residential. Policy 40 sets out measures to avoid and mitigate overheating. Major developments must demonstrate that the heating, cooling and power systems have been selected to minimise carbon dioxide emissions, in line with the London Plan targets and opportunities. They should be designed to connect to existing or proposed decentralised heat and energy networks and where none exists commit to future proofing.

1.1.2 The proposed development is supported by an Energy Statement (ES) and Sustainability Assessment (SA) which have been reviewed by the Planning Service's Sustainability Officer. The ES outlines that due to the adoption of energy efficiency measures and renewable technologies, the CO2 emissions will be reduced by 48.5% given the proposed energy efficiency measures proposed. Consequently, the remaining emissions will be subject to a cash in lieu offsetting payment which amounts to 793.2 tonnes over the period of 30 Years. This is estimated at a value of £60 per Tonne to amount to £47,592. This will be secured by way of a legal agreement.

1.1.3 The employment and retail elements of the scheme will achieve 73.2 credits and 72.4 credits respectively through a range of measures. Subsequently, this means that these elements will be of BREEAM excellent standard in line with policy.

1.1.4 To ensure that the development is constructed in line with these forecasts, conditions will be added to require the details of the following measures and technologies proposed:

- Green roof with a minimum substrate depth of 80mm
- Application of external and internal shading and openable windows to promote natural ventilation to KLDs and bedroom in residential development to mitigate overheating
- Passive provision for connection to a wider DHN
- Solar PV installation with a capacity of at least 22.5kWp
- Full air permeability test confirming less than 5 m³/h/m²@50pa
- BREEAM post completion report and certification
- Air Source Heat Pump installation and certification report

1.1.5 Subject to conditions and securing an obligation for carbon offsetting as discussed, the development is deemed to meet London Plan policies 5.2, 5.7, 5.9, 7.6 along with Core Strategy policies 29 and 30, and DM37, DM38, DM39 and DM40.

1.2 Air and Land Contamination

1.2.1 A preliminary ground contamination investigation has been undertaken. Subsequent investigation, monitoring and appropriate mitigation will be secured by way of condition.

1.2.2 In terms of air quality, the developer has submitted an Air Quality Impact Assessment. Suitable conditions have been identified to ensure that the development is undertaken in an appropriate manner, including both construction impacts, and in terms of the CHP and boiler system emissions and maintenance.

1.3 Waste and Refuse

1.3.1 Core Strategy policy 32 seeks to ensure new development in Hackney supports the objectives of sustainable waste management.

1.3.2 The proposed development provides for two separate residential and commercial waste stores. The stores are located adjacent to the egress points from the site to Eagle Wharf Road and all are within approximately 12m drag distance of the public highway. The proposed waste and refuse provision has been reviewed and is considered acceptable.

1.3.3 Full details of the management and collection of waste will be conditioned alongside an assessment of the potential for a waste and recycling scheme seeking to explore co-ordination between commercial units to minimise collections.

1.4 Drainage

1.4.1 The site is shown to have a 'medium' risk of surface water flooding and increased potential for elevated groundwater. The development proposes a basement and residential uses. Consequently, a drainage strategy was requested and provided.

1.4.2 The report was consulted upon and the Council's Drainage Officers raised no objection subject to conditions relating to:

- Detailed specification of proposed SuD's and their maintenance
- Post completion SuD's certification and report

1.5 Community Infrastructure Levy

- 1.5.1 The development is liable to the Community Infrastructure Levy (CIL), and both the Mayor and Council have an adopted charging schedule.
- 1.5.2 The Mayoral charging schedule has a flat rate charge of £35per sqm which would be applied to all chargeable development.
- 1.5.3 The Hackney charging schedule has a different charge depending on the different area of the borough the development is located. The site is located in Zone A ‘City Fringe’ which will mean the following charges will be levied:
Residential – Zone A £190 per sqm
Office – City Fringe £50per sqm
Other Retail – City Fringe £65per sqm
- 1.5.4 All other development has a nil charge.

The chargeable amount for the Hackney CIL will be: £545, 493.75

The chargeable amount for the Mayoral CIL will be: £269, 280. 08

- 1.5.5 Overall the total amount the proposed development is liable for based on both charging schedules is: £814, 773.83 (excluding indexation).
- 1.5.6 This calculation is based on the building evidently being in use for six of the previous 12 months, given site visits and correspondence, prior to the date of this report. This calculation is also based on current levels of indexation and floor areas provided by the applicant.
- 1.5.7 These figures could be subject to change, given indexation at the time of the notice, which is in line with legislation, and will be confirmed within a demand notice upon commencement of the development.
- 1.5.8 In respect of local finance considerations other than CIL, whilst the proposed development would contribute towards the aggregate number of homes for the purposes of calculating Hackney’s New Homes Bonus and the dwellings would be rateable for Council Tax Purposes, the economic benefit of the additional dwellings is negligible in the context of the overall total of new homes, and this does not represent a material consideration of any substantial weight in the consideration of the application, which should be determined in accordance with the relevant Development Plan policies.

1.6 Planning Obligations

- 1.6.1 The details of the likely financial contributions and legal obligations have been prepared in line with the Council’s SPD on Planning Contributions (2015), and the relevant legislation. The resulting level of contributions and Heads of Terms for the legal agreement are detailed in Recommendation B below.
- 1.6.2 The financial contributions are as follows:
- Improvements to the Towpath – £35, 000
 - Highway Improvements – £100, 130
 - Employment and training contribution (construction phase) – £50, 625*
 - Employment and training contribution (operational phase) – £175, 879*

- o *Total Employment and Training Contribution - £226, 504
 - Travel Plan Monitoring – £3, 500
 - Sustainability Offsetting - £47,592
 - Monitoring – £15, 425 (£3500 non-financial and £11, 925 for financial)
- 1.6.3 The total amount of non-affordable housing related financial contributions is £428,151
- 1.6.4 The financial contribution for affordable housing is: £757, 076
- 1.6.5 The total amount of all financial contributions is therefore: £1,185,226m
- 1.6.6 As discussed, the total CIL liability is assumed to be: £814, 774m
- 1.6.7 The total amount of financial contributions and CIL liability is: £2, 000, 000m
- 1.6.8 In addition to these financial contributions, there are the following further legal obligations:
- On site provision of 1,354.5 sqm GIA as affordable workspace in perpetuity
 - Car Free Development restricting the take up of CPZ permits by residents
 - Employment and Skills Plan to secure benefits to local employers and employees
 - Considerate Contractors Scheme
- Public Access to the site towards the pontoon.

2. CONCLUSION

- 2.1** Section 38 (6) of the Planning Compulsory Purchase Act 2004, requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise.
- 2.2** The proposed development is considered to be employment led and offer the most economically feasible amount of such floorspace which will be an uplift on the existing quantum; provide a format of employment space which is considered to be of a modern standard, cater for and sustain a wider range of B1 uses in line with policy designations and their supporting evidence base, generating possibly more employment opportunities; secure the provision of 1,355m² (24%) affordable workspace with a defined rent, quantum and fair process that exceeds policy requirements; provide further uses with additional benefits of their own, which will support the employment use, whilst not undermining the wider operation of the PEA, and secure the viable delivery of the employment element; all of which is considered to support and sustain the PEA and is in line with pertinent employment policy.
- 2.3** The residential element of the proposed development will deliver 50 units deemed to be of a high standard of accommodation, supporting the borough in meeting its housing targets, and offers the contribution of £757, 076 to the provision of affordable housing.
- 2.4** The proposed development adopts an approach to heritage conservation which is considered, on balance, acceptable. This is achieved through the retention of the most significant elements of the site, removing later adhoc structures, careful massing, vernacular design and high quality materials. Impacts have been assessed in line with the

pertinent policy, legislation and considerations, and are considered to be, on balance, acceptable.

2.5 The likely loss of Holborn Studios and the impacts of this as a result of the proposed development have been considered, and on balance this is considered to be acceptable when assessed against all Development Plan policies.

2.6 Overall, the proposal is considered to comply with the pertinent policies in the development plan for the reasons set out above, there would be compliance with the adopted development plan viewed as a whole and other material considerations do not indicate that the plan should not be followed. Accordingly the application for full planning permission reference 2017/3511 is recommended for approval, subject to conditions and the completion of a legal agreement.

3. RECOMMENDATION

3.1 RECOMMENDATION A: That Planning Permission be GRANTED, subject to the following conditions:

3.2 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.

3.3 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.

Prior to commencement

3.4 Approval of Materials & Mock Ups

Full details, including samples, and 1:1 mock ups where deemed by Officers as necessary, of the materials to be used on all external surfaces of all buildings, including glazing, shall be submitted to and approved by the Local Planning Authority, in writing, before the relevant part of the work commences on site. 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.

3.5 Details to be approved

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

- Façade details and typical façade sections at 1:20
- Typical window and door details/sections at 1:20
- Typical ground floor/entrance details/sections at 1:20
- Typical balcony and balustrade details/sections at 1:20

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.

3.6 Brickwork Detail

Sample panels of brickwork, indicating the colour, texture, facebond and pointing shall be resubmitted to and approved by the Local Planning Authority before the relevant parts of the work are commenced.

REASON: In order that the works approved are carried out in a satisfactory manner which safeguards the special historic and architectural interest of the building.

3.7 Bird and Bat intrusive surveys

Prior to any works commencing further bird and bat surveys shall be undertaken by a professionally accredited person in line with the submitted Ecology Appraisal. The results shall be recorded, relevant measures according to pertinent legislation shall be taken to protect any wildlife found and this data shall inform the provision and level of bird and bat boxes across the proposed development.

Reason: To ensure that suitable protection is provided for any fauna that reside on the site.

3.8 Archaeological Assessment

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

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

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

Reason: To ensure any archaeological remains on the site are treated appropriately.

3.9 Historic Building Recording

All historic fabric removed from the retained buildings and those to be demolished shall be subject to a full photographic and textual recording of the standard indicated in the Historic England guidance document Understanding Historic Buildings: A Guide to Good Recording Practice (English Heritage, 2006). The recording should be at Level 2 as described in Paragraph 5.3 and the record preserved as described in Paragraphs 7.1 to 7.3 of that document. The completed record shall be submitted to and approved by the Local Planning Authority, in writing, prior to the commencement of development and shall then be submitted to the Greater London Historic Environment Record. The removal of historic fabric shall not be carried out otherwise than in accordance with the recording thus approved.

REASON: Built heritage assets on this site will be affected by the development. The planning authority wishes to secure building recording in line with NPPF, and publication of results, in accordance with Section 12 of the NPPF.

3.10 Scheme of Balcony Screening & Obscure Glazing details

Prior to occupation of the development hereby approved, a scheme relating to the details of privacy measures and obscure glazing treatment to be installed to balconies or to windows potentially affected by direct or close proximity overlooking from balconies shall be submitted to the Local Planning Authority for approval in writing. The development shall thereafter be carried out only in accordance with the approved scheme with approved privacy measures being installed prior to occupation of the relevant units and the approved screens and obscure glazing shall be maintained for the lifetime of the development.

REASON: To mitigate potential impact of overlooking from and dwellings.

3.11 Demolition and Construction Management Plan

Before any works associated with the application hereby approved begin, a detailed Demolition and Construction Management Plan, including CLOCS monitoring covering all phases of the development and the matters set out below shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the details and the approved measures shall be maintained throughout the entire demolition and construction period.

This shall include (but not limited to);

- a) Details of measures to include details of noise control measures and measures to preserve air quality (including a risk assessment of the demolition and construction phase);
- b) Details setting out how resources will be managed and waste controlled at all stages during a construction project, including, but not limited to:
 - details of dust mitigation measures during site clearance and construction works (including any works of demolition of existing buildings or breaking out or crushing of concrete);
 - the location of any mobile plant machinery;

- explore the use of the canal for transport of materials and in support of the construction of the development;
 - details of measures to be employed to mitigate against noise and vibration arising out of the construction process demonstrating best practical means; and,
 - details of measures to handle contaminants such as asbestos;
- c) A risk assessment and method statement outlining all works to be carried out adjacent to the water to be prepared in consultation with adjacent development and to be approved in consultation with The Canal and River Trust; and,
- d) Compliance with NRMM regulations.

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

3.12 **Construction Logistics Plan**

A Demolition and Construction Logistics Plan to include the following; the construction programme/ timescales; the number/ frequency and size of construction vehicles; construction traffic route; location of deliveries; pedestrian and vehicular access arrangements; and, any temporary road/ footway closures during the construction period (including those to adjacent pontoons); shall be prepared in consultation with TfL, adjacent development and the Canal and Rivers Trust and submitted to and approved in writing by the Local Planning Authority, in consultation with TfL and Canal and Rivers Trust. The development shall only be implemented in accordance with these details as approved and shall be maintained throughout the entire demolition and construction period. The potential use of the canal for transportation of waste and goods shall be investigated as part of the construction logistics plan.

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

3.13 **Drainage Strategy**

Development shall not commence until a drainage strategy detailing any on and/or off site drainage works has been submitted to and approved in writing by the Local Planning Authority in consultation with Thames Water. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.

REASON: The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community.

3.14 **Sustainable Urban Drainage**

Notwithstanding the details shown on the plans and documents hereby approved, prior to commencement of the development, the applicant shall submit full details of a sustainable drainage system supported by appropriate drawings, hydraulic modelling, calculations, construction details, for approval by the Local Planning Authority in consultation with the SuDS Officer.

Full details should include but not limited to the following; sustainable drainage systems, blue roof (with substrate depth of at least 80mm not including vegetative mats), SuDS, tree pits, subsurface storage and, the flow control system.

The development shall not commence until written confirmation has been received from the Local Planning Authority, confirming approval of the surface water drainage measures.

REASON: To ensure that the proposals do not increase flood risk in the surrounding area.

3.15 Crossrail 2 Safe Guarding

No works associated with the development hereby approved shall commence until detailed design and construction method statements for all the ground floor structures, foundations and basements and for any other structures below ground level, including piling (temporary and permanent), have been submitted to and approved in writing by the Local Planning Authority. These details shall demonstrate that the development would:

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

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

REASON: To safeguard the future construction of Crossrail 2.

3.16 Impact Piling

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

REASON: The proposed works will be in close proximity to underground water utility infrastructure. Piling has the potential to impact on local underground water utility infrastructure.

3.17 Landscaping Details

A landscaping scheme illustrated on detailed drawings shall be submitted to and approved by the Local Planning Authority, in writing, prior to the commencement of

development (excluding works of demolition and site clearance). The landscaping scheme shall include the following:

- Planting of trees and shrubs showing species
- Depth of planting and explicit reasons if planters are used with substrate that does not feed into the ground
- Type of stock
- Number of trees
- Areas of seeding and turf
- Lighting details and measure to minimise impacts to fauna and the canal
- Details of CCTV and how it will be relate to the overall landscaping
- Exploration of locations for and details of bat and bird boxes, including on the chimney, reflecting the results and level of activity of the intrusive surveys.
- Exploration of potential for vertical greening poles along the canal edge.
- Exploration for design features reflecting the historic uses of the site.

All landscaping in accordance with the scheme, when approved, shall be carried out within a period of twelve months from the date on which the development of the site commences or shall be carried out in the first planting (and seeding) season following completion of the development, and shall be maintained to the satisfaction of the Local Planning Authority for a period of ten years, such maintenance to include the replacement of any plants that die, or are severely damaged, seriously diseased, or removed.

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

3.18 **Flood Resilience**

Prior to the commencement of development, a scheme for the provision and implementation of flood resilient and resistant construction details and measures for the site and in the basement against surface water and groundwater flood risk shall be submitted to and agreed, in writing with the Local Planning Authority. The scheme shall be carried out in its entirety before the basement is occupied and; constructed and completed in accordance with the approved plans in line with BS 8102:2009 code of practice for "protection of below ground structures against water from the ground" and BS 8582:2013 code of practice for "surface water management for development sites".

REASON: To ensure that the proposals do not increase flood risk in the surrounding area.

3.19 **Contaminated Land: Assessment**

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

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

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

3.20 Contaminated Land: Remediation Scheme

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

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

3.21 Contaminated Land: Implementation of Remediation Scheme

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

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

3.22 Reporting unexpected contamination

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

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

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

3.23 Secure by Design

Prior to the commencement of the development hereby permitted, details of the measures to be incorporated into the development demonstrating how the principles and practices of the 'Secured by Design' scheme have been included shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Metropolitan Police Designing Out Crime Officers. Once approved, the development shall be carried out in accordance with the agreed details.

REASON: To ensure the safety of both future and neighbouring occupiers and users of the site and surrounds is protected by ensuring adequate Secure by Design measures are implemented.

3.24 Bio Diverse Roof Details

Full details (plan drawing and section at 1/20 scale) of a green / brown roof with a minimum of 80mm substrate depth (not including the proposed vegetative mat), including a detailed maintenance plan and relationship to Solar PV installation, shall be submitted to and approved by the Local Planning Authority, before development commences. The development shall not be carried out otherwise than in accordance with the details thus approved and shall be fully implemented before the premises are first occupied.

REASON: To enhance the character and ecology of the development, to provide undisturbed refuges for wildlife, to promote sustainable urban drainage, and to enhance the performance and efficiency of the proposed building, and does not compromise the proposed PV installation.

3.25 Wind Microclimate

An assessment of the microclimate produced by the proposed development shall be provided for the approval of the Council in writing and any mitigation measures required shall be implemented in full prior to commencement of above grade works.

REASON: To protect the immediate and surrounding micro climate in the area.

3.26 Public art

Full detail of the proposed public art to be commissioned and located at the access and egress points to the public courtyard shall be provided to and approved in writing by the local planning authority prior to the commencement of landscaping works. The approved pieces shall be implemented and maintained in perpetuity.

REASON: To ensure the delivery of a high quality public realm in support of the development and enhance the amenity of the public.

3.27 CCTV Details

Full details of CCTV shall be provided to and approved in writing by the local planning authority in consultation with its emergency planning department prior to the commencement of landscaping works. The CCTV shall be capable of linking to the borough wide system.

REASON: To protect the safety and security of the development and its users.

Prior to occupation

3.28 Children's Play Facility

Before the occupation of the development hereby approved, details of the proposed doorstep play provision for under 5 year olds shall be submitted to the Local Planning Authority for approval in writing. The details shall include measures to be incorporated to minimise the potential conflict between the proposed play area and the adjacent 3 car parking spaces. The approved details shall be installed before occupation of the development.

REASON: To ensure suitable provision for doorstep play is provided for onsite as proposed within the application documents.

3.29 Roof Light

Notwithstanding the submitted plans, prior to occupation, a roof light shall be installed into the roof of unit B16 above the shared living/kitchen/dining area.

REASON: To mitigate potential impacts of this unit being a single aspect unit with northerly orientation by providing it with some direct sunlight through the provision of a rooflight.

3.30 Cycle Parking

The cycle storage facilities for the residential and commercial units as shown on the approved plans shall be installed prior to the first occupation of the development hereby approved. Provision shall be made for a minimum 163 spaces as follows:

90 for the residential element; and,

73 for the employment element

These spaces shall be implemented before the use is first commenced and thereafter retained permanently.

REASON: To ensure that a reasonable provision is made within the site for the parking of cycles and in the interest of promoting sustainable transport.

3.31 Blue Badge Parking

Prior to the occupation of the development, the three blue badge parking spaces shall be installed as proposed and then retained permanently for exclusive use by blue badge holders only, unless otherwise approved in writing by the Local Planning Authority.

REASON: To ensure that the proposed provision for blue badge holders is retained onsite.

3.32 Refuse and Recycling Strategy coordination of commercial users

Prior to occupation of the development hereby approved, a refuse and recycling strategy, including measures for the coordination of waste and recycling between the various premises, for the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Refuse collection shall only be carried out in accordance with the details thus approved, unless otherwise agreed in writing by the Local Planning Authority.

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

3.33 Delivery and Servicing Management Plan

Prior to occupation of the development hereby approved, A Delivery and Servicing Management Plan, including measures to minimise noise generated from the servicing areas and safe operation of the courtyard, shall be submitted to and approved by the Local Planning Authority. Thereafter, deliveries and servicing shall be carried out in accordance with the approved plan.

REASON: In order to ensure that delivery and servicing does not impact the amenity of neighbouring occupiers and the safe and efficient operation of the highway.

3.34 Sustainable Drainage Review

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

REASON: In order to ensure suitable sustainable drainage measures are delivered as part of the development.

3.35 Air Quality – Operational Phase

An Air Quality Management Plan shall be submitted for approval by the Local Planning Authority prior to occupation of the development and the measures identified within the submitted plan shall be implemented in full prior to first occupation of the development.

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

3.36 Plant Noise

Noise from any plant and machinery shall at all times remain 5dB(A) below background level when measured at any nearby residential unit

REASON: To ensure that occupiers of residential premises do not suffer a loss of amenity by reason of noise nuisance from equipment and machinery.

3.37 **Site Management Plan**

Prior to occupation of the development hereby approved, a detailed Site Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Site Management Plan shall set out measures to ensure the security of the site is maintained and provide measures to mitigate any noise and disturbance including (but not limited to):

- Hours of operation including opening hours of the Café/Restaurant and commercial areas;
- Details of servicing times and noise mitigation measures;
- Details of maintenance of sustainable energy technologies, including the green roof;
- Details of all external lighting;
- Details of CCTV;
- Details of cleaning and maintenance of the landscaped spaces and features;
- Details of access arrangements and measures of control; and
- Details of all other measures required by secure by design approval.

The operation of the approved uses and the use of the public realm shall only be carried out in accordance with the details thus approved, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure the safety of the application site and neighbouring sites is secured and ensure that occupiers of neighbouring premises do not suffer a loss of amenity by reason of general disturbance.

3.38 **BREEAM**

Within 10 weeks of occupation of the development hereby approved, a BREEAM post-construction assessment (or any assessment scheme that may replace it) confirming an 'Excellent' rating (or another scheme target of equivalent or better environmental performance) has been achieved shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that the as built development achieves the relevant sustainability targets.

3.39 **Energy Requirements**

Before Occupation of the development the applicant is to submit the following information to the Local Planning Authority for Approval in writing:

- a) Air permeability: full air permeability test certificates confirming that the whole development, including the commercial units achieves an average air permeability of 5m³/m²@50pa;

- b) Application of external and internal shading and openable windows to promote natural ventilation to KLDs and bedroom in residential development to mitigate overheating
- c) Passive provision for connection to a wider DHN
- b) PV Solar array: certification by an accredited PV installer confirming that an array with an overall capacity of at least 22.5kWp has been installed on the roof of the development; and,
- c) ASHP: full commissioning certificates carried out by an MCS registered installer of the installed ASHP system, and confirmation that the specified system is registered on the governments Energy Technology List.

REASON: To ensure that the proposed sustainability measures are implemented to a satisfactory standard as proposed.

3.40 **Ventilation and Extraction Details – A3**

Prior to the operation of any space as A3 use, details of suitable mechanical ventilation and/or flue extraction shall be submitted to and agreed by the local planning authority. The hereby approved equipment shall be installed, retained and maintained thereafter prior to the occupation of the relevant part of the development.

REASON: In order to safeguard the amenity of nearby occupiers and the surrounding area.

3.41 **Internal Ambient Noise Levels - Good Standard**

All residential premises shall be designed in accordance with BS8233:2014 'Sound insulation and noise reduction for buildings - Code of Practice' to attain the following internal noise levels:

- Good resting conditions: Living rooms 35 dB (day: T =16 hours 07:00 – 23:00)
- Good sleeping conditions: Bedrooms 35 dB (night: T = 8 hours 23:00 – 07:00)
L_{Amax} 45 dB (night 23:00 – 07:00)

A test shall be carried out prior to occupation of the residential units to show the standard of sound insulation required shall be met and the results submitted to the Local Planning Authority for approval.

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

3.42 **Party Wall Noise Insulation**

Dwelling houses sharing a party wall element with a commercial premises shall be designed and constructed to provide reasonable resistance to the transmission of sound. The minimum airborne sound insulation of the party element shall be $D_{nT,w}$ of 60dB. The approved scheme is to be completed prior to the commencement of the use hereby permitted and shall be permanently maintained thereafter.

Details of testing to be carried out demonstrating that the required standard of sound insulation has been met shall be submitted to the Local Planning Authority for approval prior to the occupation of the buildings hereby approved.

REASON: To ensure that the occupiers and users of the proposed development do not suffer a loss of amenity by reason of noise nuisance and other excess noise from activities within the commercial premises.

3.43 Signage

Details of proposed signage to commercial units shall be submitted to and approved in writing by the Local Planning Authority before the unit(s) are occupied, notwithstanding any additional need for advertisement consent.

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 or the setting of the conservation area.

3.44 Electric Vehicle Charging

Prior to the occupation of the development hereby proposed, the details, including charging rates, of 3 electric charging points to serve the 3 parking spaces within the proposed development shall be submitted to and approved in writing by the Local Planning Authority. Following this, they shall be installed as approved and shall be retained permanently for use, unless otherwise approved in writing by the Local Planning Authority.

REASON: To promote sustainable modes of transport and reduce pollution, in line with London Plan 6.13.

3.45 Secure by Design Certification

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

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

Compliance Conditions

3.46 Accessible and Wheelchair Housing

As illustrated on the submitted drawings, units B03, B07, B14, B18 and B20 shall be delivered to meet the standard of Building Regulation Part M 4(3). The remaining units shall be delivered to this standard unless materially affected.

Reason: To ensure that a suitable provision of fully accessible housing is made.

3.47 No Roof Plant

No further roof plant (including all external enclosures, machinery and other installations) other than that set out within the approved drawings, or having been the subject of approval by condition attached to this permission, shall be placed upon or attached to the roof or other external surfaces of the building.

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

3.48 Perforated roller shutters

No externally fixed roller shutters shall be installed to the building hereby approved, unless otherwise agreed in writing by the Local Planning Authority.

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

3.49 External Ductwork

No new plumbing, pipes, soil stacks, flues, vents grilles, security alarms or ductwork shall be fixed on the external faces facing the Regents Canal or Eagle Wharf Road of any 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.

3.50 Brick Slips

No panelised brick slip systems requiring vertical or horizontal expansion joints shall be used on any of the building facades.

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.

RECOMMENDATION B

That the above recommendation be subject to the applicant, the landowners and their mortgagees entering into a legal agreement under relevant legislation in order to secure the following matters to the satisfaction of Head of Planning and the Director of Legal:

Highways and Transportation:

- A survey to review and agree the condition of the highway and public realm within the proximity to the site pre commencement, in order to manage and repair any impacts to this land post completion.
- Full Travel Plan and associated monitoring fee prior to occupation - £3500
- Car free Agreement (no residential, other than blue badge, or business parking permits)
- Future residents provided with free car club membership and driving credit to the figure of £60
- The provision of timed public access to the courtyard in perpetuity
- S278 works for the following:

- o Reconstruction of the footway along the front of the site on Eagle Wharf Road using new ASP slabs and new kerb;
- o The conversion of the redundant crossovers to footway,
- o Provision of new crossovers as required reconstruction of the two remaining crossovers and provision of a dropped kerb for the proposed goods lift;
- o The resurfacing of the carriageway between Shepherdess Walk and Cropley Street;
- o the refitting of the lamp columns along the same stretch of road with LED
- o relocation of any street furniture as required to accommodate the development
- o amendments to parking, loading and other traffic regulation orders to accommodate the revised street design and access arrangements

Amounting to the sum of £100, 130

Canal Towpath

- Contribution of £35, 000 to be paid to the Canal and Rivers Trust (CRT) for improvements to the Regents Canal Towpath between Wharf Road and New North Road

Chimney

- Schedule of repair and ongoing maintenance of chimney.

Affordable Housing

- Financial contribution for affordable housing is: £757, 076

Climate Change

- Payment of carbon offset monies totalling £47,592

Employment, Skills and Construction

- Employment and Skills Plan to be submitted and approved prior to implementation;
- Ways into work financial contribution
 - o Employment and training contribution (construction phase) – £50, 625*
 - o Employment and training contribution (operational phase) – £175, 879*
 - *Total Employment and Training Contribution - £226, 504
- Active programme for recruiting and retaining apprentices and as a minimum take on at least one apprentice per £2 million of construction contract value and provide the Council with written information documenting that programme within seven days of a written request from the Council;
- Commitment to the Council's local labour and construction initiatives (30% on site employment and 30% local labour for first five years of operational phase) in compliance with an Employment and Skills Plan.
- Quarterly Labour returns through 5 year period
- A support fee of £1,500 per apprentice placement in order to cover; pre-employment, recruitment process, post-employment mentoring and support; and
- If the length of the build/project does not allow for an apprenticeship placement, and it can be demonstrated that all reasonable endeavours have been undertaken to deliver the apprenticeship, a £7,000 fee per apprentice will be payable to allow for the creation of alternative training opportunities elsewhere in the borough.

- Considerate Contractor Scheme – the applicant to carry out all works in keeping with the National Considerate Contractor Scheme.

Affordable Workspace

- Provision of affordable workspace totalling 1,354.5 sqm GIA (24%) at a rent of 80% of market in perpetuity, and monitoring to be clarified between the applicant and the Council.
- Creative Affordable workspace provider

Other

- Contribution towards monitoring of legal agreement and its obligations - £15,425 (£3500 non-financial and £11,925 for financial)
- Public access to site
- 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 prior to completion.

RECOMMENDATION C

That the Sub-Committee grants delegated authority to the Director of Public Realm and Head of Planning (or in their absence either the Growth Team Manager or DM and Enforcement Manger) to make any minor alterations, additions or deletions to the recommended heads of terms and recommended conditions as set out in this report (and if applicable to authorise any such changes requested by the GLA) 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).

4. INFORMATIVES

It is recommended that the following informatives should be added:

- SI.2 Work Affecting Public Highway
- SI.3 Sanitary, Ventilation and Drainage Arrangements
- SI.6 Control of Pollution (Clean Air, Noise, etc.)
- SI.25 Disabled Person's Provisions
- SI.27 Fire Precautions Act
- SI.28 Refuse Storage and Disposal Arrangements
- SI.34 Landscaping
- SI.45 The Construction (Design & Management) Regulations 1994
- SI.48 Soundproofing
- NSI Prior notification for construction from the Local Authority regarding highway works.
- NSI Surface water drainage and ground water discharge responsibility.
- NSI Existing refuse collection times
- NSI WSI preparation and implementation in accordance with Historic England's Guidelines for Archaeological Projects in Greater London.
- NSI Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the

receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.

- NSI 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.
- NSI There is a Thames Water main crossing the development site which may/will need to be diverted at the Developer's cost, or necessitate amendments to the proposed development design so that the aforementioned main can be retained. Unrestricted access must be available at all times for maintenance and repair. Please contact Thames Water Developer Services, Contact Centre on Telephone No: 0800 009 3921 for further information.
- NSI A Trade Effluent Consent will be required for any Effluent discharge other than a 'Domestic Discharge'. Any discharge without this consent is illegal and may result in prosecution. (Domestic usage for example includes - toilets, showers, washbasins, baths, private swimming pools and canteens). Typical Trade Effluent processes include: - Laundrette/Laundry, PCB manufacture, commercial swimming pools, photographic/printing, food preparation, abattoir, farm wastes, vehicle washing, metal plating/finishing, cattle market wash down, chemical manufacture, treated cooling water and any other process which produces contaminated water. Pre-treatment, separate metering, sampling access etc., may be required before the Company can give its consent. Applications should be made at <http://www.thameswater.co.uk/business/9993.htm> or alternatively to Waste Water Quality, Crossness STW, Belvedere Road, Abbeywood, London. SE2 9AQ. Telephone: 020 3577 9200.
- NSI A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality.
- NSI Thames Water requests that the Applicant should incorporate within their proposal, protection to the property by installing for example, a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.
- NSI Transport for London is prepared to provide to information about the proposed location of the Crossrail 2 tunnels and structures. It will supply guidelines about the design and location of third party structures in relation to the proposed tunnels, ground movement arising from the construction of the tunnels and noise and vibration arising from the construction and use of the tunnels. Applicants are encouraged to discuss these guidelines with the Crossrail 2 engineer in the course of preparing detailed design and method statements.

- NSI The best practical means available in accordance with British Standard Code of Practice B.S. 5228:1997 shall be employed at all times to minimise the emission of noise from the site;
- NSI The operation of the site equipment generating noise and other nuisance causing activities, audible at the site boundaries or in nearby residential properties shall only be carried out between the hours of 0800 – 1800 Mondays - Fridays, 0800 - 1300 Saturdays and at no time on Sundays or Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- NSI No waste or other material shall be burnt on application site.
- NSI A barrier shall be constructed around the site, to be erected prior to demolition.
- NSI A suitable and sufficient means of suppressing dust must be provided and maintained.
- NSI Please note that the Highways department must be advised when payment of the section 278 monies has been made and a minimum of six months' notice is to be given by the developer before highway works are expected to start on site.
- NSI The back edge of footway will remain at its current level (height). It is the developer's responsibility to incorporate this into their design as this is essential in ensuring the thresholds to the premises are level and DDA compliant and that surface water falling on the public footway can drain onto the carriageway.
- NSI In aiming to satisfy the relevant SBD condition, the applicant should seek the advice of the Police Designing Out Crime Officers (DOCOs). The services of the Police DOCOs are available free of charge and can be contacted via: DOCOMailbox.NE@met.police.uk or telephone 0208 217 3813.
- NSI The applicant / development should refer to the current "Code of Practice for Works affecting the Canal and River Trust" to ensure any necessary consents are obtained. Please visit <http://canalrivertrust.org.uk/about-us/forbusinesses/undertaking-works-on-our-property>
- NSI The applicant/development is advised that any oversail, encroachment or access to the waterway or towpath requires written consent from the Canal and River Trust, and they should contact the Canal and River Trust regarding the required access agreement.
- NSI The applicant is advised that surface water discharge to the waterway will require prior consent from the Canal and River Trust. Please contact Nick Pogson from the Canal and River Trust Utilities team (nick.pogson@canalrivertrust.org.uk)

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

ALED RICHARDS
Director, Public Realm

NO.	BACKGROUND PAPERS	NAME/DESIGNATION AND TELEPHONE EXTENSION OF ORIGINAL COPY	LOCATION CONTACT OFFICER
1.	Hackney Development Plan (2015) and the London Plan (2016)	Stuart Hammond, Planning Officer, ext6739	2 Hillman Street, Hackney, E8 1FB

Site Notices –

