

ADDRESS: 118 Curtain Road, Hackney, London EC2A 3PJ	
APPLICATION NUMBERS: 2021/2790	
WARD: Hoxton East and Shoreditch	REPORT AUTHOR: Barry Coughlan
DOCUMENTS: Demolition and Construction Management Plan Sept 2021 Acoustic Report March 2022	VALID DATE: 09/09/2021
APPLICANT: Curtain Road Properties Limited C/O Agent	AGENT: CMA Planning 113 The Timberyard Drysdale Street London N1 6ND
PROPOSAL: Submission of details pursuant to condition 15 (demolition and construction management plan) attached to planning permission 2018/0363.	
POST SUBMISSION REVISIONS: Additional documents have been submitted which include further noise and vibration survey details.	

REASON FOR REFERRAL TO PLANNING SUB-COMMITTEE:	
Major application	Yes
Substantial level of objections received	
Council's own application	

Other (in accordance with the Planning Sub-Committee Terms of Reference)	Yes
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RECOMMENDATION SUMMARY:
Approve details

ANALYSIS INFORMATION

ZONING DESIGNATION: (Yes) (No)

CPZ	X	
Conservation Area	X	
Listed Building (Statutory)		X
Listed Building (Local)		X
POA	X	
CAZ	X	

EXISTING LAND USE DETAILS

LAND USE	USE DESCRIPTION	GEA (SQM)
B8	Storage and Distribution	2,312
TOTAL		2,312

PROPOSED AMENDED LAND USE DETAILS FOR THE MAIN APPLICATION

USE (SQM)	USE DESCRIPTION	GIA (SQM)
B1	Office	4,784
TOTAL		4,784

PARKING DETAILS:

	Parking Spaces (General)	Parking Spaces (Disabled)	Bicycle storage
Existing	0	0	0
Proposed	0	0	100

CASE OFFICER'S REPORT

1. SITE AND CONTEXT

- 1.1 The site is a part one, part two, part three-storey over-basement building located on the eastern side of Curtain Road. The three-storey element is situated on the site's Curtain Road frontage with the part one, part two storey element situated to the building's rear. The site is bounded by Dereham Street to the south (a private road) and by 120-124 Curtain Road to the north (partly including the courtyard serving 120-124 Curtain Road). The site has a lawful B8 use (storage and distribution).
- 1.2 The surrounding area is mixed in character with a number of retail or bar/restaurant uses at ground floor level and office and/or residential uses on the floors above. The complex of buildings immediately to the north of the site (120-124 Curtain Road) are in use as a bar and restaurant at part ground floor and basement level and a music studio, editing suites and office space at ground and first floor level. The buildings to the south and east are in office or mixed office/residential use. To the west the buildings are in mixed retail/office/residential use.
- 1.3 The prevailing building heights are 3-8 storeys. Consent has recently been granted at the site to the south for a part six, part seven storey office building (2014/4147 – this consent lapsed on 01/12/2018). Consent has also recently been granted for a part five, part six storey office building at the site to the east, 74 Rivington Street (2016/3432)
- 1.4 Old Street Station and Shoreditch High Street station are located approximately 10 minutes away from the site by foot. There are a number of bus routes on Old Street to the north and on Shoreditch High Street to the east. The site has a PTAL rating of 6b which is 'Excellent' accessibility as defined by TfL.
- 1.5 The site is located within the South Shoreditch Conservation Area. The site is also located in a Priority Employment Area (PEA), the City Fringe Opportunity Area and the Central Activities Zone.

2. CONSERVATION IMPLICATIONS

- 2.1 The site is located within a conservation area but does not contain a listed building. 134-146 Curtain Road and 128 & 132 Curtain Road to the north are Grade II listed. The buildings immediately to the north of the site on either side of Curtain Road are designated as Buildings of Townscape Merit in the South Shoreditch Conservation Area Appraisal.

3. HISTORY

- 3.1 2018/0363 - Change of use from storage and distribution (Use Class B8) to offices (Use Class B1), including the conversion and extension of the building with the erection of three additional storeys to provide B1 office floorspace, together with the provision of associated secure cycle parking facilities and refuse and recycling storage. Granted 24/05/2020
- 3.2 2019/4172 - Change of use from storage and distribution (Use Class B8) to offices (Use Class B1). Granted 24/02/2020 but permission quashed following an application for Judicial Review.
- 3.3 2020/3775 - Change of use from storage and distribution (Use Class B8) to offices (Use Class E(g)). Granted 11/03/2021

4. CONSULTATION

- 4.1 Site Notice: No. Public consultation is not statutorily required for Approval of Details applications.
- 4.2 Press Advert: No. Public consultation is not statutorily required for Approval of Details applications.

4.3 Neighbour Consultation

4.3.1 Given that the applications are for Approval of Details, no neighbour consultation is statutorily required. However, the occupant of the adjacent property, the Strongroom Studios, have been notified of the application and liaison between the applicant and the Strongroom has allowed testing to be undertaken within the Strongroom Studios. The Strongroom were also notified by the Council when additional information to support the application was submitted and have been given an opportunity to make further representations.

4.3.2 The representations made by the Strongroom to date can be summarised as follows:

- The condition in question imposed limits arrived at with the consensus of the consultants working for the applicant, the Strongroom and the Council;
- The limits in the condition are absolute and must not be breached
- The committee asked for the application to discharge the condition to be brought back to them, signalling their view on its importance
- The initial submission made to the council to discharge the submission should have been rejected out of hand.
- Works carried out in November 2021 exceeded the limits in the condition (OFFICER COMMENT: These works were separate to those consented under the subject planning permission).

- The assessment undertaken by the applicant ignores one of the criteria in the condition (NR15 Leg 15 min).
- The Strongroom's consultant's assessment of the testing data shows that this limit would be breached.
- The testing has shown that there is a high risk that the NR 15 limit will be exceeded.
- The assessment presented by the applicant is misleading and flawed.
- The Council therefore cannot lawfully discharge the condition.

The matters raised above are considered to have been addressed in the report below unless otherwise stated above.

4.4 Other Council Departments

Transport

4.4.1 No objections (further details below).

Environmental Protection

4.4.2 No objections (further details below).

Air Pollution Officer

4.4.3 No objections.

4.5 Statutory Consultees

TfL

4.5.1 No objections.

5. POLICIES

5.1 The following details the adopted policies of relevance to the determination of the application:

5.2 Hackney Local Plan (2020)

LP2	Development and Amenity
LP42	Walking and Cycling
LP43	Transport and Development
LP44	Public Transport and Infrastructure
LP45	Parking and Car Free Development

5.3 London Plan (2021)

6.3 Assessing effects of development on transport

- 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes

5.4 National Planning Policies

National Planning Policy Framework (NPPF)
National Planning Policy Guidance (NPPG)

6. COMMENT

- 6.1 This application relates to condition 15 attached to planning permission 2018/0363 which members requested come back to committee when an application to discharge is submitted. The development description of 2018/0363 is as follows:

Change of use from storage and distribution (Use Class B8) to offices (Use Class B1), including the conversion and extension of the building with the erection of three additional storeys to provide B1 office floorspace, together with the provision of associated secure cycle parking facilities and refuse and recycling storage.

- 6.2 The above application does not comprise the full demolition of the building but rather its renovation and the erection of a substantial roof extension.

- 6.3 Condition 15 attached to planning permission 2018/0363 states:

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

a) A demolition and construction method statement covering all phases of the development to include details of noise control measures and measures to preserve air quality (including a risk assessment of the demolition and construction phase); The statement must also include:

i. Details as to how the construction of the development can be carried out without exceeding the following noise and vibration levels at a location (or locations) to be agreed by the Local Planning Authority: 1. NR 15 Leq, 15min; 2. 25 dB LAmax; 3. 0.5 mm/s PPV.

ii. Details of on-site testing which demonstrates that the construction of the development can be carried out without exceeding the noise and vibration levels set out at part i above.

iii. Details of noise and vibration monitoring to be carried out in accordance with the methodology set out in the Acoustic Report by

Bureau Veritas dated November 2018. This monitoring data must be made available to the Local Authority when it is requested.

iv. A liaison strategy between the applicant and adjacent businesses and property occupiers including a commitment to liaise with neighbours when particularly noisy periods of construction are likely to occur.

b) A Dust Management Plan to control dust emissions during demolition and construction;

c) Details of compliance with 'chapter 7 of the Cleaner Construction Machinery for London: A Low Emission Zone for Non-Road Mobile Machinery' (NRMM) in relation to Only Non Road Mobile Machinery or used at the development site during the demolition and construction process along with details that all NRMM are entered on the Non Road Mobile Machinery online register at <https://nrmm.london/usernrmm/register> before being operated. Where NRMM, which does not comply with 'chapter 7 of the Cleaner Construction Machinery for London: A Low Emission Zone for NRMM', is present on site all development work will stop until it has been removed from site.

d) A demolition and construction waste management plan setting out how resources will be managed and waste controlled at all stages during a construction project, including, but not limited to, details of dust mitigation measures during site clearance and construction works (including any works of demolition of existing buildings or breaking out or crushing of concrete), the location of any mobile plant machinery, details of measures to be employed to mitigate against noise and vibration arising out of the construction process demonstrating best practical means.

e) Details of the location where deliveries will be undertaken; the size and number of lorries expected to access the site daily; the access arrangements (including turning provision if applicable); construction traffic routing; details of parking suspensions (if required) for the duration of construction.

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

- 6.4 The condition requires the submission of a Demolition and Construction Management Plan to include a strategy for the mitigation of the environmental impacts of the construction as well as the transport and logistics impacts. In this case the condition also includes specific measures in relation to the mitigation of noise and vibration impacts upon adjacent properties.

Noise and Vibration

- 6.5 The proposal site is located on Curtain Road which is a mixed area with a number of residential and commercial uses as well as a thriving night time economy. The building immediately adjoining the subject site to the north is occupied by Strongroom Music Studios. When the application to redevelop the site was heard at committee in 2019, the Strongroom initially submitted an objection to the proposal on the basis that the noise and vibration from construction would have an adverse impact upon the operation of their business. Following liaison between the Strongrooms acoustic consultant, the applicant's acoustic consultant and a consultant working on behalf of the Council, specific noise and vibration limits were agreed which Strongroom considered would provide a sufficient safeguard to the continuing operation of their business. The applicant agreed to these limits and the Strongroom withdrew their substantive objection to the proposal on this basis.
- 6.6 The wording of the specific part of the condition related to noise and vibration requires the submission of details, including testing at a location to be agreed by the Council, which show how construction can be carried out without exceeding the agreed noise and vibration levels, alongside details of monitoring and liaison. The relevant wording is repeated below for clarity:
- i. Details as to how the construction of the development can be carried out without exceeding the following noise and vibration levels at a location (or locations) to be agreed by the Local Planning Authority:
 1. NR 15 Leq, 15min;
 2. 25 dB LAmax;
 3. 0.5 mm/s PPV.*
 - ii. Details of on-site testing which demonstrates that the construction of the development can be carried out without exceeding the noise and vibration levels set out at part i above.*
 - iii. Details of noise and vibration monitoring to be carried out in accordance with the methodology set out in the Acoustic Report by Bureau Veritas dated November 2018. This monitoring data must be made available to the Local Authority when it is requested.*
 - iv. A liaison strategy between the applicant and adjacent businesses and property occupiers including a commitment to liaise with neighbours when particularly noisy periods of construction are likely to occur.*
- 6.7 The applicant has submitted a Demolition and Construction Management Plan in order to address the above which includes an appendix with an

assessment of noise and vibration. The document puts forward details of how the construction of the development could be carried out so as to meet the thresholds above (part i) and details of the testing to demonstrate this (part ii) along with monitoring details (part iii) and a liaison strategy (part iv). The testing reported in the initial submission was undertaken on site at 118 Curtain Road only. Additional testing of the same methodology was subsequently undertaken within the Strongroom Studios.

- 6.8 The DCMP, appendix and subsequent supporting information submitted by the applicant state that the testing results show that the development can be carried out in accordance with the relevant noise and vibration limits in the condition. The testing results showed:
- a. that the relevant criteria at part i)3 above (*0.5 mm/s PPV* which deals with vibration) can be met in all cases. This is not disputed by the Strongroom.
 - b. The testing also found that the criteria at part i)2 (*25 dB LAmax* which deals with noise) would be exceeded in the existing background condition - i.e. even when construction works related to the planning permission were not being undertaken. This is accepted by the Strongroom who do not object to discharge of the condition in relation to the limit at part i)2.
- 6.9 In relation to the testing of the levels set at part i) 1, the analysis presented by the applicant shows that it would be possible to undertake 3 of the 5 activities tested without exceeding *NR 15 Leq,15min*. The remaining two activities, which relate to percussive breaking of concrete/masonry and the breaking of the roof slab, are likely to exceed *NR 15 Leq,15min*. However, alternative methods have been proposed (a saw cutting construction technique) which the measured noise and vibration data shows can be undertaken without exceeding the limits in the condition. In relation to saw cutting and stitch (core) drilling, it is noted that the data shows some exceedance in relation to the method of fixing machinery to a track as part of these activities (rather than during the operation of the machinery itself). Testing of an alternative method of fixing was undertaken (fixing the track by handheld core drilling) at the request of the Council's Environmental Protection Officer which has shown that this can be undertaken without exceeding the limits in the condition.
- 6.10 The analysis of part i) 1 presented by the applicant's consultant is contested by the acoustic consultant representing the Strongroom. It is their position that the data has been calculated incorrectly and that a fairer interpretation shows the *NR 15 Leq,15min* limit would be exceeded in the majority of cases. It is also stated that even where the limits are met, it would be only marginally so and the cumulative impact of multiple works at the same time would likely result in the limits being exceeded. Their report notes that the alternative method of fixing machinery should be

tested rather than an assumption on its impact made (this has since been undertaken as mentioned above).

- 6.11 It is the view of the Council's Environmental Protection Officer that the relevant testing necessary to discharge the condition has been carried out. The comments of the acoustic consultant working on behalf of the Strongroom have been taken into consideration but it is considered that the manner in which the analysis in relation to *NR 15 Leq, 15min* has been presented in the application submission is sound. The data is considered to show that the relevant criteria can be met, in accordance with the requirements of the condition. Whilst it is acknowledged that there may be exceedances, that does not mean that the limit cannot not be met as no amount of noise mitigation can guarantee non exceedances.
- 6.12 In the event that an exceedance does occur, the applicant will need to take necessary action to rectify the situation. To this end, the approach for monitoring data levels during construction is considered to be sound and will allow for effective monitoring of the relevant noise and vibration levels. The submitted liaison strategy is also considered to be acceptable and would facilitate effective communication between the applicant and affected neighbours. It is noted that Strongroom Studios have not objected to either of these aspects of the condition.
- 6.13 Overall, the details submitted in relation to noise and vibration are considered to be acceptable and sufficient to discharge the condition. The fact that testing has shown that one of the noise limits proposed by the Strongroom would be breached even in the existing background condition (i.e. with no construction works taking place) should also be noted, as should the studio's location within a busy inner urban area where the existing sound insulation within the studios does not appear to prevent the *25 dB LAmax* levels being exceeded in relation to background noise.

Transport/Construction Logistics

- 6.14 The details submitted in relation to the transport impacts of the proposal have been assessed by the Council's Transport Team and are considered acceptable. Clarification was sought in relation to the impact upon Dereham Street but this has been provided and is considered acceptable.
- 6.15 Given that the site is located upon a TfL highway (Curtain Road), TfL have been consulted. TfL have confirmed that they have no objections to the discharge of the condition.

Other Planning Matters

- 6.16 The details submitted have been assessed in relation to all other relevant planning matters. This includes an assessment of air pollution and the submitted dust mitigation plan by the Council's Air Quality Officer who has found the details acceptable. The details submitted in relation to site

waste have also been assessed and are considered acceptable to discharge this part of the condition.

7. CONCLUSION

- 7.1.1 The details submitted are considered sufficient and acceptable to discharge the condition. As such, it is recommended that condition 15 (Demolition and Construction Management Plan) attached to planning permission 2018/0363 be discharged.

8. **RECOMMENDATION**

RECOMMENDATION A:

That the details submitted to discharge 15 (Construction Management Plan) attached to planning permission 2018/0363 should be approved.

9. **INFORMATIVES**

No informatives necessary.

Signed..... Date.....

ALED RICHARDS – DIRECTOR, PUBLIC REALM

NO	BACKGROUND PAPERS	NAME/DESIGNATION AND TELEPHONE EXTENSION OF ORIGINAL COPY	LOCATION CONTACT OFFICER
1.	Submission documents and LBH policies/guidance referred to in this report are available for inspection on the Council's website.	Barry Coughlan Planning Officer Ext. 7939	1 Hillman Street, Hackney, E8 1FB
2.	Policy/guidance from other authorities/bodies referred to in this report are available for inspection on the website of the relevant authorities/bodies		
3.	Other background papers referred to in		

	this report are available for inspection upon request to the officer named in this section.		
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