

<b>ADDRESS: Telephone House, 69 - 77 Paul Street, Hackney, London, EC2A 4NW</b>	
<b>WARD: Hoxton East and Shoreditch</b>	<b>REPORT AUTHOR:</b> Nick Bovaird
<b>APPLICATION NUMBERS: 2022/1165</b>	<b>VALID DATE: 16 May 2022</b>
<p><b>DRAWING NUMBERS:</b>  P00 100, P01 099, P01 100, P01 101, P01 102, P01 103, P01 104, P01 105, P01 106, P01 107, P01 108, P01 109, P01 110,</p> <p>P03 099 Rev A, P03 100 Rev A, P03 101 Rev A, P03 102 Rev A, P03 103 Rev A, P03 104 Rev A, P03 105 Rev A, P03 106 Rev A, P03 107 Rev A, P03 108 Rev A, P03 109 Rev A, P03 110 Rev A, P04 100 Rev A, P04 101 Rev A, P05 100 Rev A, P05 100 Rev A Proposed Elevations North and East (showing obscure glazing), P05 101 Rev A,</p> <p>Planning Statement, Planning Statement Addendum March 2023, Design and Access Statement, Design and Access Statement Addendum March 2023, Townscape Visual Impact and Heritage Assessment, Townscape Visual Impact and Heritage Assessment Addendum March 2023, Daylight and Sunlight Report March 23 (Version 3) by Point 2, Effects on Solar Panels by Point 2, Affordable Workspace Strategy December 2022 v2.1, Statement of Community Involvement,</p> <p>Circular Economy Statement  1023167-CDL-XX-XX-RP-SY-70211 Rev P07 dated 19 April 2023 by Cundall, Delivery and Servicing Plan TH-CDL-XX-XX-RP-TC-7523 Rev P04 dated 13 March 2023 by Cundall, Energy &amp; Overheating Statement TH-CDL-XX-XX-RP-SY-70224 Rev P08 dated 13 March 2023 by Cundall, Response to Sustainability officer comments 14.09.2022 by Cundall, Sustainability Statement TH-CDL-XX-XX-RP-SY-7028 Rev P11 dated 17 March 2023 by Cundall, Wind Microclimate Assessment P02 by Cundall, Whole Life Cycle Carbon Assessment Spreadsheet by Cundall,</p>	

<p>Transport Assessment TH-CDL-XX-XX-RP-TC-7521 Rev P06 dated 16 March 2023 by Cundall, BREEAM Travel Plan TH-CDL-XX-XX-RP-TC-7524 Rev P04 dated 13 March 2023 by Cundall, Transport Note dated 1 December 2022 by Cundall, Transport Note dated 10 October 2022 by Cundall, Construction Logistics Plan V4 by WPS Compliance Consulting, Construction Environmental Management Plan V5 by WPS Compliance Consulting,</p> <p>Preliminary Ecological Appraisal V3 by Temple, Biodiversity Net Gain Plan by MKA Ecology, Urban Greening Factor Alternative Option January 2023, Green Walls Building Regs Compliance Note dated 1 November 2022 by Sweco Building Control Limited, Flood Risk Assessment/Surface Water Drainage Strategy April 2022 by Heyne Tillett Steel, LLFA Comments on FRA &amp; SuDS Strategy dated 22 July 2022 by Heyne Tillett Steel,</p> <p>Outline Fire Safety Strategy Report 12 April 2022 by Trigon Fire Safety Engineering, Environmental Noise Report P03 by Cundall, Economic Statement February 2022 by Volterra, Retail and Service Uses Assessment April 2022 by Lichfields,</p> <p>Arboricultural Report February 2022 by Tim Moya Associates, Air Quality Assessment Rev P07 by Cundall, Archaeological desk based assessment April 2022 by Museum of London Archaeology,</p>	
<p><b>APPLICANT:</b> MA Telephone House Holdings Ltd (c/o Agent)</p>	<p><b>AGENT:</b> Charles Moran, The Timberyard, 113 Drysdale Street, Hackney, London, N1 6ND</p>
<p><b>PROPOSAL:</b> Demolition to ground floor level of existing building; erection of building to maximum height of ten storeys around a central courtyard to provide office accommodation (Use Class E(g), ground floor retail space (Use Class E), a basement event space (Sui Generis) and associated facilities, landscaping to include visitor cycle spaces.</p>	

**POST SUBMISSION REVISIONS:**

- Reduction in massing, at upper levels.
- Amended drawings to show some obscure windows on the northern elevation;
- Amended Daylight Sunlight document;
- Amended cycle parking.

A twenty four day reconsultation has taken place with neighbours following the receipt of these revisions.

**RECOMMENDATION SUMMARY:**

Grant planning permission subject to conditions and completion of a legal agreement in relation to S106 of the Town and Country Planning Act 1990 (as amended).

**REASON FOR REFERRAL TO PLANNING SUB-COMMITTEE:**

Major application	<b>Yes</b>
Substantial level of objections received	<b>Yes</b>
Other (in accordance with the Planning Sub-Committee Terms of Reference)	

**ANALYSIS INFORMATION**

ZONING DESIGNATION: (Yes) (No)

CPZ	Yes	No
Conservation Area		No (Adjacent to South Shoreditch CA in Hackney and Bunhill Fields and Finsbury Square CA in Islington)
Listed Building (Statutory)		No
Listed Building (Local)		No
Priority Employment Area	Yes (South Shoreditch Priority Office Area)	

<b>PARKING DETAILS:</b>	Parking Spaces (General)	Parking Spaces (Disabled)	Bicycle storage
<b>Existing</b>	36	0	0
<b>Proposed</b>	0	2	432 Long Stay 61 Visitor

<b>LAND USE DETAILS:</b>	Use Class	Use Description	Floorspace Sqm
<b>Existing</b>	E(g)	Office	14277

<b>Proposed (GIA)</b>	E(g)	Office	27793
	E(a,b)	Retail	1011
	Sui Generis	Events	530

## CASE OFFICER'S REPORT

### **1. SITE CONTEXT**

- 1.1 The application site occupies the southern portion of a roughly triangular-shaped block with its southern boundary on Leonard Street, meeting the corner of Tabernacle Street to the west and Paul Street to the east. The southeastern corner of the site fronts Leonard Circus, a key element in the emerging public realm. The site contains a post-war office building of seven storeys which is set back from each boundary and includes car parking.
- 1.2 The site context is largely of Victorian and mixed use terraces of 4-5 storeys. Recent infill buildings have largely kept to this character. The Tabernacle Street terrace that adjoins the site has a set back 5th storey. Nevertheless there is considerable variety in the context, with the two storey Central Foundation Boys School (Grade II) in Islington, adjacent to the west and the post-war Development House building at 7 stories adjacent on Leonard Circus.
- 1.3 The application site has a PTAL (Public Transport Accessibility Level) of 6b, the highest possible score. Old Street Station is 140m to the west, along Cowper Lane, and frequent bus services are available to other parts of the borough and the rest of the city.
- 1.4 The site is within the Shoreditch Priority Office Area. It is not within a designated Town Centre. The site is allocated within the draft Future Shoreditch Area Action Plan (AAP) as FSOS 04 (110 Tabernacle Street).
- 1.5 The site is of potential concern with regard to contaminated land.
- 1.6 There are no Tree Protection Orders on the site but there are adjacent street trees, two of which are on Leonard Circus, the other two on Leonard Street.
- 1.7 The site is on the borough boundary with Islington.

### **2 CONSERVATION IMPLICATIONS**

- 2.1 The application site does not contain a listed building. No other statutorily listed or locally listed buildings are affected by the application. Statutorily listed buildings in the setting are St Michael's Church Hall (Grade II\*) to the south east (in Hackney) and the Central Foundation Boys School (Grade II) in Islington across Tabernacle Street to the west.

2.2 The existing building is not within a conservation area but the north western corner of the site, currently a service yard, is within the South Shoreditch Conservation Area, which is otherwise directly adjacent along the northern and eastern boundaries of the site. The Bunhill Fields and Finsbury Square CA is also adjacent, over the borough boundary in Islington.

2.3 The site is within an Area of Archaeological Priority.

### **3 HISTORY**

3.1 SOUTH/416/95/FP: Change of use to offices (use class b1)  
Granted: 24/11/1995

3.2 SOUTH/463/96/FP: Use of ground floor as restaurant & gymnasium with managers office maintained  
Granted: 15/01/1997

3.3 SOUTH/465/96/FP: Use of ground floor as showroom with ancillary staff and office accommodation  
Granted: 15/01/1997

3.4 SOUTH/856/00/FP: Erection of 8 storey extension to provide 8280 sqm for b1 office use together with alterations to the elevations.  
Granted: 15/12/2000

3.5 2002/0058: Erection of single storey 7th floor roof extension for B1 (office) use together with ground floor extension to provide reception area and alterations to the building including external recladding.  
Granted 25/10/2002

3.6 2006/0052: External alterations to ground floor of existing building.  
Granted: 16/06/2006

3.7 There is no enforcement or appeal history.

### **4 CONSULTATIONS**

4.1 Date First Statutory Consultation Period started: 9 June 2022.  
Date Second Statutory Consultation Period started: 7 April 2023 (Consultation letters 24 March. Site notice erected 31 March. Press Advert published 7 April).

4.2 Date Statutory Consultation Period ends: 1 May 2023.

4.3 Site Notice: Yes.

4.4 Press Advert: Yes.

## 4.5 Neighbours

4.5.1 Letters were sent to 376 neighbouring occupiers (in Hackney) for the full planning application. Letters were also sent to neighbours in Islington. In total 27 letters of objection have been received to date (**13 July 2023**), including 12 from new objectors following the second consultation.

4.5.2 The objections were made on the following grounds:

- Unacceptable impact of a building of this scale and bulk on the heritage setting;
- The architects have succumbed to commercial pressures and proposed a building that maximises floor area to the detriment of the townscape;
- The design does not relate well to neighbouring buildings, for example obscuring the side elevation of City Lofts (112 to 122 Tabernacle Street), which has been part of the streetscape for many years;
- Impact on neighbouring amenity, including daylight/sunlight, outlook, sense of enclosure and overlooking;
- A commissioned Daylight/Sunlight report disagrees with the findings of the applicants' submission. This will be sent under separate cover;
- Live/work units contain residential accommodation and should be assessed as such, the 'work' element is irrelevant when it comes to assessing amenity harm;
- The submitted daylight/sunlight report is entirely desk-based and cannot be relied upon, since it does not contain information as to the layout of neighbouring buildings, or is reliant on old drawings;
- The windows of City Lofts are clear-glazed to the private rooms occupied by the City Lofts residents, resulting in direct overlooking from the proposed development;
- Amenity impact from noise of delivery and servicing;
- Noise from mechanical plant will be amplified in the rear lightwell of the block, which includes the rear facing residential properties of City Lofts, particularly if the plant is not located at roof level;
- Impact to air quality of neighbouring residential buildings;
- Impact on air circulation at the back of City Lofts (112-122 Tabernacle Street), which will lead to overheating of the live/work and residential units therein;
- Impact of development on local road network;
- The development is not sustainable, using the NPPF (2021) definition;
- Objection to demolition of a functioning building: the embodied energy in the existing building is a resource and should not be thrown away;
- The ground floor commercial usage should be for retail use only, with no opportunity to gain approval for food or alcohol sale / hours outside of 9-6;
- The construction management plan should not allow construction at weekends, should ensure dust and vibration mitigation and should provide site access only away from residential properties;
- The noise and disturbance from building work will impact unacceptably on residents and businesses;

- There are existing Anti-Social Behaviour issues in the area that could be exacerbated by this development;
- The basement should not be used as an entertainment venue, this is a relatively quiet area of Shoreditch and the present uses of the application site do not cause nighttime noise;
- The proximity of the development to neighbouring buildings increases the chance of burglaries to those buildings;
- The impact of the development on local property prices.

These objections are considered in the report that follows.

#### **4.6 Statutory Consultees**

##### **4.6.1 Thames Water:**

No objection. The proposed development is located within 15 metres of underground Thames Water infrastructure. Standard conditions should be recommended in respect of piling and the water network capacity and a standard informative should also be added.  
*Officer's Note:* The proposed conditions and informative have been recommended below.

##### **4.6.2 London Borough of Islington:**

No response.

##### **4.6.3 Historic England GLAAS:**

No objection. The absence of geotechnical information makes it hard to be certain about the existing basement impacts and the impact of the northern car park – there's always a good 4m of made ground from the last few centuries around there that acts as a buffer from C20th development and then deposits survive beneath that that can safely preserve Roman and prehistoric material. There are also some areas that have avoided that deep 1960s impact, along with others that will be more heavily impacted from the existing pad foundations.

Archaeological evidence of the pre-Roman occupation of what became Moorfields may be preserved here, indicated by antiquarian finds of prehistoric tools in the area. We are increasingly finding evidence of Roman activity in the area too. Finally, parts of the site not excavated for the 1960s development are likely to preserve archaeological remains of the later growth of London in the early modern period, including the walled estate shown on seventeenth century mapping.

To manage this impact, we recommend a two stage condition on any consent. Evaluation of the site may need to be phased to take place both before and after demolition, depending on the details of the demolition and retention strategy. A Stage 1 WSI would be helpfully informed by a preliminary stage of archaeological monitoring on SI works.

*Officer's Note:* The proposed condition and informative have been recommended below.

##### **4.6.3 Greater London Authority:**

No objection, subject to referral at Stage 2. The applicant has provided numerous clarifications and revisions, in line with GLA comments, since the time of the first

submission.

#### **4.7 Local Groups/Consultees**

##### **4.7.1 Metropolitan Police (Secured by Design Officer):**

No objection in principle, subject to a standard condition and informative, requiring secure by design accreditation.

*Officer's Note:* The proposed condition and informative have been recommended below.

##### **4.7.2 Shoreditch Conservation Area Advisory Committee (CAAC):**

The CAAC raises no objection to the proposed building which it considers represents a high-quality piece of new architecture.

##### **4.7.3 The Hackney Society (to the design originally submitted):**

Objection. This scheme seeks to replace an existing 7 storey building that faces onto Leonard Circus with a ten storey building that faces onto Paul Street, Leonard Street and Tabernacle Street. We have concerns regarding the scale, form, bulk, mass and elevational treatment of the proposals.

The proposals to demolish the existing building have undergone examination in re-use of the existing structure and it has been confirmed in the documentation that the building is unsuitable for refurbishment or extension (apart from the basement). We think that this is a shame and extending and refurbishing the building would be a more appropriate solution from a carbon reduction perspective. The LPA should satisfy themselves that the evidence here is robust.

The plan of the building seeks to use the full extent of the site boundary and the Design and Access (DAS) cites Development House directly to the south as a precedent. Whilst the existing building provides limited interaction with the public realm there is an opportunity here to enhance the public realm further and expand the space around the building and make meaningful public spaces rather than completely fill the site as adjacent schemes have done.

The proposals seek to provide an additional 3 storeys to the height of the existing building. Whilst it is acknowledged that the building attempts to step back from the facades adjoining the surrounding streets to minimise this impact, as can be seen in the DAS from page 92, the increased footprint of the building means that building appears overly bulky and dominating in the streetscene compared with the existing building. The height and fenestration of the top storey does not help the architecture here and appears to increase the height and mass of the building.

##### **4.7.4 Design Review Panel August 2021 (to the design originally submitted):**

The proposed building would be read as a very large single building, which is considered problematic, particularly in the longer views but also from nearby viewpoints such as from Leonard Circus. The large mass of the building is too prominent and reduction in height is required. This would also assist with improving the human scale of the building.

Along Leonard Circus, the mass is considered uncomfortable. The circus previously had a



much better balance between the buildings facing it and this balance should be restored, which the Panel felt was not achieved by the current proposals. The height is a particular issue and should be reduced.

*Officer's Note:* Consideration of the comments of the Design Review Panel is included within the Design section of the report at paragraphs 6.4.39 below.

## **4.8 Council Departments**

- 4.8.1 Transportation: A CPZ exclusion to restrict parking permits being issued is recommended for all users of the proposed site (except those with a blue badge). This should be done in the shape of a condition, secured via a legal agreement. 2 on-site Blue Badge parking bays are provided and 2 additional off-site spaces should be provided. A Parking Design and Management Plan should be submitted prior to occupation and approved by the Council indicating how the car parking will be designed and managed, with reference to Transport for London guidance on parking management and parking design.

There is an over-reliance on two tier cycle parking and this should be managed by condition. A policy compliant cycle parking plan is required which shows details of layout, foundation, stand type and spacing. Two charging points should be made available for electric cycles and cargo bikes. 30 on-street short stay cycle parking spaces should be provided by the Council at a cost of £37000, within the legal agreement.

A full Travel Plan will be required to be produced and implemented on occupation of the development. Conditions are also required in relation to a Construction Management and Logistics Plan and a Delivery/Service Plan.

- 4.8.2 Streetscene: The proposal for Highways Works is to reconstruct the footway on Leonard Street and Paul Street. The estimated cost of the s278 agreement for these works is £129,890.00. The adjacent Leonard Street remodelling will be, in part, facilitated by a Public Realm contribution of £845,135.89.

*Officer's Note:* While the proposed Public Realm contribution is quite high, because the Leonard Street works are adjacent, it ties well into the requirement for an Open Space contribution as a payment in lieu in relation to the shortfall identified under Local Plan policy LP48. As such, it is proposed in the assessment below that the Open Space payment in lieu is used as part of the overall Public Realm contribution, rather than as a separate and additional payment.

- 4.8.3 Pollution Noise:

No objection, subject to a number of conditions in respect of sound proofing of party walls, noise breakout from the event use, plant noise, hours of use and an operational management plan in respect of the event use.

- 4.8.4 Pollution Land:

Associated with a site of potential concern. Following a review of the Phase 1 Desktop study produced by A2 Site investigation in April 2022, we can confirm general agreement

with its conclusions and recommendations. Two conditions should be added, in respect of land contamination and Unexploded Ordnance.

4.8.5 Pollution Air:

No objection, the Air Quality assessment is satisfactory.

4.8.6 Waste:

No objection.

4.8.7 Drainage:

Following clarifications by the applicant, we have no objection, subject to conditions in respect of 1) flood resilience and prevention, 2) Sustainable Urban Drainage and 3) Final Completion Statement for Sustainable Urban Drainage.

## **5.0 POLICIES**

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

- PP1 Public Realm
- PP8 Shoreditch and Hoxton
- LP1 Design Quality and Local Character
- LP2 Development and Amenity
- LP3 Designated Heritage Assets
- LP4 Non Designated Heritage Assets
- LP8 Social and Community Infrastructure
- LP9 Health and Wellbeing
- LP10 Arts, culture and Entertainment Facilities
- LP11 Utilities and Digital Connectivity Infrastructure
- LP26 New Employment Floorspace
- LP27 Protecting and Promoting Office Floorspace in the Borough
- LP29 Affordable Workspace and Low Cost Employment Floorspace
- LP31 Local Jobs, Skills and Training
- LP36 Shops Outside of Designated Centres
- LP37 Small and Independent Shops
- LP38 Evening and Night Time Economy
- LP41 Liveable Neighbourhoods
- LP42 Walking and Cycling
- LP43 Transport and Development
- LP44 Public Transport and Infrastructure
- LP45 Parking and Car Free Development
- LP46 Protection and Enhancement of Green Infrastructure
- LP47 Biodiversity and Sites of Importance of Nature Conservation
- LP48 New Open Space
- LP49 Green Chains and Green Corridors
- LP51 Tree Management and Landscaping
- LP52 Waterways, Canals and Residential Moorings
- LP53 Water and Flooding

- LP54 Overheating
- LP55 Mitigating Climate Change
- LP56 Decentralised Energy Networks (DEN)
- LP57 Waste
- LP58 Improving the Environment - Pollution

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

- GG1 Building strong and inclusive communities
- GG2 Making the best use of land
- GG3 Creating a healthy city
- GG4 Delivering the homes Londoners need
- GG5 Growing a good economy
- GG6 Increasing efficiency and resilience
- SD4 The Central Activities Zone (CAZ)
- SD5 Offices, other strategic functions and residential development in the CAZ
- D1 London's form, character and capacity for growth
- D2 Infrastructure requirements for sustainable densities
- D3 Optimising site capacity through the design-led approach
- D4 Delivering good design
- D5 Inclusive design
- D8 Public realm
- D9 Tall buildings
- D11 Safety, security and resilience to emergency
- D12 Fire safety
- D14 Noise
- E1 Offices
- E2 Providing suitable business space
- E8 Sector growth opportunities and clusters
- E9 Retail, markets and hot food takeaways
- E11 Skills and opportunities for all
- HC1 Heritage conservation and growth
- G5 Urban greening
- G6 Biodiversity and access to nature
- G7 Trees and woodlands
- SI 1 Improving air quality
- SI 2 Minimising greenhouse gas emissions
- SI 4 Managing heat risk
- SI 7 Reducing waste and supporting the circular economy
- SI 12 Flood risk management
- SI 13 Sustainable drainage
- T1 Strategic approach to transport
- T2 Healthy Streets
- T3 Transport capacity, connectivity and safeguarding
- T4 Assessing and mitigating transport impacts
- T5 Cycling
- T6 Car parking
- T6.2 Office Parking
- T6.3 Retail parking

- T6.5 Non-residential disabled persons parking
- T7 Deliveries, servicing and construction
- T9 Funding transport infrastructure through planning
- DF1 Delivery of the Plan and Planning Obligations
- M1 Monitoring

### 5.3 **Supplementary Planning Guidance / Documents (SPG):**

Mayor of London Sustainable Design and Construction SPG  
London Borough of Hackney Sustainable Transport SPD  
London Borough of Hackney Planning Contributions SPD  
Draft Hackney Future Shoreditch AAP  
Hackney South Shoreditch Conservation Area Appraisal  
Islington Bunhill Fields Conservation Area Design Guidelines (Dec 2022)

### 5.4 **National Planning Policies**

National Planning Policy Framework (NPPF)  
National Planning Policy Guidance (PPG)  
National Technical Housing Standards

### 5.5 **Legislation**

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

## 6.0 **COMMENT**

### 6.1 **Background**

6.1.1 Following the assessment of various options, including retention of a large part of the existing building, the proposal would demolish the existing building down to ground floor level. The proposed building would be a maximum height of ten storeys (plus a floor for plant towards the rear of the building), around a central atrium. The proposal is for office accommodation with a main entrance on Leonard Circus, with retail space at ground and basement floor. An event space of 530m<sup>2</sup> would be created within the atrium at basement level. Responding to the new layout of Old Street 'roundabout', which is anticipated to lead to a greater pedestrian footfall along Cowper Street, a secondary entrance opposite the Cowper Street junction would also be created.

6.1.2 The proposal raises the following planning considerations:

- Principle of Development
- Standard of Accommodation
- Urban Design, Conservation and Heritage Impacts
- Impact to Amenity
- Transportation

- Sustainability
- Waste Storage and Collection
- Biodiversity
- Fire Strategy
- Contaminated Land
- Consultee Responses
- Community Infrastructure Levy

## 6.2 Principle of Development

### 6.2.1 Land Use

6.2.2 Site Allocation FSOS 04 in the draft Future Shoreditch Area Action Plan (AAP) states that the site has an indicative capacity of 4,200 sqm GEA of office space and up to 250 sqm GEA of retail space. A proposal with active retail frontage onto Leonard Circus but otherwise in office use is in line with the expectations of the site allocation and the adopted Hackney Local Plan 2033 (LP33) policies for this Priority Office Area (POA) Location. As such, the creation of significant levels of employment, along with ground floor active frontages is welcomed, subject to the detailed considerations of the report that follows.

6.2.3 The principle of providing a community event space in the atrium basement is considered acceptable, subject to detailed consideration of the impacts of the use, including the specifics of how the use would operate, potential noise impacts and how it would relate to this area of the building. It is recommended that a condition requiring an Operational Management Plan is added to the permission, along with a condition ensuring that noise breakout from the building would be 10dB or more below the background noise level at any noise sensitive premises at any time. Subject to the recommended conditions, the sui generis use of the main hall as an event space is considered to be acceptable.

### 6.2.4 Employment Training and Affordable Workspace

6.2.5 Local Plan policy LP29 requires that at least 10% (offset by the amount of low cost employment floorspace provided) of the new employment floorspace (gross) should be affordable at no more than 40% of the locality's market rent in perpetuity, subject to viability. The existing building was renovated this century and there is no existing low cost workspace (secondary or tertiary in nature) on site.

6.2.6 The submission proposes a policy compliant level of Affordable Workspace, being 10% of the desks in the building to be provided at 40% of local market rents in perpetuity. This price would also include complimentary access to the buildings amenities and services. This is recommended within the Heads of Terms in the proposed legal agreement.

6.2.7 In addition to affordable workspace provision, Employment and Training s106 contributions of £132,003.00 towards Construction and Demolition and £573,156.00 towards End Use have been secured which will provide employment support to residents, through job brokerage, work placements, local labour programmes, supply chain management and programmes aimed at assisting SMEs.

6.2.8 The proposed development provides significant employment enabling and generation

public benefit and is consequently deemed to accord with Local Plan Policy LP29 and the Hackney Planning Contributions SPD.

**6.3 Standard of Accommodation:**

**6.3.1 Office Floorspace and Layout**

6.3.2 In accordance with Local Plan Policy LP27, the Council requires the provision of well designed, high quality buildings and floorspace that is flexible / adaptable to accommodate a range of unit sizes and types with good natural light, suitable for sub-division and configuration for new uses and activities, including for occupation by small or independent commercial enterprises.

6.3.3 The proposed office floorplates are deep but benefit from a central enclosed atrium, without which they would be over reliant on artificial light.

6.3.4 Overall, the design and layout of the proposed floorspace is of a high quality, is flexible and meets the needs of likely end users. We note that the individual floors appear to have little in the way of communal amenity provision such as double height or outdoor spaces. Nevertheless, the applicants have stated that, once fitted out, the building is intended to provide numerous amenity areas for tenant well being. Since the design is reliant on access to outdoor amenity terraces at the upper floors and it is not clear within the submission that all tenants would have access to these green spaces at upper levels, a condition is recommended to ensure that anyone working in the building will have access to the range of amenity spaces.

6.3.5 A good number of windows on each floor should be openable to allow for cross ventilation, to maximise well-being of all occupants, and this is included in the recommended condition requiring detailed measures in this regard at the next stage.

6.3.6 Subject to these recommended conditions, and with regard to the external amenity areas discussion at paragraph 6.3.9 below, the proposed quality of the office accommodation is considered to be acceptable.

**6.3.7 Retail and Event Floorspace**

6.3.8 The proposed retail floorspace is adaptable to the needs of future tenants and is acceptable. The proposed event space is within an open atrium and while it would therefore be unsuitable for a number of uses, it is considered acceptable.

**6.3.9 External Amenity Areas**

6.3.10 Local Plan Policy LP48 requires 4m<sup>2</sup> of amenity space per employee. The proposed roof gardens and the two garden bridges within the atrium space together provide 1426m<sup>2</sup> but it is recognised that this is a tight site which is unable to provide the full amount of amenity space required by the policy. As such, the overall shortfall of 5894m<sup>2</sup> of amenity space should be mitigated by a payment in lieu to be put towards the provision of new or improved space in the immediate surroundings of £676,395.44. This requirement has been contained

within the overall figure for Public Realm improvements, as per the discussion at paragraph 6.6.29 below, which has been added as a clause in the legal agreement.

6.3.11 Conclusion

6.3.12 The proposed development is deemed to provide a high standard of accommodation for future occupiers, in line with the aforementioned local and regional planning policies.

**6.4 Urban Design, Conservation and Heritage Impacts**

6.4.1 Policies D1-D4 of The London Plan 2021 require architecture to make a positive contribution to a coherent public realm, streetscape and wider cityscape, incorporating the highest quality materials and design appropriate to the surrounding context. LP33 Policy LP1 states that all new development must be of the highest architectural and urban design quality. Development must respond to local character and context having regard to the boroughwide Characterisation Study, and be compatible with the existing townscape and local views.

6.4.2 Policy HC1 of The London Plan 2021 requires development proposals affecting heritage assets, and their settings, to conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings. LP33 Policies LP3 Designated heritage assets, LP4 Non designated heritage assets, LP5 Strategic and local views and LP6 Archaeology require the Council to conserve designated and non-designated heritage assets (including their settings), protect the London View Management Framework (LVMF) and identified local views and make appropriate arrangements for archaeology.

6.4.3 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority when considering development which affects a listed building or its setting to have "special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses." Section 72(1) of the Act requires decision makers with respect to any buildings or other land in a conservation area to pay "special attention... to the desirability of preserving or enhancing the character or appearance of that area". Applying the statutory duty, any harm found to arise in relation to the character or appearance of a conservation area should be given "considerable importance and weight"

6.4.4 Chapter 12 of the NPPF states that local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. It also encourages LPAs to take account of a non-designated heritage asset in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

6.4.5 Existing Building and Principle of Demolition

6.4.6 The existing building is a somewhat unusual, modernist element in the streetscape, with its setback from the street mitigating the impact of its seven storeys. We consider it to be a negative contributor overall to the quality of the surrounding streetscape. This assessment

is based on the loss of the original street plan and the lack of active frontage in a key position, forming one corner of the remodelled Leonard Circus.

6.4.7 For these reasons, the demolition of the building is considered acceptable in design and heritage terms, subject to an acceptable proposal for its replacement.

6.4.8 Conservation

6.4.9 *Impact on the setting/ significance of South Shoreditch Conservation Area*

6.4.10 The site is located within a very sensitive heritage context. It is partly within the South Shoreditch Conservation Area (SSCA), which also wraps around immediately to the east and north of the site. Immediately to the west of the site is the Bunhill Fields and Finsbury Square Conservation Area in Islington.

6.4.11 The South Shoreditch Conservation Area is a designated heritage asset located immediately east of the site and was first designated in 1991. The area comprises many warehouses and ancillary buildings associated with the Victorian Furniture Trade, including a number of 'Buildings of Townscape Merit' on the north-east quadrant of Leonard Circus, south along Paul Street and east along Leonard Street. Paragraph 199 of the National Planning Policy Framework (NPPF), requires Local Planning Authorities to consider the impact of new development on the setting of designated heritage assets, including conservation areas.

6.4.12 The character of the SSCA is of generally consistent building heights with shoulder heights of buildings between three to five storeys. This also applies to the immediate context of the site within the SSCA, on Leonard Street and Paul Street with Tabernacle Street around 6 storeys in height. The proposed urban block of up to 32m in height would detract from the significance of the SSCA with its relatively consistent character of 10-20m buildings.

6.4.13 The application has been revised and the height reduced to ensure that it no longer backdrops the distinctive silhouette of the locally listed former fire station at 140 Tabernacle Street which is identified as a key view within the South Shoreditch Conservation Area.

6.4.14 However, despite revision the overall bulk and height continues to be harmful to the South Shoreditch Conservation Area and appears overbearing when viewed along Leonard Street (westwards) and from Pitfield Street (southwards). It is acknowledged that the level of harm has been reduced through further revisions. This harm is assessed to be at the low end of less than substantial. The planning authority needs to weigh this harm against the public benefits of the proposal (NPPF paragraph 202) which may include the restoration of the historic quadrant form and employment space generated from this scheme in the City Fringe.

6.4.15 *Impact on the setting of the Bunhill Fields Conservation Area*

6.4.16 Bunhill Fields Conservation Area is a designated heritage asset located to the west of the site within the London Borough of Islington. The conservation area was first designated in 1987 and contains a number of important historic sites including the Bunhill Fields burial ground and the Victorian Wesley's Chapel. The same assessment under paragraph 199 of



the NPPF is required for this heritage asset. The overall bulk of the buildings is considered to be harmful to the conservation area

- 6.4.17 The proposed height and bulk of the building to the boundary of the Bunhill Fields Conservation Area is considered to be harmful to the character and appearance, though it is acknowledged that the positioning of the buildings reinstates the original building line. This harm is assessed to be at the low end of less than substantial.
- 6.4.18 *Setting of Listed Buildings*
- 6.4.19 *Impact on the setting of on the Shoreditch County Court, Leonard Street Grade II Listed)*
- 6.4.20 The new building will be visible from Leonard Street and impact the setting of the Grade II Listed Shoreditch County Court. A building of this scale will dominate views along Leonard Street and detract away from the principal elevation. This harm is assessed to be at the low end of less than substantial.
- 6.4.21 *Impact on the setting of the Former Church of St Michael and All Angels (Grade I Listed)*
- 6.4.22 The former Church of St Michael and All Angels is a Grade I listed building (designated heritage asset) dating from 1865. The former church is located approximately 50 metres east of the site and the top of the proposed Telephone House will be partly visible from the gardens to the south of the church (View 4 of the applicant's TVIA). This is considered to cause less than substantial harm to the building's setting.
- 6.4.23 *Impact on the setting of on the Central Foundation Boys School, Cowper Street (Grade II Listed)*
- 6.4.24 The Central Foundation School For Boys is a Grade II listed building (designated heritage asset) dating from 1866-7, with extension for science 1894. The proposed building would be visible in long distance views from City Road, along Cowper Street. The overall bulk and massing of the building has a harmful impact on this Listed Building as it appears prominently in the background. However, it is noted that this impact may only be temporary as it would be screened from view by the new Central Foundation Boys School building. This harm to the setting of this listed building is at the low end of less than substantial.
- 6.4.25 *Locally Listed Buildings and Non-Designated Heritage Assets*
- 6.4.26 *Impact on 140 Tabernacle Street former Fire Station*
- 6.4.27 The proposals will partially backdrop the roofscape of this building in distance views. The impact has been partially mitigated by a reduction in height which ensures in close views the new building remains hidden. As such, whilst there is harm as a result of the visual impact this is very low.
- 6.4.28 *Impact on Chapel, 23 Leonard Street*

- 6.4.29 Harm arises as a result of the backdropping of the distinctive gables of the chapel. The level of harm has been reduced as a result of the reduction in massing and changes with the architectural approach.
- 6.4.30 Urban Design
- 6.4.31 *Townscape*
- 6.4.32 The impact of the proposed massing on the existing character of the townscape would be significant. The shoulder height of the proposal is between 6 and 7 storeys across a substantial portion of an urban block which will transform the character of the location and streets surrounding the development site.
- 6.4.33 The cumulative impact would be significant, for instance increasing the proportion of tall buildings on Leonard Circus from a quarter to half, following the recent approval by the planning committee of Development House as tall building of 10 storeys on the corner to the south, or one half of Tabernacle Street to both. Street enclosure will increase from the common width-to-height ratio of 1:1 which is characteristic of the wider area
- 6.4.34 Set against the impacts of significant height and mass, the proposal would re-establish the historic footprint on the site and repair 3 street edges, and two prominent corners.
- 6.4.35 In so doing, the proposal would repair a section of the block, and with it the traditional enclosure of surrounding streets and spaces which was disrupted by the modernist and unresponsive massing of the existing Telephone House building. For example, Leonard Circus was once formally and symmetrically enclosed by chamfered frontages on 4 sides. Post-war modernist developments ignored these historic frontage positions in favour of creating very simple orthogonal blocks surrounded by leftover space and this broke down the characteristic enclosure of the open space. The proposal re-establishes this historic enclosure, albeit with taller frontages. It is considered that, overall, the impression is likely to be of a repaired townscape.
- 6.4.36 A similar transformation would be experienced on Tabernacle Street, where the existing Telephone House building has a significantly negative relationship with the street. Here, the existing elevations have no relationship with the continuous street frontages which give character and enclosure, instead they are set back behind car parking. Likewise, the existing building does not respond to the corner of Tabernacle and Leonard Street which once had a chamfered corner on the street edge creating a strongly defined junction.
- 6.4.37 In terms of continuity of frontage and relationship with context, views towards the site are likely to be improved. At present, the development is experienced as disruptive gaps to continuous street frontages. The proposal would infill these gaps in the townscape with live frontage [commercial windows which offer some activity but not as much as active frontage with public relevance] and active frontage [retail frontage with public access] and thereby improve the sense of continuity and enclosure through the area.
- 6.4.38 The establishment of new active frontages in the form of retail units on Leonard Circus, Leonard Street and Tabernacle Street would have a significant positive impact on the adjacent streets and public spaces. We note that the loading deck entrance and

substations on Paul Street, which have to be located somewhere, have the potential to create an unattractive section of inactive frontage onto this important conservation street. Since the details of this aspect of the design would be critical, a condition has been recommended to ensure that the inactive frontage does not undermine the overall quality of the street frontage.

- 6.4.39 The Hackney Design Review Panel (DRP) assessed draft proposals of the height, massing and architectural approach of the original scheme in August 2021 and expressed concerns about the height and massing of the building, which have been largely been addressed by the latest iteration.
- 6.4.40 The Panel felt that “the proposed building would be read as a very large single building, which is considered problematic, particularly in the longer views but also from nearby viewpoints such as from Leonard Circus. The large mass of the building is too prominent and reduction in height is required. This would also assist with improving the human scale of the building.”
- 6.4.41 “Along Leonard Circus, the mass is considered uncomfortable. The circus previously had a much better balance between the buildings facing it and this balance should be restored, which the Panel felt was not achieved by the current proposals. The height is a particular issue and should be reduced.”
- 6.4.42 The latest revisions go some way towards addressing the recommendations of the Panel. The overall height has been reduced to limit impacts on views of the skyline of Tabernacle Street Fire Station from the North. The reduction in height has also slightly improved views towards the site from the Conservation Area to the east. The massing has been adjusted slightly to better respond to building lines, and materials have been changed in order to create a closer relationship with the historic context. We consider that the proposed shoulder heights on Leonard Circus and surrounding streets are still tall for the area where they step up from the adjacent existing context of 5 storeys (20m) on Paul Street to 5 proposed storeys with two storeys setback on Paul Street and then to 8 storeys and 32m on Leonard Circus. In views along Paul Street, looking south towards the site, the setbacks will effectively reduce the visibility of some upper storeys although 8 storeys will be visible facing Leonard Circus. The 8th floor will be set back behind the facade grid creating a light 8th storey and attractive top to this element. These changes to the design of the shoulder and upper storey go some way towards addressing criticisms made of the previous iteration by The Hackney Society.
- 6.4.43 Shoulder heights of 8 storeys are not seen within the conservation area where 6 or 7 storeys are the maximum. However, the 8th floor setback would reduce the impact of this top storey making the effective shoulder height 7 storeys. Development House to the south, which is outside but adjacent to the Conservation Area, has permission for a 9 storey frontage facing Leonard Circus. The two schemes together will repair the symmetrical and formal historic street enclosure as a positive contribution to the conservation area, while their extra height will signal the edge of it.
- 6.4.44 Along Leonard Street the existing frontage is set back from the historic building line behind poorly defined, ‘leftover’ space given over to car parking. The proposal would re-establish the historic frontage but at 27.5m in height (7 storeys). Slight shifts in the building line help

to differentiate the sections of frontage which are defined by different materials. This would help break down the building into elements which reflect the scale of older buildings nearby.

- 6.4.45 On the corner of Tabernacle Street and Leonard Street a strong new chamfered corner is proposed at 7 storeys (27.5m) adjacent to the listed chapel (23 Leonard Street). While this height would impact on the chapel, it will also restore a Shoreditch scale street context which would have been a part of the building's setting historically. The proposed red brick colour of the proposed corner would contrast with the chapel creating a clear distinction between the two buildings in street views.
- 6.4.46 On Tabernacle Street, two frontages of 7 and 6 storeys stepping down to the context to the north, thereby rising from the historic building line and re-establishing the narrow historic character of the street. A further 2 storeys are proposed to be set back above which will not be experienced from street level.
- 6.4.47 *Townscape Summary*
- 6.4.48 In summary, on Tabernacle Street and Paul Street, the proposed heights combined with the building frontage position are likely to have a positive impact on the street. On Leonard Circus the proposed massing would reinstate the historic enclosure of the space with a height which will be unusual but not excessive, and slightly lower than the consented scheme on the adjacent corner. On Leonard Street, the frontage and height would create a more tightly defined street enclosure with height that is not excessive or unusual in conservation area-adjacent sites and which would reflect the scale of Development House to the south.
- 6.4.49 *Architecture and Materials*
- 6.4.50 Efforts have been made to detail the architecture and massing to break down the overall bulk as suggested by Hackney's officers and the Hackney Design Panel. The development is intended to appear as a group of closely related buildings, each responsive to its immediate context while also maintaining a coherent, rational and attractive overall appearance. The building is divided into 6 elements. Each is defined by a different massing, architectural treatment and material palette. The two corner elements and the northern Tabernacle Street frontage share the same material palette of red brown brick, pattern of narrow, repeating rectilinear windows, ground and first floor facade design and parapet level detail. The 3 remaining street facing elevations have a very similar fenestration pattern to the corners but with arched windows, a similar base, a slightly different parapet level design and a contrasting material palette of 'almond' brick.
- 6.4.51 The repetitive grid of windows between floors 3 and 7 which raised concerns at DRP and with design officers, has been retained by the Architect. The fenestration pattern is not closely related to buildings nearby which tends to see windows of larger and wider proportions often grouped. Proposed windows are ungrouped on a repetitive grid and have slim proportions. Nevertheless, some changes have been made in response to advice. These include creating pairs of floors separated by brick banding, vertical columns with recessed spandrels and further window reveals, as seen in many buildings through Shoreditch. Facades will have depth, interest and material quality. The Architects have demonstrated a rationale for the proposed facade appearance and an understanding of

creating a respectful and positive relationship with the historic context without using pastiche.

- 6.4.52 The ground and first floor appearance contrasts with the upper floors. Large ‘shopfront’ windows address the public realm, brickwork areas are more substantial and flat but with expressed courses of brick. Occasional informally located large windows, with some at 3rd floor, break up the repetitive and formal fenestration grid with playful and surprising picture openings into special areas of the office. The ‘weightier’ bottom two storeys appear to give a strong foundation to the lighter floors above and reflect the prominence and importance of lower storeys seen in large historic buildings nearby.
- 6.4.53 Overall, the development is likely to be seen as a substantial, bold, contemporary building which has repaired the gap in the urban fabric. Materially, and at the lower levels which people will experience most closely, the building is likely to be of a high quality. Conditions have been recommended to ensure that that detailing will be of a very high quality at all levels.
- 6.3.54 *Landscaping*
- 6.3.55 The proposals for landscape proposals are considered acceptable in terms of location of rooftop green spaces and biodiverse green roof. Nevertheless, the final landscaping approach is subject to the recommended condition, to ensure that the detailed design is in keeping with the aspirations of the scheme as presented. It is likely that an appropriate planting mix will include a high proportion of indigenous species and that green/blue roof details will include a deep substrate to allow for meadow and sedum planting along with a varied layout to create multiple habitat opportunities for insects and insect-eating birds.
- 6.4.56 Urban Design, Conservation and Heritage Impacts Conclusions
- 6.4.57 The proposals have been adapted to address earlier concerns raised by officers and the DRP around height, massing and appearance. The proposed massing is at the very limits of what is acceptable on the site and there is no capacity for any further expansion of massing. Throughout the application the massing has undergone a number of changes and whilst the proposals are still harmful to a number of designated and undesignated heritage assets, the level of harm has been reduced and the less than substantial harm is now outweighed by the overall public benefits.
- 6.4.58 The appearance of the building in its context is likely to be positive thanks to its restoration of historic building lines and associated street and space enclosure. Architecturally the proposal is likely to be seen as a significant improvement on the existing and further detailed work at conditions stage is key to ensuring the building looks good in more distant views and close up.
- 6.4.59 The activation of the street frontages at ground floor level is welcomed and will add to the success of the Leonard Circus remodelling, alongside the contributions to the public realm identified in section 6.6 of this report, below.
- 6.4.60 For these reasons, subject to the recommended details, it is considered that the proposal would have an overall positive impact on the townscape and the setting of neighbouring

conservation areas and thereby achieve the design aspirations of local and regional policy. Where harm is caused to neighbouring heritage assets, this is considered to be less than substantial and to be balanced acceptably against the public benefits of the scheme, in line with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

## **6.5 Impact to Amenity**

- 6.5.1 London Plan policy D3 states that development should have regard to the form, character and function of an area and the scale, mass and orientation of surrounding buildings. Local plan policy LP2 states that all new development must be appropriate to its location and should be designed to ensure there are no significant adverse impacts on the amenity of occupiers and neighbours.
- 6.5.2 Daylight/Sunlight impacts.
- 6.5.3 With regards to daylight, the Vertical Sky Component (VSC) method has been used to measure the amount of skylight reaching windows of neighbouring properties. BRE guidelines in their “Site Layout Planning for Daylight and Sunlight” document of 2022 state that impacts upon daylight of an existing building will be noticeable if the VSC measured at the centre of an existing main window is less than 27% and less than 0.8 times its former value. % reductions in VSC of 30% or more can be considered to result in significant noticeable impacts, whereas reductions in daylight marginally above the 20% threshold will be more minor.
- 6.5.4 VSC is the most suitable method of assessment to understand the degree of change to windows of neighbouring properties resulting from the development. The daylight sunlight assessment also refers to two further methods of assessment. The No Sky Line (NSL) method involves plotting the NSL in affected rooms (when layout of affected properties is known), to understand the proportion of the room, where views of the sky would be visible.
- 6.5.5 A third method of assessing daylight within the 2011 BRE guidance was the Average Daylight Factor (ADF), which involved a detailed calculation of the amount of sky visible at each of the windows serving the room, taking into account a range of factors including window and room sizes. The latest version of the BRE guidance (2022) does not use ADF and, though it is acknowledged that this application was submitted prior to the latest version of the guidance, it is considered appropriate to discount the sections of the submitted report that refer to ADF. The latest version of the BRE guidance relies on VSC and NSL in the assessment of daylighting to neighbouring properties and that information is provided within the submitted report.
- 6.5.6 With regards to sunlight, the Annual Probable Sunlight Hours (APSH) method has been used to assess the amount of sunlight available within a room. BRE guidelines are for rooms to receive 25% of Annual Probable Sunlight Hours (APSH) in total, including 5% in winter.
- 6.5.7 It should be noted that BRE guidance is applied with regard to the site context. Factors such as the layout and orientation of adjacent buildings, and the amount of existing development upon an application site can all have significant impacts upon the daylight

sunlight assessment. As such in dense inner urban locations, it may not be possible to achieve BRE target criteria if development is to take place at a similar scale as others in the surrounding area.

6.5.8 *112-122 Tabernacle Street (City Lofts)*

There are large impacts to both VSC, NSL and APSH to four single aspect studio units (windows shown as W1 to W5 on the submitted window maps) directly adjacent to the proposal at 1st, 2nd, 3rd and 4th floor levels. Living room windows to four further units (W6 to W8) at 1st to 4th floor level are also significantly impacted but these are part of larger units, with a bedroom that is not significantly affected, owing to a set back in the elevation of City Lofts at that point.

6.5.9 While these impacts to windows W1 to W8 at the four floors are significant, being between 55% to 21% of VSC, for example, this is a commercial building that has been converted to residential with a close proximity to the existing rear windows of Paul Street. The existing Telephone house has an untypical relationship to its plot, being set away from its site boundary at all sides. It is considered that the impacts seen to these rear windows of the City Lofts building are largely a result of the proposal's use of a more typical typology, building to the rear of the plot. Given the low number of units involved and the existing relationship between those units and the other surrounding buildings, it is considered that the impacts to daylight and sunlight are not sufficient reason to refuse the application.

6.5.10 Other windows in the rear elevation of City Lofts are considered either not to be significantly impacted (less than 20% VSC, for example), to be impacted but retaining an acceptable level of VSC in the mid-teens, or to be already at a low level such that further impacts would not have a significant effect.

6.5.11 *66-68 Paul Street (Chamberlain House)*

There are significant impacts to VSC (42% to 22%) to the facing windows of the unit at first floor and the unit at second floor, where the retained VSC would be reduced below the mid teens. The NSL of these rooms is also significantly impacted.

6.5.12 In terms of APSH there are some significant reductions to rooms but all windows receive at least 25 and 5 (summer and winter APSH) and are considered acceptable in these terms.

6.5.13 At the three floors above, retained VSC, NSL and APSH are all considered to be at acceptable levels.

6.5.14 Overall, given the low number of units involved, it is considered that the impact to Chamberlain House should be considered acceptable.

6.5.15 *Other*

At all other surrounding residential properties the impacts to the VSC, NSL and APSH are not considered to be significant, either because there is little overall impact, or because any impacts leave a retained level of daylight and sunlight that is typical for this inner London location.

6.5.16 For these reasons, the daylight and sunlight impacts of the proposed scheme are considered to be acceptable.

6.5.17 Overshadowing of Amenity Spaces

6.5.18 The report does not present any discussion of the overshadowing of neighbouring amenity spaces. Desk top study and the site visit suggests that there are no such amenity spaces that would be impacted by the proposed development. Nor have there been any consultation responses that have suggested that such places exist.

6.5.19 Leonard Circus is to the south of the proposed development and the potential for significant overshadowing of this space is limited.

6.5.20 As such, the proposal is considered acceptable in these terms.

6.5.21 Impact on Neighbouring Solar Panels

6.5.22 The latest edition of the BRE guidance requires that the impact of a proposed development on neighbouring photovoltaic (PV) panels is taken into consideration. In this location aerial photography identifies one neighbouring location with PV panels, 22-24 Cowper Street to the north west. The applicant has submitted documentation which shows that the total amount of solar radiation reaching these panels each year would be reduced by 9.1%. This is a level of impact which the BRE guidance considers not to be significant. As such, this aspect of the proposal is considered to be acceptable.

Daylight/Sunlight Summary

6.5.23 The impacts to the daylight and sunlight of surrounding properties and amenity spaces are considered to be acceptable. The most affected buildings are City Lofts and Chamberlain House, where adjacent windows on the lower floors show significant impacts. It is considered that these impacts seen are mostly resultant of the proposed building using a more typical amount of plot coverage than the existing post-war building. In this sense, the proposal is considered to fit adequately well within the existing urban grain. The impacts to daylight and sunlight to the eight units in question are considered to be insufficient grounds to warrant refusal of the application, which is considered to meet the requirements of London Plan policy D3 and Local plan policies LP2 and LP25.

6.5.24 Outlook / Sense of Enclosure

6.5.25 The Council has no specific policy guidance on acceptable separation distances for outlook. This is due to the differing established grain and density of the borough, the potential to limit the variety of urban space and unnecessarily restrict density.

6.5.26 The impact of the development on the outlook and sense of enclosure experienced by neighbouring residents is considered to be acceptable. As above, the proposal would build to the boundary of its plot, in a manner that is typical of the surrounding urban grain.

6.5.27 As such, the proposed development is deemed acceptable in terms of its impact on prospective outlook and sense of enclosure and to meet the expectations of London Plan policy D3 and Local Plan policies LP2 and LP25.



6.5.28 Privacy and Overlooking

6.5.29 A number of objections have been received in relation to overlooking from the proposal to neighbouring residential properties, particularly those to the north of the site.

6.5.30 The proposal has been changed during the course of the application so that the upper ground windows on the north facade are to be opaque glazed, up to and including the 8th floor, so that they do not overlook the facing residential units, or add to the perception of overlooking.

6.5.31 Other residential properties across Paul Street are already overlooked by the existing building and there would be no significant additional overlooking as a result of the proposal.

6.5.32 There are no other residential windows that would be impacted by the proposal in respect of overlooking. As such, the proposed development is deemed acceptable in terms of prospective outlook, privacy and overlooking and to meet the expectations of London Plan policy D3 and Local Plan policies LP2 and LP25.

6.5.33 Construction Impacts

6.5.34 In terms of the construction activity, the short-term nature of the proposed works and ambit of temporary impacts are rarely so significant that planning permission should be refused. In addition, the working hours of construction activity are controlled by separate legislation to which the applicant's contractors would need to comply. In addition to the considerate constructors' code of conduct required by the legal agreement, a construction management and logistics plan would be required by condition to ensure that the construction programme does not have an unacceptable impact on the amenities of neighbouring occupiers or on the highway network.

6.5.35 Noise

6.5.36 As above, the use of the event space within the atrium has the potential to create noise disturbance for neighbouring residents. For these reasons, it is recommended that a condition requiring an Operational Management Plan is added to the permission, along with a condition ensuring that noise breakout from the building would be 10dB or more below the background noise level at any noise sensitive premises at any time. Another recommended condition limits the hours of use of the space. Subject to the recommended conditions, it is considered that there would be no unacceptable amenity impact of the event space.

6.5.37 The applicant has agreed a condition that restricts the use of the proposed external terraces to the hours of 08:00-21:00 on Monday to Saturday. The terraces in question are positioned at a higher level neighbouring residential windows and it is considered that this is sufficient control to ensure that neighbours will not be significantly impacted by their use.

6.5.38 Wind

6.5.39 The submission includes a Wind Microclimate Assessment. It is considered that the results of the assessment show an acceptable impact to wind in the neighbouring streets and

Leonard Circus, which will remain suitable for general pedestrian comfort even in the cumulative scenarios with other proposed development, and the winter season.

#### 6.5.40 Conclusion on Amenity Impacts

6.5.41 On balance, the proposal is not anticipated to detract unduly from the amenity of neighbouring occupiers and would thereby comply with the relevant local and regional policies in respect of neighbouring amenity.

### **6.6 Transportation**

#### 6.6.1 Site Context

6.6.2 The site is in close proximity to a wide variety of public transport options. The Public Transport Accessibility Level (PTAL) in the area is rated as 6b. This is deemed excellent (on a scale of 1-6b, where 6b is the most accessible).

#### 6.6.3 Traffic Impact / Trip Generation

6.6.4 The submitted trip generation assessment predicts that the site will see a significant increase in the quantum of the development and net increase in two-way trips. The trip generation estimates show that the majority of trips will be made by sustainable modes of transport. With the exception of servicing vehicles, all trips are estimated to be made via walking, cycling and public transport. The trip generation data estimates that there will be a net increase of 5,345 two-way trips per day. Of these, a net increase of 18 two-way trips are estimated to be made via servicing vehicles. There are no estimated trips via private vehicles, as the site is car free.

6.6.5 The assessment does not provide the existing and proposed trip generation data which has been requested. This is a limitation of the application. In addition, it is noted that a number of assumptions have been made to generate the trip generation data. The estimates may significantly underestimate the actual number of trips to the application site. For example, there may be a number of private vehicle trips for pick up and drop offs and / or taxi movements, even though the site is technically car free. The application may also underestimate the reduced patronage on public transport following the pandemic. These factors highlight the importance of implementing a well managed travel plan to reduce private vehicle use and dependency, as recommended at paragraph 6.6.21 below.

#### 6.6.6 Car Parking

6.6.7 The scheme is proposed to be car-free which is supported by the London Plan. LP33 policy LP45 requires that, to reduce car usage and promote active travel, all new developments in the borough must be car-free.

6.6.8 The submitted TA proposes the installation of 2 on-site accessible vehicle parking spaces. A plan has been submitted which demonstrates where an additional third space could be installed on site. Concerns have been raised that this will not provide an adequate provision relative to the number of uses that are proposed including the office use, co-working space, event space and retail. As such, a clause in the recommended legal

agreement requires a further two off-site blue badge parking spaces, to be provided prior to occupation and within 50 metres of the entrances.

- 6.6.9 The installation of EV charging infrastructure for the onsite Blue Badge spaces is supported.
- 6.6.10 The Blue Badge bays should be located as close as possible to the entrance areas as possible. This should be under 50 metres. The use of the public highway may be deemed appropriate for the parking bay(s) to be installed, subject to discussions with the Council's Parking Services team.
- 6.6.11 The applicant has confirmed that controlled access will be in place to the on-site spaces whereby office users and visitors to the retail and event space who are eligible to park in the disabled bays will be provided with an electronic fob.
- 6.6.12 A Parking Design and Management Plan is recommended within the proposed legal agreement, to be submitted prior to occupation and approved by the Council indicating how the car parking will be designed and managed, with reference to Transport for London guidance on parking management and parking design.
- 6.6.13 Cycle Parking
- 6.6.14 Hackney Policies LP41, LP42 and LP43 in LP33 highlight the importance of new developments making sufficient provisions to facilitate and encourage movements by sustainable transport means. Local Plan 2033 policy LP42 requires that cycle parking shall be secure, accessible, convenient, and weatherproof.
- 6.6.15 Following discussions with the applicant during the course of the application, the cycle parking proposal has been revised. The updated proposal includes 527 cycle parking spaces. The quantum is divided as follows:
- 432 long stay cycle parking spaces located in the basement (398 spaces are provided as two-tier spaces).
  - 34 spaces provided via Sheffield stands of which 24 are oversized for adaptable bikes.
  - 61 short stay spaces.
- 6.6.16 The updated cycle parking proposals include a high percentage of two-tiered cycle parking. In total, 92% of the long stay cycle parking is proposed as two-tier with 8% proposed as single-tier and accessible cycle parking.
- 6.6.17 We note that the Highways team does not support the long stay cycle parking proposals in the current form but that they consider that further revisions to the cycle parking proposals should come through the recommended condition for a cycle parking management plan. The floorspace dedicated to cycle parking, showers and changing facilities at the basement floor is extensive. It is considered that the recommended condition will allow a better balance between the overall quantum of provision and the accessibility of the spaces to be found, prior to the occupation of the development.

- 6.6.18 Transport for London have identified a high level of usage of the existing Cycle Hire stands in the immediate vicinity and have required £155,000 to mitigate the impact of the development. This has been agreed by the applicant and has been added to the Heads of Terms in the proposed legal agreement.
- 6.6.19 The TA proposes 2 parking spaces and charging stations for electric scooters. In order to maximise active travel to the site, facilities for cycles including electric cycles and cargo bikes should be installed and this has been included as a requirement within the aforementioned cycle parking condition. That condition also requires consideration of the personal security of those accessing the compound, including lighting, CCTV and visibility in the compound.
- 6.6.20 Since the space available for cycle parking is considered acceptable for this mix of uses, and further details are recommended by way of condition and the Travel Plan within the proposed legal agreement, the proposal is considered acceptable with regard to cycle parking.
- 6.6.21 Travel Plan
- 6.6.22 A travel plan aims to promote sustainable travel choices (for example, cycling) as an alternative to single occupancy car journeys that may impact negatively on the environment, congestion and road safety. A Framework Travel Plan (FTP) has been submitted as part of the application. A full Travel Plan will be required to be produced and implemented on occupation of the development. This would be secured through the legal agreement, inclusive of a £5,000 contribution towards the monitoring of the Travel Plan.
- 6.6.23 Servicing
- 6.6.24 A delivery and servicing plan is provided as part of the application and estimated trips generation is provided as part of the TA.
- 6.6.25 Owing to the importance of the Delivery and Servicing Plan in this location, a contribution of £1000 has been included within the proposed legal agreement, to monitor the finalised DSP.
- 6.6.26 Urban Realm & S278
- 6.6.27 The NPPF Paragraph 110 highlights the importance of connections between people and places and the integration of new development into the built environment. In accordance with Local Plan policies PP1 (Public Realm), LP41 (Liveable Neighbourhoods), LP42(Walking and Cycling), LP43 (Transport and Development) and LP44 (Public Transport and Infrastructure) all developments are expected to integrate the proposed development into the public realm and or provide contributions to urban realm improvements in the vicinity of the site.
- 6.6.28 The proposal for Highways Works is to reconstruct the footway on Leonard Street and Paul Street. The estimated cost of the s278 agreement for these works is £129,890.00 and is contained within the recommended legal agreement. A condition requires that the applicant enter into a s278 agreement with LB Islington in relation to Tabernacle Street, which is

managed by them at this point.

- 6.6.29 A Public Realm contribution of £845,135.89 will help enable the remodelling of Leonard Street, thereby extending the successful Leonard Circus remodelling and providing a pedestrian and worker-friendly environment while better connecting cyclists to the CS1 route. We note that the initial scheme to close Leonard Street and establish a level of green infrastructure and the two-way cycle lane has been completed. The final proposals that the Public Realm contribution will help fund include high quality materials but the final details will be subject to a public consultation.
- 6.6.30 In paragraph 6.3.10 above, the reasons are set out for a proposed payment in lieu to mitigate the Open Space deficit identified under Local Plan policy LP48. That payment in lieu was calculated as £676,395.44. The public realm improvements identified as costing £845,135.89 by the Streetscene team are directly adjacent to the site and are considered to represent, in line with the requirements of LP48ii, “the provision of new open space” and “the enhancement of existing public open space”. As such, it is considered reasonable to include the Open Space payment in lieu within the Public Realm figure, rather than as a separate and additional payment, since it would thereby serve the purpose intended by policy LP48.
- 6.6.31 Demolition and Construction Management
- 6.6.32 Given the nature of the proposed development, which is near to residential buildings and involves sensitive works to the listed building, a demolition and construction plan is recommended via condition to mitigate negative impact on neighbours and the surrounding highway network.
- 6.6.33 Conclusions
- 6.6.34 The proposal is considered acceptable, subject to the provision of conditions in relation to a Delivery and Servicing Plan, cycle parking spaces, a Construction Management Plan, along with legal agreement Heads of Terms in relation to the removal of parking permits, a Travel Plan, contributions to Cycle Hire and short stay cycle facilities, two on-street blue badge spaces, an electric vehicle charging space, the charge for the relevant highways works and public realm, and the appropriate monitoring fees.

## **6.7 Sustainability**

- 6.7.1 The development must meet the requirements of policies LP54 (Overheating), LP55 (Mitigating Climate Change) and LP56 (Decentralised Energy Network) of Local Plan 2033, as well as the requirements of policies SI 2 (Minimising greenhouse gas emissions), SI3 (Energy Infrastructure), SI 4 (Managing heat risk) and SI 7 (Reducing waste and supporting the circular economy) of the London Plan.
- 6.7.2 Hackney declared a Climate Emergency in 2019 and pledged to become net zero carbon by 2040. In the context of the built environment, this means that all new developments must be net zero carbon and demonstrate that their climate change, energy and carbon considerations have been embedded in their design.

- 6.7.3 The proposed development presents a robust energy strategy which enables it to secure a 45% improvement over Part L 2013. It is noted that the applicant proactively offers to produce results against Part L 2013 as well as Part L 2021, delivers fabric performance close to PassivHaus standards and seeks to gain a number of additional certifications of their credentials. These aspects are all welcomed, as being in excess of policy targets.
- 6.7.4 The proposal is to build a basement using the existing basement (which is of a much greater extent than the existing building above ground). As such, there is no additional excavation being undertaken that would have a negative embodied carbon impact. The existing basement level will be kept, along with the existing retaining walls and parts of the existing raft foundation. These measures ensure that the embodied carbon of the scheme is reduced.
- 6.7.5 With regard to the BREEAM standards, overall ratings have been improved during the course of the application to expect BREEAM Outstanding 89.78% for the office and BREEAM Excellent 70.73% for the retail. The proposed condition requires detailed pre assessments, highlighting which individual credits are being targeted (rather than the overall % per category) Given the scale of the scheme and net zero ambitions, the proposed condition specifies the credits that should be targeted, to demonstrate that all opportunities to reduce carbon emissions have been explored.
- 6.7.6 The shortfall from Net Zero is 217 tonnes per year. This requires a Carbon Offset payment of £618,381.00, to be secured through the proposed legal agreement.
- 6.7.7 While the overall approach is welcomed, and is considered to show a strong commitment to the sustainability agenda, a number of conditions have been recommended to secure the key commitments and targets are adhered to throughout the process:
- Energy Statement
  - Embodied carbon targets
  - Whole Life Cycle Carbon
  - Circular Economy
  - Air permeability
  - Overheating
  - Connection ready
  - PV panels
  - Heat pump - Heating
  - Active cooling
  - Reporting and monitoring
  - BREEAM
  - NABERS
  - Additional PV panels above proposed ASHP
- 6.7.8 The detail of these recommended conditions can be found in section 8 below.
- 6.7.9 Detailed reporting and monitoring of the actual, as-built performance of the building is written into the proposed conditions and would require details to be sent to the GLA and, in some cases the LPA, to ensure that the performance of the building is as expected.

- 6.7.10 Recent experience of the approach taken at a neighbouring site suggests that there is a further potential for renewable energy generation on the roof, by placing PV panels on a frame above the proposed Air Source Heat Pumps (ASHP). We have queried the suitability of this arrangement for this development with the applicants, who have submitted initial information for review that suggests an anticipated embodied carbon increase (the PV panels and the structural frame) of around 1.4% of the overall scheme embodied carbon footprint and an increase to the overall renewable energy generation/EUI ratio from 2.2% to 2.8%- given this is a relatively small proportion and considering both exemplar aspiration for the scheme and the GLA SI2 requirement for on site generation to be maximised, a condition has been recommended to allow this option to be reviewed at the next design stage. Previous experience suggests that this may not have a material impact on the height of the required roof plant and screening but this, and the efficacy of the proposed arrangement, balancing embodied carbon against renewable energy generation, can be considered once the details arrive that are required by the proposed condition.
- 6.7.11 Subject to these conditions and the proposed legal agreement, the application is considered to be acceptable on sustainability grounds, providing a robust response to these pressing issues that is in excess of the expectations of policy.

## **6.8 Waste Storage and Collection**

- 6.8.1 Waste collections would be carried out on site, through the site manager moving bins from the basement area via a lift to an internal loading bay at street level. The submission shows that the area is accessible (in and out) to vehicles of up to 7.5 tonnes. The proposed arrangement would limit collection options, with the Council unlikely to be able to provide a commercial waste collection service. However, it would be for site managers to ensure contract and collection frequency arrangements which allowed waste and recycling to be managed effectively. The Council's Waste Officer has reviewed the proposal and raises no objection. Subject to the recommended Delivery and Servicing condition requiring details of the proposed waste management, the proposal is considered to provide suitable waste and collection servicing arrangements.

## **6.9 Biodiversity**

- 6.9.1 London Plan Policy G7 (Biodiversity and access to nature), along with Local Plan 2033 policy LP47 (Biodiversity and Sites of Importance of Nature Conservation) state proposals should contribute to urban greening and increase biodiversity. The submitted Biodiversity net gain plan shows that the existing biodiversity factor on the site is 0.00, which is unsurprising given the hard surfacing of the car parks and the hard roof of the existing building. Nevertheless, given the nature of the proposed building, which fills its entire plot, the opportunities for greening the development are also limited.
- 6.9.2 The proposed layout provides a positive net change of 0.81 biodiversity units. The biggest contributor to biodiversity net gain is provided by the urban trees which result in an increase of 0.49 habitat units. The second largest number of biodiversity units are generated by the creation of an intensive green roof, which would provide 0.16 habitat units. Bird and bat boxes will also be installed as per the recommended condition. This is considered acceptable.

- 6.9.3 A condition has been recommended to ensure that the proposal would not have any impact on neighbouring street trees.
- 6.9.4 There has been some discussion during the course of the application about whether the proposed green walls at roof level would be a fire risk, particularly if not adequately maintained. Green walls on tall buildings are considered to be less problematic at the upper levels than lower down and, in recognition of the fact that the applicant intends to use a private Approved Inspector for the Building Control process, the Council's Building Control Team have agreed that they do not object to the initial findings of that team (Sweco Building Control Limited) that:
- “We believe that it is feasible for a Green Wall system to perform at a level that would limit the spread of fire over the surface of the building and would require that the proposed system to have been tested using the general EN 13823 rig and fire size supported by an engineered assessment of the systems performance carried out by a competent Fire Engineer which would allow us to assess its compliance under the Building Regulations.”*
- 6.9.5 As such, including the green walls within the Urban Greening Factor (UGF) calculations, the proposed UGF is 0.32, which is considered acceptable.
- 6.9.6 At a later date, should it be decided that the proposed green walls are not feasible, for fire safety reasons, the UGF would be 0.25, marginally under the 0.3 target of policy but considered acceptable in this instance, since we consider that the greening of the site has been optimised so far as constraints will allow. There would also be an impact to the proposed biodiversity net gain were the green walls to be removed at a later date but there would still be net gain from the existing situation and such a proposal is considered acceptable, given the constraints. It may also be that climbing plants are utilised, rather than a green wall, which would have their own additional UGF and habitat unit value.
- 6.9.7 For these reasons, the development is deemed to meet London Plan policy G7 and Local Plan 2033 policy LP47.

## **6.10 Fire Strategy**

- 6.10.1 We note that no detailed Fire Strategy drawings have been provided in the submitted Fire Statement. A condition should be attached to any permission requiring further details, including a requirement for a fire door at the head of all of the basement stairs.
- 6.10.2 As above, in the Biodiversity section, there has been a discussion in the course of the application over whether the proposed green walls at roof level are unacceptable in relation to fire safety and should be removed from the scheme entirely. The applicant is using a private Building Control Approved Inspector and it is considered reasonable to allow them to decide this aspect under the Building Control regime.
- 6.10.3 As such, the fire safety of the development is considered acceptable, subject to the recommended condition.

## **6.11 Contaminated Land**



- 6.11.1 The site is of potential concern with regard to contaminated land. On the advice of the Contaminated Land team, a condition has been recommended to require site investigation and reporting pre and post construction. A further condition is recommended in relation to Unexploded Ordnance to ensure the safety of the construction period.

## 6.12 Consultee Responses

The following consultee responses raise issues that have not been covered in the report above:

- The design does not relate well to neighbouring buildings, for example obscuring the side elevation of City Lofts (112 to 122 Tabernacle Street), which has been part of the streetscape for many years;  
*Officer's Response:* The design of the building is considered above. The side elevation of City Lofts has until recently been an entirely blank elevation with the outline of filled openings. The elevation has recently been completely smoothed, to be used for advertising murals of various kinds. It is considered unnecessary to retain this element of the streetscape in design or heritage terms.
- A commissioned Daylight/Sunlight report disagrees with the findings of the applicants' submission. This will be sent under separate cover;  
*Officer's Response:* The objector's solicitor has clarified in correspondence with officers that there is no separate commissioned Daylight/Sunlight report but that the applicants' Daylight/Sunlight consultants (Point2) were approached in respect of perceived inaccuracies. An amended Daylight/Sunlight report was received in March 2023, prior to the second consultation on the application. Should any further objections be raised on this matter prior to the date of committee, they will be referred to in the addendum to this report.
- Live/work units contain residential accommodation and should be assessed as such, the 'work' element is irrelevant when it comes to assessing amenity harm;  
*Officer's Response:* Officers have assessed, above, any impacts to windows of City Lofts (described as Live/Work in the summary to the Daylight/Sunlight report) as if they were residential windows.
- The submitted daylight/sunlight report is entirely desk-based and cannot be relied upon, since it does not contain information as to the layout of neighbouring buildings, or is reliant on old drawings;  
*Officer's Response:* It is considered that the level of information provided by the submitted Daylight/Sunlight report is adequate for assessing that aspect of the amenity impacts of the proposal.
- Amenity impact from noise of delivery and servicing;  
*Officer's Response:* Delivery and Servicing is to be carried out within an enclosed service yard within the envelope of the building. At present, the servicing is carried out within the external spaces of the existing building, along with car parking. As such, it is considered that the amenity impact of the delivery and servicing should be considered acceptable, subject to the proposed condition.
- Impact to air quality of neighbouring residential buildings;

*Officer's Response:* The proposal would not have an extract flue and therefore, by condition, primary cooking would not be allowed. APSH would be proposed at roof level. The proposal has been reviewed by the Borough's Air Pollution team and they do not object to it. It is considered acceptable with regard to the impact on neighbouring air quality.

- Impact on air circulation at the back of City Lofts (112-122 Tabernacle Street), which will lead to overheating of the live/work and residential units therein;  
*Officer's Response:* As discussed above, there is an impact to the daylight and sunlight on these windows of City Lofts. This will reduce the possibility of overheating. In terms of air circulation, the utilisation of more of its full plot by the proposed development is understood and is likely to be an objective of any proposed development on this site. The remaining gap between the buildings of Tabernacle and Paul Streets is typical of the surrounding tight urban grain. For these reasons, it would be unreasonable to refuse the application on this basis.
- The development is not sustainable, using the NPPF (2021) definition;  
*Officer's Response:* The NPPF definition of sustainability includes economic, social and environmental factors. On balance, the proposal is considered to be sustainable, using this definition.
- Objection to demolition of a functioning building: the embodied energy in the existing building is a resource and should not be thrown away;  
*Officer's Response:* Embodied energy is an important factor when considering the redevelopment of a site. Following consideration of the full details of the proposal by the Borough's Sustainability Officer, it is considered that the benefits of demolition, which include improvements to the energy use of the building in operation, are sufficient to outweigh the loss of the existing embodied carbon and the need for the new embodied carbon in the proposed building itself.
- The ground floor commercial usage should be for retail use only, with no opportunity to gain approval for food or alcohol sale / hours outside of 9-6;  
*Officer's Response:* This space would be within use class E. Since no extract flue is contained within the development, a condition is proposed that would prevent the use of the unit for primary cooking. A use of the space for a bar/public house would not be Class E and would require a separate permission. As such, it is considered unreasonable to limit the overall hours of operation to those hours. Licensing restrictions are considered a more appropriate route by which alcohol sales might be controlled, should it be considered necessary.
- There are existing Anti-Social Behaviour issues in the area that could be exacerbated by this development;  
*Officer's Response:* As a largely office based mixed use development within a Priority Office Area, it is considered that the use is appropriate for this location. The commercial use at ground floor level, subject to the proposed conditions, is considered unlikely to cause additional issues with Anti-Social Behaviour. The basement entertainment venue would be subject to the controls of the proposed Operational Management Plan condition.
- The basement should not be used as an entertainment venue, this is a relatively quiet area of Shoreditch and the present uses of the application site do not cause nighttime noise;

*Officer's Response:* A condition of the approval is that an Operational Management Plan is submitted prior to any use of the basement venue. This will control the use of the space in an agreed manner, to ensure that neighbouring residential uses are not significantly impacted.

- The proximity of the development to neighbouring buildings increases the chance of burglaries to those buildings;

*Officer's Response:* There is no obvious reason why this might be the case but a condition has been recommended requiring the applicant to submit details of measures to minimise the risk of crime to meet the specific security needs of the development as informed by the principles of Secured by Design.

- Noise from mechanical plant will be amplified in the rear lightwell of the block, which includes the rear facing residential properties of City Lofts, particularly if the plant is not located at roof level.

*Officer's Response:* A recommended condition requires that the noise from mechanical plant is experienced at below background noise levels at all time and all residential properties. As such, the proposal is considered acceptable in this respect.

- The impact of the development on local property prices.

*Officer's Response:* This is not a material planning consideration.

## **6.13 Community Infrastructure Levy (CIL)**

6.13.1 The development would be liable for central Mayoral CIL 2 (£185 per sqm of office floorspace and £165 per sqm of retail) and Hackney City Fringe CIL (£50 per sqm of office floorspace and £65 per sqm of retail). 14277m<sup>2</sup> of existing floorspace at the site has been occupied within the last thirty six months and so is discounted from the calculations.

6.13.2 Mayoral CIL 2 (Office): 13516m<sup>2</sup> x £185 = £2,500,460.00

Mayoral CIL 2 (Retail): 1011m<sup>2</sup> x £165 = £166,815.00

6.13.3 Hackney CIL (Office): 13516m<sup>2</sup> x £50 = £675,800.00

Hackney CIL (Retail): 1011m<sup>2</sup> x £65 = £65,715.00

6.13.4 This total of £3,408,790.00 is subject to indexation and may be revised at the point of implementation.

## **7. CONCLUSION**

7.1 The proposal, on balance, is considered to successfully optimise the use of the site and provides a sustainable office building of high architectural quality whilst taking into account the character and appearance of the surrounding area, the amenities of neighbouring occupiers and residents and all other relevant considerations. The scheme is considered to represent a positive development, on an underutilised site, that delivers an uplift in employment space and a vibrant mix of uses.

7.2 The proposal, on balance, is deemed to comply with pertinent policies in the Hackney Local

Plan (2020), London Plan (2021) and NPPF for the reasons set out above. Accordingly, the granting of full planning permission is recommended, subject to conditions and the completion of a legal agreement.

## **8. RECOMMENDATIONS**

### **Recommendation A**

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

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

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

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

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

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

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

##### **8.1.3 Details of materials**

Full details, including physical samples, of all the materials to be used on the external surfaces of the proposed buildings, including the following:

- A. The materials to be used on the external surfaces;
- B. 1:1 mock ups of typical 2nd storey bays of the red and almond brick, plus a section of the ground/first floor brickwork. Mock ups will include windows.

The details 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.

##### **8.1.4 Design details to be approved**

Detailed drawings (1:20 vertical and horizontal section drawings and plans) and full particulars of the following for the proposed new buildings to the west and to the north east of the retained listed building shall be submitted to and approved in writing by the Local Planning Authority before the relevant part of the development commences. The development shall not be carried out otherwise than in accordance with the details thus approved:

- A. Details of the construction and brickwork detail of typical bays;
- B. Details of window reveals in the form of 1:20 vertical and horizontal section drawings;
- C. Detailed drawing showing typical interface between building and pavement including shopfront and brickwork;
- D. Details of the interface between differing facade treatments;
- E. Details of the brickwork bonds;
- F. Details of windows, the entrance and other doors and openings, including the servicing bay;
- G. Details of the proposed rooftop plant in the form of a plan and elevations, together with manufacturer's images (with dimensions) of the plant;
- H. Details of openable windows to provide passive cross ventilation;
- I. Details of the proposed recycling and waste areas.

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

#### **8.1.5 No extraneous pipework or equipment**

No soil stacks, soil vent pipes, flues, ductwork or any other pipework shall be fixed to the (street) elevations of the building other than as shown on the drawings hereby approved.

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

#### **8.1.6 SCI3 – No roof plant**

No roof plant (including all external enclosures, machinery and other installations) shall be placed upon or attached to the roof or other external surfaces of the building other than in the approved plant enclosures.

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

#### **8.1.7 Landscaping and Public Realm Design**

Prior to commencement of the landscaping works, a detailed hard and soft landscaping scheme illustrated on detailed drawings, shall be submitted to and approved in writing by the Local Planning Authority. All landscaping in accordance with the scheme, when approved, shall be carried out within a period of twelve months from the date on which the development of the site commences or shall be carried out in the first planting (and seeding) season following completion of the development, and shall be maintained to the

satisfaction of the Local Planning Authority for a period of ten years, such maintenance to include the replacement of any plants that die, or are severely damaged, seriously diseased, or removed.

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

#### **8.1.8 Use as offices only**

The units shown as office units (shown as 'Office' or 'Co-Working') on the drawings hereby approved shall be used only as offices (Use Class E, subsection g) and for no other use which for the avoidance of doubt shall include other uses within Class E of the Town and Country Planning (Use Classes) Order 1987 or such relevant provision as from time to time may be in force.

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

#### **8.1.9 Demolition and Construction Management Plan**

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

- a) A demolition and construction method statement. It will cover all phases of the development to include details of all noise and vibration (including noise from ancillary or temporary power supplies, details and locations of noisy activities including mobile plant machinery) and details of the best practicable means of mitigation employed against noise and vibration in accordance with British Standard Code of Practice BS5228 and measures to control dust and preserve air quality (including a risk assessment of the demolition and construction phase);
- b) A detailed demolition and construction logistics plan to include the following: the construction programme/ timescales; the number/ frequency and size of construction vehicles; construction traffic route; location of deliveries; pedestrian and vehicular access arrangements; any temporary road/ footway closures during the construction period;
- c) A demolition and construction waste management plan setting out how resources will be managed and waste controlled at all stages during the construction project;
- d) Procedures for maintaining good public relations including complaint management, public consultation and liaison. Arrangements for liaison with the Council's Community Safety Team.

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

#### **8.1.10 Flood Resilience and Resistance**

No development shall commence, other than works of demolition, until a report (including intrusive investigation/trial pit and monitoring where necessary) demonstrating that the basement development will not increase the potential for groundwater flooding to itself or to the surrounding area has been submitted to the Local Planning Authority for approval. Details of appropriate controls including flood resilience and/or resistance measures against surface water (overland flow) and groundwater (if identified) shall be submitted to the LPA for approval and the approved measures incorporated before the basement is occupied. The basement shall be constructed and completed in accordance with the approved plans in line with BS 8102:2022 Protection of below ground structures against water ingress - code of practice and current best practices where applicable.

REASON: To ensure the suitability of the development with regard to ground and surface water flood risk.

#### **8.1.11 Urban Drainage, Maintenance and Ownership- Pre commencement**

No development shall commence, other than works of demolition until full detailed specification of the sustainable drainage system supported by appropriate calculations, construction details, drainage layout and a site-specific management and maintenance plan have been provided. Details shall include but not limited to the proposed blue roof (with a substrate depth of at least 80mm not including vegetative mats), underground attenuation system and the flow control system, which shall be submitted and approved by the LPA in consultation with the LLFA. Surface water from the site shall be managed according to the proposal referred to in the Flood Risk Assessment and SuDS Strategy report (Ref: 2226 Rev 01 January 2022) and other associated drainage documents with the overall site peak discharge rate restricted to 6.7 l/s.

REASON: To ensure that the development will provide a sustainable drainage system.

#### **8.1.12 Urban Drainage, Maintenance and Ownership- post completion.**

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

REASON: To ensure that the development will provide a sustainable drainage system.

#### **8.1.13 Biodiverse living roof**

Detailed drawings/full particulars of the proposed development showing the matters set out below must be submitted to and approved by the Local Planning Authority, in writing, prior to occupation. The development shall not be carried out otherwise than in accordance with the details thus approved, which shall be implemented in full prior to the first occupation of the office accommodation hereby approved.

a) Biodiverse, substrate-based extensive living roofs (with a minimum substrate depth of 80mm, not including the proposed vegetative mat), including a detailed maintenance plan;

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

#### **8.1.14 Non-Road Mobile Machinery**

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

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

#### **8.1.15 NOx Emissions**

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

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

#### **8.1.16 Delivery and Service Management Plan**

Prior to the occupation of the development hereby approved, a Delivery and Service Management Plan (DSMP) specifying delivery and servicing and refuse/recycling arrangements shall be submitted and agreed by the Local Planning Authority. Details will include, but not be limited to, the following:

- a) The number of spaces available for servicing vehicles and their delivery times, demonstrating that the proposed system would work within the available space.
- b) Arrangements for deliveries by lorries over 7.5 tonnes;
- c) Management of delivery times away from the peak morning and afternoon hours of 0800-1000 and 1600 to 1800 on weekdays;
- d) Waste / recycling / storage and collection arrangements on an up to daily basis.

Delivery and service arrangements shall thereafter take place in accordance with the measures identified within the DSP.

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

#### **8.1.17 Thames Water: Piling Method Statement**

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



piling must be undertaken in accordance with the terms of the approved piling method statement.

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

#### **8.1.18 Thames Water: Water Network Capacity**

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

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

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

REASON: The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development.

#### **8.1.19 Fire Strategy**

A Fire Strategy shall be submitted prior to commencement of the development (excluding demolition) demonstrating in detail how the fire safety measures, including fire strategy drawings and a requirement for a fire door at the head of all of the basement stairs, will be implemented into the design of the building.

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

#### **8.1.20 Soundproofing**

Soundproofing shall be provided to ensure that dwelling houses, flats and rooms for residential purposes sharing a party element with a premises to which this planning permission relates shall receive a minimum airborne sound insulation on the party element which achieves  $D_{nT'w}$  of 60 dB before the first use of the development hereby approved. The soundproofing shall be retained thereafter in perpetuity.

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

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

Prior to the commencement of work for each section of the development or stage in the development as may be agreed in writing by the Local Planning Authority (LPA), a scheme

including the following components to address the risk associated with site contamination shall be submitted to and approved in writing by the LPA.

- a. A site investigation scheme to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site and the risk to workers during construction and demolition;
- b. The results of the investigation and detailed risk assessment referred to in (a) and, based on these, in the event that remediation measures are identified necessary, a remediation strategy giving full details of the remediation measures required and how they are to be undertaken;
- c. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (b) are complete and identifying requirements for the longer monitoring of pollution linkages, maintenance and arrangements for contingency action.

Any investigation and risk assessment must be undertaken in accordance with the requirements of the Environment Agency's Land Contamination Risk Management (LCRM). If additional significant contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the LPA.

For the avoidance of doubt, this condition can be discharged on a section by section basis.

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

#### **8.1.22 Unexploded Ordnance (UXO)**

Prior to commencement of the development, a detailed UXO assessment shall be submitted to and approved in writing by the Council. The methodology thereby approved shall be implemented in full.

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

#### **8.1.23 Plant Noise**

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

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

#### **8.1.24 No Primary Cooking**

No primary cooking of unprepared food shall be carried out at the site. Only reheated or cold food that has been prepared elsewhere shall be served within the premises.

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

#### **8.1.25 Noise Breakout- Commercial Premises**

All sound emitted from the development, excluding plant noise, associated with this application, shall be 10dB or more below the background noise level at any noise sensitive premises at any time.

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

#### **8.1.26 Floodlights and Security lights**

Prior to commencement of the development, details of any external artificial lighting shall be submitted to and approved in writing by the Council. Lighting contours shall be submitted to demonstrate that the vertical illumination of neighbouring premises is in accordance with the recommendations of the Institution of Lighting Professionals in the 'Guidance Notes For The Reduction Of Light Pollution 2011'. Details should also be submitted for approval of measures to minimise use of lighting and prevent glare and sky glow by correctly using, locating, aiming and shielding luminaires. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

REASON: To ensure that the amenity of occupiers of surrounding premises are not adversely affected by lighting.

#### **8.1.27 Hours of use: Event Space**

The restaurant, drinking establishment and event space uses within the sui generis pool hall use hereby permitted shall only be open to the public between 08:00 and 24:00 hours, Monday to Friday and between 09:00 and 20:00 on Saturdays, Sundays and Bank Holidays.

REASON: To ensure the use is operated in a satisfactory manner and does not unduly disturb adjoining occupiers or prejudice local amenity generally.

#### **8.1.28 Hours of Use: Terraces**

The external terraces hereby approved shall not be used outside the following hours: 08:00-21:00 on Monday to Saturday

REASON: To ensure that the use is operated in a satisfactory manner and does not unduly disturb adjoining occupiers or prejudice local amenity generally.

#### **8.1.29 Access to Amenity Spaces at Upper Floors**

The outdoor amenity spaces at the upper floors shall be accessible by all workers in the building during the terraces' hours of use.

REASON: To protect the amenities of nearby residential properties from noise.

### **8.1.30 Operational Management Plan**

An Operational Management Plan must be submitted to and approved in writing by the Local Planning Authority, prior to the first use of the development. The management plan will include but not be limited to:

- Arrangements for each of the proposed uses within the building;
- Details of maximum amplified volume, to be controlled by sound limiter, at all events in the event space;
- Details of the type and maximum number (by week/month/year) of proposed events in the event space;
- Arrangements for queuing and smoking areas when events are taking place;
- Arrangements for dispersal of patrons after events;
- A telephone number for the on-site manager;
- A system for responding to contact from residents and managing complaints;

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

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

### **8.1.31 Cycle Parking**

Notwithstanding the details shown on the approved plans, full details of secure cycle parking within a cycle store of no lesser size than is shown on the plans hereby approved shall be submitted to and approved in writing by the local planning authority prior to the occupation of the development. These will include:

- A reworked balance between the quantum of cycle spaces and the number of accessible, single tier stands;
- Details of layout, foundation, stand type and spacing;
- Consideration of the personal security of those accessing the compound, including lighting, CCTV and visibility in the compound;
- Charging stations for electric cycles and cargo bikes.

The approved details shall be implemented prior to occupation of the development and

shall be retained and maintained thereafter.

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

#### **8.1.32 Bird and Invertebrate Boxes**

Prior to occupation, a minimum of ten bird and bat boxes or bricks will be installed, with a variety of box/brick types suitable for use by different species. These will be maintained for the lifespan of the development.

REASON: To ensure that suitable replacement habitats are provided for existing wildlife.

#### **8.1.33 Secure by Design**

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

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

#### **8.1.34 Archaeology (Written Scheme of Investigation)**

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

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

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

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

C. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be

discharged until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI.

REASON: The site is within an Archaeological Priority Area and the proposed basement excavation may unearth significant remains.

#### **8.1.35 Tree Protection**

Prior to the commencement of development, details of tree protection for neighbouring street trees during the period of construction will be submitted to and agreed by the local planning authority. The details will include tree protection measures to protect the root protection area calculated as described in Table 2 of that British Standard.

REASON: To safeguard street trees of amenity value.

#### **8.1.36 London Borough of Islington: Highways Works**

No development shall take place until a Scheme of Highway Improvement Works for Tabernacle Street has been submitted to and approved in writing by London Borough of Islington and the Local Planning Authority. The development shall not be occupied until the Scheme has been completed in full, in accordance with the approved details.

REASON: In the interests of highway and pedestrian safety and to ensure the development is well integrated with its surroundings.

#### **8.1.37 Energy Statement**

A. Prior to the commencement of the development hereby approved, a revised Energy Statement shall be submitted to and approved by the Local Planning Authority, providing full details to demonstrate at least the following standards and key metrics have been achieved or improved upon as set out in the hereby approved Energy Statement (prepared by Cundall dated 13 March 2023):

- a) Minimum carbon savings of 15 % / 59.3 tonnes against Part L 2013 through fabric efficiency - those savings should also be reported against Part L 2021 for information only
- b) Minimum overall carbon savings of 45 % / 176.1 tonnes against Part L 2013 - those savings should also be reported against Part L 2021 for information only
- c) U-values: walls non residential 0.12; floors non residential 0.12; roof non residential 0.15; windows and doors non residential 1.2
- d) G-values for windows and door: non residential 0.37
- e) Space Heating demand of 10 kWh/sqm/yr (landlord and tenant) using a predictive modelling calculation methodology
- f) Energy Use Intensity of 75 kWh/sqm/yr (landlord and tenant) using a predictive modelling calculation methodology

- g) Updated [GLA Carbon Emission Reporting Spreadsheet](#)

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

B. Prior to the occupation of the development, a Final “as-built” Energy Statement shall be submitted and approved by the Local Planning Authority confirming the following key metrics have been achieved or improved upon the pre-commencement figures:

- a) As-built U-values: walls/cladding; walls/non cladding; floors ; roof; windows and doors using 'through wall' calculations for each component and relevant datasheets
- b) As-built G-values for windows and doors using relevant datasheets
- c) As-built Space Heating demand in kWh/sqm/yr using as-built modelling calculations
- d) As-built Energy Use Intensity in kWh/sqm/yr using as-built modelling calculations
- e) Final [GLA Carbon Emission Reporting Spreadsheet](#)

Where compliance is not met, a remedial plan and associated cost plan must be prepared and submitted to the Local Authority for approval detailing the necessary measures to meet or improve upon the ‘as designed’ performance.

The final as-built GLA carbon Emission Reporting spreadsheet should be submitted to the GLA at: [ZeroCarbonPlanning@london.gov.uk](mailto:ZeroCarbonPlanning@london.gov.uk), along with any supporting evidence as per the relevant GLA guidance.

REASON: In the interest of addressing climate change and securing sustainable and net zero development and construction

### **8.1.38 Embodied carbon targets**

Prior to the commencement of the development hereby approved, a revised Whole Life Carbon Assessment shall be submitted to and approved by the Local Planning Authority, providing full details to demonstrate at least the following standards have been met , as set out in the Whole Life Carbon assessment hereby approved (prepared by Cundall dated March 2023):

- a) Upfront embodied carbon (modules A1-A5) 577 kg CO<sub>2</sub>e/sqm - excluding sequestration
- b) Life embodied carbon (modules A1-A5, B1-B5, C1-C4) 940 kg CO<sub>2</sub>e/sqm - excluding sequestration
- c) Whole embodied carbon (modules A1-A5, B1-B7, C1-C4) 1262 kg CO<sub>2</sub>e/sqm - excluding sequestration
- d) Updated [Greater London Authority - Whole Life-Cycle Carbon \(WLC\) Assessment template](#)

The development shall not be carried out otherwise than in accordance with the details thus approved. Prior to the occupation of the development, a Final “as-built” Whole Life Carbon

assessment based on the actual materials, products and systems used shall be submitted to and approved in writing by the Local Planning Authority confirming the following key metrics have been achieved or improved upon the pre-commencement figures:

- a) Upfront embodied carbon (modules A1-A5) in kg CO<sub>2</sub>e/sqm - excluding sequestration
- b) Life embodied carbon (modules A1-A5, B1-B5, C1-C4) in kg CO<sub>2</sub>e/sqm - excluding sequestration
- c) Whole embodied carbon (modules A1-A5, B1-B7, C1-C4) in kg CO<sub>2</sub>e/sqm - excluding sequestration
- d) Final as built [Greater London Authority - Whole Life-Cycle Carbon \(WLC\) Assessment template](#)

The final as-built GLA WLC assessment should be submitted to the GLA at: [ZeroCarbonPlanning@london.gov.uk](mailto:ZeroCarbonPlanning@london.gov.uk), along with any supporting evidence as per the relevant GLA guidance.

REASON: In the interest of addressing climate change and securing sustainable and net zero development and construction

### **8.1.39 Circular Economy**

Prior to the commencement of the development hereby approved, a revised Circular Economy statement shall be submitted to and approved by the Local Planning Authority, providing full details to demonstrate at least the following standards have been met, as set out in the hereby approved Circular Economy statement (prepared by Cundall dated 22 June 2023):

- a) Minimum recycled and reused content of 20% for all selected products and material of the whole development per value
- b) Minimum recycled content of 20-50% for structural steel, 50-80% for aluminium, 25-40% for blockwork
- c) Minimum GGBS content of 40-60% for substructure (cast in situ), 25-50% for superstructure (cast in situ), 15-25% for pre cast concrete
- d) Minimum of 30% of elements capable of disassembly and deconstruction
- e) Evidence of material passport library for all elements being collated including End of Life scenario for all materials and intended use of materials component
- f) Updated [Greater London Authority - Circular Economy Statement template](#)
- g) Updated supporting reports with tracked changes where applicable: Pre-Redevelopment Audit, Pre-Demolition Audit, Operational Waste Management Plan, Construction Waste Management Plan, Bill of Material, Cradle to Cradle certification

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

Prior to the occupation of the development, a Final “as-built” Circular Economy statement based on the actual materials, products and systems used shall be submitted to and



approved in writing by the Local Planning Authority confirming the following key metrics have been achieved or improved upon the pre-commencement figures:

- h) Minimum recycled and reused content for all selected products and material of the whole development per value
- i) Minimum recycled content for structural steel, aluminium and blockwork
- j) Minimum GGBS content of for all concrete elements
- k) Minimum capacity for disassembly and deconstruction
- l) Final material passport library
- m) Final as built [Greater London Authority - Circular Economy Statement template](#)
- n) Final as built supporting reports: Pre-Redevelopment Audit, Pre-Demolition Audit, Operational Waste Management Plan, Construction Waste Management Plan, Bill of Material, Cradle to Cradle certification

In addition, the final as-built Circular economy statement shall be submitted to the Local Planning Authority and copied to the Greater London Authority at [ZeroCarbonPlanning@london.gov.uk](mailto:ZeroCarbonPlanning@london.gov.uk), along with any supporting evidence as per the relevant GLA guidance.

REASON: In the interest of addressing climate change and securing sustainable and net zero development and construction

#### **8.1.40 Air permeability**

Prior to occupation of the development hereby approved, a full air permeability test report confirming all units have achieved an air permeability of 1 m<sup>3</sup>/h/m<sup>2</sup>@50pa as set out in the hereby approved Energy Statement (prepared by Cundall dated 13 March 2023) shall be submitted to and approved in writing by the Local Planning Authority.

REASON: In the interest of addressing climate change and securing sustainable and net zero development and construction

#### **8.1.41 Overheating**

A. Prior to the commencement of development a dynamic overheating risk assessment shall be submitted to and approved by the Local Planning Authority, assessing all units and following the CIBSE TM52 (non residential) methodology.

All units must be assessed against weather files CIBSE TM49 DSY1, DSY2 & DSY3, results should demonstrate a 100% pass rate for all units shown under weather file DSY1.

If 100% pass rate is not achieved under weather files DSY2 & 3, a retrofit plan must be submitted to and approved by the Local Authority detailing how further mitigation measures can be installed and who will be responsible to manage future overheating risk for 100% of units to pass under both weather files DSY2 and DSY3

Where any additional remedial mitigation measures are required, the product specifications and details must be provided.

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

B. Prior to the occupation of the development, a final “as-built” overheating risk assessment shall be submitted and approved in writing by the Local Planning Authority, assessing all units and following the CIBSE TM52 (non residential) methodology, confirming % pass rates for each TM49 weather file have or improved upon pre-commencement figures following the prospective retrofit measures.

REASON: In the interest of addressing climate change and securing sustainable and net zero carbon development and construction

#### **8.1.42 Connection ready**

Prior to the commencement of the development hereby approved, a revised set of information demonstrating the ability for future connection to Decentralised Energy Network (DEN) shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include drawings drafted at the appropriate scale and full detailed specification of the following, but not be limited to:

- a) Layout of energy centre/plant room
- b) Layout of obstacle free safeguarded route between heat exchanger and incoming DEN entry point
- c) Details of on-site heat exchanger/pipework connection to incoming DEN
- d) Details of on-site connection with pre-installed and capped with flange
- e) Details of pre-installed pipework connecting identified plantroom/ heat exchanger to proposed heating system(s)
- f) Details of remedial works required to make the current heating and cooling systems compatible with a future connection to DHN

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

REASON: In the interest of addressing climate change and securing sustainable and net zero development and construction.

#### **8.1.43 Additional PV panels**

Prior to commencement of the development hereby approved, a revised set of information demonstrating the ability for additional PV panels to be installed on top of the proposed roof plan must be submitted to and approved, in writing, by the Local Authority. The submitted details shall included drawings drafted to the appropriate scale and full detailed specification of the following but not limited to:

1. Updated roof plan showing the additional PV panels provision exceeding the minimum approved figure of 240 sqm delivering 46 kWp
2. Updated elevations demonstrating the visual impact on the overall design
3. Detailed drawings (plan, elevation and section) showing the details of the structure proposed

4. Specification of the proposed structure including dimensions and materials, along with the relevant Environmental Product Declaration (EPD)
5. Updated operational carbon savings and upfront embodied carbon calculations achieved through the additional provision of on site renewable energy

REASON: In the interest of addressing climate change and securing sustainable and net zero and net zero carbon development and construction

#### **8.1.44 PV panels as currently submitted**

Prior to the occupation of the development hereby approved, full details including installation certificates by MSC registered installer must be submitted to and approved, in writing, by the Local Authority confirming the following key metrics have been achieved or improved upon the pre-commencement figures:

- a) Solar PV panels capacity of 46 kWp
- b) Solar PV panels array of 240 sqm

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

Where compliance is not met, a remedial plan and associated cost plan must be prepared and submitted to the Local Authority for approval detailing the necessary measures to meet or improve upon the 'as designed' performance.

REASON: In the interest of addressing climate change and securing sustainable and net zero and net zero carbon development and construction

#### **8.1.45 Heat pump - Heating**

A. Prior to the commencement of the development, full details including the heating system (or any other related fixed plant adopted) specification and supporting drawings must be submitted to and approved, in writing, by the Local Authority to demonstrate at least the following standards been achieved or improved upon as set out in the hereby approved Energy Statement (prepared by Cundall dated 13 March 2023):

- a) Heat pump Coefficient of Performance of 3.5
- b) Heat pump Seasonal Coefficient of Performance of 3.5
- c) Details of location of the condenser units from the heat pump systems and noise solutions to mitigate impact for nearby sensitive receptors;
- d) Details of refrigerants that are required confirming a Low or Zero Global Warming Potential (GWP) and Zero Ozone Depleting Potential (ODP)

The heat pump thereby approved shall be installed prior to occupation of the development

B. Prior to the occupation of the development, full details including as built heating system (or any other related fixed plant adopted) specification and supporting drawings and installation certificates by an MSC registered installer must be submitted to and approved in

writing by the Local Planning Authority confirming the cooling system has been achieved or improved upon the pre-commencement figures,

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

Where compliance is not met, a remedial plan and associated cost plan must be prepared and submitted to the Local Authority for approval detailing the necessary measures to meet the required level of performance.

REASON: In the interest of addressing climate change and securing sustainable and net zero development and construction.

#### **8.1.46 Active cooling**

A. Prior to the commencement of the development, full details including cooling system (or any other related fixed plant adopted) specification and supporting drawings must be submitted to and approved, in writing, by the Local Authority to demonstrate at least the following standards been achieved or improved upon as set out in the hereby approved Energy Statement (prepared by Cundall dated 13 March 2023):

- a) System Energy Efficiency Ratio of 3.2
- b) System Seasonal Energy Efficiency Ratio of 3.2
- c) Details of location of the condenser units from the VRF systems (or any other fixed plant adopted) and noise solutions to mitigate impact for nearby sensitive receptors;
- d) Details of refrigerants that are required confirming a Low or Zero Global Warming Potential (GWP) and Zero Ozone Depleting Potential (ODP)

B. Prior to the occupation of the development, full details including as built cooling system (or any other related fixed plant adopted) specification and supporting drawings and installation certificates by an MSC registered installer must be submitted to and approved in writing by the Local Planning Authority confirming the cooling system has been achieved or improved upon the pre-commencement figures.

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

Where compliance is not met, a remedial plan and associated cost plan must be prepared and submitted to the Local Authority for approval detailing the necessary measures to meet the required level of performance.

REASON: In the interest of addressing climate change and securing sustainable and net zero development and construction.

#### **8.1.47 BREEAM**

A. Prior to the commencement of the development hereby approved, the BREEAM Interim Design Certificate shall be submitted to and approved, in writing, by the Local Planning

Authority, providing full details to demonstrate at least the following standards have been met, as set out in the hereby approved Sustainability Statement (prepared by Cundall dated 13 March 2023) - targeted credits must be presented in a tracker comparing credits targeted at BREEAM Pre Assessment stage:

1. Minimum BREEAM Rating of 89.78% Outstanding for Office and 70.73% for Retail targeting the following credits : Ene 01, Ene 02 Ene 03, Ene 05, Ene 06, Wat 01, Wat 02, Wat 03, Wat 04, Mat 01, Mat 02, Mat 03, Mat 04, Mat 05, Mat 06, Wst 01, Wst 03, Wst 04, Wst 05, Wst 06

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

B. Within 12 weeks of occupation of the development, the BREEAM Final Design Certificate shall be submitted to and approved by the Local Planning Authority, providing full details confirming the final rating and credits have been achieved or improved upon the pre-commencement figures - achieved credits must be presented in a tracker comparing credits achieved at BREEAM Interim Certification stage.

REASON: In the interest of addressing climate change and securing sustainable and net zero development and construction

#### **8.1.48 NABERS- Post Construction**

The development hereby approved shall achieve no less or improve upon the following criteria, as set out in the approved Sustainability statement (prepared by Cundall dated 13 March 2023) prior to occupation and shall be retained as such in perpetuity; Details must be submitted to the Local Authority for approval.

- a) Minimum NABER Rating of 5 stars

Where compliance is not met, a remedial plan and associated cost plan must be submitted to and approved, in writing, by the Local Authority detailing the necessary measures to meet or improve upon the 'as designed' performance.

REASON: In the interest of addressing climate change and securing sustainable and net zero carbon development

## **8.2 Recommendation B**

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

Highways and Transportation

- Car Free Agreement – to restrict new business uses of the development from obtaining parking permits to park in the surrounding CPZ bays.
- Travel Plan and Travel Plan monitoring fee of £5,000.
- A contribution towards Highways Works of £129,890.00
- A Public Realm contribution of £845,135.89, which includes £676,395.44 to reflect the underprovision of on-site open space by 5894m<sup>2</sup> (see below).
- Contribution at an estimated cost of £37,000 for the removal of two parking bays to provide on-street short stay cycle parking for 30 cycles.
- A contribution of £8750 towards Construction Logistics and Community Safety (CLOCS) and Construction Logistics Plan (CLP) monitoring.
- A contribution of £1000 to monitor the finalised Delivery and Servicing Plan
- Transport for London: £155,000 towards partial delivery of a new docking station within the surrounding area.
- Provision of a £10,000 contribution to install an Electric Vehicle Charger in close proximity to the site.
- Provision of a Parking Design Statement within the Travel Plan, identifying 2 on-street disabled parking bays, located as close as possible to the entrance areas (under 50 metres) and to be provided prior to occupation of the development.

#### Hackney Works Contribution

- An Employment and Training contribution of £132,003.00 towards Construction and Demolition and £573,156.00 towards End Use.

#### Employment, Skills and Construction

- Employment and Skills Plan to be submitted and approved prior to implementation;
- Active programme for recruiting and retaining apprentices and as a minimum take on at least one apprentice per £2 million of construction contract value and provide the Council with written information documenting that programme within seven days of a written request from the Council; Commitment to the Council's local labour and construction initiatives (25% local labour on site employment and 25% local labour for first five years of operational phase) in compliance with an Employment and Skills Plan.
- Quarterly Labour returns through 5 year period
- A support fee of £1,500 per apprentice placement in order to cover; pre-employment, recruitment process, post-employment mentoring and support; and
- If the length of the build/project does not allow for an apprenticeship placement, and it can be demonstrated that all reasonable endeavours have been undertaken to deliver the apprenticeship, a £7,000 fee per apprentice will be payable to allow for the creation of alternative training opportunities elsewhere in the borough.
- Considerate Constructor Scheme – the applicant to carry out all works in keeping with the National Considerate Constructor Scheme.

#### Affordable Workspace

- No less than 10% (2779sqm) of the E(g) Use Area floorspace to be provided in accordance with the Affordable Workspace Policies and Affordable Workspace Statement (40% of local market rents in perpetuity).

Carbon Offset Payment

- A Carbon Offset payment of £618,381.00

Payment in Lieu for Open Space

- £676,395.44. To reflect the underprovision of on-site open space by 5894m<sup>2</sup>.

Retention of design team

- Piercy & Co. shall be retained as the architects with supervision of the works up to the time of practical completion, unless a suitable alternative is agreed by the LPA.

Sustainability

- Reporting and monitoring: in line with the London Plan requirements at:  
[https://www.london.gov.uk/sites/default/files/be\\_seen\\_draft\\_legal\\_wording\\_may\\_22.pdf](https://www.london.gov.uk/sites/default/files/be_seen_draft_legal_wording_may_22.pdf)

Costs

- Payment by the landowner/developer of all the Council's legal and other relevant fees, disbursements and Value Added Tax in respect of the proposed negotiations and completion of the proposed Legal Agreement, payable prior to completion of the deed.
- Monitoring costs payable on completion of the agreement.

**8.3.1 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 Manager) to make any minor alterations, additions or deletions to the recommended heads of terms and/or recommended conditions as set out in this report provided this authority shall be exercised after consultation with the Chair (or in their absence the Vice-Chair) of the Sub-Committee (who may request that such alterations, additions or deletions be first approved by the Sub-Committee).

**9.0 INFORMATIVES**

A reason for approval is required quoting all the Local Plan and London Plan policies listed at sections 5 of this report. In addition the following informatives should be added:

- SI.2 Work Affecting Public Highway
- SI.3 Sanitary, Ventilation and Drainage Arrangements
- SI.6 Control of Pollution (Clean Air, Noise, etc.)
- SI.25 Disabled Person's Provisions
- SI.27 Fire Precautions Act
- SI.28 Refuse Storage and Disposal Arrangements

- SI.34 Landscaping
- SI.45 The Construction (Design & Management) Regulations 1994
- SI.48 Soundproofing

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

Written schemes of investigation will need to be prepared and implemented by a suitably qualified professionally accredited archaeological practice in accordance with Historic England’s Guidelines for Archaeological Projects in Greater London.

*NSI Thames Water Informative*

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

<https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-ourpipes>

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

NSI Construction activities audible at the facade of the nearest noise sensitive premises shall only be carried out between the specified hours: Monday to Friday 08:00-18:00 hours; Saturdays 08:00-13:00 hours; at no time on Sundays and Public Holidays unless otherwise agreed in prior consent to the Local Authority under the provisions of Section 61 of the Control of Pollution Act 1974.

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

**Natalie Broughton**  
Head of Planning & Building Control

NO	BACKGROUND PAPERS	NAME/DESIGNATION AND TELEPHONE EXTENSION OF ORIGINAL COPY	LOCATION CONTACT OFFICER



1.	<p>Application documents and LBH policies/guidance referred to in this report are available for inspection on the Council's website.</p> <p>Policy/guidance from other authorities/bodies referred to in this report are available for inspection on the website of the relevant authorities/bodies</p> <p>Other background papers referred to in this report are available for inspection upon request to the officer named in this section.</p> <p>All documents that are material to the preparation of this report are referenced in the report</p>	Nick Bovaird x8291	2 Hillman Street, London E8 1FB
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**Site Photographs**



**Entrance:**



**Telephone House from Leonard Circus:**



Looking west down Leonard Street (Clere Street Car Park to left):



**Looking North up Paul Street:**



**View west down Leonard Street towards Leonard Circus:**



**View east down Leonard Street (Chapel shrouded on left):**



**Central Boys Foundation School, Tabernacle Street:**



**Leonard Circus, looking west, with Telephone House (right) and Development House:**



**Tabernacle Street boundary:**



**View north up Tabernacle Street:**





**View over Clere Street Car Park:**