



## Planning Sub-Committee – 06/03/2024

<b>ADDRESS:</b> Technico House, 4 Christopher Street, 56 & 58 Wilson Street and 1,3 & 5 Earl Street	
<b>Ward:</b> Hoxton East and Shoreditch	<b>REPORT AUTHOR:</b> Nick Bovaird
<b>APPLICATION NUMBER:</b> 2023/0362	<b>VALID DATE:</b> 27 February 2023
<b>DRAWING NUMBERS:</b>  (PL)_080 P01 Location Plan, (PL)_081 P01, (PL)_082 P01,  (PL)_007 P01, (PL)_008 P01, (PL)_009 P01, (PL)_010 P01, (PL)_011 P01, (PL)_012 P01, (PL)_013 P01, (PL)_014 P01, (PL)_015 P01, (PL)_016 P01, (PL)_020 P01, (PL)_021 P01, (PL)_022 P01, (00)_023 P01,  (PL)_047 P01, (PL)_048 P01, (PL)_049 P01, (PL)_050 P01, (PL)_051 P01, (PL)_052 P01, (PL)_053 P01, (PL)_054 P01, (PL)_055 P01, (PL)_056 P01, (PL)_060 P01, (PL)_061 P01, (PL)_062 P01, (PL)_063 P01,  (PL)_097 P02, (PL)_098 P02, (PL)_099 P02, (PL)_100 P02, (PL)_100A P02, (PL)_101 P02, (PL)_102 P02, (PL)_103 P02, (PL)_104 P02, (PL)_105 P02, (PL)_106 P02, (PL)_107 P02, (PL)_108 P02, (PL)_109 P02, (PL)_110 P02, (PL)_111 P02, (PL)_112 P02, (PL)_113 P02, (PL)_114 P02, (PL)_115 P02, (PL)_116 P02, (PL)_117 P02, (PL)_118 P02, (PL)_119 P02, (PL)_120 P02, (PL)_121 P02, (PL)_200 P02, (PL)_201 P02, (PL)_202 P02, (PL)_203 P02, (PL)_210 P02, (PL)_211 P02, (PL)_212 P02, (PL)_213 P02, (PL)_214 P01, (PL)_300 P02, (PL)_301 P02, (PL)_302 P02,  Planting Plan Roof 100 Rev 00, Planting Plan Level 01 101 Rev 00, Planting Plan Level 02 102 Rev 00, Planting Plan Level 03 103 Rev 00,  Town Planning Statement, Cover Letter from DP9 dated 30 November 2023, Design and Access Statement, Design Statement November 2023, Heritage, Townscape and Visual Impact Assessment by The Townscape Consultancy dated February 2023, Daylight and Sunlight Report by Point 2 dated February 2023, Daylight/ Sunlight Window Maps by Point 2, Daylight and Sunlight	

Supplementary Technical Assessment dated 15 December 2023 by Point 2, Affordable Workspace Statement, Acoustics Report by Hann Tucker Associates dated February 2023, Area Schedule February 2024, Statement of Community Involvement by Kanda dated February 2023, Air Quality Assessment by Air Quality Consultants dated February 2023, Arboricultural Report by Tim Moya Associates dated February 2023, Archaeological Report by MOLA dated February 2023, GLA Spreadsheets- Be Seen/ Circular Economy/ Carbon Emission Reporting/ Whole Life Carbon/ Climate Change pre app, Preliminary Ecological Appraisal by Greengage dated February 2023, Framework Travel Plan by Caneparo Associates dated February 2023, Draft Construction Management Plan P07 by Laing O'Rourke dated February 2024, Draft Construction Waste Management Plan by Laing O'Rourke dated February 2023, Contaminated Land Assessment by Plowman Craven dated February 2023, Transport Assessment by Caneparo Associates dated February 2023, Draft Delivery and Servicing Plan by Caneparo Associates dated February 2023, Operational Waste Management Plan by Caneparo Associates dated February 2023, Flood Risk Assessment by AKT II dated February 2023, Hackney SUDS Proforma spreadsheet, Fire Statement by OFR dated February 2023, Health Impact Assessment by Quod dated February 2023, Marketing Strategy by EDGE dated February 2023, Utilities Statement by Atelier Ten dated February 2023, Wind Microclimate Assessment by RWDI Anemos dated February 2023,

Public Realm and Landscaping Responses to planning comments and Urban Greening Factor, Technical Memorandum (Revised Proposed Development Effects on Pedestrian Level Wind Microclimate) by RWDI dated 14 November 2023, Pre-redevelopment analysis Rev P04 by Atelier Ten, Detailed Circular Economy Statement Rev P07 by Atelier Ten, HTVIA Addendum November 2023, Daylight and Sunlight Statement of Conformity by Point 2 dated 24 November 2023, Drainage Strategy Report Rev D by AKT II dated June 2023, Terrace Planting Design Note dated 09 February 2023, Energy and Sustainability Statement Rev P05 by Atelier Ten dated August 2023, Addendum to Sustainability and Energy Statement Revision P02 by Atelier Ten dated 07.11.2023, Addendum to the Energy and Sustainability Statement for the EDGE Shoreditch Development Revision 1 by Atelier Ten dated 01.08.2023, Note to the Planning Officer on the Climate Change Pre-app form re-submission Revision P01 by Atelier Ten dated 06.11.2023, Brief for Geotechnical Investigations & Environmental Assessment rev: P02, v3 by AKT II date 28/03/2023, N04-CC-SD-Highways Response F1 (230928) by

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<p>Caneparo dated September 2023, Overshadowing Report by Point 2 dated February 2024, , Note on wind in email from Hugh Sowerby “RE: EDGE Shoreditch - Actions Tracker” dated 21 February 2024</p>	
<p><b>APPLICANT:</b></p> <p>MFE London 1 GP Ltd as a general partner of MFE London 1 Ltd Partnership</p>	<p><b>AGENT:</b></p> <p>DP9, 100 Pall Mall, St. James's, London SW1Y 5NQ</p>
<p><b>PROPOSAL:</b> Demolition of the existing buildings and part retention of the façade at 1 Earl Street to enable redevelopment of the site with a mixed-use development ranging in height from 5-20 storeys above ground level, an upper ground floor mezzanine, and 2 full basement floors and 3rd part basement floor, to accommodate office (Class E), flexible retail, cafe (Class E), ancillary space, back of house areas, cycle storage, plant, landscaping, and all associated works.</p>	
<p><b>POST SUBMISSION REVISIONS:</b></p> <ul style="list-style-type: none"> <li>- retained facade at SW of site</li> <li>- reduction in massing in NW corner</li> <li>- Increase in massing above retained facade</li> <li>- additional information on sustainability</li> </ul> <p>These changes were subject to reconsultation.</p> <p>A revised drainage strategy was also submitted which was not subject to reconsultation due to the minor nature of the changes proposed. An improved Affordable Workspace offer, with a higher discount was also received, which has not been consulted upon as it represents an internal change with positive results. An overshadowing survey has been produced, which shows no significant additional overshadowing, in line with the findings of the extant scheme, and has not been consulted upon. Similarly, correspondence on wind to the terraces of Crown Place shows no significant additional impacts and has not been consulted upon.</p>	

<p><b>RECOMMENDATION SUMMARY:</b></p> <p>Grant conditional planning permission, subject to completion of a Legal Agreement and stage II approval from the GLA.</p>
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REASON FOR REFERRAL TO PLANNING SUB-COMMITTEE	
Major application	Yes
Substantial level of objections received	Yes
Council’s own planning application (in accordance with the Planning Sub-Committee Terms of Reference)	

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Other (in accordance with the Planning Sub-Committee Terms of Reference)	
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### ANALYSIS INFORMATION

ZONING DESIGNATION	YES	NO
CPZ	Yes	-
Conservation Area		No (but adjacent to Sun Street Conservation Area, and the Bunhill Fields and Finsbury Square Conservation Area within L.B Islington)
Listed Building (Statutory)	-	No, but in proximity to Flying Horse Public House (grade II), 15-23 Christopher Street (grade II), and Black Sea House (grade II).
Listed Building (Local)	-	No, but in proximity to 5-15 Sun Street, Payne House and Wilson Street Chapel, which are all locally listed.
Employment designation	Yes (POA)	-
Central Activities Zone	Yes	-

LAND USE DETAILS:	Use Class	Use Description	Floorspace (m2 GIA)
<b>Existing</b>	E(g)(i)	Office	25,622
<b>Proposed</b>	E(g)(i) E(a) / E(b)	Office Flexible retail / cafe / restaurant	66698 578

PARKING DETAILS:	Parking Spaces (General)	Parking Spaces (Disabled)	Bicycle storage
<b>Existing</b>	0	0	0
<b>Proposed</b>	0	2 (within 50m of site)	1117 (1090 long stay and 27 short stay spaces)

### 1. SITE CONTEXT

- 1.1 The site comprises a group of buildings with 3 storey basement and 5-6 stories above ground, forming a perimeter block bounded to the north by Christopher Street, Wilson Street to the west, Clifton Street to the east and Earl Street to the south. The existing buildings were developed incrementally in the 1960s and the 1980s but include retained building facades facing Wilson Street dating from circa

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1930 and at the corner of Wilson Street and Earl Street, which dates from the late 19th century. The existing buildings on site are in use as offices.

- 1.2 The surrounding context is dense and urban in character, with surrounding buildings predominantly in office and commercial uses. The site is within the Central Activities Zone and on the fringe of the City of London. The borough boundary with the City of London to South, and the London Borough of Islington to the west are a short distance from the site. Liverpool Street station is also situated a short distance to the east, and as such the site benefits from excellent public transport accessibility (PTAL6B).
- 1.3 A pair of 29 and 33 storey residential towers upon a podium of mixed hotel, office and commercial uses comprising the Crown Place development is situated on the opposite side of Earl Street to the south. This includes The Flying Horse Public House (grade II listed) and the Wilson Street Chapel (locally listed) facing Wilson Street, and Payne House (locally listed) facing Earl Street.
- 1.4 Further to the south of the Crown Place development a number of office buildings 7-14 stories in height are situated on the south side of Sun Street, within the City of London. There is also a resolution from the City of London planning committee to grant planning permission for an office led 37 storey development at the corner of Sun Street and Wilson Street / Finsbury Avenue (see history section).
- 1.5 Office buildings up to 9 stories in height are situated on the opposite side of Wilson Street to the west, within the London Borough of Islington. A range of building types ranging in height from 3-5 stories (including a terrace of grade II listed buildings) are situated on the opposite side of Christopher Street within office use. A UK Power Networks infrastructure building, and a 20 storey office building are situated on the opposite side of Clifton Street to the east.

## **2. CONSERVATION IMPLICATIONS**

- 2.1 The site itself is not within a conservation area, although it is adjacent to the Sun Street Conservation Area to the south, and is in close proximity to South Shoreditch Conservation Area to the north. The southern boundary of the South Shoreditch Conservation Area runs along Worship Street to the north, and the site falls within a designated Area of Townscape Character Interest (ATCI) which is located between the South Shoreditch and Sun Street conservation areas. The retained building facades on the site at 56 and 58 Wilson Street are identified as Buildings of Townscape Merit within the ATCI, and as non-designated heritage assets.
- 2.2 Bunhill Fields and Finsbury Square Conservation Area (within London Borough of Islington) are located on the opposite side of Wilson Street to the west.
- 2.3 The nearest listed buildings are the Flying Horse Public House (Grade II) facing Wilson Street to the south, 15-23 Christopher Street (Grade II), and Black Sea House (Grade II) located on the opposite side of Christopher Street to the north.
- 2.4 The nearest locally listed buildings are 5-15 Sun Street situated on the north side of Sun Street to the south of the site; Payne House on the south side of Earl Street to the south of the application site; and Wilson Street Chapel, on the east side of Wilson Street to the south of the site.

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- 2.5 Part of the site falls within the background of View 8 (Westminster Pier to St Pauls Cathedral), View 16 (South Bank to St Pauls Cathedral / City of London), of the London View Management Framework (LVMF), as set out within Policy HC4 of the London Plan 2021, and the Mayor of London LVMF SPG (2012).

### **3. RELEVANT HISTORY**

- 3.1 Planning permission was granted in October 2021 (ref. 2021/0116) for Demolition of the existing buildings, excluding the front façade of 1 Earl Street, and redevelopment of the site with a mixed use development ranging in height from 4-20 stories above ground level, and 3 basement floors, to accommodate office (Class E), flexible retail, café/restaurant space (Class E), ancillary space, back of house areas, cycle storage, plant, landscaping and all associated works.
- 3.2 EIA Screening and scoping Opinion issued (pursuant to EIA regulations 2017) in December 2019 confirming no EIA required for a development consisting of the demolition of the existing buildings and the redevelopment of the site to provide a building of up to 19 storeys with 71,000 GIA of office floorspace with A class uses at ground floor level (ref: 2019/2612).

#### Nearby sites:

5-29 Sun Street, 8-16 Earl Street, 1-17 Crown Place and 54 Wilson Street

- 3.3 Planning permission granted in December 2015 (ref: 2015/0877) for demolition of 17-29 Sun Street, 1-17 Crown Place and 8-16 Earl Street (excluding front façade) and construction within the eastern part of the site of a 3 level basement plus lower ground, ground level and mezzanine and part 6, part 10 storey podium building above ground level/mezzanine level with two towers of 29 and 33 storeys above ground/mezzanine level. The new building provides flexible office/retail floorspace at lower ground level (Class B1/A1/A3/A4), retail at ground and mezzanine level (Class A1, A3 and A4), office (Class B1) at lower ground, ground, mezzanine and levels 1-6 and 247 residential units (Class C3) at levels 7 - 33. Refurbishment of 5-15 Sun Street with roof extension and three storey rear extension (plus basement) to provide a 32 bed hotel (Class c1), Class A3 restaurant, Sui Generis clubhouse and hotel courtyard. Refurbishment and extension of 54 Wilson Street to provide a 7 storey (plus basement) office building (Class B1) with flexible office/retail (Class B1/A1/A3) at ground floor level.

13-14 Appold Street

- 3.4 Planning permission granted in March 2016 for demolition of existing building and erection of a 45 storey mixed use office (Use Class B1) and business hotel (Use Class C1) with ancillary retail / restaurant use (A1/A3) at ground and lower ground and ancillary servicing and plant (ref.2015/1685).

2-3 Finsbury Avenue (within the City of London)

- 3.5 Planning permission was granted by City of London Corporation on 19 August 2021 (ref: 20/00869/FULEIA) for demolition of the existing buildings and

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construction of a new building arranged over three basement levels, ground and 37 upper floors to provide an office-led, mixed use development comprising commercial, business and service uses (Class E), flexible commercial, business and service uses /drinking establishment uses (Class E/Sui Generis); and learning and non-residential institutions uses (Class F1); creation of a new pedestrian route through the site at ground floor level; hard and soft landscaping works; outdoor seating associated with ground level uses and other works incidental to the development.

### 4. CONSULTATIONS

4.1 A second statutory consultation period for the application started on 15 December 2023 and ended on 8 January 2024. This included neighbour letters sent to 643 neighbouring properties and both site and press notices. 15 responses from members of the public have been received raising objections to the proposals which are summarised below:

- Impacts to the townscape and neighbouring heritage assets.
- The building is not beautiful and thereby fails the test of the revised NPPF.
- Impacts to neighbouring amenity in relation to loss of daylight/sunlight and an increase in overlooking from windows and roof terraces
- There is an existing canyon effect on wind, which will be exacerbated by these proposals;
- Loss of view from neighbouring residential properties
- Impact on local traffic and parking congestion
- Impact on local infrastructure
- Since One Crown Place has only recently become more occupied, the applicants community consultation (February 2023) is out of date, with many views not represented;
- Impact of construction period on neighbouring residents and businesses.
- The draft Construction Management Plan references community engagement but neighbouring businesses have not yet been consulted.
- Construction monitoring is only reported monthly, which does not provide neighbours with any real-time information;
- The usual mitigation measures in respect of the construction impacts should be secured;
- Consultation should take place with neighbours over the discharge of any condition requiring a Construction Management Plan
- If a licence is required for crane oversailing, a condition should require that any such licences be obtained well before any works commence (*NB: The requirement for a crane oversailing licence is under the Highways Act and need not be duplicated in a planning condition*)

4.2 These comments are considered in the report that follows.

#### **Statutory Consultees:**

##### Historic England

4.3 Historic England provides advice when our engagement can add most value. In this

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case we are not offering advice. This should not be interpreted as comment on the merits of the application.

### Greater London Archaeology Advisory Service (GLAAS)

4.4 No comments received.

*Officer's Note:* Conditions are proposed to mirror the conditions on the original approval, for this location inside an Archaeological Priority Area.

### Thames Water

4.5 No comments were received. The following comments were made on application 2021/0116 and are still considered valid.

4.6 With regard to the combined wastewater network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided. The proposed development is located within 15 metres of a strategic sewer. Thames Water requests that a condition is added requiring submission of a piling method statement.

4.7 With regard to water supply Thames Water has identified an inability of the existing water network infrastructure to accommodate the needs of this development proposal. As such a condition is recommended requiring any upgrades to water infrastructure or a development as required by Thames Water prior to occupation of the development.

### Greater London Authority

4.8 The scheme is GLA referable. Affordable workspace should be provided as to be policy compliant. It is accepted the local policy position supports taller buildings in this general locality in partial compliance with London Plan Policy D9 (B) but the non-designated heritage assets on the corner of Wilson street should be retained. The provision of an internal street is a benefit and the ground floor is improved.

4.9 The sustainability of the scheme is under review following a number of further submissions by the applicant.

4.10 A clear demonstration of the UGF of the building should be provided.

4.11 Further commitment to the inclusion of rainwater harvesting needs to be provided in line with the London Plan SuDS hierarchy.

4.12 *Officer's comment:* These Stage 1 comments from the GLA have fed into the process of negotiation with the applicant and are reflected in the analysis of the report that follows. We note that the internal street is now not intended to be publicly accessible.

### TfL

4.13 No objection, but the quantum of long stay cycle parking does not adhere to the Hackney Council's minimum cycle parking requirements. The level of cycle parking is above that of the current London Plan, but the policy clearly supports boroughs that have higher levels of parking, such as Hackney's current higher cycle mode share. In terms of the types of cycle parking spaces, the proposal does not adhere to the London Cycle Design Standards and should be amended accordingly.

4.14 The applicant is also proposing short stay cycle parking which would not be in the



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public realm. Short stay cycle parking needs to be accessible for users and therefore this location is not deemed acceptable; this should be addressed accordingly.

- 4.15 Any permission should be subject to conditions in respect of Construction, Delivery/servicing and legal agreement clauses in respect of a Travel Plan, parking permit exemptions, provision of two on street Blue Badge spaces, £60,000 to fund more frequent redistribution by TfL of bikes to, from and between docking stations in the local area and across London, and a contribution to the resurfacing of Wilson Street. A payment should also be made for the proposed closure of the docking station for the duration of the demolition and construction, which would allow a 'cycle hire hub' on Finsbury Circus.
- 4.16 *Officer's Response:* TfL and the applicant have been negotiating throughout the process and the below assessment, along with the conditions and proposed Heads of Terms to the legal agreement, are the results of that discussion.

### Met Police Design Out Crime Advisor

- 4.17 We have met with the project Architects and Developers on 12/11/22 to discuss Crime Prevention, Secured by Design (SBD) and also CT Measures with the CTSA. Meeting minutes were requested to capture all aspects discussed in the meeting however these have not been provided to our unit. Whilst our meeting is mentioned in the DAS, not all aspects discussed are fully included and from review of the plans we have further comments as per Appendix 1. Whilst in principle we have no objections to the site, we have recommended the attaching of a suitably worded condition and an informative to ensure SBD guidance is fully carried out. This is alongside review of the comments shown in Appendix 1, of note the single/double atrium design and the potential concerns over the basement cycle store and changing facilities if not suitably controlled and managed with a dedicated team.

### London Borough of Islington

- 4.18 No comments received to date.

### Health and Safety Executive:

- 4.19 No objection to the fire arrangements for this building in office use.

### Thames Water

- 4.20 No objection, subject to a number of conditions in respect of a piling method statement, surface water drainage, foul water, water network upgrades, work adjacent to a water main,

### **Internal Consultees**

#### Drainage

- 4.21 No objection, subject to three conditions on Flood Resilience, Flood Resilient and Resistant Construction Details and Sustainable Drainage.

#### Waste Management

- 4.22 The Operational Waste Management Plan provides a detailed account of the compaction, storage and collection of waste and dry recycling, and for the collection of food waste, in what is a wholly commercial development. This includes evidence of the ability of vehicles to access bins and skips. We would not object to the plans

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from a waste management viewpoint.

### Pollution (land contamination)

- 4.23 The contaminated land assessment drafted in February 2023 by Plowman Craven identifies the potential risks on site:
- Potential pollutants associated with historical site uses (Builder's Yard, Timber Yards, UXO, bulk fuel storage and electrical substations) and potential for poor quality Made Ground to be present on the Site;
  - Potential pollutants associated with historical adjacent site-uses (Commercial, /industrial site uses including printing works, railway sidings / goods shed and electrical substation);
  - Potential presence of Radon Gas;
  - Potential presence of Unexploded Ordnance (UXO) beneath the Site; and Potential presence of Asbestos-containing Materials (ACMs).
- 4.24 A condition is recommended to help guide the upcoming risk management process and provide a framework to further works.
- 4.25 *Officer's Note:* Informatives have also been added in respect of Radon, UXO and asbestos, where separate legislation exists to ensure that proper procedures are followed.

### Land, Air Water:

- 4.26 The Air quality assessment and air quality neutral assessment are satisfactory in view of the nature of the project (Car free and without any combustion plant). The following condition should be adhered to in order to ascertain delivery of the project as initially drafted.
- 4.27 The site is located in a Central Activity Zone and an Opportunity Area. As a result, all plant used on site should be compliant with NRMM guidance.
- 4.28 The SMP provided covers the management of dust. However, in light of the site location, and the nature of the works, it is expected that a more detailed dust management plan (covering specific techniques used during demolition and building activities) is provided.

### Transport

- 4.29 No objection to the application, subject to standard conditions, the provision of two on-street blue badge spaces and Highways works to include short stay cycle parking.

## **Local Groups**

### Hackney Society

#### *January 2024 reconsultation response:*

- 4.30 We are grateful for a summary of the elevation and mass changes around retention of part of 1 Earl St, provided by the applicant.
- 4.31 In our June 2023 comments we noted the intention to not retain any historic facades, "with the architects preferring to prioritise the overall integrity of the facade design." We went on to observe the result of trying "to root the new building in its

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location [...] is a little bland and oddly retro in character, illustrating that what works for smaller scale buildings does not necessarily translate to a building of this colossal size."

- 4.32 The remodelling of the articulated mass around the retained facade might be said to compromise the integrity we earlier observed, but this corner already benefited from a degree of subtly distinct expression so the effect on the overall integrity is probably neutral, and yet has the benefit of more obviously breaking it down at this corner, and adding modest visual interest.

### *June 2023 response:*

- 4.33 We provided comments (October 2022) on this office scheme for 68,000 sq m area at 4 Christopher Street, EC2 at preapplication stage following a presentation from the client team focusing on their stated aim to create "the most sustainable building in London". We note the Hackney Society Planning Group consultation is recorded as having taken place in the Design and Access Statement but no mention is made of our comments, no changes to the design have resulted from these comments and the planning application would appear to be fundamentally unchanged from the pre-app presentation. Our earlier comments therefore remain valid which are:
- 4.34 The building is architecturally a better resolved and more cohesive proposition than the previously consented scheme and without doubt an improvement. There is now no intention to retain any of the existing facades on the site with the architects preferring to prioritise the overall integrity of the facade design. The proposed elevations are in the currently modish 30s brick warehouse style and the architects have carried out various contextual analyses to root the new building in its location but the result is a little bland and oddly retro in character, illustrating that what works for smaller scale buildings does not necessarily translate to a building of this colossal size.
- 4.35 The application proposes an array of social and green strategies in the building concept with reference to a BREEAM Outstanding rating, carbon net zero construction (according to the Edge framework), all electric service installations and 'wellness' promoting features such as external balcony areas with planted perimeters. A small atrium will bring a modicum of light into the lower floors, a central cross route through the building is open to public access and it is intended that the layouts will promote the "cross fertilisation" of ideas between tenant groups.
- 4.36 While we welcome the good intentions expressed, and acknowledge the extensive reports and explanations about how sustainable the new building will be, we remain very sceptical about how such a vast development could indeed be truly sustainable. The decision to retain the existing basement is welcome and will lower the carbon footprint to a small degree but in reality the building is a massive, deep plan, concrete framed, air conditioned example of the status quo, similar to many other current developments in the City but fundamentally a 20th century, financially driven concept that depends on an array of technological wizardry to reach any level of occupational comfort. In particular we had reservations about the deep plan nature of much of the space on offer and whether it will be an acceptable environment for people to work. For instance we don't support the locating of office space in basement areas particularly if it is the affordable office element. We also question whether the intended social benefits of the underpass/internal street will work with the route separated from the street by doors, security guards or closed at night and the status of this element needs clearer definition.

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- 4.37 We fundamentally question whether a building such as this can ever be environmentally responsible in any meaningful sense and whether working environments of the future will take place in deep plan, inflexible spaces devoid of daylight, external views and dependent on conditioned air. Any sub-division of these floors is likely to reduce the quality of the spaces further in terms of access to daylight, and external views. It would be interesting to see any market data setting out the likely level of demand for such space both in the immediate location and in London as a whole, particularly in the aftermath of the covid pandemic.
- 4.38 We recognise these comments address issues that are wider than the immediate concerns of this particular development coming forward at this time and could be levelled at any number of current proposals but if the imperatives of the climate emergency are ever to be taken seriously then buildings - even in the City of London - must become less dense, lower rise, naturally ventilated via open courtyards and planned around narrow plan forms that maximise daylight and utilise low carbon, low impact materials in construction. In addition the manifold environmental benefits of retention and refurbishment of existing buildings must be given first priority. To expect that this application can change direction at this stage is wishful thinking but the danger exists that this behemoth is already out of date and will turn out to be the end of an era not the beginning of the next.

### Shoreditch Conservation Area Advisory Committee

- 4.39 The Shoreditch Conservation Area Advisory Committee supports well designed new developments and sympathetic renovation of existing buildings, particularly with regard to nearby or apurtenant (sic) listed buildings or buildings of townscape merit. This particular site could have been ideal because of the location but sadly none of these features have been applied. The subject proposal is gross, overscale and without any genuine architectural skill or merit. Therefore we OBJECT to this application in the strongest possible terms. Here are some of our reasons for the objection.
- 4.40 Whilst the application site is not in a Conservation Area it is in fact wedged between the South Shoreditch CA and the Sun Street CA, adversely affecting both of them. The South Shoreditch CA is located approximately 100 metres to the north of the Site. The Sun Street Conservation Area begins at the southern side of Earl Street, ie across from 1-5 Earl Street. These buildings, proposed here for demolition, are on Hackney's local list of non designated heritage assets. Similarly, the documents show that Council planning officers identified the retained facades at 56 and 58 Wilson Street as non-designated heritage assets in preapplication correspondence. This site forms a significant proportion of the Wilson St / Dysart St Area of Townscape Character Interest and faces the Sun Street Conservation Area. The Sun Street Conservation Area Appraisal identifies the building as one of Townscape Merit, making a positive contribution to the character of the conservation area. It contributes to the cohesive historic townscape within the townscape and conservation areas. The massing and height of the development overall has a substantial harmful impact on the Sun Street Conservation Area and the WilsonSt- "Building of Townscape Merit".
- 4.41 We note that the existing facades will not be retained - conservation is not just about preserving buildings but it is also about traces and memories of heritage in cases when existing whole buildings cannot be retained. The idea of leaving the old

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facade in place, even to the detriment of the proposal's integrity, is very appealing within that logic and especially due to the scale of the proposed development.

- 4.42 Addressing scale and massing: the applicant quotes the 'South Shoreditch Conservation Appraisal (page 11 of their report entitled 'The Townscape Consultancy') as follows: 'The relationship between the SSCA and areas of outside is important to note, particularly the contrast in scale of developments at the Southern fringe of the SSCA where heights of buildings increase at the boundary. This clear distinction in building heights between those buildings between the Conservation Area and those outside is an important characteristic of Shoreditch'. By quoting this they appear to justify the bulky mass and scale of the proposal. But defining a characteristic is not in itself a direction to follow. This characteristic does not mean it is setting a desired precedent. Would we really want the Conservation Area to be boxed in by ever more massive buildings thus losing its sense of scale, heritage, and its skyline? We object to the massive proportions and scale of the proposal on the edge of the South Shoreditch Conservation Area. This creates streetscapes that are canyon like, and overpowers streets and heritage townscape in the CA (e.g., view from Paul Street). There are ways of designing tall buildings which would avoid the overwhelming massive presence of this proposal in the townscape.
- 4.43 In terms of sustainable conservation and public realm issues, we would want buildings to be flexible enough to provide for future use. The scale and deep plans of this building type seem to preclude such future. Surely buildings concepts of the future in these areas should be re-configured with narrower plans that can be given more natural light and ventilation on lower rise urban blocks.
- 4.44 It is not clear whether the 'internal street'/passage way is really publicly accessible. It should not be named 'internal street'. It has nothing of the urban permeability of a true street and is not even as public as a shopping centre. Its broader social benefit is dubious.

### Hackney Design Review Panel (Pre-Application: 24 May 2022)

4.45 In summary the Panel concluded that:

- there are a lack of meaningful setbacks
- that massing should be reduced to the north to reduce impact to Finsbury Square
- the language of [upper floor] stepping is an improvement to previous design
- justification needed for the multitude of setback terraces in relation to context and townscape character
- the architectural language needs to better differentiate between lower and upper elements
- the south-east corner should be more emphasised with retail more pronounced
- they have no particular objection to demolition of locally listed and NDHA facades although did recommend ways for them to be better integrated
- a simpler architectural grid would benefit the proposal
- offsite brick construction would be on the higher end of the carbon footprint rather than being hand laid

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- that bays on the consented scheme worked well at lower levels [and could be revived in the proposal]
- internally the previous scheme had individual shopfronts for affordable units which have been replaced by an inactive frontage to Christopher Street [and this should be amended]
- improvements should be made to how the building meets its surrounding context

*Officer's Response:* The scheme was evaluated by the Hackney Design Review Panel on 24 May 2022 and this was followed by final amendments to the design and submission of the final proposal in 2023. Officers are satisfied that the majority of the Panel's recommendations have been met.

### 5. **POLICIES**

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

- PP5 - Enhanced corridors
- LP1 - Design quality and local character
- LP2 - Development and amenity
- LP3 - Designated heritage assets
- LP4 - Non designated heritage assets
- LP5 - Strategic and local views
- LP6 - Archaeology
- LP9 - Health and wellbeing
- LP11 - Utilities and digital connectivity infrastructure
- LP12 - Meeting housing needs and location of new homes
- LP26 - New employment floorspace
- LP27 - Protecting and promoting office floorspace in the borough
- LP28 - Protecting and promoting industrial land and floorspace in the borough
- LP29 - Affordable workspace and low cost employment workspace
- LP31 - Local jobs, skills and training
- LP41 - Liveable neighbourhoods
- LP42 - Walking and cycling
- LP43 - Transport and development
- LP44 - Public transport and infrastructure
- LP45 - Car parking and car free development
- LP46 - Protection and enhancement of green infrastructure
- LP47 - Biodiversity and Sites of Importance for Nature Conservation
- LP48 - New open space
- LP51 - Tree management and landscaping
- LP53 - Water and flooding
- LP54 - Overheating
- LP55 - Mitigating climate change
- LP56 - Decentralised energy networks
- LP57 - Waste
- LP58 - Improving the environment - pollution

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

- GG1 Building strong and inclusive communities
- GG2 Making best use of land
- GG3 Healthy cities

GG5 Growing a good economy  
GG6 Increasing efficiency and resilience  
SD1 Opportunity areas  
SD3 Growth locations  
SD4 Central activities zone  
SD5 Offices, other strategic functions and residential in the CAZ  
D1 London's form, character and capacity for growth  
D2 Infrastructure requirements for sustainable densities  
D3 Optimising capacity through the design led approach  
D4 Delivering good design  
D5 Inclusive design  
D8 Public realm  
D9 Tall buildings  
D10 Basement  
D11 Safety, security and resilience to emergency  
D12 Fire safety  
D13 Agent of change  
D14 Noise  
S1 Developing London's infrastructure  
E1 Offices  
E2 Providing suitable business space  
E3 Affordable workspace  
E11 Skills and opportunities for all  
HC1 Heritage conservation and growth  
HC3 Strategic and local views  
HC4 London View Management Framework  
HC5 Supporting London's Culture and creative industries.  
G1 Green infrastructure  
G4 Open space  
G5 Urban greening  
G6 Biodiversity and access to nature  
G7 Trees and woodlands  
SI1 Improving air quality  
SI2 Minimising carbon emissions  
SI3 Energy infrastructure  
SI4 Managing heat risk  
SI5 Water infrastructure  
SI6 Digital connectivity infrastructure  
SI7 Reducing waste and supporting the circular economy  
SI12 Flood risk management  
SI13 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 car parking  
T6.5 Non residential disabled car parking  
T7 Deliveries, servicing and construction  
T9 Funding transport infrastructure through planning

### 5.3 SPD/SPG/Other

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Hackney Planning Contributions SPD (2020)  
Hackney Sustainable Design and Construction SPD (2016)  
Draft Future Shoreditch Area Action Plan April (2019)  
Hackney South Shoreditch Supplementary Planning Document (2006)  
GLA City Fringe Opportunity Area Planning Framework (2014)  
GLA Control of Dust and Emissions During Construction and Demolition (2014)  
GLA Sustainable Design and Construction SPD (2014)  
GLA Accessible London SPG (2014)  
GLA London View Management Framework SPG 2012

### 5.4 National Planning Policies

National Planning Policy Framework and Planning Practice Guidance

### 5.5 Emerging Planning Policy

5.6.1 The Hackney draft Future Shoreditch Area Action Plan (AAP) was subject to public consultation in 2019. As such only limited weight can be attached to the guidance within the document.

## 6. COMMENT

### 6.1 Background

6.1.1 The proposals seek to demolish the existing buildings on site, excluding the front façade of 56 Wilson Street/1 Earl St, and redevelopment of the site with a mixed use development ranging in height from 4-20 stories above ground level, with 3 basement floors, the lowest being of smaller dimension.

6.1.2 Basement floors comprise plant and machinery space at levels -1, -2 and -3. Cycle parking spaces, lockers and shower rooms are also located at levels -1 and -2. The bottom floor of affordable office workspace is also located at level -1.

6.1.3 The ground floor plan includes main office entrances from Clifton Street on the east and Wilson Street from the west. Affordable office workspace at ground floor level also has separate dedicated entrances direct from Christopher Street to the north. Retail units are also located at the south-east and south-west corners of the building. A loading bay is proposed on the south side building, to facilitate servicing, accessed from Earl Street.

6.1.4 Upper floors comprise market rate office space with some affordable workspace at mezzanine level. The building layout starts to step back at level 3 and then continues to step back above this to provide planted amenity terraces at each floor up to level 16. Plant and machinery rooms are located at level 19 and 20. Biodiverse / green roofs and photovoltaic panels are located at the highest roof level.

6.1.5 The application proposals raise the following considerations:

### 6.2 Land use

Principle of proposed office / retail floorspace and impact of the proposals upon the Shoreditch Priory Office Area

6.2.2 The application site is located within the Central Activities Zone (CAZ) and City



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Fringe Opportunity Area (OAPF) as designated by the London Plan. The site is also within a Priority Office Area (POA) as designated by policy LP27 of LP33.

- 6.2.3 London Plan Policy E1 supports the development and redevelopment of offices including improvements to the quality, flexibility, and adaptability of office space of different sizes to improve London's competitiveness and address wider objectives of the London Plan. These policies specifically seek to increase office supply within the CAZ to accommodate the projected additional demand for 3.5 million sq.m. of floorspace between 2016 and 2041.
- 6.2.4 LP33 policy LP26 sets a target for delivery of 118,000sqm of new office floorspace by 2033 and states that office-led development in priority office areas is supported, with employment floorspace maximised. Part B of policy LP26 states that development should incorporate other priority uses such as conventional affordable housing and have active frontages at ground floor level, where appropriate.
- 6.2.5 The OAPF and Future Shoreditch draft AAP provide more fine-grained information on the CAZ and the role the area plays within the wider city economy. The OAPF identifies the site as being within a core growth area, and Old Street / Shoreditch is identified as being a strategic development area within the wider City Fringe Opportunity Area. The Future Shoreditch Draft AAP identifies the site as being within an 'edge of city' neighbourhood which *"marks the threshold between the commercial core of the City Fringe / Tech City area east of the City of London and the core Shoreditch area. Within a short walk of Liverpool Street Station, the area is characterised by large scale, modern office buildings. This type of floor space plays an important role in the city's economy"*. Policy no.1 (a) of the draft Future Shoreditch AAP states that: *"the Edge of the City neighbourhood is suitable for a range of office space including large scale office-led developments. Office space should comprise a minimum of 75% of floorspace in all development within the Shoreditch Priority Office Area"*.
- 6.2.6 Both the OAPF and the Future Shoreditch draft AAP also acknowledge the importance of a diverse mix of uses in the area, including housing. This mix of uses is important in maintaining the area's vibrancy, and attractiveness as a location for business, tech and creative industries. Housing also contributes to the vitality of the area, throughout the day and evening. Draft policy FS02 within the draft Shoreditch AAP states that *"i) proposals with 100% B1 use class floorspace will not be permitted, unless the site is allocated as such or it can be demonstrated that it is unviable or unsuitable to introduce other land uses, including housing where appropriate; ii) Ground floor retail, leisure, entertainment or community uses are included where appropriate to support a vibrant mix of uses"*.
- 6.2.7 As such, there is broad policy support for the provision of new office floorspace at the site. However, Local Plan policy LP27 includes a detailed set of criteria which must be met to fully accord with the policy.
- 6.2.8 The proposals have been assessed against the criteria in policy LP27. The existing floorspace is dated, of low quality, and supports a very low level of employment density on the site. The proposed office floorspace will comprise purpose-built office accommodation, which will be outfitted to a high standard, with efficient and sustainable mechanical and electrical services. The proposed commercial office floorspace has been designed to appeal to the needs of large corporate businesses in the finance / professional services sectors, who seek accommodation in proximity to the city of London financial centre. The stepped back building form also creates a

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variety of floorplates and as such the building will be suitable to a wide range of future occupiers. The external terrace areas will also provide attractive spaces and outlook for occupying businesses. The inclusion of more terraces than the extant scheme means more business will potentially have access to the open space. The applicant is advised to discuss the outfitting of the affordable workspace with a registered provider at an early stage to ensure it is fit for purpose for the end occupiers.

- 6.2.9 In terms of part B of policy LP27 a marketing strategy has been submitted with the application which explains how the proposals have been designed to meet the needs of occupiers and to maximise its appeal in the market to potential tenants and investors. The features within the building including external spaces, ventilation and up to date mechanical / electrical engineering will help to support a high quality office environment which is likely to be sought by future occupiers. As such the proposals are considered to meet part B of policy LP27.
- 6.2.10 In terms of part C of policy LP27 the proposal would increase the provision of office floorspace at the site from 25,622 sqm to 66,698 sqm (GIA). This includes 3598sqm NIA of affordable workspace which will be let at no more than 25% of market rents for offices in that area, which is secured within the legal agreement.
- 6.2.11 Overall, the balance of uses within the development would be 99% office floorspace to 0.8% retail / cafe use. This would be in excess of the target for an employment led development with 60% office floorspace in this POA. The proportion of office floorspace would also be in excess of 75% target for office floorspace in the 'edge of city' area within the draft Future Shoreditch AAP, although this document is currently only at a draft stage of development. As such the development would clearly maximise provision of office floorspace within the Shoreditch POA, which would be of significant benefit to the local area, and wider city economy.
- 6.2.12 However, office floorspace accounts for nearly 100% of total floorspace, and the proposals would provide only a very limited mix of uses, and a mix of uses are supported by policy such as LP26 and the draft Future Shoreditch AAP. As such the potential for a wider mix of uses as part of the development has also been considered.
- 6.2.13 Policy LP12 notes that residential use is the most in demand use in the borough and policy LP26 and LP27 support housing within POAs as part of employment led mixed use developments. residential use is accommodated within One Crown Place to the south. However the immediate surrounding area in general is an 'edge of city' location, in very close proximity to other single use large scale office buildings. Inclusion of residential use is challenging to provide in this very dense urban context, on plots of this size. The form of the building, which has deep floorplates and is designed to respond to the Crown Place development across Earl Street to the south, also makes the provision of residential on-site difficult. In addition, provision of any on site affordable housing would be particularly problematic, given the high land value of the site and surroundings, as per the Crown Place development. The level of cross subsidy required from the development in order to ensure any affordable housing is genuinely affordable, would be likely to have a significant adverse impact on the ability of the proposals to maximise the provision of employment related development as required by policy LP27. As such, inclusion of residential use within the development is not considered desirable in this case

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and this is in line with the extant planning permission, which was for a similar proportion of office to retail uses.

- 6.2.14 The proposals do include retail / cafe floorspace within two units at different corners of the building. This will help to ensure that the building will still have active frontages and encourage increased street level activity. Such uses will also support the ancillary needs of office-based businesses in the area. As such the overall mix of uses within the development is considered to be appropriate given the site's location and context, in accordance with part B of policy LP26, part D of LP27 and draft Future Shoreditch AAP policy FS02.

### Affordable workspace

- 6.2.15 London Plan policy E3 and Hackney LP33 policy LP29 support provision of affordable workspace as part of office and industrial development. Policy LP29 states that for development within the Shoreditch POA *“at least 10% 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”*.

- 6.2.16 Officers calculate that the proposals comprise 3598m<sup>2</sup> (NIA) of affordable workspace at ground, mezzanine, and basement levels. This would amount to 8% of the total proposed office floorspace NIA. In addition there is a shared breakout space adjacent to the Affordable Workspace at ground level, where all the tenants of the building could congregate and mix (347m<sup>2</sup>).

- 6.2.17 The policy requires that the GIA of the floorspace is considered (rather than NIA) but in this instance, where there is an extant permission with an agreed figure, the applicant's approach of using NIA is not objected to. In this case the approved Affordable Workspace NIA of 3756m<sup>2</sup> (with no breakout area) can be seen to be similar to the proposed. It is also notable that there are two floors (rather than one) of basement Affordable Workspace in the approved scheme.

- 6.2.18 In this respect it was noted in the officer's report for the approved scheme that:  
*“...the total quantum of proposed affordable workspace provision is lower than the level sought by policy LP29. Nevertheless, in this case the amount of on-site affordable workspace is considered acceptable, due to the large amount of floorspace proposed, which is in excess of nearly all other employment developments. Provision of a greater amount of on-site affordable workspace provision at this site may be difficult to market to providers given the amount available. As such, the fact that the workspace would be discounted by a greater level than required by policy, to reflect the shortfall, is considered an acceptable alternative.”*

This assessment remains valid and crucially, following negotiations with the applicant, a deep discount is again provided by the applicants. All the Affordable Workspace is offered in perpetuity at no more than 25% of the locality's market rent, which is the same offer as the approved scheme but for floorspace that is of a somewhat better quality, with a higher proportion of it being above ground. The layout of the Affordable Workspace also makes sense within the floorplates of the scheme as proposed, with large spaces made available across three contiguous floors, and suitable for sub-division as required by tenants. As such the proposal is considered acceptable in respect of the proposed Affordable Workspace.

### **6.3 Standard of Accommodation:**

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### 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. Some of the deepest floors are likely to have poor access to natural light with some areas being 20 and 30m from the nearest window. Nevertheless, all have access to good amenity on each floor and shared amenity at higher levels. The lower 7 floors have the additional benefits of natural light and ventilation via the two atria.

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. 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 Floorspace

6.3.8 The proposed retail floorspace is adaptable to the needs of future tenants and is acceptable.

### 6.3.9 External Amenity Areas

6.3.10 Policy LP48 states that all major commercial development must maximise on-site provision of open space and where feasible provide: i. 4 sqm of communal open space per employee; and ii. An Urban Greening Factor score of at least 0.3. Contributions may be sought if this cannot be achieved.

6.3.11 The application proposals comprise coverage of the whole site with development, although large terrace areas (2516sqm) are created due the setbacks with the building form. The submitted landscaping strategy shows these terraces to be attractively landscaped, with outdoor seating and meeting space, lawn areas, tree and shrub planting, and potential for food growing. These spaces will therefore be a significant amenity for business occupiers of the development, as well as contributing to urban greening and biodiversity.

6.3.12 However there would still be a shortfall in open space provision given the high number of likely employees at the site. The applicant proposes to make up for the shortfall in open space provision on site as required by policy LP48 by delivering improvements to the public realm surrounding the site. This would be facilitated by a

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payment in lieu of £781,630.36, which will be used in conjunction with the necessary Highways Works (see below) to mitigate the impacts of the workers at the site and deliver high quality public realm.

6.3.10 These measures are considered to be sufficient to meet the requirements of policy LP48 and help to deliver a significant improvement to the character and quality of the public realm surrounding the site. The financial contribution to deliver the improvements will be secured as part of the S106 legal agreement. No comments from LB Islington have been received but were received to the extant scheme with regard to contributions towards Finsbury Square. At that time officers considered that proposed public realm contributions adjacent to the site, were more suitable and better located for improvements than Finsbury Square, which is a further distance away, and that assessment is considered to remain correct.

### 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 Design and conservation

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. Policies LP3-LP6 of LP33 (2020) require the Council to conserve designated and non-designated heritage assets (including their settings), protect the LVMF and local views and make appropriate arrangements for archaeology.

6.4.3 It should be noted here that the design of the proposed building has evolved over time through various pre-application meetings, including one presentation to the Hackney Design Review Panel.

### Conservation and heritage assets

#### *Technico House*

6.4.4 The building at the north of the site is Technico House and was built in 1962 for A. Gallenkamp and Company Ltd, a company making scientific instruments, with new brown windows and an entrance canopy from 1986 by Richard Seifert and Partners. The north facade of this building is of some interest, being a calm and orderly commercial/industrial building of the period. The ends to Clifton and Wilson Streets are almost windowless and in brown brick and are much weaker in design terms. The subsidiary element to the east of the site, facing Clifton Street, is also weak.

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This building is not considered to be a heritage asset or worthy of retention and has already been consented to be demolished.

### *London Stock Exchange Building*

6.4.5 This building is a concrete framed office building clad in mid grey steel by Llewelyn-Davies Weeks and dates from 1986. This building is not considered to be a heritage asset or worthy of retention and has already been consented to be demolished.

### *Retained facades at 56 and 58 Wilson Street*

6.4.6 The facade at Number 58 is in red brick and is part of a garage building by F. C. W. Barrett for the City of London Garages Ltd from 1930. The facade retention has been variously described in written sources as “ingenious and complex” and “distinctly incongruous” (Sun Street Conservation Area Appraisal Para 4.16.2). This facade is poorly integrated into the 1986 building, since there is a free standing element with windows facing externally on both sides and a poor relationship with the existing stairs.

6.4.7 The facade at Number 56 is in yellow brick and is a much higher quality building element and dates from the late 19th century (before 1894) and in 1926 was home to Tom Smith’s Christmas Cracker factory.

6.4.8 Both facades are designated as Buildings of Townscape Merit (with 56 being considered for locally listed status) and are now considered by the Council to be Non Designated Heritage Assets. Both are considered to be worthy of retention, although the demolition of the red brick facade at 58 Wilson Street was accepted in the previous consented scheme under 2021/0116.

### Impact on the heritage assets on site:

6.4.9 The facade at Number 56 Wilson Street is proposed to be retained, repaired and integrated into the development with a ground floor retail use. This will help to create a legible, active and unique corner to a site with an otherwise similar character on all sides and corners. This corner detail will also help maintain/enhance the setting of the nearby listed Flying Horse pub at 52 Wilson Street and contribute to maintaining the heritage character and grain of Wilson Street. Within the office, the floor levels have been resolved to create a breakout section behind the facade with floorplates aligned with the historic window openings. The approach is seen as acceptable and preserves and enhances the character of the building.

### Impact on surrounding heritage assets:

6.4.10 Officers have undertaken an assessment of the visual impact of the proposals, using information from the THVIA submitted by the applicant, as well as site visits and the VUcity model. The potential views and settings which the proposals impact are listed, and the officers’ assessment, are set out below.

### *Strategic views:*

6.4.11 The impacts on views protected in the London Plan LVMF SPD and views of the Tower of London World Heritage Site are assessed within the THVIA at Views 1 to 3. These show that a small section of balustrade and parapet would be visible in the linear view of the cathedral from Westminster Pier. Whilst this does represent a technical breach of the LVMF view it is considered to represent a low level of harm.

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### *Listed buildings:*

- 6.4.12 The most serious impact on the setting of a listed building is to 15 to 23 Christopher Street. These Grade II listed Georgian former houses (in office use) run along the north side of Christopher Street. The proposed building is immediately to the south across the street. The listed buildings are four residential storeys in height. The existing Technico House building is about six storeys in total and so has a comfortable relationship with the listed buildings in terms of height, and the regularity and plainness of the elevation.
- 6.4.13 The proposed frontage to Christopher Street has a setback which will help to reduce the presence of the development on the street. The existing setting of 15 to 23 Christopher Street makes a moderate contribution to the significance of the listed buildings, since their immediate setting is within buildings which, although modern, are of a sympathetic mass and height. The proposed building, despite the efforts made to mitigate the height and mass the development will negatively impact on the setting of the listed buildings and therefore causes harm to their significance. This harm is assessed to be less than substantial which requires the harm to be weighed against the public benefits.
- 6.4.15 Impact upon the Flying Horse Public House: This listed pub sits on the northeast corner of the junction of Sun Street and Wilson Street, within the Sun Street Conservation Area. The layout of the north south axis forming Wilson Street (in the City of London and in Hackney) and Paul Street (in Hackney) is such that the proposed building appears within views of the listed pub.
- 6.4.16 It is backdropped by the modern building at 54 Wilson Street, but this building features a plain rendered wall to this elevation, forming a plain and sky coloured background.
- 6.4.17 The existing setting of The Flying Horse Public House makes a moderate contribution to the significance of the listed building, since its immediate setting is within buildings of a comparable scale. The proposed building, despite the efforts made to mitigate the height and mass, has a moderate impact on the setting of the listed buildings and therefore causes less than substantial harm to the significance of the listed building.

### Impact upon conservation areas:

- 6.4.18 Impact upon conservation areas: Views 4 and 5 within Bunhill Fields and Finsbury Square Conservation Area show the proposed building at some distance and in the context of other tall modern development: the impacts are minor to negligible.
- 6.4.19 Views 6 to 9 within Bunhill Fields and Finsbury Square Conservation Area backdropping modern buildings at 30 and 33 Finsbury Square. Although the height and mass of the proposed building are a significant change in the view, the backdropping is to modern buildings in a context of an emerging group of other tall modern buildings to the south east. The proposing massing starts to create a coherent effect, with massing rising from north to south in this view. The impact is therefore assessed as major in scale but neutral in nature.
- 6.4.20 View 10 within Bunhill Fields and Finsbury Square Conservation Area and showing part of Sun Street Conservation Area is more problematic: The Flying Horse Public House is a key building in this small Conservation Area at Sun Street and the pub is

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backdropped by the much taller proposed building. Although there are set backs these are ultimately insufficient to have much beneficial effect in this view.

- 6.4.21 To the extent that the setting of the Sun Street Conservation Area has not already been eroded by tall modern buildings, it contributes to the significance of the area. The proposed building causes a negative effect to this more intact view of the setting and is therefore harmful to the significance of the Conservation Area. This harm is considered to be “less than substantial” in terms of the NPPF test.
- 6.4.22 Views 12 and 13 within Sun Street Conservation Area show the proposed building within views of lesser interest, which already feature other tall modern buildings which, together with trees, tend to shield the building from view. The change is moderate in magnitude because the proposed building is taller than existing, but the nature of the impact is neutral.
- 6.4.23 Views 15, 16 and 18 within the South Shoreditch Conservation Area show the proposed building within views of lesser interest, in the context of existing modern buildings of a similar scale, although the height and mass of the proposed building are apparent. The impact is negligible adverse (View 18) and minor adverse (Views 15 and 16). View 19 and 20 within the South Shoreditch Conservation Area show the views down Paul Street. In this view the height and mass of the proposed building are apparent and block views down the street and the impact is moderate in magnitude and adverse in nature. To the extent that the setting of the South Shoreditch Conservation Area has not already been eroded by tall modern buildings, it contributes to the significance of the area. The proposed building causes a moderate adverse (Views 19 and 20) effect to the setting and is therefore harmful to the significance of the Conservation Area. This harm is considered to be “less than substantial”.

### Impact on the setting of Non Designated Heritage Assets:

- 6.4.24 These include locally listed buildings and the Area of Townscape Character Interest and the Buildings of Townscape Merit within it): View 15 shows the proposed building within the setting of the locally listed building at Clifton House, 75 to 77 Worship Street, within views of lesser interest, in the context of existing modern buildings of a similar scale, although the height and mass of the proposed building are apparent. The impact is negligible adverse. View 14 shows that the proposed building is not visible within the setting of the locally listed buildings at 10-12, 14 and 15-21 Holywell Row.
- 6.4.25 View 13 shows the proposed building within the setting of the locally listed building at Payne House, Numbers 8 to 16 (even) Earl Street. The setting of this building, which is a retained facade, includes tall modern buildings in close proximity and is not considered to contribute to the significance of the building. The impact is therefore moderate in magnitude and neutral in nature.
- 6.4.26 View 11 shows the proposed building within the setting of the locally listed building at the Chapel at Number 52A Wilson Street. The existing medium rise buildings are replaced by a tall building. While the historic facade is retained on the corner and relief is provided by two setbacks, the impact of the tall building is substantial. The impact is major adverse.



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6.4.27 As noted above, the retained facade at 56 Wilson Street is considered to be a Non Designated Heritage Asset. View 11 shows the proposed building within the setting of 56 Wilson Street. The existing medium rise building above is replaced by a tall building. While the historic facade is retained on the corner and relief is provided by two setbacks, the impact of the tall building is substantial. The impact is major adverse.

### Urban Design

#### *Site Layout*

6.4.28 The full extent of the urban block is proposed to be demolished. 2.5 floors of basement will be constructed, utilising most of the retaining walls of the existing basement, containing plant, servicing, storage and affordable workspace. The ground level layout consists of development up to the pavement edge with the exception of setback ground floor frontages on Crown Place. The internal lobby area divides the upper levels of affordable workspace from the access, servicing and retail associated with the offices above.

6.4.29 On Christopher Street, the proposed scheme has 5 entrances which may allow for division of space in future. The level of active frontage on Christopher Street will be similar to that of the consented scheme. Retail use is included on two corners of the scheme. The eastern retail unit will help to animate the adjacent pedestrianised section of Crown Place which currently has no focus of activity. The western retail unit beneath the retained facade on the corner of Earl Street and Wilson Street will support the character of Wilson Street by introducing activity and public access to a section which currently has no active frontage.

6.4.30 The applicants do not yet know whether the future tenants will allow the connection between Wilson Street and Pindar Street to be publicly accessible. As such no public benefit can be attached to its provision. Nevertheless, a condition is recommended to require signage and wayfinding to maximise the potential for the public route to be successful, should it be open to the public. If that were the case, the retail use would have a secondary entrance onto this route helping to indicate its accessibility. The internal street separates the affordable and market workspace with the affordable entrance being off Christopher Street and market entrance being off the internal route. The route will be naturally lit by two unusual diagonal atria which would also have a role in inviting people to use the space. Whether it functions as an impressive lobby, or a functioning and sheltered street will depend on the requirements of future tenants but the proposed condition would help the latter option succeed if it comes forward.

#### *Form and massing*

6.4.31 The base of the building occupies the full extent of the site from ground floor to floor 3, where is a set back above the retained heritage building on the corner of Earl street and Wilson Street. More significant stepping back occurs from floor 5 (39.7m).

6.4.32 The massing is intended to respond to the scale of the adjacent context (between around 30m on Christopher Street and Crown Place/Earl Street corner and 49m on Wilson Street). The response to the context is a lower massing adjacent to Wilson Street and Finsbury Square where heritage and character considerations demand it, and taller on Crown Place where the immediate context includes tall office and

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residential buildings. Here the majority of the height sits behind the dome of St Paul's Cathedral when viewed from Westminster Pier.

- 6.4.33 Between level 6 and 8 (50m) the building steps back on the Wilson Street and Christopher Street sides, with a setback at the western end of Earl Street. At level 8 (30m) a substantial setback is created on the corner of Earl Street and Crown Place creating a lower massing with a relationship to the podium of One Crown Place (c29m).
- 6.4.34 Between levels 9 and 16 a further setback is introduced on the western part of the massing creating terraces and a massing which steps up from Wilson Street to the tallest part of the scheme on Crown Place. Between level 17 and 21 the tower element of the scheme rises to its full height of 103.6m directly onto Crown Place and Earl Street. A good illustration of the tower can be seen on pages 97 and 99 of the D&A.
- 6.4.35 Page 59 of the primary Design and Access Statement has a clear image of the massing in context. The fine details of the massing are explained here and there is clear demonstration that the design and massing is well related to the context.

### *Architecture and Materials*

- 6.4.36 The proposal has a high quality external articulation, based around a bay design of brick, spandrel panel and glazing which has a good relationship with the surrounding Shoreditch and Wilson Street context. Page 88 of the D&A describes the relationship of the facade to the distinctive character of this part of Hackney. The base of the building has some subtle variation and the upper floors of the tower element have a more vertical emphasis.
- 6.4.37 The general bay design is repeated across the street-defining elevations of the scheme but each of the four main elevations have been adapted to their respective context. On Wilson Street the street level elevation is 5 storeys in height reflecting buildings adjacent and opposite. The grain of the frontage is reduced through the retention of historic facade and unique adjacent facade, helping to reflect the fine grain of Wilson Street. The Christopher Street frontage has a height, bay rhythm and active frontage which reflects the listed buildings opposite. The eastern frontage responds to the generous public realm and footfall with two retail units and a recessed colonnade indicating the location of the public internal route. The southern frontage to Earl Street includes servicing but also the majority of the retained historic facade reflecting other retained facades on the south side of the street. The proposed retail use at the ground floor of the retained facade is positive and will give activity to the corner of the street, giving physical depth and public access to the historic structure.
- 6.4.38 The tower element of the scheme on the Southeast corner of the site is designed to be closely related to the main massing of the scheme but with a distinct identity emphasising the verticality of the element through recessed horizontal spandrels and unpaired windows divided by projecting columns which run across multiple floors. As the height increases across the scheme, some subtle differences are introduced including a change in brick colour from warm at the base to light at the top. In addition vertical columns become slimmer in the top of the tower. The distinctive tower is best appreciated from the east and from Finsbury Square. The indicated materials are likely to be high quality subject to conditions being met.

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6.4.39 A description of the materiality can be found from page 108 of the D&A. Bricks, bonds and brick patterns which have been chosen in response to the context. Page 110 details the change in character from base to top of the development with different patterns of brick and change of density of colour towards the top - glazed dark brick at the base mixed blends in the middle and glazed bricks highlighting the top of the tower.

### *Landscape*

6.4.40 The applicant is seeking a UGF factor of 0.3 and has provided the quantity of space and number of trees to achieve this number, across 2516m<sup>2</sup> of communal terraces. These terraces include edge planters with 550mm soil depths, parallel to the majority of balustrades. Areas of raised planters with varying soil depths occupy some of the larger terraces. 28 trees are planned for these raised planters, with small trees and shrubs planted to complement them. The roof level of the tower incorporates a section of green roof with 120-250mm soil depths. Details of green roofs are required by the recommended condition.

6.4.41 The Landscape Strategy of the primary Design and Access Statement details a positive approach to planting and landscaping which responds to the microclimate of each terrace location, and which will provide a positive contribution to the workplace experience. External planting has been chosen for horticultural reasons and proposes plants in the upper sections of the building from corresponding climate areas in the northern and southern hemisphere and native species at lower cooler levels. The recommended landscaping condition requires a species list for planting to ensure that species chosen achieve the vision.

### *Design and conservation conclusions*

6.4.42 The proposal has been significantly refined and developed over the course of the pre-application process. The design of the buildings has responded to the points raised as part of officer and DRP feedback. The development massing has evolved so as to be more responsive to the site constraints and context.

6.4.43 Some less than substantial harm has been identified to the setting of nearby listed buildings, conservation areas and non-designated heritage assets. In making this assessment the Council has given special regard to the settings of listed buildings and Conservation Areas in terms of the requirements of Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

6.4.44 NPPF paragraph 208 states that “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use”. There is also an adverse impact on the setting of neighbouring Non-designated heritage assets which under NPPF paragraph 209 “a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”

6.4.45 In this case the proposals for a purpose built, energy efficient office building will maximise the employment potential of the site in this highly accessible, city fringe location, which is of importance to the London economy. Provision of a significant amount of affordable workspace will also be of significant benefit to the local economy. In addition the proposals would deliver significantly improved public realm surrounding the site, which would enhance the appearance of surrounding streets,

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as well as providing improved amenity of workers and residents. These public benefits of the proposals are considered to outweigh the less than substantial harm and harm to Designated and Non-Designated Heritage Assets which has been identified above.

### 6.5 Impact on amenity of adjoining occupiers

#### Daylight and sunlight

- 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. A daylight and sunlight assessment prepared has been submitted to assess the impacts of the proposal on the daylight and sunlight received by neighbouring buildings.
- 6.5.2 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 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.
- 6.5.3 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 the No Sky Line (NSL) method that 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 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 APSH in total, including 5% in winter.
- 6.5.6 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.
- 6.5.7 Daylight / sunlight impacts to the nearest residential properties were tested:
- 1 Crown Place: Flats are located at floor 7 and above in this 29-31 storey development to the south of the site.
  - 52 Wilson Street: Ancillary residential accommodation above the Flying Horse Public House.
  - 63-69 Wilson Street: Flats at 5th to 7th floors.
- 6.5.8 The amendments to the design to allow the retention of the heritage frontages on Wilson Street have led to the submission of a Statement of Conformity from the applicants' consultants that *"The very slight amends to the scheme will result in either no change or no material or noticeable change to the daylight and sunlight position, when compared to the scheme considered in the Report."* The analysis that follows assesses the findings of the report on that basis.

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### 1 Crown Place

- 6.5.9 A total of 1,189 windows serving 247 habitable rooms have been assessed. In terms of VSC, 886 windows (75%) experience reductions of no more than 20.0%. The remaining 303 windows experience proportional reductions of up to 88.5%.
- 6.5.10 Considering the NSL criteria, 210 (85%) of the 247 rooms assessed, demonstrate full compliance to the BRE guidelines. The remaining 37 rooms experience reductions in daylight distribution beyond the BRE permitted 20% change.
- 6.5.10 As might be expected, given the narrow width of Earl Street, the windows and rooms that experience significant loss of daylight are those that face north within the northern tower element of Crown Place. The first residential floor is the seventh. Retained VSC at these north facing windows in the northern tower does not reach the mid teens until the 21st floor, showing the extent of the impact to this facade of the tower, even if there are many windows within the wider Crown Place development that are not significantly impacted at all. There is one single aspect, single bedroom unit per floor that is particularly affected. Two other units with directly facing windows also have windows (including to their main living areas) which face away from the proposal site and the units overall are thereby less impacted.
- 6.5.11 As such, the multi-faceted shape of Crown Place is helpful in ensuring that most of its units in closest proximity to the proposed development are not so impacted as they might have been. The sculpted shape of the proposed development is also helpful in this respect. Nevertheless, there are thirteen single aspect, single bedroom units that will have their daylight reduced very significantly.
- 6.5.11 The extant permission is a consideration and it was found at that time that the daylight and sunlight impacts of that scheme should be found acceptable.
- 6.5.11 Comparing the extant permission, the submission for that scheme relied upon the 'mirror image' methodology to show that the daylight/sunlight impacts to Crown Place would not exceed the impacts of a development of a similar scale to Crown Place itself. In comparison, the impacts of the proposed scheme are shown by the submitted Daylight/Sunlight report to be broadly comparable.
- 6.5.11 Since rooms are served by more than one window, the submitted report clarifies that from 7th (the first residential floor) to 12th floor no room within Crown Place would experience an overall absolute change in VSC to its windows of more than 2% compared to the consented position. The methodology employed relies upon averaging the retained VSC across the windows serving the room. Above the 12th floor, greater impacts are seen in comparison to the consented scheme but the retained average VSC across the windows of 20 of these rooms is at least 14.9%. At the remaining 27 (of 247) rooms, reductions of between 2.1% and 6.3% are seen to the averaged retained VSC. As such, though these latter changes (between floor 13 and floor 24) are not insignificant, they are still markedly similar to the impacts of the consented scheme and are considered acceptable for this context.
- 6.5.12 As per the assessment for the consented scheme, the existing building is significantly lower in scale than many other more recent developments within the surrounding area, such as 1 Crown Place, 30 Crown Place, 2-3 Finsbury Avenue and 13-14 Appold Street (see history section). Given the site's edge of City location,

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within the CAZ and within the City Fringe Opportunity Area, there is a reasonable expectation that new development at the site would be significantly larger than existing, and likely to be similar in scale to surrounding buildings.

- 6.5.13 The northern tower at 1 Crown Place is sited immediately upon the northern boundary of its site facing Earl Street. This is a common arrangement within the wider Shoreditch area, where buildings usually immediately abut the back edge of the pavement and streets often have a canyon-like, highly enclosed character. Given this prevailing pattern of development it is considered reasonable for occupiers at 1 Crown Place to expect that new development at the application site will be of similar scale to adjoining buildings and also not set back from the street. Nonetheless it is noted that the upper parts of the proposed development are angled facing 1 Crown Place, so as to mitigate daylight impacts, in a similar manner to the angled form of the 1 Crown Place towers.
- 6.5.14 As such, though it is clear that the proposals will result in very significant daylight impacts to rooms on some units within the northern facade of 1 Crown Place, this was also true of the consented scheme and can be expected where new development is consistent with the emerging scale of the locality. Crown Place is itself consistent with this emerging scale. We consider that impacts are unavoidable if development is to take place to a similar scale as other buildings in the surrounding area and we note that the proposal is designed with set backs and chamfers to help mitigate its impacts. Given the extant consent and the characteristics of the surrounding area, we consider that significant impacts should reasonably be expected by occupiers of flats within Crown Place, despite the objections to the contrary. It is the contention of this report that the retained levels of daylight can be considered acceptable.
- 6.5.15 The impact of the proposals upon sunlight to 1 Crown Place was assessed but the proposal site is to the north of the affected side of the building, which also faces north, and in the few instances where there is any impact to rooms, it is no greater than a 2.1% loss to annual sunlight hours only and would therefore not be noticeable.

### 52 and 63-69 Wilson Street

- 6.5.16 2 rooms at 52 Wilson Street and 8 rooms at 69 Wilson Street were assessed using the VSC and NSL methods of assessment and none were found to experience noticeable reductions in daylight. In terms of sunlight the only neighbouring residential property with windows facing within 90 degrees of due south and taking light from over the Site is 63-69 Wilson Street. Within that building, which contains flats at fifth to seventh floor levels. The assessment shows that there will be negligible impact, and the affected windows would continue to receive good levels of sunlight.

### Summary of daylight / sunlight impacts

- 6.5.17 Objections are raised by neighbouring objectors (see consultation section of the report) who raise concerns that the level of daylight impacts upon 1 Crown Place are very significant. Nevertheless, the scheme is broadly similar in its impacts to the approved scheme and it is considered that the additional impacts are not so great that the scheme should be found unacceptable in Daylight/Sunlight terms. As noted above, the site is located in an edge of city location, within the CAZ and within the

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City Fringe Opportunity Area and there is a reasonable expectation that new development at the site would be significantly larger than existing buildings.

- 6.5.20 On balance, Officers consider that though there will be significant adverse impact to the daylight of neighbouring buildings from the proposals, these impacts are acceptable given the site context and the pattern of development in the surrounding area.

### Overshadowing of outdoor amenity spaces

- 6.5.21 Impacts of the proposed development on overshadowing of surrounding publicly accessible space in Crown Place and Clifton Street, as well as roof terrace amenity spaces within the development have also been assessed. BRE guidelines recommend that at least half of a garden or amenity area should receive at least 2 hours of sunlight on March 21st, or the area which receives 2 hours of direct sunlight should not be reduced to less than 0.8 times its former value.

- 6.5.22 The assessment provides overshadowing maps for winter, the solstice and summer. The maps demonstrate the clear similarity between the consented scheme and the proposal. The surrounding streets are narrow and for much of the year are overshadowed. At other times, the shadow cast by the proposed scheme would not significantly differ from the approval.

- 6.5.23 1 Crown Place development to the south includes a private communal roof terrace area at 7th floor level. However as the proposed development is located to the north, it will not result in any increased overshadowing to this terrace. The majority of roof terrace areas within the application site would receive in excess of 2 hours sunlight on 21st March.

- 6.5.24 Overall, given the above factors the impacts of the development on sunlight levels to outdoor amenity spaces is therefore considered to be acceptable.

### Outlook, Privacy and Overlooking

- 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 that such guidance would have to limit the variety of urban space and unnecessarily restrict density.

- 6.5.26 The closest facing residential units are within 1 Crown Place which are situated on the opposite side of Earl Street about 11m to the south. This level of separation is considered acceptable given that this is a similar distance in which most other buildings are separated from each other, across generally narrow streets in Shoreditch. It is noted that the scheme represents an improvement above the extant scheme. The core for the proposed development is now located on the southern boundary across from 1 Crown Place. This means there will be less overlooking of these units as there will be no office floorspace in this part of the building. A condition is proposed to ensure that suitable boundary treatments are installed along the boundaries of roof terraces to mitigate overlooking to the south.

### Wind

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- 6.5.27 A Wind Assessment has been submitted and assessed. This report establishes that wind levels at ground level near building entrances and the adjacent public realm are expected to be suitable for sitting, standing and strolling use even during the windiest season (which are the activities which require the least windy environments according to the Lawson Criteria). Wind levels on nearly all areas of the roof terraces within the development would also not be unduly high if the recommendation for mitigatory planting is acted upon. The applicants have provided satisfactory details for this stage, showing how that necessary mitigatory planting of the terraces would be achieved, which includes 3m high trees and boundary hedges of at least 1.5m high. The Borough's arboricultural officer has confirmed that trees of the scale proposed (over 3m) will be able to thrive on the proposed terraces, if correctly container grown and planted, and the submitted documentation clarifies that these will be secured in their beds to ensure safety over the long term. Nevertheless the applicant is committed to further wind tunnel testing and, as such, the proposed condition requires further details of all mitigation proposed, to ensure that the mitigation will be effective once all the facts are known.
- 6.5.28 In addition, given the location of the development to the north of roof terraces in 1 Crown Place, the proposals are not expected to result in any significant impacts on this space. The applicants have provided a note from their wind consultants in this regard.
- 6.5.29 As such wind impacts resulting from the development are considered to raise no significant concerns.

### 6.6 Transport

#### Site accessibility & Trip generation

- 6.6.1 The Public Transport Accessibility Level (PTAL) rating of the site is 6b. The site has easy access to a number of bus routes, and is in proximity to Liverpool Street Station (national rail / underground), Old Street Station (national rail / tube) and Moorgate station (underground). The main pedestrian access to the existing building is from Christopher Street. Vehicle access is from Wilson Street. Cycle Superhighway 1 (CS1) passes adjacent to the western side of the site.
- 6.6.2 The proposed development could generate 1,257 additional two-way trips during the AM peak and 1,169 trips in the PM peak. The technical note clarifies that over the course of a day the proposed scheme will generate an additional 8,584 in comparison to the existing site. The recommended Travel Plan will seek to monitor this in more detail and encourage transport by sustainable modes, in particular walking and cycling.

#### Car Parking

- 6.6.3 The proposed development is car free, and a head of term within the S106 agreement will prevent business occupiers of the development from applying for parking permits. This is in accordance with LP33 policy LP45 and policy T6 (Car parking) of the London Plan. Two on street disabled car parking spaces are proposed, and will be secured as part of S278 highways works around the site to facilitate Blue Badge parking. The spaces would be located as close as possible to the entrance area as possible and would be under 50 metres.



### Cycle Parking

- 6.6.4 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 and will include an adequate level of parking suitable for accessible bicycles, tricycles and cargo bikes. Proposals that only include two-tier cycle parking are generally not supported.
- 6.6.5 The cycle parking design is proposed as follows:
- 952 two tier spaces (83% of total)
  - 117 horizontal spaces (10% of total)
  - 21 accessible spaces (2% of total)
  - 57 folding cycle spaces (5% of total)
- 6.6.6 Secure cycle storage areas are proposed at ground, basement level-1 and basement level-2 with capacity for 1147 cycles, though with the folding cycle spaces counted as additional, rather than policy compliant, the figure is 1090. The majority of the provision is in double stacked spaces but the basement level-2 store is entirely for accessible cycle spaces. The cycle parking proposals include a high percentage of two-tiered stands. The technical note provides further details on the design and layout of the proposals. It notes that the levels of two-tier cycle parking are similar to the extant consent (2021/0116). The new scheme also offers reductions in the number of folding cycle spaces and an improved number of horizontal spaces. 1058 cycle lockers would be provided, with 68 showers and changing facilities. The basement is accessed via a dedicated cycle entrance from CS1 on Wilson Street. Cyclists then travel down to the basement using 2 cycle lifts or a ramp.
- 6.6.7 A policy compliant cycle parking plan is required, for the above mentioned number of spaces, which shows details of layout, foundation, stand type and spacing. This is recommended to be secured through a condition to ensure timely provision, which is kept in good working condition in perpetuity.
- 6.6.8 Short stay visitor spaces using Sheffield stands would total 27 within the site's red line boundary. Since this is a shortfall on the relevant Hackney Standards, 33 additional short stay spaces are recommended to be added within the public realm via the proposed legal agreement and the s278 Highways Works. The TA outlines that access to the cycle store will be principally achieved via a dedicated entrance onto Wilson Street. The cycle storage is accessed via ramps and supported by two dedicated lifts that only serve the ground floor and cycle parking levels.
- 6.6.9 The proposed cycle parking provision exceeds London Plan standards by 21.1% but is less than required by LP33 policy requirements, which would require 1421 long stay spaces. The amount of cycle parking provision is considered acceptable in this instance, given the site's location adjacent to the City of London, where levels of cycle use are likely to be similar to other large scale office developments in this area. The quality of cycle parking provision is considered to be sufficiently high with subdivision of the storage areas into a larger number of smaller spaces, in line with previous advice from secure by design officers to ensure that the space is secure.

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6.6.10 TfL have also highlighted that cycle hire docking stations in the vicinity of the site are among the most highly used stations in London, which gives rise to some issues relating to lack of cycle supply in other locations, and lack of parking spaces at these sites at certain points in the day. A financial contribution of £60,000 is sought to assist with re-distribution of cycles in the network, so as to allow these stations to operate more effectively. This contribution has been included as a head of terms within the proposed legal agreement. A further payment, related to the proposed closure of the Christopher Street docking station for the duration of the demolition and construction, would help pay for a 'cycle hire hub' on Finsbury Circus. As such the proposals are considered to be broadly in accordance with London Plan and LP33 policies with regard to cycling.

### Highway Works and public realm

6.6.11 In accordance with LP33 policy LP48 all developments are expected to integrate into the public realm and/or provide contributions to urban realm improvements in the vicinity of the site. The applicants are proposing significant improvements to the public realm in Crown Place, Clifton Street, Christopher Street and footways surrounding the site, as noted above. Provision of two disabled on-street car parking spaces are also proposed. These measures will be secured as a contribution in the S106 agreement and S278 agreement. These Highways Works proposed are costed at £1,908,174.96. These will be delivered in tandem with works utilising the £781,630.36 identified above as a payment in lieu to offset the open space shortfall, thereby improving the neighbouring public realm and ensuring that the shortfall in on-site open space is mitigated by the public realm improvements. We note that the designs of this public realm work is currently being finalised by the Borough's Streetscene Team and, should these details change, this will be outlined in the addendum to this report prior to the Committee date.

6.6.12 Essential Highways Works have to the adjacent carriageways have also been identified and these have been costed at £497,658.26 and added to the proposed legal agreement.

6.6.13 In addition TfL have highlighted the poor condition of CS1 on Wilson Street, and suggested a contribution of around £30,000 for resurfacing of this route, as per the existing consent. This figure may be revised upwards in advance of committee, as it is being reviewed by Borough Transport Officers, in which case it will be highlighted in the addendum to this report. The contribution is included as a head of term within the legal agreement.

### Service vehicles including deliveries

6.6.14 As per the previous approval, servicing and waste collection is proposed to take place within an internal off street loading bay accessed from Earl Street. The loading bay on the ground floor of the development has been designed to accommodate:

- 2 x Loading bays for 8m/7.5T Box Vans (which can also accommodate 1 refuse vehicle or 10m rigid lorry)
- 1 x Loading Bay for a 8m/7.5T Box Van
- 6 cargo cycles

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6.6.15 This is considered acceptable but a final delivery and servicing plan (DSP) is recommended via s106 legal agreement to be approved by the Local Authority prior to occupation of the proposed site. Owing to the importance of the DSP in this location, a £1,000 contribution is sought to monitor the plan after the development has been occupied.

### Construction Logistics Plan

6.6.16 Given the nature of the proposed development, within a dense urban location with complex access arrangements, a Construction Management Plan is required and will be conditioned and a fee of £8,750 for CLP/CLOCS monitoring will be secured through a S106 agreement. This will help to mitigate the negative impact on the surrounding highway network.

### Transport Conclusions

6.6.17 Subject to the proposed conditions and legal agreement clauses, the proposal is considered acceptable in respect of its impacts on local highways and parking.

## **6.7 Sustainability**

6.7.1 Policy LP55 of LP33 (2020), and London Plan policies SI2, SI3 and SI4 require all new developments to mitigate the impact of climate change through design which minimises exposure to the effects, and technologies which maximise sustainability. All developments must be net zero carbon which means both their embodied and operational carbon footprint have been minimised. They must:

- Minimise their upfront and whole life cycle carbon (Be Lean)
- Adopt a fabric first approach (Be Lean)
- Have an ultra low level of energy use (Be Clean and Be Green)
- Be fossil fuel free (Be Clean and Be Green)
- Use renewable energy for heating, water and electricity (Be Clean and Be Green)
- Maximise their energy generation and storage (Be Green)
- Mitigate overheating risk with no active cooling (Overheating)

6.7.2 Policy LP55 states that all non-residential developments must achieve the BREEAM 'Excellent' rating (or an equivalent rating under any other system which may replace it) and where possible achieve the maximum number of water credits, and must be built to be zero-carbon. Where it can be robustly demonstrated that it is not possible to reduce CO2 emissions on-site by the specified levels, carbon off-setting payments will be required and secured via legal agreement.

### *Embodied Carbon*

6.7.3 LBH and GLA officers assess that further carbon savings could be made in respect of best practice but that the proposal should be found acceptable with regard to the relevant extant policies, subject to the recommended condition requiring a revised calculation to be carried out at the next stage.

### *Circular Economy (CE)*

6.7.4 From the submitted materials at application stage it is not possible to definitively assess whether the Circular Economy opportunities have been maximised. However, it is noted that the applicant has identified a number of targets which could

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be improved as the design progresses. The applicant has confirmed that monthly reporting of the demolition contractor would include updates on engagement with material exchange platforms, which is supported. Reporting will be required on targets and actions and a condition is recommended in this respect.

- 6.7.5 A condition is recommended in respect of a number of BREEAM credits that are relevant to CE matters such as MAT 03 & 06 and Waste 01, 02 and 06 - those credits will be expected to be achieved in the final BREEAM assessment and a condition is recommended in this regard.

### *Fabric First*

- 6.7.6 The scheme currently achieves 9% improvement under Be Lean against Part L21, it is below the 15% minimum threshold detailed by the London Plan. Nevertheless, it is widely acknowledged that it is currently very challenging for the proposed typology (office) to achieve this GLA minimum threshold under the new regulations.

- 6.7.7 The form factor, U-values and air permeability of the proposed scheme have been subject to negotiation and scrutiny during the course of the application. While the form factor (0.34) is lower than best practice, it is considered acceptable in this instance and the design of the building, which continually reduces in massing as it gains height and biodiverse terraces, is understood for this location. The applicant has confirmed that increasing insulation levels would lead to a saving of 0.05 kWh/sqm, equivalent to 3.363.8 kWh/yr saving so 14,400 kgCO<sub>2</sub>e over 60 yrs but that adding this insulation (+0.1m) would result in an additional 117,800 kgCO<sub>2</sub>e and that this increase in embodied carbon outweighed the benefits of energy reduction. For these reasons, the approach is considered acceptable.

- 6.7.8 The applicant has confirmed that the space heating demand is 3kWh/sqm/yr when calculated with TM54. Since this is considered acceptable, a pre-occupation condition should be added to ensure that it is achieved in practice.

### *Overheating*

- 6.7.9 To achieve compliance, the mechanical ventilation rate has been increased from 10l/s person to 17.6 l/s. Nevertheless, the level of detail currently provided means it is not possible to confirm whether the Cooling Hierarchy has been fully or partially implemented. The overheating risk assessment results against weather files DSY2 & DSY3 have not been provided. For these reasons, the recommended condition will ensure that the level of detail required is provided at the next stage and that the results must be found acceptable.

### *Connections to District Heating Networks*

- 6.7.10 The site is located within the Citgen catchment area, which may provide an opportunity for connection to a District Heating Network. A condition is recommended in this regard.

### *Energy Use Intensity (EUI)*

- 6.7.11 The applicant has confirmed that an average EUI of 91.5 kWh/sqm/yr is being pursued and have confirmed that further improvements to align it to 55kWh/sqm/yr may be achieved as the design progresses such as:
- enhancing ventilation system to reduce specific fan power
  - improving lighting powers and controls
  - expand free cooling opportunities

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6.7.12 A condition is therefore recommended that will enable the applicant to report their progress at the next stage of design development with Borough oversight of that progress.

### *Renewable energy - electricity*

6.7.13 The proposal includes Photovoltaic Panels (PV) with a total capacity of 48.4 kWp. This is equivalent to 238 sqm of PV array with a modelled efficiency of 19% delivering a total output of 33.400 kWh. The applicant has submitted sufficient evidence to support their position and a condition is recommended to ensure that it is achieved.

### *Renewable energy - heating*

6.7.14 The applicant has confirmed that heating and domestic hot water strategy will be provided through Air Source Heat Pumps (ASHP) and Water Source Heat Pumps (WSHP) and that the opportunity for Ground Source Heat Pumps (GSHP) will be explored as the design progresses. The combined Seasonal Coefficient of Performance (SCOP) value for the ASHP/WSHP is 3.24 which is considered acceptable and would be subject to the recommended condition.

### *Renewable energy - cooling*

6.7.15 The applicant is proposing to use a two stage heat pump with heat recovery from a condenser water loop to use the heat rejected from the cooling of the server room. Using water source VRF is supported as it reduces the quantity of Fluorinated Gas in the system. The Seasonal Energy Efficiency Ratio (SEER) is proposed to be 7.5 and the Air Conditioning setting point at 24, which is considered acceptable and is subject to the proposed condition.

### *Renewable energy- water*

6.7.16 The hot water demand is currently provided through ASHP, though this is likely to change given the opportunity to connect to a local DHN. It is noted that 7 water credits are targeted through BREEAM and that the consumption target of the development has been updated to 16l in negotiations with the Borough. As such, this is considered to be acceptable.

### *Carbon Offset Considerations*

6.7.17 The scheme achieves an overall improvement of 13.7% against Part L 21 and a carbon offset of £549,480 is therefore proposed to compensate for the carbon shortfalls. It is acknowledged that the updated policy requirements (minimum 35% improvement against Part L21) are challenging for non residential developments, and that a case to case basis should be taken to assess the carbon footprint. For reference, the scheme would achieve 53.2% against Part L13 and thereby beyond the then extant policy targets had the scheme been submitted prior to June 2022.

6.7.18 The applicant has confirmed that incorporating a waste water recovery system would achieve greater carbon savings (from 13.7% to 16%) and that this option will be further investigated at the next design stage and integrated, subject to technical feasibility and spatial coordination. Since further improvement would be supported on the basis of shortfalls from policy, a review of improvements to the design should be conditioned.

6.7.19 In the meantime, the applicant has demonstrated that the estimated targets for the key metrics have the potential to align with best practice, which would compensate for the carbon savings shortfalls calculated following Part L21 methodology. Overall,

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the current carbon savings are considered acceptable, subject to further improvements to be demonstrated post planning alongside the proposed carbon offset payment.

### *BREEAM*

6.7.20 The applicant has provided a BREEAM pre assessment that confirms the scheme would achieve an Outstanding rating. As per the assessment above, targeted credits will be expected to be maintained throughout all stages of design and a condition is recommended in this regard.

6.7.21 We note that an incorrect assumption has been made that the retail elements are exempt from achieving a BREEAM Excellent rating. Nevertheless it is considered that this item can be conditioned satisfactorily.

### *NABERS/ PassivHaus*

6.7.22 The applicant has confirmed that NABERS certification will be sought instead of PassivHaus, and the proposal has been registered in January 2024. This is considered acceptable subject to the recommended condition in this regard.

### *Sustainability Conclusions*

6.7.23 The applicant has provided further information throughout the application period, to support their proposed energy strategy and address queries raised by LBH and GLA officers.

6.7.24 We note that the embodied carbon footprint is higher than best practice would recommend and that the operational carbon savings currently achieved are lower than the minimum compliant threshold. While these shortfalls raise concern, we consider that the applicant has successfully demonstrated their commitment to better their carbon footprint:

- by proposing a number of concrete and measurable actions to secure further reductions at later stages of the design for both embodied carbon and operational carbon
- using key metrics and predictive modelling to monitor and report Space Heating Demand and Energy Use Intensity
- seeking additional certification beyond the statutory requirement such as NABERS

6.7.26 As such, it is considered that the sustainability of the scheme is expected to improve as the details of the design progress and that this can be satisfactorily reviewed and controlled by the proposed conditions. On balance therefore, an approval can be recommended subject to those recommended conditions.

## **6.8 Pollution**

### Noise

6.8.1 Policy LP58 states that new development will need to demonstrate that it would not result in adverse noise impacts upon nearby sensitive uses. The proposed development is located adjacent to a residential building and the potential for disturbance from visits to and from the development has been considered. The residential units to the south benefit from modern construction techniques including Mechanical Ventilation Heat Recovery, and fully screened winter gardens. This will mitigate potential noise impacts from plant and machinery to a significant extent. As

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such occupiers of these units would be unlikely to result in undue disturbance as a result of the proposed development. A condition is proposed to ensure that noise from plant and machinery will not result in adverse noise impacts.

### Ground and air pollution

6.8.2 A contaminated land assessment has been submitted and reviewed by pollution officers. They have confirmed that risks to human health from contaminated land can be adequately managed through appropriate planning conditions and existing legislation. In addition an Air Quality Assessment has been submitted. The application proposals are car free and promote transport by sustainable means. NO<sub>2</sub> / particulate emissions from plant and machinery will also be minimal and the development will therefore be air quality neutral when complete. Air quality impacts during the construction phase can be mitigated through the Demolition / Construction Method Statement / Logistics Plan.

### **6.9 Biodiversity / Urban greening / trees**

6.9.1 London Plan Policy G5 states that proposals should include urban greening as a fundamental element of the design process, incorporating measures such as high-quality landscaping (including trees), green roofs, green walls and nature-based sustainable drainage and requires major applications to calculate an Urban Greening Factor. In addition, the development is required to show a Biodiversity Net Gain.

6.9.2 In line with London Plan policies G5 and G6 and LP33 policy LP48, the applicant has provided an Urban Greening Factor calculation demonstrating that the scheme will achieve an Urban Greening Factor of 0.31, which is compliant with the target of 0.3 for commercial developments. Urban greening will be achieved on the site through the landscaped terrace areas with lawn areas, planters with shrub and tree planting. In addition green / biodiverse roofs are proposed at the highest roof level, and green walls at ground floor to building entrances and recessed corners. As such the proposals would incorporate very large amounts of soft landscape and urban greening features, which would go beyond provision often seen as part of other office developments in the surrounding area in accordance with policies G5 and LP48.

6.9.3 Owing to the age of the application, which was submitted in early 2023, the submission does not provide a habitat baseline plan or net gain plan to demonstrate Biodiversity Net Gain. Nevertheless, as the existing site is built over with hard surface and flat roofs without greening, Biodiversity Net Gain is implied by the UGF of 0.3 and the application is considered acceptable in this regard.

6.9.4 Eight street trees including four (2xMaidenhair and 2x Tree of heaven) identified as category B trees (moderate quality with life expectancy of 20 or more years), are located in proximity of the site on Christopher Street and Crown Place. An arboricultural report has been submitted with the application which confirms that with standard tree protection measures they can be retained during construction. Nevertheless, there is a question over whether three trees will need to be removed, retained, on-site and replanted during the construction process. This has not been finalised to date and is addressed by the relevant condition. Depending on the quality of the three existing street trees, it may be considered preferable by officers to secure new replacement trees.

- 6.9.5 A recommended condition will require the proposals to incorporate a range of bird and bat box types affixed to both trees and building facades at different roof levels of the building. This is in line with the recommendations of the submitted ecology report which notes the high potential for nesting on the site. The high quality proposed landscaping and tree planting will also contribute towards enhancing the biodiversity value of the site, which is considered to be in line with current policy and acceptable.

### 6.10 Drainage

- 6.10.1 The reports on Structural Aspects of Basement Waterproofing (December 2022), Brief for Geotechnical Investigation & Environmental Assessment (March 2022), and Flood Risk Assessment (December 2022) offer comprehensive analyses of flood risk factors related to the proposed basement development. The importance of robust waterproofing measures to prevent water ingress into the basement, highlighted in the Structural Aspects report, aligns with the flood risk assessment findings. Moreover, the Geotechnical Investigation report emphasises the necessity of conducting comprehensive investigations, including groundwater monitoring, to effectively mitigate flood risks during construction and post-construction phases. Groundwater monitoring, as recommended by the Geotechnical Investigation report, is crucial for understanding potential fluctuations in groundwater levels and addressing any associated risks proactively, both within the development site and its surrounding area. In light of these findings, rigorous mitigation measures, such as the development of dewatering plans and the establishment of continuous groundwater monitoring systems, should be implemented. As such, the proposed flood resilience condition requires details to be provided demonstrating that the basement development will not increase the potential for groundwater flooding. A further condition requires details of the construction measures with regard to flood resilience and resistance. The proposed sustainable drainage condition includes the requirement for a site-specific management and maintenance plan.
- 6.10.1 The majority of the proposed basement has been constructed already and the proposed development relies on many of the existing retaining walls. As such, the proposed conditions are considered to be sufficient and necessary and are recommended below.

### 6.11 Waste

- 6.11.1 waste storage and compaction facilities are proposed within the loading and servicing bay which will serve the whole development. Waste storage / collection arrangements are considered acceptable although full details will be secured by condition within an operational management plan / delivery servicing plan.

### 6.12 Fire Safety

- 6.12.1 London Plan policy D12 states that *“All major development proposals should be submitted with a Fire Statement, which is an independent fire strategy, produced by a third party, suitably qualified assessor.*
- 6.12.2 A fire strategy has been submitted which includes evacuation strategies, measures to prevent internal and external fire spread, and access for fire service vehicles and personnel. The submitted Strategy sets out how all these factors can be addressed



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in the detailed scheme design, so that the proposals can accord with relevant Building Regulations. The Council's Building Control officers consider that the submitted information is acceptable and does not raise concerns in respect of the building regulations that will be overseen by an approved inspector at the time of construction. The GLA have required that, in line with policy D12, a condition is recommended requiring further details in advance of above ground works. The fire strategy is considered acceptable for these reasons.

### 6.13 Hackney Works local labour scheme

- 6.13.1 The legal agreement for this application will also include a number of commitments and financial contributions in connection with the Hackney Works local labour scheme. The applicants will be required to submit an Employment and Skills Plan (ESP) for both the construction and operational phases of the project. In the construction phase this will include targets for hire of apprentices (1 apprentice per £2,000,000 of construction value), and accreditation as a considerate constructor. A financial contribution towards delivery of the ESP in the construction phase is also required, in accordance with the formula with the S106 Planning Contributions SPD (2020) (£302,742.00).
- 6.13.2 In the operational phase financial contributions towards delivery of the Employment and Skills Plan and incorporation of local labour are also sought for the operational phase, in accordance with the formula within the Planning Contributions SPD (£1,280,361.60).

### 6.14 Community Infrastructure Levy (CIL)

- 6.14.1 The proposal is liable for a Community Infrastructure Levy (CIL) as it involves new build floor space of over 100m<sup>2</sup>. The application is liable for both London Mayoral CIL2 and Hackney CIL. The proposal involves office (42853sqm GIA) and retail (578sqm GIA). The existing buildings on the site have a GIA of 25,622sqm.
- 6.14.2 The MCIL2 rate for development is £185 per sqm of office and £60 per sqm of retail floorspace in the city fringe. Based on the total net chargeable floor space of 43431 sqm the development is liable for a payment of £8,023,175.00.
- 6.14.3 The Hackney CIL Charging Schedule has a rate of £50 per sqm of office floorspace and £65 for retail floorspace in the city fringe. Based on a net chargeable area of 43431sqm the development is liable for a CIL of £2,180,220.00.

### 6.15 Neighbour Consultation Comments

- 6.15.1 Where consultation comments have not been addressed above, responses are provided below:
- *The building is not beautiful and thereby fails the test of the revised NPPF.*  
Officer Response: The concept of 'beauty' in the NPPF is broken down and analysed at paragraph 135 and the resulting definitions (e.g. 'good architecture, layout and appropriate and effective landscaping') correspond to the types of analysis carried out in the assessment above. While 'beauty' might be thought of as a more subjective label than traditional analysis of the design and townscape/heritage impact, we consider that the wording of the NPPF does not suggest refusal of this building.

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- *Loss of view from neighbouring residential properties.*  
Officer Response: Outlook is considered in planning applications, as per the assessment above. The loss of a view from residential windows is not considered an adequate reason for refusal. In such sites as this, where there is an existing building of lower height than many of its neighbours, the loss of views from neighbouring residential windows is often unavoidable.
- *Impact on local infrastructure*  
Officer Response: The impact of the scheme on local infrastructure is considered to have been adequately addressed by the proposed Heads of Terms to the legal agreement and by the Community Infrastructure Levy payments to Hackney and the Mayor.
- *Since One Crown Place has only recently become more occupied, the applicants community consultation (February 2023) is out of date, with many views not represented*  
Officer Response: A second consultation has been carried out in December 2023, following negotiation by officers and amendments to the scheme by the applicants.
- *The draft Construction Management Plan (CMP) references community engagement but neighbouring businesses have not yet been consulted.*  
Officer's Response: The proposed Demolition and Construction Management Plan condition requires details of procedures for maintaining good public relations including complaint management, public consultation and liaison. Arrangements for liaison with the Council's Community Safety Team. This is considered good practice in an area with residents, narrow streets and many concurrent construction sites.
- *Construction monitoring is only reported monthly in the draft Construction Management Plan, which does not provide neighbours with any real-time information.*  
Officer's Response: The aim of the proposed CMP by condition is to ensure that the methodology is correct and this will be reviewed by the Council. The monitoring of the site in the draft CMP is done in real time, with reporting on a monthly basis. This will enable the site managers to judge whether the methodology is working effectively and to change working practices where it is not. The Council retains an oversight and has the ability (within the proposed condition) to demand a report reviewing particulate matter whenever it deems necessary.
- *The usual mitigation measures in respect of the construction impacts should be secured.*  
These are within the proposed CMP condition.
- *Consultation should take place with neighbours over the discharge of any condition requiring a Construction Management Plan.*  
Officer's Response: The Council's Transport Department, along with the Land, Water and Air Team and Environmental Protection Team have the necessary experience for review of the Construction Management Plan when it is submitted. In operation, owing to the requirements of the condition (part 7) for complaint management, public consultation and liaison, the day to day

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experience of the community will be invaluable in ensuring the effectiveness of the plan. As such, the condition is considered reasonable and sufficient as proposed.

- *If a licence is required for crane oversailing, a condition should require that any such licences be obtained well before any works commence.*

Officer's Response: The requirement for a crane oversailing licence is under the Highways Act and need not be duplicated in a planning condition.

### 6.16 Equalities Considerations

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

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

## 7 CONCLUSION

7.1 The proposal complies with pertinent policies of the Hackney Local Plan 2033 (LP33), the London Plan (2021). The granting of full planning permission is recommended subject to conditions and the completion of a legal agreement, and referral to the GLA.

## 8 RECOMMENDATIONS

### Recommendation A

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

#### Time limit / development in accordance with approved plans / genuine pre-commencement

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



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

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

### 8.1.3 Contaminated land

Prior to the commencement of work (except for demolition) 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 based on the contaminated land assessment (drafted by Plowman Craven and dated February 2023) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;

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 ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

### 8.1.4 Demolition Management Plan

No development shall take place until a detailed Demolition 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 management plan, which shall be maintained throughout the entire construction period.

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

2) The operation of the site equipment generating noise and other nuisance causing activities, audible at the site boundaries or in nearby residential properties shall only be carried out between the hours of 08:00 – 18:00 Mondays-Fridays, 08:00-13:00 Saturdays and at no time on Sundays or Bank Holidays unless otherwise agreed in writing by the Local Planning Authority;

3) The best practical means available in accordance with British Standard Code of Practice BS5228-1:2009 shall be employed at all times to minimise the emission of noise and vibration from the site;

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- 4) A demolition waste management plan setting out how resources will be managed and waste controlled at all stages during a construction project, including, but not limited to, details of dust mitigation measures during site clearance works (including any works of demolition of existing buildings or breaking out or crushing of concrete), the location of any mobile plant machinery, details of measures to be employed to mitigate against noise and vibration arising out of the construction process demonstrating best practical means
- 5) Details of the location where deliveries will be undertaken; the size and number of lorries expected to access the site daily; the access arrangements (including turning provision if applicable); construction traffic routing and trip generation and effects on the highway network; details of parking suspensions (if required) and the duration of construction
- 6) A scheme of measures covering the monitoring, control and suppression of dust emissions. All relevant mitigation measures that will be used on site throughout the demolition period. No materials produced as a result of the site development or clearance shall be burned on site. Dust suppression methods shall be employed during construction so as to minimise likelihood of nuisance being caused to neighbouring properties. This should include monitoring of particulate matter at the application site boundary in the direction of sensitive receptors following the SPG Mayor of London Control of Dust and Emissions Guidance. Upon demand a monthly monitoring report should be sent to the council for review.
- 7) Procedures for maintaining good public relations including complaint management, public consultation and liaison. Arrangements for liaison with the Council's Community Safety Team.

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

### 8.1.5 Construction Management Plan

No development shall take place until a detailed 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 Construction Management Plan, which shall be maintained throughout the entire construction period.

- 1) A construction method statement covering all phases of the development to include details of noise control measures and measures to preserve air quality (including a risk assessment of the construction phase);
- 2) The operation of the site equipment generating noise and other nuisance causing activities, audible at the site boundaries or in nearby residential properties shall only be carried out between the hours of 08:00 – 18:00 Mondays-Fridays, 08:00-13:00 Saturdays and at no time on Sundays or Bank Holidays unless otherwise agreed in writing by the Local Planning Authority;
- 3) The best practical means available in accordance with British Standard Code of Practice BS5228-1:2009 shall be employed at all times to minimise the emission of noise and vibration from the site;
- 4) A construction waste management plan setting out how resources will be managed and waste controlled at all stages during a construction project, including, but not limited to, details of dust mitigation measures during construction works (including any residual works of demolition of existing buildings or breaking out or crushing of concrete), the location of any mobile plant machinery, details of measures to be employed to mitigate against noise and vibration arising out of the construction process demonstrating best practical means

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5) Details of the location where deliveries will be undertaken; the size and number of lorries expected to access the site daily; the access arrangements (including turning provision if applicable); construction traffic routing and trip generation and effects on the highway network; details of parking suspensions (if required) and the duration of construction

6) A scheme of measures covering the monitoring, control and suppression of dust emissions. All relevant mitigation measures that will be used on site throughout the construction period. No materials produced as a result of the site development or clearance shall be burned on site. Dust suppression methods shall be employed during construction so as to minimise likelihood of nuisance being caused to neighbouring properties. This should include monitoring of particulate matter at the application site boundary in the direction of sensitive receptors following the SPG Mayor of London Control of Dust and Emissions Guidance. Upon demand a monthly monitoring report should be sent to the council for review.

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

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

### 8.1.6 Structural Method Statement

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

REASON: To ensure that the heritage benefit of the retention of the non-designated heritage asset is achieved.

### 8.1.7 Archaeology WSI

No demolition or development shall take place until a stage 1 written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works. If heritage assets of archaeological interest are identified by stage 1 then for those parts of the site which have archaeological interest a stage 2 WSI shall be submitted to and approved by the local planning authority in writing. For land that is included within the stage 2 WSI, no development except for demolition of standing buildings to ground level and associated works up to the internal face of basement slab and walls (but excluding the basement slab or walls which may not be removed) shall take place other than in accordance with the agreed stage 2 WSI which shall include:

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

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

C. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. this part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI.

REASON: To secure the provision of archaeological investigation and the subsequent recording of the remains prior to.

### 8.1.8 Embodied carbon targets

1) 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 Atelier 10 dated 09/12/2022):

- a) Upfront embodied carbon (modules A1-A5) 745.6 kg CO<sub>2</sub>e/sqm - excluding sequestration - the developer will be expected to demonstrate and quantify how further design works have been carried out to align with the aspirational target of 500kgCO<sub>2</sub>e/sqm
- b) Life embodied carbon (modules A1-A5, B1-B5, C1-C4) 1049.1 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) 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.

2) 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:

- e) Upfront embodied carbon (modules A1-A5) in kg CO<sub>2</sub>e/sqm - excluding sequestration
- f) Life embodied carbon (modules A1-A5, B1-B5, C1-C4) in kg CO<sub>2</sub>e/sqm - excluding sequestration
- g) Whole embodied carbon (modules A1-A5, B1-B7, C1-C4) in kg CO<sub>2</sub>e/sqm - excluding sequestration
- h) Final as built Greater London Authority - Whole Life-Cycle Carbon (WLC) Assessment template

The final as-built GLA WLC assessment should also 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 - <https://www.london.gov.uk/programmes-strategies/planning/implementing-london-plan/london-plan-guidance/whole-life-cycle-carbon-assessments-guidance>

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

### 8.1.9 Circular Economy

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1) 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 actions and targets have been met, as set out in the hereby approved Circular Economy statement (prepared by Atelier 10 dated November 2023):

- a) Actions as listed in the CE Strategic Approach table 3.1
- b) Actions as listed in section 17 of Pre Demolition Audit prepared by Reusefully dated October 2023
- c) Updated Greater London Authority - Circular Economy Statement template

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

2) 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:

- d) Final Circular Economy Statement
- e) Final as built Greater London Authority - Circular Economy Statement template
- f) 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 should be also 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 <https://www.london.gov.uk/programmes-strategies/planning/implementing-london-plan/lond-on-plan-guidance/circular-economy-statement-guidance>

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

### 8.1.10 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. If trees are proposed to be removed, stored and replanted (as per the Draft Construction Management Plan P07 by Laing O'Rourke dated February 2024) an alternative option shall also be presented that proposes new trees instead. The development shall not be carried out otherwise than in accordance with the details thereby approved.

REASON: To safeguard street trees of amenity value.

### Prior to commencement (relevant part):

#### 8.1.11 Detailed elevation drawings

Prior to the commencement of above ground works for the development, detailed elevation and sections at 1:20 scale shall be submitted to and approved in writing by the Local Planning Authority. The submitted information shall include the following details:

- a) Facing materials;
- b) door, windows (including openable windows to allow cross ventilation), window surrounds and reveals;
- c) entrance canopies;



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- d) gates, railings and parapets;
- e) plant room enclosures;
- f) surfacing to ground and roof terraces.
- g) signage and wayfinding

The development shall not be carried out other than in accordance with the details as approved, unless otherwise agreed in writing with the Local Planning Authority.

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

### **8.1.12 Shopfront details**

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

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

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

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

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

### **8.1.14 Fire Strategy**

A full Fire Strategy shall be submitted prior to commencement of the development (excluding demolition) demonstrating in detail how the measures in the Fire Statement prepared by OFR (Revision R01 dated 19/01/2023) 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.

### **8.1.15 Sustainable Drainage**

No development shall commence, other than works of demolition, until full detailed specification of the sustainable drainage system supported by appropriate calculations, construction details, drainage layout, and a site-specific management and maintenance plan has been submitted to and approved by the LPA in consultation with the LLFA. Details shall include but not limited to:

- 1) the proposed biodiverse green/blue roof (with a substrate depth of at least 80mm

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- not including vegetative mats),
- 2) underground attenuation system,
- 3) the flow control system,

Surface water from the site shall be managed according to the proposal referred to in the Drainage Strategy Report (prepared by AKT II, dated: June 2023) with the discharge rates limited 1.6 l/s for all return periods up to the 1 in 100 year storm events plus an allowance for climate change.

REASON: To ensure sustainable drainage and mitigate flood risk

### **8.1.16 Flood resilience**

Prior to any works below grade (including demolition), a site-specific groundwater investigation report including groundwater monitoring has been submitted to, and approved in writing by, the Local Planning Authority. Where groundwater is identified as a potential risk, a separate dewatering plan should be submitted for approval. Appropriate groundwater controls including flood resilience and/or resistance measures shall be submitted to the LPA for approval and the approved measures incorporated before the basement is occupied, in accordance with the recommendations outlined in the Basement Waterproofing report (December 2022).

REASON: To mitigate on-site and local flood risk.

### **8.1.17 Flood resilient and resistant construction details**

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

REASON: To mitigate on-site and local flood risk.

### **8.1.18 Secured by design**

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

b) Prior to first occupation the development shall achieve a Certificate of Compliance to the relevant Secure by Design Guide(s) submitted to and approved in writing by the Local Planning Authority in conjunction with the Metropolitan Police and thereafter shall be fully retained and maintained as such for the lifetime of the development.

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

### **8.1.19 Piling Method Statement**

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

statement.

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

### **8.1.20 Details of water main diversion**

Prior to any piling works the Applicant will agree a diversion / asset protection strategy with Thames Water and the LPA. Information detailing how the developer intends to divert the asset / align the development, so as to prevent the potential for damage to subsurface potable water infrastructure, must be submitted to and approved in writing by the Local Planning Authority in consultation with Thames Water. Any construction must be undertaken in accordance with the terms of the approved information. Unrestricted access must be available at all times for the maintenance and repair of the asset during and after the construction works.

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

### **8.1.21 Wind mitigation**

Prior to the commencement of the superstructure details of wind mitigation measures, to be designed in line with the findings of the wind assessment and “Terrace Planting Planning Response: Design Note” hereby approved and to be based on the findings of the further wind tunnel testing required by that wind assessment, shall be submitted to and approved in writing by the Local Planning Authority. The wind mitigation measures shall be implemented in accordance with the approved details, be completed prior to the first occupation of the building and thereafter maintained as such.

REASON: In order to ensure that the amenity areas and surrounding public realm are usable for users of the development and the public more generally.

### **8.1.22 Energy Statement**

1) Prior to the commencement of above ground works for the development, 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 and Sustainability Statement Rev P05 (prepared by Atelier 10 dated August 2023) and Addendum to Energy Statement (prepared by Atelier 10):

- a) Minimum carbon savings of 12% tonnes against Part L 2021 through fabric efficiency
- b) Minimum overall carbon savings of 16% tonnes against Part L 2021
- c) U-values (W/m<sup>2</sup>K): walls (non residential 0.2); floors (non residential 0.15); roof (non residential 0.15); windows and doors (non residential 1.4)
- d) G-values for windows and door: 0.25 to South East facade, 0.3 elsewhere
- e) Space Heating demand of 3.0 kWh/sqm/yr using a predictive modelling calculation methodology
- f) Energy Use Intensity of 91.5 kWh/sqm/yr with an aspiration target of using a predictive modelling calculation methodology - the applicant will be expected to demonstrate and quantify how further design works have been carried out to align with the aspirational target of 55 kWh/sqm/yr
- g) Updated GLA Carbon Emission Reporting Spreadsheet

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

2) 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:

- h) As-built U-values: walls/cladding; walls/non cladding; floors ; roof; windows and doors using 'through wall' calculations for each component and relevant datasheets
- i) As-built G-values for windows and doors using relevant datasheets
- j) As-built Space Heating demand in kWh/sqm/yr using as-built modelling calculations
- k) As-built Energy Use Intensity in kWh/sqm/yr using as-built modelling calculations
- l) Final GLA Carbon Emission Reporting Spreadsheet

Where compliance is not met, a remedial plan and associated cost plan shall be submitted to and approved by the Local Authority prior to the occupation of development, detailing the necessary measures to meet or improve upon the ‘as designed’ performance. Shortfalls may attract an additional financial contribution to the carbon offset fund, to be paid prior to the occupation of the development.

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 - <https://www.london.gov.uk/programmes-strategies/planning/planning-applications-and-decisions/pre-planning-application-meeting-service/energy-planning-guidance>

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

### 8.1.23 Overheating

Prior to the commencement of above ground works for the development a dynamic overheating risk assessment shall be submitted to and approved by the Local Authority, assessing a representative sample of the units (at least one layout type for each orientation) following the CIBSE TM52 (non residential) methodology against weather files CIBSE TM49 DSY2 & DSY3

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.

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

### 8.1.24 MVHR - Ventilation with heat recovery

1) Prior to the commencement of above ground works for the development, full details including ventilation system (or any other related fixed plant adopted) specification and supporting drawings must be submitted to and approved by the Local Authority to demonstrate at least the following standards been achieved or improved upon as set out in the hereby approved Energy and Sustainability Statement Rev P05 (prepared by Atelier 10

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dated August 2023):

- a) Minimum MVRH efficiency of 80% for non residential units
- b) Maximum small fan power of 1.76 W/l/s

The MVHR thereby approved shall be installed prior to occupation of the development.

2) Prior to the occupation of the development, full details including as built ventilation 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 ventilation system has 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 shall be submitted to and approved by the Local Authority prior to the occupation of development, detailing the necessary measures to meet the required level of performance. Shortfalls may attract an additional financial contribution to the carbon offset fund, which would be paid prior to the occupation of the development.

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

### 8.1.25 Be Clean

Prior to the commencement of above ground works for the development, 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) Updated evidence of correspondence between the applicant, the relevant local authority and network provider confirming the identified DHN has the capacity to serve the development, as well as supporting estimates of the CO<sub>2</sub> emission factor to meet the limit set out in Part L 2021, installation cost and timescales for connection
- b) Layout of energy centre/plant room showing space for future heat exchanger
- c) Layout of obstacle free safeguarded route between heat exchanger and incoming DEN entry point
- d) Details of on-site connection with pre-installed and capped with flange
- e) Details of pre-installed pipework connecting identified plant room/ heat exchanger to proposed heating system(s)

Where it has been robustly demonstrated that a refrigerant based heating system (VRF) is the only viable option, a retrofit plan shall be submitted to and approved in writing by the Local Planning Authority. The retrofit plan should include, but not be limited to:

- Detail of how such system will be upgraded to a wet system compatible with a local DHN when there is a viable connection opportunity or when the system reaches its end of useful life whichever comes first and
- Identification of who will be responsible to implement the upgrade

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.

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### 8.1.26 Heat pump - Heating

1) Prior to the commencement of above ground works for the development, full details including heating system (or any other related fixed plant adopted) specification and supporting drawings must be submitted to and approved by the Local Authority to demonstrate at least the following standards been achieved or improved upon as set out in the hereby approved Energy and Sustainability Statement Rev P05 (prepared by Atelier 10 dated August 2023):

- a) Details of considered alternative technologies including comparison of efficiency, carbon savings, maintenance and cost opportunities such as Ground Source Heat Pump
- b) Heat pump combined Seasonal Coefficient of Performance of 3.24
- 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)
- e) Maximum sound levels of 10 dBA below ambient noisescape (max 60-90 dBA for communal ASHP)

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

2) 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 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 submitted to and approved by the Local Authority detailing the necessary measures to meet the required level of performance, prior to the occupation of the development. Shortfalls may attract an additional financial contribution to the carbon offset fund, to be paid prior to the occupation of the development.

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

### 8.1.27 BREEAM

1) Within 12 weeks of planning approval of the development, the BREEAM pre assessment for the retail units shall be submitted to and approved by the Local Planning Authority, providing full details to demonstrate at least the following standards have been met. Targeted credits must be presented in a tracker comparing credits targeted at BREEAM Pre Assessment stage:

- a) Minimum BREEAM Rating of 70% 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 02, Wst 03, Wst 04,, Wst 05, Wst 06

2) Prior to the commencement of above ground works for the development hereby approved, both BREEAM Interim Design Certificates 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 Energy and Sustainability Statement Rev P05 (prepared by Atelier 10 dated August 2023) - targeted credits must be presented in a tracker comparing credits targeted at BREEAM Pre Assessment stage:

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- b) Minimum BREEAM Rating of 92.12% targeting the following credits for the office units : 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 02, Wst 03, Wst 04,, Wst 05, Wst 06
- c) Minimum BREEAM Rating of 70% targeting the following credits for the retail units : 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 02, Wst 03, Wst 04,, Wst 05, Wst 06

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

3) Within 12 weeks of occupation of the development, both BREEAM Final Design Certificates shall be submitted to and approved by the Local Planning Authority, providing full details confirming the final rating and that credits have 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

### **Prior to occupation:**

#### **8.1.28 Biodiversity enhancements**

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

REASON: To provide potential habitat for local wildlife.

#### **8.1.29 Landscaping**

A hard and soft landscaping scheme illustrated on detailed drawings, shall be submitted to and approved by the Local Planning Authority, in writing, prior to occupation of the development. Details shall include:

1. soft landscaped areas to roof terraces (including container grown trees and cell systems for tree planting); hard landscaping to roof terrace areas, external ground floor areas within the application site; tree planting.
2. species list for planting to ensure that species chosen achieve the vision.
3. details of boundary treatments to roof terraces.
4. confirmation that the development will achieve 0.3 urban greening factor.

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

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

### **8.1.30 Cycle Parking**

Prior to the first occupation of the development, details of the secure bicycle storage facilities for 1174 bicycles (1090 long stay, 57 folding bicycles and 27 visitor cycles) including layout, stand type and spacing, shall be submitted to and approved in writing by the Local Planning Authority. Such details as approved shall be implemented prior to the occupation of the development and shall thereafter be retained, unless otherwise agreed in writing with the Local Planning Authority.

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

### **8.1.31 Contaminated land (pre-occupation)**

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

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

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

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

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

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

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

### **8.1.33 Waste and recycling facilities**

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

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



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

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

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

### **8.1.35 Water Network Upgrades**

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

- a) all water network upgrades required to accommodate the additional demand to serve the development have been completed; or
- b) 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”

### **8.1.36 Water Network Upgrades**

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

1. Foul water Capacity exists off site to serve the development, or
2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water. 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, or
3. All Foul water network upgrades required to accommodate the additional flows from the development have been completed.

REASON: Network reinforcement works may be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents.

### **Post-occupation:**

### **8.1.37 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 3 m<sup>3</sup>/h/m<sup>2</sup>@50pa as set out in the hereby approved Energy and Sustainability Statement Rev P05 (prepared by Atelier 10 dated August 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.

### **8.1.38 Secure by design accreditation**

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

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

### 8.1.39 PV panels

Prior to the occupation of the development hereby approved, full details including installation certificates by MSC registered installer must be submitted to and approved by the Local Authority providing full details to demonstrate at least the following standards have been met, as set out in the hereby approved Energy and Sustainability Statement Rev P05 (prepared by Atelier 10 dated August 2023)

- a) Solar PV panels annual electricity generation of 33,400 kWh/yr
- b) Solar PV panels capacity of 48.4 kWp
- c) Solar PV panels array of 238 sqm
- d) Solar PV panels efficiency of 19%

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 shall be submitted to and approved by the Local Authority prior to occupation of the development, detailing the necessary measures to meet or improve upon the 'as designed' performance. Shortfalls may attract an additional financial contribution to the carbon offset fund, to be paid prior to occupation of the development.

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

### 8.1.40 NABERS

Prior to the occupation of the development, details must be submitted to and approved the Local Authority to show that the development hereby approved shall achieve at least the following criteria, as set out in the approved Energy and Sustainability Statement Rev P05 (prepared by Atelier 10 dated August 2023), prior to occupation and shall be retained as such in perpetuity.

- Minimum NABER Rating of 5.5 stars

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 shall be submitted to and approved by the Local Authority, prior to the occupation of the development, detailing the necessary measures to meet or improve upon the 'as designed' performance. Shortfalls may attract an additional financial contribution to the carbon offset fund, to be paid prior to the occupation of the development.

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

### **Compliance conditions:**

#### **8.1.41 No new pipes and plumbing**

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

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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.

### **8.1.42 Noise from plan and machinery**

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

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

### **8.1.43 Air Quality Assessment**

The recommendations and measures set out within the Air Quality Assessment shall be implemented in full prior to occupation of the development and retained and maintained in this condition thereafter.

Reason: To protect air quality, human health and to contribute towards National Air Quality Objectives

### **8.1.44 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

## **Recommendation B**

8.2 That the above recommendation be subject to a legal agreement being entered into under section 106 Town and Country Planning Act 1990 and other enabling powers in order to secure the following matters to the satisfaction of the Council:

1. The agreement will be made under Section 278 of the Highways Act and will require payment of a public realm contribution. The estimated cost of works is £1,908,174.96.
2. Financial contribution to the Council to deliver open space enhancement works as a payment in lieu to offset on-site open space shortfalls: £781,630.36
3. S278 agreement for essential works to the public highway, including reinstatement of footways and carriageways surrounding the site: £497,658.26.
4. Employment and Training contribution to support training, employment and local procurement during construction of £302,742.00.



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5. 117 Apprenticeships – apprentices (residents of Hackney) in the various building trades such as brick laying, carpentry, electrical, plumbing and plastering and the new methods of construction. At least one full framework apprentice is to be employed per £2 million of construction contract value (£235M), with a support fee of £1500 per apprentice. The applicant will use all reasonable endeavours to employ 117 apprenticeships, on-site, during the construction period and the apprentices should be Hackney residents and or Hackney school/care leavers and be for a minimum of 26-weeks. If all reasonable endeavours have been exhausted, the applicant will notify and discuss with the Employment and Skills Manager to place apprentices off-site. Alternatively, the developer can notify and discuss with the Employment and Skills Manager about financial contributions to create apprentices elsewhere: i.e. £7,000 + indexation per apprentice.
6. Commitment to the Council's local labour and construction initiatives including Employment & Skills Plan
7. Employment and Training contribution to support training, employment and local procurement during operation of £1,280,361.60
8. Considerate Constructors Scheme – the applicant to carry out all works in keeping with the National Considerate Constructors Scheme.
9. Adoption and compliance with Travel Plan and Travel Plan Monitoring fee of £2000.
10. Delivery and Servicing Plan, with monitoring fee of £1000.
11. Car Free - business occupiers to be ineligible to apply for parking permits for the local Controlled Parking Zone (CPZ) (with the exception of disabled residents).
12. Construction Logistics Plan / Construction Logistics and Community Safety (CLOCS) monitoring fee of £8,750
13. Carbon Offset Contribution of £549,480
14. Affordable workspace provision across three floors (including mezzanine) at 25% of market rates and submission and approval of Affordable Workspace Statement along with measures to monitor the provision of the workspace moving forward.
15. Financial contribution towards CCTV in the surrounding public realm of £7,655
16. Financial contribution to resurface CS1 near to the site estimated at £30,000.
17. Financial contribution of £60,000 for TfL for improvement / operation of cycle hire system in the vicinity of the site.
18. Closure of the Christopher Street docking station for the duration of the demolition and construction will require payment to TfL for a 'cycle hire hub' on Finsbury Circus. Cost to be confirmed in negotiations.
19. Payment by the landowner/developer of all the Council's legal and other relevant fees, disbursements and Value Added Tax in respect of the proposed negotiations and completion of the proposed Legal Agreement prior to completion of the Legal



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Agreement.

20. S106 Monitoring costs payable prior to completion of the Legal Agreement.

### **Recommendation C**

- 8.3 That the Sub-Committee grants delegated authority to the Director, Environment and Climate Change (or in their absence either the Growth Team Manager or Development Management & Enforcement Manager) to make any minor alterations, additions or deletions to the recommended conditions or legal agreement as set out in this report provided this authority shall be exercised after consultation with the Chair (or in their absence the Vice-Chair) of the Sub-Committee (who may request that such alterations, additions or deletions be first approved by the Sub-Committee).

## **9 INFORMATIVES**

The following standard informatives should be attached to the decision notice:

- SI.1 Building Control
- SI.2 Work Affecting Public Highway
- SI.3 Sanitary, Ventilation and Drainage Arrangements
- SI.6 Control of Pollution (Clean Air, Noise, etc.)
- SI.7 Hours of Building Works
- SI.25 Disabled Person's Provisions
- SI.27 Fire Precautions Act
- SI.28 Refuse Storage and Disposal Arrangements
- SI.34 Landscaping
- SI.45 The Construction (Design & Management) Regulations 1994
- SI.48 Soundproofing

The following informatives requested by consultees should be attached to the decision notice:

Thames Water

"A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing [trade.effluent@thameswater.co.uk](mailto:trade.effluent@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk](http://www.thameswater.co.uk). Please refer to the Wholesale; Business customers; Groundwater discharges section.

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

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



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available free of charge and can be contacted via docomailbox.nw@met.police.uk or 0208 733 3465.

### *Contamination officer*

The risk of Radon was assessed as low, and no further action was deemed necessary on the basis of the site location. However, in order for the developer to fully assess this risk, I would like to attract their attention on Radon Guidance BR 211 (2015) which mentions that all basements are at increased risk of elevated levels of radon regardless of geographic location.

It is recommended that a detailed UXO assessment is undertaken and provided to the main contractor who is responsible for health & safety for site workers and the public under the Construction (Design and Management) Regulations 2015.

Asbestos survey: The developer must provide an intrusive pre-demolition and refurbishment asbestos survey in accordance with HSG264 supported by an appropriate mitigation scheme to control risks to occupiers. The scheme must be written by a suitably qualified person and submitted to the Local Planning Authority (LPA) for approval before commencement. The scheme as submitted shall demonstrably identify potential sources of asbestos contamination and detail removal or mitigation appropriate for the proposed end use. Detailed working methods are not required but the scheme of mitigation shall be independently verified to the satisfaction of the LPA prior to occupation.

**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>	Nick Bovaird x8291	2 Hillman Street, London E8 1FB



## Planning Sub-Committee – 06/03/2024

	<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>		
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