



Appeal Decision

Inquiry held 19 September to 2 October 2023, 4 October 2023, 5 December 2023, 29, 30 January 2024, 2 February and 28 February 2024.

Site visits made on 10 January 2023 and 28 September 2023.

by R Barrett IHBC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 August 2024

Appeal Ref: APP/U5360/W/22/3306886

49-50 Holborn Studios, Eagle Wharf Road, Hackney, London N1 7ED

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by GHL (Eagle Wharf Road) Ltd against the Council of the London Borough of Hackney.
 - The application Ref 2017/3511, is dated 1 September 2017.
 - The development proposed is described as, *'partial demolition of existing buildings, retention of 3 storey building and former industrial chimney and redevelopment of the site to provide a mixed use scheme comprising blocks of 2 to 7 storeys and accommodating 5,591 sqm of commercial floorspace (Use Class E[g]) at basement, ground, first, second, third, fourth and fifth floor level, 50 residential units at part first, part second, third, fourth, fifth and sixth floor levels (comprising 23 x 1 bed, 17 x 2 bed, 8 x 3 bed, 2 x 4 bed) as well as 127 sqm café floorspace (Use Class E[b]) at ground floor level, landscaped communal gardens, pedestrian link route to the Regents Canal and other associated works'.*
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This decision is issued in accordance with section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 29 July 2024.

Decision

1. The appeal is allowed and planning permission is granted for development described as 'partial demolition of existing buildings, retention of 3 storey building and former industrial chimney and redevelopment of the site to provide a mixed use scheme comprising blocks of 2 to 7 storeys and accommodating 5,591 sqm of commercial floorspace (Use Class E[g]) at basement, ground, first, second, third, fourth and fifth floor level, 50 residential units at part first, part second, third, fourth, fifth and sixth floor levels (comprising 23 x 1 bed, 17 x 2 bed, 8 x 3 bed, 2 x 4 bed) as well as 127 sqm café floorspace (Use Class E[b]) at ground floor level, landscaped communal gardens, pedestrian link route to the Regents Canal and other associated works' at 49-50 Holborn Studios, Eagle Wharf Road, Hackney, N1 7ED in accordance with the terms of the application, Ref 2017/3511, dated 1 September 2017, subject to the conditions set out in annex C to this Decision.

Preliminary Matters

2. It is agreed by all main parties that the appeal application relates to a submission made in 2017. For clarity, I have taken the appeal address, appellant name, and date of application from the appeal application form. The description of development was altered during its consideration. For clarity, I

have taken that from the Statement of Common Ground (SoCG) between appellant and Council. As that most accurately describes the development sought, I have used that description in my formal Decision.

3. The Inquiry was attended by a Rule 6(6) party (R6). This is Holborn Studios Ltd.
4. As part of the Inquiry I undertook site visits following an itinerary agreed between the two main parties and R6 party.
5. The appeal application is preceded by an application (2015/2596) seeking permission for a largely similar development. That was approved by the Council and subsequently challenged by way of Judicial Review brought by Holborn Studios Ltd and others. The High Court allowed the claim and granted an order quashing the permission. That challenge succeeded based on the Council's failure to consult publicly on post submission revisions and to disclose any representation made by the appellant.
6. In August 2019 the Council granted planning permission for the appeal application (2017/3511). That decision was again challenged by Holborn Studios by way of Judicial Review. The High Court allowed the claim and granted an order quashing that permission. That was on the basis that the Council failed to consult on viability information and that which was publicly available was 'inconsistent and opaque'.
7. The appellant subsequently revised and updated that planning application (2017/3511), although it remains broadly similar to that previously submitted. It was redetermined by the Council as indicated in its decision notice dated 8 April 2022. That constitutes the appeal application.
8. Because of a cyber-attack on the Council's digital systems in October 2020 the appeal application documentation, including consultation responses and representations made prior to that date could not be recovered by the Council. (some 930 objections, 2 letters of support plus comments from local groups with 8 objections, 2 supporting or not commenting and internal Council and statutory consultee responses). Consultation responses were however summarised in the 2019 officer's report to committee.
9. During consideration of the appeal application and post cyber-attack, two further rounds of consultation took place in October 2021 and February 2022. Those involved a letter drop to local occupiers, press notices and site notices. Those yielded some 721 responses. Those are all before me.
10. The pre cyber-attack responses, although summarised in the 2019 officer's report to committee, are not before me. Moreover, there is no trace of responses from those not consulted but who made representations pre-cyber attack. There is no record of how many may have been involved, but if there were any those people could not be reconsulted in the subsequent two rounds of consultation in October 2020 and February 2021. Further, neither the October 2020 nor the February 2021 consultation letters explicitly set out the need for those who had sent representations pre cyber-attack to resend them.
11. The R6 party had possession of a bundle of pre cyber-attack comments on the appeal application. Those were generated from a web form created by the R6 party. They were passed to the Council during determination of the appeal application. During the Inquiry those were shared with all main parties and

prepared for publication. They are now before me. The R6 party confirms that the bundle includes some 774 objection responses, (some of whom sent in more than one objection). Neither Council nor appellant was able to verify this. Therefore, even taking those responses into account, it is likely that some comments made pre cyber attack are not before me.

12. Many of the consultation responses before me repeat the same concerns. Those are reflected in the consultation summaries in the 2019 officer's report to committee. That gives me some confidence that the 2019 summaries are an accurate representation of the consultation responses, although I appreciate that the context of decision making at application and appeal stage are different, which could impact the way in which representations are summarised.
13. In the usual way, an appeal notification letter was sent out by the Council in accordance with its Statement of Community Involvement, inviting comments on the appeal and providing the opportunity for people to participate. Given the above matters, to ensure fairness, uphold the principles of natural justice in ensuring that everyone who wished to comment on the appeal application had an opportunity to do so, during pre-inquiry engagement the main parties worked together to construct a bespoke appeal notification letter plus consultation list. That letter clearly set out that all representations made pre-October 2020 were not before the Inspector and should be sent again. The consultation list included all those who previously commented on the appeal application, plus others in accordance with the Council's Statement of Community Involvement.
14. The Council has provided a copy of the appeal questionnaire and all documents referred to in it. It cannot provide copies of representations made that are not in its possession. I accept that it would be usual appeal practice to provide all representations made on an appeal application. Whether that is or is not required by the Rule 4(a) of the Town and Country Planning Appeals (Determination by Inspectors) (Inquiries Procedure) (England) Rules 2000, the Planning Inspectorate's Procedure Guides in relation to appeals and inquiries or Planning Practice Guidance, I am satisfied that together the summaries in the 2019 officer's report to committee, the Council's subsequent rounds of consultation (albeit with the identified defects), the normal appeal notification process plus the bespoke and agreed appeal notification letter and consultation list, ensure that those wishing to make representations on the appeal application and attend the Inquiry have had that opportunity.
15. For that reason, even if some representations made at application stage are not before me in full, I consider that the cyber attack impacts on the appeal process have been remedied and render the appeal process fair to all parties. No prejudice to any party has been identified and I have no reason to conclude that this matter would have made a material difference to the outcome of the appeal process. All consultation responses and summaries since 2017 which are before me have been carefully considered in my Decision.
16. In its statement of case the appellant indicated that it intended to submit revised viability evidence. That evidence was submitted. The views of the other two main parties were sought. A topic specific draft SoCG on viability matters was circulated amongst the main parties. However, given the Council's concern that it would not have the opportunity to interrogate that evidence, the

appellant formally withdrew it. It therefore did not form part of the appellant's evidence.

17. At the Inquiry, the R6 party expressed concern that the appellant's withdrawn viability evidence was not included in the Inquiry core documents. The views of the main parties were sought. As that evidence was formally withdrawn by the appellant and therefore was not before the Inquiry it is not included in the Inquiry Core Documents.
18. The existing marina on the canal side is leased to the R6 party. Access through the appeal site to the canal has not been secured at this stage. The R6 party indicates its intention to prevent access in the event that the appeal succeeds, and development takes place. Indeed, it expressed its intention to erect a high barrier between the appeal site and the marina and canal towpath should development take place. It suggests that given the appeal viability, securing access across the marina would be very challenging.
19. The appellant acknowledges that access has not been secured at this stage, but disputes that it could not be secured in the future. However, this matter does raise some doubt as to whether open access and views to the canal could be secured as indicated on some of the appeal application documentation. That raises some doubt regarding the appeal development's design rational to provide open space spilling onto the canal and towpath and provide access to the canal. I have assessed the appeal mindful of this dispute and exercised my judgement on the basis that appellant physical access to the canal would not be secured and the circumstances described by the R6 party would come about.
20. A general SOCG¹, agreed between appellant and the Council was submitted. The R6 party provided a version with its comments. That superseded the topic specific SoCG on Living conditions.²
21. In addition, a topic specific SOCG on heritage matters was provided, agreed between the Council and appellant.
22. The Inquiry was due to start in January 2023. Due to illness and availability of key players, it was postponed until September 2023, taking account of the main parties' views.
23. At the beginning of the third week of the Inquiry, one of the Council's witnesses was involved in the road traffic accident. The Inquiry was therefore adjourned and resumed virtually at the first available opportunity.
24. On resumption, it was confirmed that the Council's planning witness was unable to attend the Inquiry. That witness had already given evidence in chief. The Council sought another planning witness, who adopted the Council's planning evidence, with necessary amendment. The way forward was agreed with all main parties as a pragmatic solution to finish the Inquiry in a timely manner, following yet another adjournment. No prejudice to any party was a consequence, therefore.

¹ IQ10

² IQ10.3

25. On the final day of that resumption, one of the advocates was taken ill. For that reason, the Inquiry was necessarily adjourned and resumed at the earliest possible opportunity, as indicated in the banner heading.
26. Given the time delays in this appeal, the main parties' comments were sought on any changed circumstances due to delays, including the publication of revised local and national policy.
27. During the first adjournment the appellant submitted revised and additional proofs. That included additional evidence. In the interests of procedural fairness, the views of the other main parties on that evidence were sought.
28. A planning obligation by undertaking under section 106 of the Town and Country Planning Act 1990 (Planning Obligation) was considered at the Inquiry. That has been assessed in my Decision.

Main Issues

29. My main issues in this appeal are:

- The effect of the appeal proposal on the provision of cultural facilities in use by creative industries;
- Whether the appeal proposal would preserve or enhance the character or appearance of the Regents Canal Conservation Area, the locally listed buildings on the appeal site and the significance of other heritage assets in the locality;
- Whether the appeal proposal would provide acceptable living conditions for future occupiers, in terms of the quality of internal space and the provision of communal open and childrens' play space;
- The effect of the appeal proposal on the provision of family housing in the borough; and
- The effect of the appeal proposal on the provision of employment floorspace in the Wenlock Priority Office Area (POA), affordable workspace, and affordable housing in the borough.

Reasons

Cultural Facilities

30. The appeal site's existing use includes still and film photographic studios known as Holborn Studios. It includes space occupied by Holborn Studios Ltd in addition to space leased by them to other users. Whilst some space is leased to other non-creative users such as architects, an osteopath, engineering consultants, the majority is in use either in the photographic or film industries or other creative industries. The appeal premises is occupied bar unit 2 which is vacant and under the control of the appellant. The appeal site buildings are in need of some modernisation, in particular to accord with the Disability Discrimination Act 1995.
31. Based on Holborn Studio's history, client base, iconic output and range of work, it is of more than local renown and possibly of national or international significance. It is a family run photographic and film facility which provides studio space designed to accommodate industry needs, from television shows through to multiple still/video shoots, along with supporting services such as studio assistants, equipment, lighting, technical advice, and general support. It

was suggested that it was the largest photographic studios in Europe, that it is the only London studios able to accommodate large cars and that it contributed to London's cultural infrastructure. On the basis of its size and evident industry reputation, I have no reason to take an alternative view.

32. Holborn Studios is a space where industry creatives can meet, exchange ideas and learn. Based on the evidence before me I am satisfied that the studio and ancillary space is high quality, for its intended purpose, and meets industry needs. In as much as the existing use brings together people working in cultural or creative industries, I accept the existing use could be described as a creative hub. I was able to view the studios and ancillary leased and unoccupied space on my site visit.
33. For these reasons, I am satisfied that the appeal site's use falls within the definition of a cultural facility within the meaning of London Plan policy HC5. That policy supports London's cultural and creative industries, stating that development plans and development proposals should protect existing cultural venues, facilities and uses where appropriate. Whilst policy HC5 provides direction on Council's policy development to support that aim, it also refers to development proposals. No substantive evidence is before me to indicate that it would not be appropriate to protect the cultural facility in this case.
34. Turning to Local Plan policy L10, that indicates how protection sought by London Plan policy HC5 will be achieved in Hackney. It requires that development involving the loss of arts, culture and entertainment facilities will be resisted, unless re-provided in accordance with other policy requirements. Given other policy requirements that will not necessarily require a like for like replacement, and does not extend to a particular specific or bespoke use operated by a specific user. However, re-provision in this case does infer something that would enable the cultural facility/cultural hub to still function as such.
35. I come to this conclusion mindful that there are other examples of photographic studio facilities near by working in a similar way where aspects of the appeal site use is replicated, and that the existing facility could take place in alternative premises.
36. The appeal would result in the demolition of the existing studios and ancillary space with its re-provision within the proposed basement mainly. In assessing the suitability of the basement re-provision accommodation, I am aware that the internal arrangement would most likely change at a later date to reflect the individual needs of a particular occupier/s.
37. The proposed accommodation would have high ceilings, few columns and a large goods lift. Whilst it would have reduced levels of natural light, consistent with below ground accommodation, I observed many of the existing studios and internal circulation spaces do not have high levels of natural light. I accept that higher light levels are sometimes required to meet industry needs and observed that existing accommodation provides for this. However, such accommodation could be provided within the ground or first floor, used in conjunction with the main studios. That is a matter I return to later.
38. Based on the evidence presented, I am satisfied that the basement internal arrangements necessary to accommodate the appeal site's cultural facility could include adequate floor to ceiling heights, taking account of the need for

ventilation, other services, an adequate slab to provide adequate column-less spaces and floor and ceiling finishes. That is the case, even though calculations to support that view are not presented at this stage of the design process. I do however accept that the final structural solution may provide less flexibility for future users if the internal walls needed to be loadbearing. However, that would not materially impact the use of the space as a cultural facility.

39. In addition, an alternative internal arrangement, the details of which would be defined at a later date, could provide for functional infinity coves and appropriate depth of field. In addition, the internal spaces could be arranged to segregate visitors as required for some television filming. Those are necessary requirements of photographic studios such as Holborn Studios.
40. Loading and unloading could be accommodated through the proposed large goods lift. The large lift proposed could accommodate vans. However, I appreciate that it is not as convenient as street level access, would not accommodate larger trucks commonly used to carry lighting and other equipment and would be inconvenient in the event of its malfunction. In the event of malfunction, the use of an alternative goods access via the courtyard staircase would be possible, but for some heavier equipment and certainly vehicles, that would be totally impractical. However, malfunction is an eventuality that could occur in any accommodation with lift access and with proper maintenance should be avoided.
41. On this basis, particularly the lack of guaranteed access for large vehicles it may be that Holborn Studios Ltd would not find the proposed basement accommodation appropriate or attractive, based on its existing working practices. However, that does not preclude an alternative industry operator using the space or indeed other cultural or creative industries to reprovide the cultural facility/creative hub in the proposed accommodation.
42. The use class for the commercial parts of the appeal scheme is Class E(g)(i). That would include a general office use. However, a planning condition is suggested which would widen any change of use to include Class E(g) uses, triggered on commencement of the class E(g)(i) use. That could include uses, such as existing cultural and creative uses, which can be carried out in a residential area without detriment to its amenity. That would enable use of some of the office floorspace, particularly at ground and first floor for use by the creative industries, subject to compliance with other development plan policy, particularly in relation to development within the Priority Office Area (POA). In that way all of the existing floorspace in creative use could be provided as part of the appeal development. In addition, that could provide floorspace with higher light levels that could be used in conjunction with the basement.
43. However, I acknowledge that the use of the ground and first floor use would not be restricted to existing or indeed creative/cultural uses and at present there is no bias in favour of such uses. However, that does not mean that the opportunity for those types of uses to take up the proposed floorspace is not available. Whilst a decanting strategy is not before me, that could be addressed through negotiation at a later stage should existing users wish to take up the proposed floorspace.
44. Whilst the office floorspace has not been designed as a cultural facility, I see no reason why an internal fit out could not reflect the bespoke requirements of the

cultural/ creative industry end user. Whilst noise and other impact assessments were carried out on the basis of a Class E(g) (i) use, Class E(g) uses should be acceptable in a residential area. That would include within a mixed use scheme, such as the appeal development. Necessary measures to ensure acceptable living conditions for future residential occupiers, would be required by suggested planning conditions and provisions in the s106 Obligation. Therefore, I have no reason to conclude that cultural uses would not be acceptable as part of this mixed use scheme.

45. I acknowledge that the basement would not reprovide all of the existing floorspace in creative uses. However, use of part of the proposed office floorspace would be possible and enable all of the cultural facility/creative hub floorspace to be reprovided whilst still ensuring an office led scheme to satisfy the requirements of development within the POA. However, taking all matters into account the basement accommodation could acceptably reprovide for the existing cultural facility/creative hub.
46. In addition, 11.5% of the floorspace would be provided as affordable workspace, which would ensure that formal reduced rents apply. That is not the case at present.
47. Taking all matters into account, on balance, I conclude that the proposed development would not adversely affect the provision of cultural facilities in use by creative industries. It would therefore accord with London Plan policy HC5 and Local Plan policy LP10.

Heritage

The Appeal Site

48. The appeal site includes a complex of mid-to late 19th century part two/part three storey interconnected canal side industrial buildings, with later additions, some set around a small internal courtyard.
49. The history and development of the appeal site is generally agreed between the main parties. Its development was piecemeal starting in the mid 19th century associated with the Regents Canal Iron Works. Towards the end of that period number 49 housed an engineering works (Robert Legg), whilst number 50 was used for the manufacture of metallic bedsteads (Hoskins and Sewell). The appeal site's distinctive brick chimney associated with Robert Legg and the brick gabled ranges near to the canal, associated with Hoskins and Sewell, derive from that period of development. Number 49 includes a warehouse building with its 19th century pitched roof and wrought iron 'Polonceau' style roof trusses.
50. Those appeal buildings are the most architecturally and historically interesting. The remainder are more recent (generally 20th century), much altered and of generally utilitarian appearance.
51. Latterly the complex has been much altered internally to accommodate Holborn Studios. The historic buildings have been subdivided and altered to accommodate studio space, green rooms, offices, workshops, storage areas, a restaurant, and associated spaces.
52. The significance of the earlier 19th century ranges and the chimney identified derives from their architecture and historic associations. Even though as a

collection of buildings, the appeal site is not the best example of industrial architecture, the complex demonstrates the history and early development of the canal and its industrial uses, along with their adaptability to other uses. The later, simpler and more generic buildings in contrast to the older elements make the evolution of the site legible. The appeal site has some group value therefore.

53. Even though there is little in the permanent form of the appeal buildings to reflect the current use, some lesser significance is derived from that use and its association with late 20th century and early 21st century cultural celebrities and renowned photographers. The appeal site's prominent brick chimney is visible for a significant stretch of the canal and acts as a local landmark which adds to its significance.
54. The appeal site is amongst the last remaining canal side industrial sites in the locality that, although not currently in a semi-industrial use, retains a semi-industrial character and relationship with the canal, which adds to its heritage significance.

Regents Canal Conservation Area

55. The appeal site is located within the Regents Canal Conservation Area. That is a long green corridor focussed on the canal and its former industrial hinterland that runs through the southern part of Hackney Borough from Victoria Park through to its boundary with Islington. It forms part of Regents Canal that links Limehouse Basin on the Thames to Paddington Basin in the west.
56. Many 19th and early 20th century brick industrial buildings rise sheer from the water or from brick walls beside the towpath, which create a sense of enclosure along the canal. Backs of buildings lie adjacent to the canal, usually with visual appearance being secondary to their function.
57. Some wharfs and industrial buildings in the Conservation Area have been converted to studios for the creative and artistic industries, a tradition that dates to the mid 20th century.
58. The appeal site is located within the New North Road and Wenlock Basin Character Area as defined in Hackney Council's Regents Canal Conservation Area Appraisal (2007). The appeal site is identified as one of the most important buildings and focal point views within the Conservation Area and includes Buildings of Townscape Merit.
59. The Conservation Area's significance lies in its industrial past and the functional relationship between the canal, its grassy towpath, locks, basins, with the warehouses and industrial buildings, wharves, and storage areas, originally associated mainly with the furniture and building trades.
60. The appeal site, its buildings, the focal point of the chimney, its former uses associated with the canal and to a lesser extent their adaptation to the current use by Holborn Studios, along with its semi-industrial character positively contributes to the significance of the Conservation Area.

Impact of the appeal scheme

61. Whilst the appeal development would retain the buildings of most significance, it would result in the loss of substantial parts of the collection. Whilst those to

be demolished are of more limited architectural and historic interest, their loss, in itself, would diminish an understanding of the site's history and thereby its significance and contribution to the appeal buildings' group value and the Conservation Area.

62. The appeal development would include the loss of architecturally interesting internal features of demolished buildings. However, as planning control does not extend to the internal features of locally listed buildings their loss could occur in the absence of the appeal development, although I accept no such intention is suggested at present. In addition, a planning condition could ensure recording of all historic fabric that would be lost. For those reasons the weight I attach to this matter is much reduced.
63. In terms of new development proposed, its layout with two separate courtyards, would reflect the history and evolution of the site. It has been demonstrated that the proposal's urban design and architectural qualities would be high quality, using design elements that would reflect the appeal site's industrial heritage. Whilst it would be considerably higher and bigger than existing, given the separation distance, its height and scale in relation to the retained elements, it would relate appropriately to them. That would include the chimney. It would improve the Eagle Wharf Road elevation, through an appropriately designed frontage, public access into the appeal site and animation of the street. Generally the height of new development would reflect that of more recent development along the canal and therefore would be appropriate.
64. The proposal would remove some later less attractive built form which would enable a better appreciation of the architecture and historic canal side setting of the 19th century ranges. That would be the case even though those buildings were later additions to the retained ranges and a layer of history would be removed. It would secure the retained ranges' restoration, including their roofs and windows as necessary. Whilst the buildings are in a viable, long term, revenue generating use at present and the works suggested above could be carried out in the absence of the appeal scheme, no such proposals are before me.
65. The buildings that currently surround the chimney at lower levels would be removed. That would result in it being read as a stand alone feature. However, I accept that the surrounding buildings do not relate to the chimney's original function and decorative brickwork on all sides indicate that the chimney was originally designed to be freestanding. Therefore, the removal of surrounding buildings would not materially diminish an understanding of its history or function.
66. New views of the chimney would be opened up, including those along the canal and from within the appeal site. That would enable appreciation of the full vertical extent of the chimney and its brickwork. That would compensate for some canal side views which would be diminished by the bulk and height of the proposed development. Whilst protruding balconies would be close to the chimney, due to their size and separation distance an acceptable relationship would result. Overall, no heritage harm to the chimney setting would be a consequence. Further, the maintenance of the retained chimney would be secured. Whilst I have no evidence that it is at risk at present, its future maintenance is a benefit.

67. The appeal proposal is designed to provide an enlarged area of open space around the chimney and retained buildings. That would help to better reveal their heritage value. Controlled public access into the appeal site from Eagle Wharf Road would enable their enhanced appreciation. In addition, it could result in some public access towards the canal and through the provision of open space near to it, some enhanced relationship with it.
68. It is suggested that the appeal development would result in the loss of the current integration of the site with the canal side and a physical barrier between the current marina, canal side and the appeal development. Even if that were the case, there would be some open space close to the canal, even if public access and open views were prevented. In that scenario the current animation of the canal side moorings would persist. Whilst, I have no assurance that the described circumstances would arise, I am assessing the appeal on the basis of my observations in paragraph 19 of this Decision.
69. All in all, the heritage benefits of the appeal development would compensate for the impacts of the proposed demolition in terms of its impact on the locally listed buildings and the Regents Canal Conservation Area taken as a whole. That would include the impact of demolition on the collection of appeal site buildings, their historic fabric and cultural history.
70. In coming to this conclusion, I have had regard to the tradition of historic industrial buildings in an industrial/semi-industrial use along the canal and their characteristic relationship with it. However, the retained ranges and chimney would retain this key historic and heritage feature of the Conservation Area.
71. I have also taken account of the adaptation of former industrial buildings to creative uses, some of which retain an industrial character and their positive contribution to the Conservation Area along with the fact that the appeal buildings are currently in usable condition and mainly occupied.
72. I am aware that the appeal development would address several of the opportunities outlined in the Conservation Area Appraisal, including the repair and reuse of historic buildings, the introduction of new residential development, more restaurants, ground floor active uses and well used public spaces. These are all matters to which I have had regard.

Other Heritage Assets in the locality

Arlington Square Conservation Area

73. The Arlington Square Conservation Area lies roughly opposite the appeal site on the other side of the Regents Canal. Set out in a formal arrangement of streets and squares, it comprises mainly 19th century terraced housing, including some listed and locally listed buildings. Its significance derives from its formal inward looking layout of wide streets and squares, and the strong visual unity of its buildings.
74. An understanding of the heritage significance of this Conservation Area, outlined above, relies to a small degree on its interaction with the canal and the structures that line its route. That is limited to the contrast between this Conservation Area and surrounding development that gives some insight into the wider locality's evolution. For this reason, some lesser significance is derived from its wider setting, including the Regents Canal, associated

structures, and the industrial type buildings and uses associated with the Regents Canal.

12-21 Arlington Square (listed buildings), 30-50 and 47-81 Arlington Avenue (locally listed buildings)

75. The formal layout, high quality design and general consistency in age, scale, height, detailing and materials all contribute to the heritage significance of these residential terraces. Some lesser significance is derived from their setting, which includes their physical relationship with the Arlington Square Conservation Area's wide streets and its formal green space. Some lesser significance again is derived from their wider setting, including the Regents Canal, associated structures, and the industrial type buildings and uses associated with the Regents Canal, for the same reasons as the Conservation Area as a whole.

Impact of the appeal proposal

76. There is some limited intervisibility between the Conservation Area, its listed and locally listed buildings and the canal side development, including the appeal site. However, due to the separation distance, the orientation of the Conservation Area and its terraces, intervening development, the extent and nature of recent and consented redevelopment along this stretch of the canal, along with the design of the proposals, which enhance views to the retained canal side ranges and views to the chimney as a whole, the appeal proposal would not cause detriment to the setting of the Arlington Square Conservation Area, or that of the listed and locally listed buildings identified. It therefore would not adversely impact their heritage significance.

133, 107-131 (listed) and 87-105 (locally listed) Shepherdess Walk

77. At the junction of Shepherdess Walk and Eagle Wharf Road sits the former Blockmaker's Arms and a terrace of mainly three/four storey residential buildings. Those generally 19th century dwellings derive their heritage significance in the main from their high quality design and general consistency in age, scale, height, detailing and materials. Together, they make a positive contribution to the character and appearance of the Regents Canal Conservation Area.
78. Whilst I appreciate that the context of these buildings has changed throughout history, their wider setting includes their proximity to the Regents Canal, its structures, uses and industrial type buildings, which includes the appeal site. The contrast between the canal side development and these buildings illuminates the locality's history. Their settings contribute to a lesser extent to their significance.
79. There is limited intervisibility with the appeal site, some separation distance, and intervening development of a similar ilk to the appeal proposal. For those reasons the appeal development would not materially impact the setting of these heritage assets. It would therefore not impact the significance of the listed and locally listed buildings as heritage assets.

51-71 Cropley St (locally listed)

80. Again, mid 19th century residential terrace situated at the junction of Eagle Wharf Road and Cropley Street. They derive their heritage significance in the main from their high quality design and general consistency in age, scale, height, detailing and materials. Their wider setting includes their physical relationship with Regents Canal, its structures, uses and industrial type buildings, which includes the appeal site. That wider setting contributes to a lesser extent to their significance, including an understanding of their history. That includes the appeal site.
81. Due to the orientation of these buildings away from the appeal development, given the separation distance and limited intervisibility, along with the demolition and redevelopment of the Eagle Wharf Road frontage, the appeal development would not adversely impact the significance of these locally listed buildings.

Conclusion

82. I have concluded that due to the loss of many of the appeal site's buildings, some heritage harm would be a consequence. However, taking account of the heritage benefits of the appeal proposals, no residual heritage harm would result to the significance of the appeal site's group of locally listed buildings. In addition, for many of the same reasons, no harm to the significance of the Regents Canal Conservation Area when taken as a whole would be a consequence.
83. I have found no harm to other listed buildings or the Arlington Square Conservation Area.
84. In that regard, I conclude that the appeal development would accord with Local Plan policy LP3, LP4 and London Plan policy HC1. Together those policies aim to conserve the significance of heritage assets.

Living Conditions

Dual Aspect

85. It is common ground, given the definition of dual aspect in the London Plan Guidance Housing Design Standards June 2023 that 27 of the residential units would be single aspect. That would represent 54% of the total.
86. The appellant set out the design rationale for the development. That includes consideration of the design constraints, including retention of the most important locally listed buildings, activation of the area around the canal and Eagle Wharf Road, ensuring a satisfactory relationship with the adjoining site that does not prejudice its future development (Sturt's Yard), provision of public routes into the site from Eagle Wharf Road and provision of employment uses. That design rationale also includes optimising site capacity. In addition, the inclusion of duplex accommodation helps maximise dual aspect dwellings.
87. Given the above and that no substantive evidence is before me to demonstrate that more dual aspect dwellings could have been provided, I am satisfied that the number of dual aspect dwellings has been maximised and single aspect minimised. That is the case even though most of the single aspect units are within the new build elements taking account of the constraint of the adjoining site and the benefits in townscape terms of development fronting and animating Eagle Wharf Road.

88. Moreover, out of the 27 single aspect units, most would be south or west facing and thereby receive direct sunlight. Of the three that would be north facing, two are within the retained locally listed range. Those units use large existing window openings to minimise alteration to the building. The other single aspect north facing unit would be a one bedroom, two person unit. It would have a shallow layout, and a number of and size of windows overlooking the courtyard towards the canal and include a rooflight to give extra light. For all these reasons, those units would receive adequate levels of day light and sunlight in accordance with the British Research Establishment Guidance Second Edition 2011.
89. For the same reasons, natural ventilation would be adequate. In addition, given the separation distances between window openings and their positioning, and relationship with adjacent proposed development acceptable levels of privacy would be provided for both existing and future residents.
90. Due to the location, number, size and orientation of windows, adequate outlook would be provided including views over the canal or the communal courtyards. Using passive and active design measures, the potential risk of overheating would be mitigated, although I accept the risk may be greater in the single aspect dwellings. On this matter, I have no reason to take an alternative view to the Council, or the Greater London Authority, that the scheme would be acceptable in this regard.
91. I acknowledge that the appeal development has not substantively changed in relation to the proportion of single aspect units, throughout its prolonged consideration by the Council. However, that does not necessarily indicate that it is insufficient in terms of the living conditions that would be provided. As concerns regarding living conditions were raised late in the appeal application's consideration, I accept that the appellant did not have reason to alter the appeal application in this regard.
92. I also accept that single aspect units may not provide the same level of flexibility for use of the internal space. However, taking site constraints and opportunities into account, I am satisfied, for the reasons given, that the appeal application is acceptable in this regard.
93. I conclude that the proposed development would accord with Local Plan policy L17 and London Plan policy D6, which together aim to maximise the provision of dual aspect units and normally avoid the provision of single aspect units, providing an exception where a single aspect dwelling is considered a more appropriate design solution to meet the requirements to optimise site capacity through the design led approach and it can be demonstrated that it will have adequate passive ventilation, daylight and avoid overheating.
94. In this regard the design development has indicated that exceptional circumstances make the provision of dual aspect dwellings impractical. Whilst the proposed development would not accord with the London Plan Guidance Housing Design Standards June 2023 in full, but that is for guidance.

Open Space

95. Local Plan policy LP48 requires, amongst other things, that on-site provision of open space for both residential and major mixed-use development is maximised. It sets out quantum that should be provided where feasible and

sets additional requirements where it cannot be fully met. The policy therefore has some built in flexibility.

96. The appeal development would fall short of the quantum set in that policy, even based on the appellant's calculations. However, given the appeal site's location, the development mix, site specific constraints and opportunities, alongside the provision of well designed industrial type courtyards, I am satisfied that the on-site open space provision has been maximised.
97. The appeal development would provide industrial type, mostly hard landscaped public open spaces in two large courtyards and adjacent to the canal. Its detailing would reflect its canal side setting and the employment uses in the basement and at ground and first floor. There would be two pedestrian accesses from Eagle Wharf Road enabling a closer relationship to the canal and its towpath, even though physical or visual access cannot be assured at this stage. Even though the courtyards would be north facing, orientated towards the canal, with the massing to the south of them, they would receive adequate levels of daylight and sunlight.
98. There would be some physical improvements to the canal and towpath, even if access and open views were not provided. The appeal would also provide a financial contribution for enhancements to the canal towpath.

Childrens' Play Space

99. Childrens' play space would be provided on-site as doorstep play areas within the communal open space. Their location and detailed design would be secured by planning condition. Whilst the suggested planning condition does not indicate a size requirement and the proposed children's play space is not indicated on the appeal plans, I am satisfied based on the layout of the appeal scheme as a whole, that the proposed communal areas can be provided in principle.
100. Given the site-specific constraints and opportunities, I am satisfied that this approach would ensure that childrens' play needs would be met, whilst ensuring that the industrial feel of the landscaped communal space would not be diminished.
101. Shepardess Walk Park is approximately a 5 minute walk from the appeal site and would cater for the play needs of older children.
102. I conclude that the appeal proposal would provide acceptable living conditions for future occupiers, in terms of the provision of communal open and childrens' play space. In this regard it would accord with Local Plan policies L17, LP48 and LP50 and London Plan policy D6. Those together aim for homes of high quality design, maximising open space and providing play space. In addition, it would generally accord with the London Plan Guidance Housing Design Standards June 2023 and Hackney Child Friendly Places SPD 2021.

Family Housing

103. The appeal development would deliver 46% one bed units, 34% two bed and 20% three bed units. That diverges from the Council's preferred mix set out in Local Plan policy LP14, which sets a preferred size mix for social and London Affordable Rent tenures. The appeal development would be market housing.

104. The proposed development mix is based on the site-specific constraints and opportunities, including the reuse of some of the historic buildings on the canal frontage, the mixed-use canal side character of the area and the design scheme rational that includes the priority for employment uses at the lower levels with upper floors less suitable to larger family units.
105. In addition, the viability evidence before the Inquiry indicates that the employment uses sought could not be provided in addition to a greater number of three bed units. The appeal development is located within the Wenlock POA where employment uses are prioritised. In this regard, I am satisfied that the appeal development delivers on that employment policy imperative. Those matters indicate that variation to dwelling size mix is justified in this case.
106. The appeal development would provide some family housing. That is indicated as being of greatest demand in the borough, as evidenced in the 2015 Strategic Housing Market Availability Assessment. However, that also indicates that other housing sizes are also required. Based on the site constraints and opportunities, development design, the priority for employment uses and viability matters, the appeal development would not adversely impact the provision of family housing in the borough. It would accord with Local Plan policy LP14 so far as it is relevant to the appeal proposal. That policy provides flexibility on preferred housing size mix on the basis of the matters outlined above.

Balance of Uses

107. The appeal development includes employment uses, including affordable or low-cost workspace, alongside housing including affordable housing provision. The Council and R6 party are concerned regarding the balance of those uses. The appellant explains that the mix of uses proposed has been defined based, amongst other things, on the viability evidence which has fixed the various components of the scheme.
108. The appeal development would deliver approximately 54.2% employment floorspace. Viability evidence is provided to justify that quantum. The inputs and results of that viability evidence is agreed with the Council, and I have no reason to take an alternative view.
109. Local Plan policy LP27 indicates that new development in designated POAs, such as the Wenlock POA, will be permitted where it is employment led and where old) class B1 is the primary use (now class E(g)(i). It states a threshold of at least 60% of the overall new floorspace in that use class, subject to viability.
110. The appeal development would fall short of the 60% threshold stated in Local Plan policy LP27. However, additional floorspace could be incorporated through the insertion of mezzanine levels. Given the layout and design of the internal spaces, I have no evidence to indicate that would not be feasible. That could result in a 60% employment floorspace scheme.
111. I accept that those mezzanines are not included in the scheme as submitted. Whether they are provided or not, given the viability evidence, the appeal development although it would not meet the 60% threshold at present, would accord Local Plan policy LP27 in this respect.

112. The employment floorspace, subject to additional detail controlled through planning conditions, given its layout and detailed design, would be well designed and accommodated in high quality buildings. On that basis the appeal scheme would deliver an increase in quantity and quality of employment floorspace, providing space for approximately 529 jobs (using the employment density for office space set out in the Planning Contributions SPD). It would accord with Local Plan LP27. For the reasons given no material harm as a result of the shortfall in employment floorspace against the threshold stated in Local Plan policy LP27 would be a consequence.
113. The existing use provides low-cost employment floorspace, as defined in the Local Plan glossary, a matter uncontested. Local Plan policy L29, dealing with affordable workspace and low-cost employment floorspace requires new major employment and mixed-use development in designated employment areas to provide affordable or low-cost workspace equating to a minimum of 10% of the gross new employment floorspace. As that requirement is a minimum and not a ceiling, in providing more than 10% (11.5%), the appeal development would not breach that policy expectation and no harm would arise as a consequence.
114. In coming to this conclusion, I am mindful that the appeal development would replace used and successful existing low-cost workspace with more expensive accommodation. The resultant accommodation would still fall within the definition of affordable workspace. It could support the needs of start-ups, Small and Medium Size Enterprises and cultural and creative enterprises as well as charities and social enterprises, which is stated as the purpose of Local Plan policy LP29.
115. Replacing all of the low-cost workspace at the same rents and service charges is evidenced not to be a viable prospect. Partial reprovision of affordable workspace, secured in perpetuity at a genuinely affordable rate of discount where no such controls are in place at present would be a benefit of the appeal development. Future occupying businesses would benefit from the appeal proposal.
116. In respect of affordable housing, the appeal scheme provides a contribution for off-site provision. That contribution, although relatively small, again is based on viability evidence and is agreed by the Council as the maximum reasonable amount of affordable housing, subject to viability and site context. That contribution would be subject to early and late-stage viability reviews as set out in the s106 Obligation. That would enable a greater contribution should the viability landscape change.
117. The appeal development, in providing a mix of residential units of varying sizes with provision for affordable housing offsite, although the location is not confirmed at this point, would, on balance help to deliver mixed and balanced communities.
118. The appeal development would accord with Local Plan policies dealing with the specific land uses in question. There is not a requirement to assess the balance of uses separately.
119. I conclude that the appeal development would not adversely impact the provision of employment floorspace in the Wenlock POA, affordable workspace or affordable housing in the borough. In this respect it would accord with Local Plan policies LP13, which seeks the maximum reasonable amount of affordable

housing, subject to viability and context. It would also accord with Local Plan policies LP27 and LP29.

Other Matters

120. I recognise that some of my findings on this appeal will be disappointing to those opposing the development, including existing occupiers and those who use Holborn Studios including photographers. However, the views of interested parties and local people, very important though they are, must be balanced against other considerations, including national and local planning policy. In coming to my conclusions on the various issues that have been raised, I have taken full and careful account of all the representations that are before me, and those summarised, which I have balanced against the provisions of the Development Plan, the NPPF and other material considerations.
121. I am aware that the R6 party leases buildings at the appeal site, the protection afforded by the Landlord and Tenant Act 1954 and the potential implications for that protection on the grant of planning permission. Whilst useful context that has not been a determinative matter in my deliberations.
122. The appeal development provides for an Urban Greening Factor of over 0.3 through green roofs, planting and the inclusion of permeable paving, the details of which can be secured through planning conditions.
123. In addition, it includes photovoltaic panels, green roofs and a carbon offsetting payment secured through the s106 Obligation. Given the site context and constraints, including heritage constraints, I am satisfied that the proposed development actively mitigates the impacts of climate change through design which minimises exposure to the effects of climate change and technologies which maximise sustainability.
124. The appeal site currently provides limited biodiversity opportunities. A landscape and ecological management plan demonstrates that the appeal development would deliver 100% Biodiversity Net Gain. It aims to ensure that the ecological value of on-site habitats would be maintained in the long-term. The habitat management prescriptions have been designed to benefit birds, bats and invertebrates. In addition, a planning condition would control light spill onto the canal to ensure no adverse impact on that bat feeding corridor.
125. As alternative floorspace for existing businesses at the appeal site would be provided, whilst I appreciate it may not suit current working practices for existing occupiers, no loss of employment or businesses need be a consequence. The appeal proposal would represent a net gain in employment.
126. The inclusion of a café within the appeal proposals would help to support canal boat residents. Access through the appeal development to the moorings could be negotiated at a later stage. If not achieved, some access, including gated pedestrian access would be maintained from Packington Bridge and the canal side.
127. Whilst no waterway use is proposed as part of the appeal development, as it is anticipated that Eagle Wharf Marina on the canal side would still be

operational, the impact on users of the tow path, canal users and canal dwellers would not be materially changed. However, the development design, through its orientation, providing timed publicly accessible landscaped courtyards close to the canal and the removal of buildings on the canal side would together provide a positive relationship with the canal, such that it would maximise the canal asset.

128. Public access to the appeal site and potentially through to the moorings and to canal dwellings (if negotiated) would be controlled through the site management plan. In addition, as the proposed development would adhere to the Secure By Design principles, controlled by a planning condition, security for canal dwellers would not be materially altered. The same would be true other neighbouring businesses and occupiers.
129. Many representations relate to the loss of facilities and services provided by the current use of the appeal site. Those include a wedding venue, performance space, an educational facility, incubator space for small businesses, support for local businesses, and studio space. As the appeal development would provide some space for a cultural use, no material loss of these facilities and service would be a consequence. Whilst a decanting strategy is not included within the appeal application, to ensure that current employment and uses are reprovided, that could be secured outside the planning system.
130. Whilst the appeal development would in some respects alter the character of the appeal site, along with proposed development of the sites next door, its mix of uses would still contribute to the vibrancy and economy of the locality. As the proposed uses could be reprovided it could still be a destination within the locality.
131. The construction phase would result in some disruption to local residents' living conditions and local businesses. However, that would be for a limited time period and planning conditions would help mitigate adverse impacts, including the requirement for a demolition and construction logistics management plan. A planning condition would ensure any damage to the public realm and highways as a result of construction would be rectified.
132. The appeal development is supported by a highways assessment. Given its accessibility to facilities, services and public transport, it would be car free, providing for blue badge spaces and charging points only. Cycle parking would be provided on site along with an improved pedestrian environment. A travel plan would work to reduce dependency on private motorised forms of transport and together with a delivery and servicing plan would help to minimise development highway impacts to an acceptable level, taking account of the existing situation. The traffic impacts during construction would be controlled by planning conditions. Overall, there would be no material impact on local highway conditions. In coming to that conclusion, for the same reasons, I am satisfied that car parking provision would be acceptable.
133. Given the local need for housing, the requirement for an employment led scheme in this location along with the reprovion of floorspace for the existing cultural uses, the mix of uses is appropriate. I have no substantive evidence before me to suggest that the impact of additional housing on local services would be unacceptable. Neither have I substantive evidence before me to

indicate that the proposed dwellings would be marketed off shore prior to local marketing.

134. The daylight and sunlight assessment provides assurance that the living condition of neighbouring occupiers would not be adversely impacted by the proposed development, with regard to daylight or overshadowing, given the proposed relationship with development nearby, the height and massing of that proposed and the existing context. Given the orientation of the canal, moorings and towpath, and existing development, material adverse impact with regard to overshadowing the canal would not result.
135. A preliminary land contamination investigation has been undertaken, which together with appropriate planning conditions would ensure any necessary subsequent investigations, monitoring and appropriate mitigation.
136. An air quality impact assessment has been submitted, which assesses construction and occupation impacts. A planning condition would require an air quality management plan to optimise air quality and minimise detriment to human health. Full details of management and collection of waste from separate commercial and residential waste stores would be required by a planning condition.
137. A drainage strategy demonstrates that the appeal site is subject to some groundwater and surface water risk. To ensure against adverse impacts, particularly given the basement and residential uses proposed, planning conditions require details of SUDs and their efficacy post completion.
138. Given the results of the archaeological assessment, the proximity of Wenlock Manor and prehistoric potential, plus the industrial heritage of the appeal site, planning conditions would ensure archaeological evaluation and investigations as necessary. That would ensure that the archaeological potential of the appeal site is appropriately addressed.
139. A fire safety strategy identifies that the proposed development could achieve the highest standards of fire safety in accordance with current Building Regulations. Given the exit routes identified and London Fire and Emergency comments, I have no reason to take an alternative view on this matter.
140. The R6 party consider that the proposals have not been developed in consultation with existing businesses. Whilst this may be the case, I am tasked with assessing the appeal scheme before me and have fully taken account of their concerns, including the proposed accommodation that would be provided.
141. It is suggested that statements made by the Mayor and local politicians provide support for the protection of the appeal site's current use. However, I have limited substantive evidence of those statements. In any event, I have made my Decision on the basis of local and national policy and other material considerations.
142. My assessment of the design of the appeal development has taken account of the residential protruding balconies. Those would be of a suitable size to provide usable outside space, whilst relating appropriately in scale to the host building.
143. Whilst the proposed development would include some lengthy corridors, those are incorporated partly to ensure an acceptable relationship with the

proposed development on Sturt's Yard, the adjacent site. Taking into account site constraints and opportunities, I am satisfied that overall the proposed internal arrangement is acceptable in this regard.

144. The proposed buildings are generally simple in form, relating appropriately to the retained ranges with a distinctly industrial character in terms of proposed materials. Those together with architectural detailing would be controlled by a suitable planning condition. Given the red line drawing it appears that the wall that divides the appeal site from the adjacent development nearest to Shepherdess Walk would not be totally within the appellant's control.
145. The site management plan, required by planning condition, would control the opening hours of the proposed commercial floorspace and the café, along with public access to the public realm, thereby protecting the living conditions of existing and future occupiers and ensuring security.
146. Given the inclusion of accessible dwellings, lift access in the new builds, level access from the street and the layout of the outside spaces, the detail of which would be controlled through a suitable planning condition along with the provision of disabled car parking spaces, I am satisfied that the appeal development would make adequate provision for people with disabilities. The incorporation of lift access to the upper floor residential units in the retained ranges would be likely to cause harm to their architectural significance. Given the small proportion of residential units affected and provision across the appeal site, this matter does not alter my view on the appeal proposal's provision for people with disabilities.

Planning Obligation

147. An executed S106 planning obligation is before me. Whilst the Council has confirmed that it is satisfied with its contents, for its provisions to be given weight in the determination of this appeal, I am required to assess whether they are necessary to make the proposed development acceptable in planning terms, directly related to the proposed development and fairly and reasonably related in scale and kind.
148. To secure a sustainable development, provisions to secure a full travel plan, car free development and car club membership contributions for future occupiers are required. In this respect given the proposed development would be located within an area designated as a Low Traffic Neighbourhood and controlled parking zone, the measures set out are necessary. Policy support is provided. Together, the provisions meet the tests set out above.
149. For the contribution for improvements to the Regents Canal Towpath between Wharf Road and New North Road policy support and justification is provided, considering the appeal development's open space provision. The contribution has been calculated in accordance with the Hackney Contributions SPD. Given the above, the provisions meet the necessary tests.
150. A financial contribution to secure a scheme of works to the public realm in the vicinity of the appeal site, is necessary to manage and repair adverse development impacts. The works outlined are related to the development impacts and policy support provided. The contribution sought is calculated

based on a costed scheme. Given the above, the provisions meet the necessary tests.

151. Provisions to secure timed public access in perpetuity to the landscaped courtyards is necessary to ensure a permeable high-quality development and passes the necessary tests. It would further the aims of Local Plan policies PP1 and LP33, which together aim to create and improve high quality public realm.
152. Policy support is before me to justify the requirement for an Employment and Skills Plan to promote and develop local labour, an active programme to recruit and retain apprentices, and a financial sum to contribute to training and skills upgrade to build local skills and employment opportunities. The financial sum is calculated in accordance with Planning Contributions SPD. Together these provisions meet the necessary tests.
153. Given the proximity of residential uses to the appeal development, both existing and proposed, in addition to several developments likely to be under construction at the same time in the locality, registration and compliance with the Considerate Constructors' scheme is necessary to protect the living conditions of residents nearby. It would further the aims of Local Plan policy L58, which aims to ensure new development does not contribute towards worsening air quality.
154. The appeal development proposes a financial contribution towards off site affordable housing. There is an evidenced need for affordable housing in the Borough. Policy requirements are set out in London Plan policies H4-H7 and Hackney Local Plan policy LP13. Contributions have been calculated in accordance with Hackney Planning Contributions SPD, having regard to the viability assessments accompanying the appeal application.
155. London Plan policy H5 provisions will ensure a mechanism to secure an upwards only review mechanism, which would give the Council an opportunity to capture the possible shortfall in provision should the viability picture change at build out. That mechanism would ensure any provision would be directly proportionate to the overall scale of development. Therefore, in this respect the provisions meet the above tests and weigh in favour of the appeal.
156. London Plan policy SI2 and Local Plan policy LP55 aim to mitigate the impacts of climate change. As the appeal development cannot mitigate the impacts of climate change on site a carbon off-setting payment is required. That has been calculated in accordance with Hackney Planning Contributions SPD and meets the above tests.
157. Hackney Local Plan policy LP29, requires the reprovision of existing low-cost employment floorspace at the maximum economically feasible in perpetuity. Provisions in the planning obligation would secure this and are necessary to secure a high-quality development.
158. The planning Obligation includes provisions to secure other financial contributions aimed to mitigate the impacts of development. Those include the Council's costs in respect of negotiation and completion of the Undertaking. In each case, a need is identified, a policy referred to, the way in which the contribution has been calculated explained, and a project where the money would be spent identified, where appropriate. Contributions where relevant are calculated in accordance with the Hackney Planning Contributions SPD.

Therefore, I am satisfied that in each case the financial contributions sought would meet the relevant tests set out above.

159. Given the number of financial contributions sought, including affordable housing plus review mechanisms, the construction and management plan, delivery and servicing management plan, and full travel plan monitoring charges are justified in relation to the Undertaking and its obligations and pass the above tests.

Conditions

160. A list of suggested planning conditions was discussed at the Inquiry and an agreed list produced by the Council and appellant with input from the R6 party. Generally, they accord with national policy and guidance³. A list of planning conditions to be imposed is set out in Annex C. I have modified a few slightly to ensure full consistency with national policy and guidance.
161. A pre-commencement condition requiring archaeological evaluation and if appropriate investigation, post investigation analysis, publication, dissemination and deposition is required to preserve and interpret the appeal site's archaeology.
162. Pre and post commencement conditions are necessary to deal appropriately with any land contamination, in the interests of human and environmental health. Historic building recording and measures to repair and maintain the historic retained chimney are necessary to safeguard knowledge of heritage assets and their protection as appropriate. Bat and bird surveys are necessary to ensure suitable protection and alternative habitats for any fauna on site.
163. A survey of the highway and adjacent public realm in the locality is necessary to manage and repair any construction impacts post completion. A demolition and construction management plan is necessary to help mitigate the impact of the construction. Details of ground floor and basement structures (including foundations and piling) are necessary to safeguard the future construction of Crossrail 2. Details of any piling are also necessary to prevent damage to strategic underground water utility infrastructure.
164. To prevent surface and foul water flooding, ensure sufficient capacity and avoid environmental impacts, details of a sustainable urban drainage system plus confirmation of effective delivery, foul drainage strategy any flood resilience and/or resistance measures are required.
165. To ensure a quality development that blends into its surroundings, details of materials and architectural detailing are required. For the same reason, and to enhance the ecology and character of the appeal development, details of the living roofs are necessary. The safety of both future and existing occupiers of the locality will be protected through adherence to Secure By Design principles. Details of privacy measures and obscure glazing treatment as appropriate will ensure high quality living conditions.
166. An assessment of the wind microclimate is necessary to ensure the comfort of future users and occupiers. Details of landscaping and the doorstep play

³ Paragraphs 55 and 56 of the Framework and PPG including paragraph 21a-003-20190723

- space are required to ensure that the appeal development blends into the locality and provides safe play space.
167. Conditions requiring details of cycle parking, blue badge parking and electric vehicle charging points are required to promote sustainable forms of transport and ensure convenience for persons with a disability.
168. A refuse and recycling strategy along with a delivery and servicing management plan will ensure the safe operation of the highway and the amenity of existing and future occupiers. To optimise air quality and minimise detriment to human health an air quality management plan is necessary.
169. Details of sustainability measures employed are required to ensure a scheme that mitigates the impacts of climate change. Conditions requiring confirmation of an 'excellent' BREEAM rating for the commercial units, along with confirmation that the operational stage energy performance is minimised are required for the same reason.
170. Details of extraction flues are required to ensure a quality development that safeguards the living conditions of future and neighbouring occupiers and users. Conditions requiring details of any advertisements for the commercial units, restricting roof plant and shutters and other plant on external facades are necessary to ensure a quality development. Given the sensitive location within a conservation area and the retention of locally listed buildings, such restriction should apply to all facades. I have amended the suggested condition accordingly.
171. To protect the living conditions of future occupiers, conditions are necessary to ensure appropriate sound insulation and noise reduction, including appropriate party walls with commercial units, and to restrict noise from any plant or machinery. Details of the rooflight to flat B16 are required to ensure acceptable living conditions for future occupiers, including daylight and sunlight. A condition is required to ensure suitable provision of fully accessible housing to ensure a high-quality accessible development.
172. A condition is necessary to ensure that the commercial floorspace is retained in part G of class E of the Town and Country Planning (Use Classes Order)1987, given that the site is within a POA. That would enable office and /or creative and cultural uses within the commercial elements of the proposed development which for the reasons previously given is necessary.
173. The list of conditions includes several pre-commencement conditions. Those are agreed between the Council and appellant for the purposes of section 100ZA and regulation 2 of the Town and Country Planning (Pre-commencement Conditions) Regulations 2018. In each case they are required pre-commencement as they are fundamental to the acceptability of the proposed development.

Planning Balance

174. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out, that if regard is to be had to the Development Plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the Plan, unless material considerations indicate

otherwise. In this case, I have no reason to determine that regard should not be had to the Development Plan.

175. Even though the appeal development may not provide accommodation that would readily suit Holborn Studios Ltd or replicate exactly that of Holborn Studios, overall, for the reasons given, it would not adversely affect the provision of cultural facilities in use by creative industries. It would therefore accord with London Plan policy HC5 and Local Plan policy LP10.
176. I have identified no heritage harm and that the appeal development would accord with Local Plan policy LP3, LP4, and London Plan policy HC1.
177. The appeal proposal would provide acceptable living conditions for future occupiers, in terms of the quality of internal space and the provision of communal open and childrens' play space. I therefore find no conflict with London Plan policy D6, or Local Plan policies L17, L48 or LP50.
178. In addition, the appeal development would not adversely impact the provision of family housing in the borough. It would therefore accord with Local Plan policy LP14.
179. Moreover, it would not adversely impact the provision of employment floorspace in the Wenlock POA, affordable workspace or affordable housing in the borough. In this respect it would accord with Local Plan policies LP13, LP27 and LP29.
180. Overall, on the basis of my findings on the substantive issues in this case, the appeal development would accord with the Development Plan when read as a whole. I consider that the other material considerations raised in this case, indicate that this appeal should not be determined other than in accordance with the Development Plan. The appeal therefore should succeed.

Conclusion

181. For the reasons given above, I conclude that the appeal should be allowed and planning permission should be granted, subject to the conditions set out in Annex C to my Decision.

R Barrett

INSPECTOR

Annex A Appearances

FOR THE APPELLANT:

Sasha White KC Andrew Parkinson of Counsel They called:	Instructed by Tom Cole of Montagu Evans
Gareth Turner MRICS	Viability
Stephen Davy BSc (Dist) Dip Arch (Dist) ARB RIBA	Design
John Stephenson FRICS MCIARB	Employment land
Dr Chris Miele MA PHD MRTPI IHBC	Heritage
Simon Marks MA MRTPI	Planning
Emma Barkas for s106 discussion	Senior Associate Clyde and Co

FOR THE LOCAL PLANNING AUTHORITY:

Mark Beard of Counsel He called:	Instructed by Louise Humphreys Acting Director of Law and Governance
Raja Moussaoui BAS (Hons) M Arch	Manager for the Mayor's Culture and Community Spaces at Risk Programme
Adam Dyer BA (Hons) MSc	Principal Conservation and Design officer
Catherine Slade MA MRTPI	Principal Planning officer
Graham Callam BA(Hons) Dip MRTPI	Growth Team Leader

FOR HOLBORN STUDIOS LTD (R6):

Richard Harwood KC He called:	Instructed by Harrison Grant Ring Solicitors
Vincent McCartney	Development Director Holborn Studios Ltd
Michael McCartney	General Manager Holborn Studios Ltd
William McCartney	Managing Director Holborn Studios Ltd
Bill Ling	Fashion photographer
Nick Perry (adopting proof of Laurie Elks)	Secretary and substitute Chair Hackney Society Planning Group

Kevin Murphy B Arch MUBC RIBA IHBC	KM Heritage
Kieron Hodgson BA (Hons) MTP MRTPI	Planning Director Iceni Projects (London Planning Team)
Charlotte Tate for conditions discussion	Senior Planner Inceni Planning

Annex B Inquiry Documents

IQ1	Appellant appearances
IQ2	Council's CIL compliance statement v1
IQ3	Appellant's opening
IQ4	Council's opening
IQ5	R6 opening
IQ6	Provisional inquiry timetable
IQ7	Draft Planning Obligation by Unilateral Undertaking
IQ8	Extract from addendum to Mr Davy proof
IQ9	Extract from addendum to Dr Miele proof
IQ10	Statement of Common Ground between Council and appellant
IQ11	Revised inquiry timetable
IQ12	Phasing plan of existing buildings
IQ13	Planning sub committee papers 25 September 2023 (referred to in Mr Mark's evidence)
IQ14	Historic England letter dated 23 September 2015
IQ15	Revised Planning obligation
IQ16	Schedule and plan of current uses at the appeal site (submitted by R6)
IQ17	Schedule of existing and proposed floor areas (excluding residential)
IQ18	Details of storage, use and disposal R6 recording of proceedings
IQ19	Extract from London Plan 2011, including policy 4.6 and extract from glossary
IQ20	Appellant comment on IQ16
IQ21	Schedule of suggested planning conditions v2
IQ22	Council email confirmation that pre-cyber attack representations on the appeal application provided by R6 party have been passed to appellant
IQ23	Schedule of suggested planning conditions v3
IQ24	Appellant's written agreement to pre-commencement conditions

- IQ25 Completed planning obligation
- IQ26 CIL compliance statement v2
- IQ27 Copy of appeal application form embedded in appeal application covering letter dated 1 September 2017
- IQ28 Council closing statement
- IQ29 R6 closing statement
- IQ30 Appellant closing statement
- IQ31 Executed planning obligation
- IQ32 Note in relation to proposed planning condition 41

Annex C

Schedule of Planning Conditions

1. Approved drawings

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

Demolition Plans:

EAG-P105-S2-P0 – Demolition Ground Floor Plan

EAG-P106-S2-P0 – Demolition First Floor Plan

EAG-P107-S2-P0 – Demolition Second Floor Plan

Proposed Plans:

EAG-P110-S2-P3 – Proposed Basement Plan

EAG-P111-S2-P10 – Proposed Ground Floor Plan

EAG-P112-S2-P5 – Proposed First Floor Plan

EAG-P113-S2-P4 – Proposed Second Floor Plan

EAG-P114-S2-P4 – Proposed Third Floor Plan

EAG-P115-S2-P4 – Proposed Fourth Floor Plan

EAG-P116-S2-P5 – Proposed Fifth Floor Plan

EAG-P117-S2-P1 – Proposed Sixth Floor Plan

EAG-P118-S2-P0 – Proposed Block Plan

EAG-P121-S2-P0 – Proposed Site Location Plan

EAG-P122-S2-P0 – Proposed Landscape Plan

EAG-P220-S2-P4 – Proposed South Elevation

EAG-P221-S2-P4 – Proposed North Elevation

EAG-P222-S2-P4 – Proposed Street Scene

EAG-P223-S2-P4 – Proposed South Long Section

EAG-P224-S2-P6 – Proposed North Long Section

EAG-P225-S2-P2 – Proposed West Cross Sections

EAG-P226-S2-P5 – Proposed East Cross Sections

2. Time limit

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

3. Archaeology (Pre-commencement)

A. Prior to commencement of the development a stage 1 written scheme of investigation (WSI) for the site, undertaken by an appropriately qualified party, shall be submitted to and approved in writing by the Local Planning Authority.

No 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.

B. 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, which shall include:

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

(ii). A programme for post-investigation assessment and subsequent analysis, publication, dissemination and deposition of resulting material.

No development shall take place until all recommendations of the stage 1 WSI and (if appropriate) the stage 2 WSI have been implemented in full.

If a stage 2 WSI is triggered, the recommendations of part (ii) shall be completed in full prior to occupation of the development.

4. Contaminated land – investigation (Pre-commencement)

Prior to the commencement of the development an assessment of the risks posed by any contamination shall have been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of potentially contaminated sites-Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The assessment shall include: a survey of the extent, scale and nature of contamination; the potential risks to: human health; property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; adjoining land; ground waters and surface waters; ecological systems; and archaeological sites and ancient monuments.

5. Contaminated land - remediation

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

The development hereby approved shall not commence until the approved remediation measures have been implemented in full.

6. Historic fabric (Pre-commencement)

Prior to commencement of the development, all historic fabric to be removed from the retained buildings and those to be demolished shall be subject to a full photographic and textual recording of the standard indicated in the Historic England guidance document Understanding Historic Buildings: A Guide to Good Recording Practice (English Heritage, 2006).

The completed record shall be submitted to and approved in writing by, the Local Planning Authority, prior to the commencement of development and shall then be deposited with the Greater London Historic Environment Record and Hackney Archives prior to occupation of the development. The removal of historic fabric shall not be carried out otherwise than in accordance with the recording thus approved.

7. Chimney (Pre-commencement)

Prior to the commencement of development, a schedule detailing the repair and ongoing maintenance of the retained chimney, which includes details of safeguarding of the structure during demolition and construction works, should be submitted to, and approved in writing by, the Local Planning Authority. The agreed safeguarding measures shall be in place prior to the development commencing and adhered to throughout demolition and construction phases.

The agreed repairs should be completed prior to occupation, and the ongoing maintenance schedule should be implemented during construction and operation in full for the lifetime of the development.

8. Ecology (Pre-commencement)

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

9. Highway survey (Pre-commencement)

Prior to the commencement of development, a survey of the highway and adjacent public realm should be submitted to the Local Planning Authority. For the avoidance of doubt, the survey should not extend beyond the site frontage and the junctions of Eagle Wharf Road/Shepherdess Walk and Eagle Wharf Road/Cropley Street. This is to be carried out to review the condition in order to manage and repair any impacts to this land post completion.

10. Demolition and Construction Logistics Management Plan (Pre-commencement)

Prior to commencement of the development, a detailed Demolition and Construction Logistics Management Plan, (including Construction Logistics and Community Safety (CLOCS)) covering all phases of the development and the matters set out below shall be submitted to and approved in writing by the Local Planning Authority.

The development shall be implemented in accordance with the details and the approved measures shall be maintained throughout the entire demolition and construction period.

This shall include (but not limited to);

- a) Details of noise control measures and those to preserve air quality (including a risk assessment of the demolition and construction phase)
- b) Details setting out how resources will be managed and waste controlled at all stages during the construction project, including, but not limited to
 - details of dust mitigation measures during site clearance and construction works (including any works of demolition of existing buildings or breaking out or crushing of concrete)
 - the location of any mobile plant machinery
 - exploring the use of the canal for transport of materials and in support of the construction of the development
 - details of measures to be employed to mitigate against noise and vibration arising out of the construction process demonstrating best practical means
 - details of measures to handle contaminants such as asbestos; and
 - Site Waste Management details.
- c) A risk assessment and method statement outlining all works to be carried out adjacent to the water to be prepared in consultation with adjacent development and to be approved in consultation with The Canal and River Trust
- d) Compliance with Non-road Mobile Machinery regulations.

11. Foundations (Pre-commencement)

Prior to commencement of the development detailed design and construction method statements for all ground floor and basement structures as well as any other structures below ground level (including foundations and piling, both temporary and permanent) shall be submitted to, and approved in writing by, the Local Planning Authority. These details shall demonstrate that the development shall:

- i. Accommodate the proposed location of the Crossrail 2 structures including tunnels, shafts and temporary works;
- ii. Accommodate ground movement arising from the construction thereof; and
- iii. Mitigate the effects of noise and vibration arising from the operation of the Crossrail 2 railway within the tunnels and other structures. The development shall be carried out in all respects in accordance with the approved design and method statements.

All structures and works comprised within the development hereby permitted which are required by paragraphs (i), (ii) and (iii) of this condition shall be completed before the development hereby permitted is occupied.

12. Piling

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

All piling shall be undertaken in accordance with the approved piling method statement.

13. Drainage works (Pre-commencement)

Prior to commencement of the development the following details shall be submitted to and approved in writing by the Local Planning Authority in consultation with the local lead flood authority and Thames Water:

- A. Full details of a sustainable drainage system (SuDS) supported by appropriate calculations, construction details, drainage layout and a site-specific management and maintenance plan. Details shall include but not be limited to the proposed green/blue roof (with a substrate depth of at least 80mm not including vegetative mats), waterbutts, permeable paving, tree pits/planters, underground attenuation system and the flow control system. Surface water from the site shall be managed in accordance with the proposal referred to in the drainage report (Ref: 12176 Issue no. 5 dated 21 January 2022) and the overall site peak discharge rate restricted to 4.5 l/s, in line with BS 8582:2013 code of practice for "surface water management for development sites".
- B. Full details (including intrusive investigation/trial pit and monitoring where necessary) demonstrating that the basement development will not increase the potential for groundwater flooding to itself or to the surrounding area during and post-construction. Where groundwater is identified as a potential risk, details of appropriate controls including flood resilience and/or resistance measures shall be included within the submission, and the approved measures incorporated before the basement is occupied. The basement shall be

constructed and completed in accordance with the approved plans in line with BS 8102:2009 code of practice for "protection of below ground structures against water from the ground".

C. Full details of a foul drainage strategy detailing all proposed drainage works.

No discharge of foul or surface water from the site to the public system shall take place until the approved SuDS and foul drainage strategies have been completed in full, and no occupation of the basement shall take place until any flood resilience and/or resistance measures necessary have been implemented in full.

14. Materials and architectural detailing

Prior to the construction or installation of the relevant parts of the approved development, the following shall be submitted to, and approved in writing by, the Local Planning Authority.

(i) Drawings including cross-sections of façade details and typical façade sections at a scale of 1:20;

(ii) Drawings including cross-sections of typical window and door details at a scale of 1:20;

(ii) Drawings including cross-sections of typical ground floor and entrance details at a scale of 1:20;

(iv) Drawings including cross-sections of typical balcony and balustrade details at a scale of 1:20;

(v) Details, including samples, of all materials to be used on all external surfaces of all buildings, including glazing and windows/doors;

(vi) Sample panels of brickwork, indicating the colour, texture, facebond and pointing (and shall not include panelised brick slip systems that require vertical or horizontal expansion joints);

(viii) Details, including samples and elevational drawings to a scale of 1:50, of all screening to roof top plant including any air source heat pumps (ASHP).

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

15. Living roofs

Prior to commencement of above grade works, full details of biodiverse green / brown roofs with a minimum of 80mm substrate depth (not including the proposed vegetative mat), including a plan drawing at an appropriate scale and a cross-section of the proposed installations (and their physical and functional relationship to the solar photovoltaic installations (SPV)) at a scale of 1:20, and a detailed maintenance plan, shall be submitted to, and approved in writing by, the Local Planning Authority.

The development shall not be carried out otherwise than in accordance with the details thus approved and shall be fully implemented before the premises are first occupied and maintained as such for the lifetime of the development.

16. Microclimate

Prior to commencement of above grade works, an assessment of the wind microclimate produced by the proposed development shall be submitted to, and approved in writing by, the Local Planning Authority.

All recommended mitigation measures shall be implemented in full prior to occupation of the development and maintained for the lifetime of the development.

17. Landscaping and play space

A. Prior to commencement of above grade works, details of all hard and soft landscaping including detailed drawings at an appropriate scale shall be submitted to, and approved in writing by, the Local Planning Authority.

The hard and soft landscaping scheme shall include the following:

- (i) Site layouts showing all areas of planting including seeding and turf
- (ii) Planting specification of trees and shrubs including species, location, stock and number
- (iii) Cross-sections to a scale of 1:20 showing all contained planting, including depth of planting and explicit reasons if planters are used with substrate that does not feed into the ground
- (iv) Identification of proposed area(s) for doorstep play provision for under 5 year olds as part of the landscaping scheme
- (v) The proposed public art to be commissioned and located at the access and egress points to the public courtyard
- (vi) Lighting details including measures to minimise impacts to fauna and the canal
- (vii) Locations, numbers and details of bat and bird boxes, including on the chimney, reflecting the results and level of activity of the intrusive surveys
- (viii) Vertical greening poles along the canal edge
- (ix) Design features reflecting the historic uses of the site
- (x) Ongoing maintenance regime.

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

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

18. Secure by Design

Prior to commencement of above grade works, details of the measures to be incorporated into the development demonstrating how the principles and practices of 'Secure by Design', including details of access arrangements and means of control, be submitted to, and approved in writing by, the Local Planning Authority in consultation with the Metropolitan Police Designing Out Crime Officers.

The development shall not be carried out otherwise than in full accordance with the details thus approved and maintained thereafter for the full life of the development.

19. Privacy

Prior to occupation of the development, details of privacy measures and obscure glazing treatment to be installed to balconies or to windows potentially affected by direct or close proximity overlooking from balconies shall be submitted to, and approved by, the Local Planning Authority in writing.

The agreed details shall be implemented in full prior to occupation of development and retained for the life of the development.

20. Cycle parking

The cycle storage facilities for the residential and commercial units as shown on the approved plans shall be installed in full prior to the first occupation of the development.

Provision shall be made for a minimum 228 spaces as follows:

- 102 for the residential element; and,
- 126 for the employment element.

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

21. Blue badge parking

The three blue badge parking spaces shown on approved drawing EAG-P111-S2-P10 shall be provided prior to occupation of development and thereafter retained for the lifetime of the development for exclusive use by blue badge holders only.

22. Electric vehicle charging points

Prior to the occupation of the development, the details, including charging rates, specification and location, of 3 electric vehicle charging points to serve the 3 parking spaces within the development shall be submitted to, and approved in writing by, the Local Planning Authority.

The electric vehicle charging points shall be installed as approved prior to occupation of the development and shall be retained permanently for use.

23. Refuse and recycling

Prior to occupation of the development, a refuse and recycling strategy, including measures for the co-ordination of waste and recycling between the various premises and details of management of storage and manoeuvring/presentation of bins, shall be submitted to, and approved in writing by, the Local Planning Authority.

The approved details shall be implemented in full prior to occupation of the development and maintained thereafter for the lifetime of the development and refuse and recycling storage and collection shall only be carried out in accordance with the details thus approved.

24. Delivery and servicing plan

Prior to occupation of the development, a Delivery and Servicing Management Plan, including measures to minimise noise generated from the servicing areas and ensure safe operation of the courtyard, shall be submitted to, and approved in writing by, the Local Planning Authority. The submitted details shall include details of servicing times and associated noise mitigation measures.

The approved details shall be implemented in full prior to occupation of the development and maintained thereafter for the lifetime of the development, and

deliveries and servicing shall only be carried out in accordance with the details thus approved.

25. Site management plan

Prior to occupation of the development, a Site Management Plan shall be submitted to, and approved in writing by, the Local Planning Authority.

The Site Management Plan shall set out measures to ensure the security of the site is maintained and to mitigate any noise and disturbance including:

- Hours of operation including opening hours of the café/restaurant and commercial areas;
- Details of access arrangements for maintenance of sustainable energy technologies, including landscaping, the living roofs and SPV;
- Details of all external lighting including locations, specification and light spillage;
- Details of CCTV including locations (capable of linking to the borough wide system);
- The operation of the approved uses and the use of the public realm areas shall only be carried out in accordance with the details thus approved.

The Site Management Plan should be implemented in full prior to the occupation of the development and retained thereafter for the lifetime of the development.

26. Air quality

Prior to occupation of the development, an Air Quality Management Plan shall be submitted to, and approved in writing by the Local Planning Authority.

All measures identified within the submitted plan to optimise air quality and minimise detriment to human health shall be implemented in full prior to occupation of the development and retained thereafter for the lifetime of the development.

27. Sustainability performance

Prior to occupation of the development, the following details shall be submitted to, and approved by the Local Planning Authority in writing:

- a) Air permeability: full air permeability test certificates confirming that the whole development, including the commercial units achieves an average air permeability of equal or less than 5m³/m²@50pa
- b) Application of external and internal shading and openable windows to promote natural ventilation to kitchen, living, dining and bedrooms in residential development to mitigate overheating
- c) Passive provision for connection to a wider district heating network
- d) SPV array: certification by an accredited SPV installer confirming that an array with an overall capacity of at least 13.2kWp has been installed on the roof of the development; and,
- e) ASHP: full commissioning certificates carried out by an MCS registered installer of the installed ASHP system, and confirmation that the specified system is registered on the government's Energy Technology List.

28. Extraction flues

Prior to the operation of any floorspace for uses falling within Use Class E(b), details of suitable mechanical ventilation and/or flue extraction shall be submitted to, and agreed by, the Local Planning Authority in writing.

The approved equipment shall be installed, retained and maintained thereafter prior to the occupation of the relevant part of the development.

29. Contaminated land

Prior to occupation of the development, the approved remediation scheme shall be carried out in full, and a verification report undertaken by a suitably qualified contaminated land practitioner shall be submitted to, and approved in writing by, the Local Planning Authority.

30. BREEAM

Within 6 months of completion of any of the commercial units, evidence shall be submitted (and approved in writing by the Local Planning Authority) in the form of a BREEAM Post Construction Certificate(s) demonstrating that BREEAM 'Excellent' rating (or another scheme target of equivalent or better environmental performance) has been achieved.

31. SuDS

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

32. Advertisements

Details of proposed signage to the commercial units shall be submitted to, and approved in writing by, the Local Planning Authority before the units are occupied. The approved signage should be implemented in full before each unit are occupied.

33. Noise

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

34. Noise (residential)

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

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

A test shall be carried out prior to occupation of the residential units to show the standard of sound insulation required shall be met.

35. Noise (party wall)

Dwellings sharing a party wall element with a commercial premises shall be designed and constructed to provide reasonable resistance to the transmission of sound. The minimum airborne sound insulation of the party element shall be DnT'w of 60dB. The scheme is to be completed in full prior to the commencement of the commercial use hereby permitted and shall be permanently maintained thereafter.

36. Accessibility

As illustrated on the submitted drawings, units B03, B07, B14, B18 and B20 shall be delivered to meet the standard of Building Regulation Part M 4(3). The remaining units shall be delivered to the standard of Building Regulation Part M 4(2).

These units shall be retained as M4(3) and M4(2) units thereafter for the lifetime of the development.

37. Roof plant

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

38. Shutters

No externally fixed roller shutters shall be installed to the building hereby approved.

39. Facades

No new plumbing, pipes, soil stacks, flues, vents, grilles, security alarms or ductwork shall be fixed on the external facades of the development, other than as shown on the approved drawings, or having been the subject of approval by condition attached to this permission.

40. Sustainability

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

A) Prior to commencement of the development, accurate and verified estimates of the 'be seen' energy performance indicators of the development shall be submitted to the GLA monitoring portal.

b) Prior to the occupation of the development updated accurate and verified estimates of the 'be seen' energy performance indicators (including details of methodology, evidence and ongoing monitoring of in-use energy performance indicators) for each reportable unit of the development, shall be submitted to the GLA's monitoring portal.

c) Upon completion of the first year of occupation following the end of the defects liability period (DLP) and for the following four years, the legal Owner is required to provide accurate and verified annual in-use energy performance data for all relevant indicators under each reportable unit of the development as per the methodology outlined in Chapter 5 'In-use stage' of the GLA 'Be seen' energy monitoring guidance document. All data and supporting evidence should be uploaded to the GLA's monitoring portal. This condition will be satisfied after the legal Owner has reported on all relevant indicators included in Chapter 5 'In-use stage' of the GLA 'Be Seen' energy monitoring guidance document for at least five years. In the event that the in-use evidence submitted shows that the as-built performance estimates have not been or are not being met, the legal Owner must use reasonable endeavours to investigate and identify the causes of underperformance and the potential mitigation measures and set these out in the relevant comment box of the 'be seen' spreadsheet. Where measures are identified, which it would be reasonably practicable to implement, an action plan comprising such measures should be prepared and agreed with the Local Planning Authority and be implemented by the legal Owner as soon as reasonably practicable.

41. Use Classes

The parts of the development hereby approved within part G of Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended) shall only operate within class E(g) and shall not benefit from changes of use granted by the General Permitted Development Order (2015) (as amended).

42. Rooflight

Notwithstanding the submitted plans, prior to occupation, details of the roof light to be installed into the roof of unit B16 above the shared living/kitchen/dining area shall be submitted to and approved in writing by the Local Planning Authority. This rooflight shall be installed in accordance with the approved details before unit B16 is occupied and retained for the lifetime of the development.

43. Contaminated land

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

End of List of Planning Conditions