



**Canal &
River Trust**

Making life better by water

LB Hackney
Planning and Regulatory Services
2 Hillman Street
London
E8 1FB

Your Ref 2021/0680

Our Ref CRTR-PLAN-2021-32277

21st April 2021

Dear Mr Bovaird,

Proposal: Redevelopment of existing self-storage site (B8 use) to provide a mixed use scheme comprising blocks of 2-7 storeys and accommodating a self-storage facility (Use Class B8) at lower basement, basement and ground floor level, office accommodation (Use Class E(g)) at basement, ground and first floor level, 139 residential units (Use Class C3) at second to sixth floor and cafe (Use Class E) at ground and first floor level, along with landscaping and other associated works.

Location: 48 -48a Eagle Wharf Road, Hackney

Waterway: Regent's Canal

Thank you for your consultation.

We are the charity who look after and bring to life 2000 miles of canals & rivers. Our waterways contribute to the health and wellbeing of local communities and economies, creating attractive and connected places to live, work, volunteer and spend leisure time. These historic, natural and cultural assets form part of the strategic and local green-blue infrastructure network, linking urban and rural communities as well as habitats. By caring for our waterways and promoting their use we believe we can improve the wellbeing of our nation. The Trust is a statutory consultee in the Development Management process.

The main issues relevant to the Trust as statutory consultee on this application are:

- a) Impact on the character and appearance of the waterway corridor, and the Regent's Canal Conservation Area.
- b) Impact on the ecology of the waterway corridor.
- c) Impact on the structural integrity of the canal wall.
- d) Impact on the water quality of the canal.
- e) Impact on the existing moorings adjacent to the site.

Based on the information available our substantive response, as required by the Town & Country Planning (Development Management Procedure) (England) Order 2015 (as amended), is to advise that suitably worded **conditions and a legal agreement are necessary** to address these matters. Our advice and comments follow:

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- a) Impact on the character and appearance of the waterway corridor, and the Regent's Canal Conservation Area.

The mixed-use scheme will provide all-day activity within the building complex and the canalside café, adjacent to the lock, has the potential to provide active uses at the ground floor. These should not adversely impact on the amenity of the adjacent moorings, however (discussed further, below).

The height and scale of the proposal seems to be greater than the adjacent Holborn Studios proposals. The prominence of the retained chimney on that adjoining site should not be diminished in canal views.

We note, however, that the scale of the development is reduced from the original proposals in the initial 2018 submission, prior to its amendment.

- b) Impact on the ecology of the waterway corridor.

Landscaping

The Design and Access statement (part 13) states that trees need to be removed from the land adjacent to the offside (non-towpath side) lock chamber (converted to a bypass weir in the 1970s), to "make the canal fully accessible". The Trust owns this land, which is an operational part of the canal infrastructure, and we would want to consider any proposals for opening this up to public access very carefully, before we could grant our consent. From a heritage point of view, we are also concerned that the legibility of the historic form of the lock as a whole should be preserved, and where possible enhanced, with care taken to avoid obscuring or detracting from, any of the structure with new landscaping or planting. Any proposals should preserve and enhance the legibility of the curving headwall from the upstream side rather than obscure it with any decking etc.

Currently these trees are mature, with great landscape and habitat value, and also sit within a conservation area. There does not appear to be an arboricultural report accompanying the application that justifies the removal of the vegetation. Some minor crown reduction and ivy girdling work with assessment from a trained arboriculturalist may be acceptable, but we would request further discussion on this, and a planning condition, suggested below. We have reviewed the planting specification and it appears that the proposed planting would include non-native and ornamental species along the canal corridor, and we would request that this be amended to include only UK native plants within this planting scheme along the canal corridor.

Should agreement with the Trust be reached about use of our land at the offside element of Sturt's Lock, and proposed vegetation works, the methodology of vegetation clearance would need to be approved by the Trust to ensure protection of the fabric of the lock itself, as well as a historic bollard bearing a commemorative inscription that is situated in this area. We would therefore like to see further landscaping detail, both in plan and elevation, including details of works in relation to the bollard and plaque and long-term maintenance plans for the planting. If the LPA is minded to grant planning permission, we have suggested a condition below.

Lighting

Lighting can affect ecology and the use of the canal as a bat feeding corridor. There must be no light spill over the waterway corridor due to the population of bats which forage and roost in the local area (and also potentially within the trees by the lock). The developer should have the existing trees surveyed for bats (once agreement for access has been arranged with the Trust) and conduct an ecological appraisal of the site to further investigate enhancements and mitigation for the impact of the development on the canal environment.

As such, the Trust requests a lighting scheme with proposed lux levels illustrated. There should be a maximum of 5 lux within 10m of the canal channel with only warm white (3000K) spectrum lighting, downward directional with 0 lux over the water surface. We have suggested a condition below requiring both lighting and CCTV details be

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submitted for approval to avoid any adverse impact on both the ecology of the waterway corridor and the residential moorings.

Overshadowing

The submitted Daylight and Sunlight Assessment does not conclude the development's impact on the Regent's Canal, as an amenity space, and also home for several moorings adjacent to the site. The shading caused by the increased height of new buildings can impact the potential for plankton to photosynthesise, thus impacting on their numbers and the rest of the aquatic ecosystem. The impact of the proposed development's overshadowing on the canal's biodiversity may need to be mitigated by the introduction of further habitat, and we would like to see further information on this.

Overshadowing can also adversely impact on the amenity of the canal environment, for boaters and towpath users. We would therefore ask that this assessment be amended to address the moorings and canal in particular.

c) Impact on the structural integrity of the canal wall.

The proposed works will need to comply with the Code of Practice for Works Affecting the Canal & River Trust, and we have requested an informative regarding this, below. A survey of the canal wall will be required to inform potential mitigation measures to carry out demolition and piling work safely, and we have therefore suggested a condition regarding this be attached, below.

d) Impact on water quality of the Regent's Canal.

Demolition & construction phase

There are no available assessments (desk based or intrusive) on the risk of soil and groundwater contamination on-site. However, it is stated that there is an electrical sub-station on the site, so the risk of contamination exists. Following a precautionary approach during the demolition and construction phase, the following criteria need therefore to be adhered to:

- That no surface water (either via drains or surface water run-off) or extracted perched water or groundwater should be allowed to be discharged into the Trust's waterway during the demolition/construction/enabling works. Such waters should be discharged to the available foul sewer or tankered off-site.
- That any existing surface water drains connecting the site with the waterway are capped off at both ends for the duration of the works – i.e. at the point of surface water ingress and at any outfall to the waterway.

These requirements should be incorporated into a Construction Environmental Management Plan, and we have provided a suggested condition below.

Operational phase

Given the low-risk nature of the development once built and the small number of car parking spaces provided, the Regent's Canal could potentially accept surface water drainage from the site once operational, subject to an appropriate agreement with the Trust's Utilities team. The Flood Risk Assessment states that the discharge of surface water is currently expected to go to the Thames sewer.

Heating and cooling using canal water

The Foreman Roberts' energy statement refers to early conversations with the Canal & River Trust regarding water source heat pumps (WSHP), but disregards the use of WSHP, utilising thermal energy from the Regents

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Canal, with little explanation, and without any justification or indication that the costs of a WSHP-powered heat network have been calculated. In addition the embedded carbon and operational carbon of ASHP and WSHP networks have also been omitted, as have heat losses through the alternative heat networks, plus other considerations - such as structural support required for ASHP. The use of the Regent's Canal for heating and cooling should be considered or evidence provided of how this solution has been explored and assessed. It may be possible subject to agreement with our Water Sales team, so contact details are provided below.

e) Impact on the existing moorings adjacent to the site.

There is potential for the proposed development to impact on the security and residential amenity of the existing moorings on the Regent's Canal. The Trust is keen that the existing moorings are not compromised by the scheme. We suggest that the applicant engage in direct conversations with the mooring operators, who lease the waterspace they occupy from the Trust, before the Trust can consider granting access across our land or waterspace.

Planning Contributions

The proposed development of 139 residential units and commercial space would bring additional visitors to the canalside, who are likely to make use of the canal and its towpath as an amenity resource, and a convenient walking and cycling link. We therefore request that a s106 contributions towards mitigating this impact be applied to the decision, particularly as the towpath is highlighted within the application as a key walking/cycling route, including from the development to Angel station, and no improvements are offered as part of the development. We consider that £40,000 towards towpath improvements would be appropriate, and commensurate with the contribution that was to be secured at the adjacent site (should it have received planning permission), in accordance with Policy LP42 of the Hackney Local Plan 2020, and Policy SI 16 'Waterways' (part G) of the London Plan 2020.

Other comments

The Trust as Landowner

The proposal will affect the Trust's interests as landowner, and a separate agreement will be required with the Trust's Estates team. The Trust will also want to be satisfied that maintenance arrangements are in place when negotiating such an agreement. We have suggested an informative to be applied to the decision notice to notify the applicant of the requirement to contact our Estates Team to discuss these agreements.

Should planning permission be granted we request that the following conditions and informatives be appended to the decision notice:

Conditions

Risk Assessment and Method Statement

"Prior to the commencement of the development hereby permitted, a Risk Assessment and Method Statement outlining all works to be carried out adjacent to or affecting (directly or indirectly) the water, and moorings, must be submitted to and approved in writing by the Local Planning Authority, and implemented as agreed.

Reason: To ensure that the works have no adverse impact on the adjacent moorings or the waterspace.

Information should be provided prior to commencement as impacts on the canal corridor may occur during the initial construction and demolition phases."

Waterway Wall Survey

"Prior to the commencement of the development hereby approved, a survey of the condition of the waterway wall (immediately prior to and upon completion of the works), and a method statement and schedule of works identified shall be submitted to and approved in writing by the Local Planning Authority and the Canal & River Trust. Any heritage features and materials identified by the survey shall be made available for inspection by the

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Canal & River Trust. The repair works identified shall be carried out in accordance with the agreed method statement and repairs schedule by a date to be confirmed in the repairs schedule.

Reason: To ensure that the structural integrity of the Regent's Canal is retained. Information should be provided prior to commencement as impacts on the canal corridor may occur during the initial construction and demolition phases."

Regent's Canal Impact Assessment

"Prior to the commencement of the development a detailed Impact Assessment shall be undertaken and submitted to the Local Planning Authority and Canal & River Trust, to demonstrate that ground movement loading generated throughout the construction phases and permanent design shall not pose a threat to the integrity of the canal walls, foundations, lining, locks, weirs and any other associated canal infrastructure.

Reason: To ensure that the structural integrity of the Regent's Canal is retained. Information should be provided prior to commencement as impacts on the canal corridor may occur during the initial construction and demolition phases."

Construction Environmental Management Plan

"Prior to the commencement of the development hereby permitted, a revised Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include details of:

Proposed surface water arrangements (either via drains or surface water run-off) during the demolition/construction works, and during site occupation. Details should confirm the following:

- i. that no surface water (either via drains or surface water run-off) or extracted perched water or groundwater shall be discharged into the Regent's Canal during the demolition/construction works. Such waters should be discharged to the available foul sewer or tankered off-site;
- ii. that any surface water drains connecting the site with the waterway are capped off at both ends for the duration of the demolition & construction works – i.e. at the point of surface water ingress and at any outfall to the canal.

Reason: To ensure construction works do not have any adverse impact on the water quality of the Regent's Canal. Information should be provided prior to commencement as impacts on the canal corridor may occur during the initial construction and demolition phases."

Landscaping

"Full details of the proposed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme should include reference to plant species types and densities, surface treatments, fences and walls, any signage and information boards together with the means of on-going maintenance and including details of works and protection of the bollard and plaque on the lock island. The approved landscaping scheme shall be implemented by the first planting scheme after the development commences.

Reason: To ensure the character of the Regent's Canal is retained, and to maximise biodiversity benefits, in accordance with Policy LP52 of the Hackney Local Plan 2020."

Lighting

"Prior to the occupation of the development hereby permitted, full details of the proposed lighting and any CCTV scheme shall be submitted to and approved in writing by the Local Planning Authority, and implemented as agreed.

Reason: To ensure that there are no adverse impacts on the adjacent moorings or the ecology of the canal."

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Moorings

“Prior to the occupation of the development hereby permitted, full details of measures to ensure the continued enjoyment of the adjacent moorings, such as security and privacy enhancements, shall be submitted to and approved in writing by the Local Planning Authority, and implemented and maintained as agreed.”

Reason: To ensure that there are no adverse impacts on the adjacent moorings from the approved development.”

Informatives

“Any access to, or oversailing, the Canal & River Trust’s land or water during the construction must be agreed in writing with the Canal & River Trust before development commences. Please contact Bernadette McNicholas in the Canal & River Trust’s Estate Team at Bernadette.McNicholas@canalrivertrust.org.uk for further information.”

“The applicant/developer should refer to the current Canal & River Trust “Code of Practice for Works affecting the Canal & River Trust” to ensure that any necessary consents are obtained, and liaise with the Trust’s Third Party Work’s Engineer: <http://canalrivertrust.org.uk/about-us/for-businesses/undertaking-works-on-our-property>.”

“Any surface water discharge to the waterway will require prior consent from the Canal & River Trust. Please contact Liz Murdoch from the Canal & River Trust Utilities Team (Liz.Murdoch@canalrivertrust.org.uk).”

“The applicant/developer should contact the Canal & River Trust’s Water Sales team to discuss the potential for using the canal water for heating and cooling, at Maurice.Bottomley@canalrivertrust.org.uk.”

For us to monitor effectively our role as a statutory consultee, please send me a copy of the decision notice and the requirements of the planning obligation.

Please do not hesitate to contact me with any queries you may have.

Yours sincerely,

Claire McLean MRTPI
Area Planner London

Claire.McLean@canalrivertrust.org.uk

<https://canalrivertrust.org.uk/specialist-teams/planning-and-design>

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