

SUPPORTING STATEMENT: VARY THE WORDING OF CONDITION 15 AND REMOVAL OF CURTAIN WALLING

29-33, THE HALE, LONDON, N17 9JZ

1. INTRODUCTION

- 1.1. This Statement has been prepared on behalf of Crosstree Estate Partners LLP to justify an amendment to the wording of Condition 15 under LPA ref. HGY/2021/2304 and the removal of the curtain walling on the ground floor retail unit.
- 1.2. Planning permission was granted on 30th August 2023 under LPA ref. HGY/2021/2304 for:
“Redevelopment of site including demolition of existing buildings to provide a part 7, part 24 storey building of purpose-built student accommodation [PBSA] (Sui Generis); with part commercial uses [retail] (Use Class E(a)) at ground and first floor; and associated access, landscaping works, cycle parking, and wind mitigation measures.”
- 1.3. A new team has acquired the site. Crosstree, acting as the investor, and RG Real Estate, the appointed developer, have embarked on a comprehensive evaluation of the scheme and the site's contextual intricacies. ROK Planning have been appointed as the lead planning consultant for the project, and Hadfield Cawkwell Davidson as the lead architect. Through this assessment, challenges pertaining to buildability have been identified, including misaligned stair cores and internal layout discrepancies necessitating its reconfiguration and submission for an NMA.
- 1.4. The NMA was submitted in June 2024 and assigned the reference number HGY/2024/1824.
- 1.5. Firstly, under this NMA, the client wishes to amend the wording of Condition 15 (part 2), to remove reference to *“the Cooling Hierarchy and the Acoustics Ventilation and Overheating Residential Design Guide”* and replace it with *“Approved Document O”*. On 4th September 2024, The Planning Officer confirmed that the wording of Condition 15 could be amended under the live NMA application (HGY/2024/1824), subject to providing a supporting statement.
- 1.6. Secondly, under this NMA, the client wishes to remove of the curtain walling on the ground floor retail unit, specifically on the southeast/southwest elevation, and replace it with brickwork that matches the existing façade. On 11th September 2024, The Planning Officer confirmed that the removal of the curtain walling would be acceptable and could be addressed under the live NMA application, (HGY/2024/1824), subject to providing a supporting statement.
- 1.7. This Statement addresses these two proposals separately.

2. VARY THE WORDING OF CONDITION 15

- 2.1. We propose that alternative wording for Condition 15 be imposed as follows:

“Prior to above ground works, a revised Overheating Report shall be submitted to and approved by the Local Planning Authority. The submission shall assess the overheating risk with windows closed and for future weather files and propose a retrofit plan where necessary. This assessment shall be based on the Overheating Report by Aecom (dated 17 December 2021). The report shall include:

- 1. Annotated plans showing which habitable rooms will be affected by noise constraints;*

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2. *Modelling of DSY1 2020s weather file demonstrating where the rooms that are constrained by noise will overheat when the windows are closed, and details of the appropriate overheating and/or noise mitigation measures in line with **Approved Document O**;*
3. *Justification why active cooling is proposed for the communal areas on levels 7 and 24 with modelling results and that the need for cooling has been reduced, and details of the cooling method and load;*
4. *Further modelling of the habitable rooms based on CIBSE TM59, using the CIBSE TM49 London Weather Centre files for the 2050s and 2080s periods, high emissions, 50% percentile;*
5. *Technical details of mitigation measures, including the fixing mechanism, specification, and shading coefficient of any internal and external shading features, and the energy demand of the active cooling for communal areas;*
6. *Confirmation that the retrofit measures can be integrated within the design (e.g., if there is space for pipework to allow the retrofitting of cooling and ventilation equipment), setting out mitigation measures in line with the Cooling Hierarchy;*
7. *Confirmation who will be responsible to mitigate the overheating risk once the development is occupied.*

The development must be built in accordance with the overheating measures as approved, unless otherwise agreed in writing with the local authority, and retained thereafter for the lifetime of the development."

- 2.2. It is notable that there is no statutory definition of non-material, and this will depend on the context of the scheme. The following justification is notable in this instance:
- The AVO guide, while relevant at the time of the original planning permission, is a guidance document rather than a regulatory requirement. In contrast, Approved Document O (ADO) is now a statutory regulation that has come into effect since. As ADO provides the current framework for managing overheating and ventilation, it is more appropriate to use this as the compliance standard moving forward.
 - ADO focuses more on noise levels during night-time, which is when occupants are most likely to be affected. The AVO guide considers noise levels throughout the day, which could result in an unnecessary increase in mechanical cooling systems. By following ADO, the design can prioritise occupant comfort at night while potentially reducing the need for active cooling in many areas.
 - ADO offers the potential to reduce the extent of mechanical cooling required compared to the more stringent requirements of AVO. This would not only lead to energy savings but also reduce the environmental impact of the development. Using ADO will allow for a more practical approach to balancing overheating and noise mitigation without resorting to excessive cooling solutions.

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- The move towards reducing the use of mechanical cooling is consistent with the local authority's sustainability objectives. By adopting ADO, we can meet these objectives while still ensuring compliance with relevant overheating regulations.

2.3. In summary, the amendment to Condition 15 will bring the development in line with current regulations and allow for a more balanced approach to overheating and noise control, which we believe is appropriate for this project. We trust that the council will consider this justification favourably in the ongoing NMA application

3. REMOVAL OF CURTAIN WALLING

3.1. Alongside this supporting Statement, amended drawings have been submitted detailing the removal of the curtain walling on the ground floor retail unit on the southeast/southwest elevation, and replacing it with brickwork that matches the existing façade.

- Ground Floor Plan (Drawing No. 23192-HCD-AZ-00-DR-PL0400_P02);
- South East & South West Elevation (Drawing No. 23192-HCD-AZ-ZZ-DR-PL0501_P02); and
- Courtyard Elevations – Sheet 2 (Drawing No. 23192-HCD-AZ-ZZ-DR-PL0503_P02).

3.2. Firstly, the walling in question is located directly on a boundary with an adjacent development. Its position on this boundary creates practical challenges for both the appearance and security of the building. The glazed curtain walling faces an alleyway that does not contribute positively to the overall visual appeal of the site, and the boundary location makes the glazing an unnecessary feature that adds little value to the building's design.

3.3. Secondly, from a planning perspective, the panel serves no material or functional purpose. The alleyway that the glazing overlooks is not in the control of the client and forms part of an adjacent scheme, offering minimal visibility or aesthetic benefit. Given its positioning along this alley, the curtain walling does not enhance natural light, views, or the overall experience of either the building's occupants or passers-by.

3.4. Thirdly, the client has considered the practical needs of future tenants of the retail unit. It is highly likely that a commercial occupier would need to maximise internal wall space for shelving or displays. This would lead to the windows being covered with opaque vinyls or other materials to accommodate internal shelving units. As such, the glazed area would be obscured and lose any benefit of transparency or natural light. Replacing the curtain walling with brickwork would offer a more functional and adaptable solution for the future use of the retail space.

3.5. Lastly, replacing the glazed panel with brickwork that matches the existing façade will result in a more cohesive and consistent external appearance. The brickwork will maintain continuity with the rest of the building, ensuring that the overall aesthetic is uniform and appealing. In contrast, the presence of glazing along the boundary detracts from the architectural integrity of the building and conflicts with the surrounding context.

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4. SUMMARY

- 4.1. In summary, the proposed amendments to the wording of Condition 15 and the removal of the curtain walling on the ground floor retail unit are practical and necessary adjustments that align with the current needs of the project.
- 4.2. The change in Condition 15 reflects updated statutory requirements under Approved Document O, ensuring compliance with modern regulations for overheating and ventilation while supporting sustainability objectives.
- 4.3. The removal of the curtain walling addresses both aesthetic and functional concerns, enhancing the overall design by replacing unnecessary glazing with brickwork that matches the existing façade.