



# PLANNING SUB - COMMITTEE - SUPPLEMENTARY PAPERS

Wednesday, 29th July, 2020

at 6.30 pm

Until further notice, all Council meetings will be held remotely.

The Youtube Livestream link for this meeting is as follows:

<https://youtu.be/Syqjl3P92r8>

**Committee Members:**

**Cllr Vincent Stops, Cllr Katie Hanson, Cllr Susan Fajana-Thomas, Cllr Michael Levy, Cllr Brian Bell, Cllr Clare Joseph, Cllr Peter Snell, Cllr Clare Potter and Cllr Steve Race**

Tim Shields  
Chief Executive

Gareth Sykes  
Governance Services Officer  
Email: [gareth.sykes@hackney.gov.uk](mailto:gareth.sykes@hackney.gov.uk)

The press and public are welcome to observe this meeting

# ACCESS AND INFORMATION

Contact for Information:

Gareth Sykes, Governance Services  
Tel: 020 8356 1567  
Email: [gareth.sykes@hackney.gov.uk](mailto:gareth.sykes@hackney.gov.uk)

Hackney Council website: [www.hackney.gov.uk](http://www.hackney.gov.uk)

The Council and Democracy section of the Hackney Council website contains full details about the democratic process at Hackney, including:

- Councillor contact details
- Agendas, reports and minutes from council meetings
- The council's constitution
- Overview and Scrutiny information
- Details and links to area forums and local consultations

There are public toilets available, with wheelchair access, on the ground floor of the Town Hall. Induction loop facilities are available in the Assembly Halls, rooms 101, 102 & 103 and the Council Chamber. Access for people with mobility difficulties can be obtained through the ramp on the side to the main Town Hall entrance.

# AGENDA

Wednesday, 29th July, 2020

## ORDER OF BUSINESS

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Title	Ward	Page No
5 2019/2175 305a Kingsland Road, London, E8 4DL		1 - 10
6 2019/4090 - 2-4 Orsman Road N1 5NQ	Hoxton East & Shoreditch	11 - 20
7 2020/1102 - The House, 41 Boundary Street, Hackney E2 7JQ	Hoxton East & Shoreditch	21 - 30

# **Attending Meetings of the Planning Sub-Committee**

## ***Introduction***

The majority of planning applications for extensions to a home, new shop fronts, advertisements and similar minor development, are decided by Planning Officers.

The Planning Sub-Committee generally makes the decisions on larger planning applications that:

- may have a significant impact on the local community; and
- are recommended for approval by the Planning Officer.

Planning Sub-Committee members use these meetings to make sure they have all the information they need and hear both sides before making a decision.

## ***The Planning Sub-Committee***

The Planning Sub-Committee is made up of Councillors from all political parties. One of the Councillors is the Planning Sub-Committee Chair. When making decisions the Planning Sub-Committee will always be:

- open about how they came to a decision,
- fair when making a decision, and
- impartial by not favouring one side over another.

Meetings are held in public at Hackney Town Hall and usually start at 6.30pm on the first Wednesday of the month. Agendas are available at <http://mginternet.hackney.gov.uk/mgCalendarMonthView.aspx?GL=1&bcr=1> or from the Committee Officer a week before the meeting.

All Planning Sub-Committee members will keep an open mind regarding planning applications. The meetings are necessarily formal because the Chair and members want to listen to everyone and have the chance to ask questions so that they can fully understand the issues.

Those speaking, either for or against a planning application, are generally given five minutes to explain their concerns/why they believe the application has merit. If there is more than one person for or against a planning application the five minutes is to be divided between all the persons wishing to speak or a spokesperson is to be nominated to speak on behalf of those persons. The Chair will help groups speaking on the same item to coordinate their presentations.

## ***How the Meeting Works***

The Planning Sub-Committee will normally consider agenda items in turn. If there are a lot of people for an item the Chair might change the order of the agenda items to consider an item earlier.

At the beginning of each meeting the Chair will explain how the meeting works and what can and cannot be taken into account by Planning Sub-committee members when making decisions. The procedure followed at each meeting is set out below:

- The Chair welcomes attendees to the meeting and explains the procedure the meeting will follow,
- Apologies received,
- Members declare any interests in an item on the agenda,
- Minutes of previous Planning Sub-committees are considered/approved,
- The Planning Sub-committee will consider any proposal/questions referred to the Sub-committee by the Council's monitoring officer,
- The Chair asks the Planning Officer to introduce their report/recommendation to the Planning Sub-Committee. The Planning Officer will also inform Planning Sub-committee members of any relevant additional information received after the report was published,
- Registered objectors are given the opportunity to speak for up to five minutes,
- Registered supporters and the applicant are given the opportunity to speak for up to five minutes,
- Councillors who have registered to speak to object or in support are given the opportunity to speak for up to five minutes. The registered objectors or supporters, as the case may be, will be given the opportunity to speak for a further five minutes in such circumstances to ensure equal time is given to all parties,

Where the applicant is a Councillor they must leave the room after the Planning Sub-committee members have asked them any questions of clarification/discussions regarding an agenda item have been completed so that members can consider and vote on the recommendation relating to the Councillor's planning application.

- Planning Sub-committee members can ask questions of objectors and supporters and ask Council officers for further clarification before considering a Planning Officer's recommendation,

Where Planning Sub-committee members have concerns regarding a planning application that cannot be addressed to their satisfaction when considering the application, the members can resolve to defer determining the planning application until such time as their concerns can be addressed,

- The recommendation, including any supplementary planning conditions/obligations or recommendations proposed during the consideration of an item by the Planning Sub-Committee members, is put to a vote. Where an equal number of votes is cast for and against a recommendation, the Chair has a casting vote.

## ***Decisions***

Decisions of the Planning Sub-Committee relating to planning applications shall be based on:

- National planning policies set out by Government,
- Regional strategy, the London Plan, set out by the Greater London Authority,
- Development plan documents, such as the Core Strategy, Development Management Local Plan etc., and
- Other 'material planning considerations' such as the planning history of a site.

Non-planning considerations are not relevant to the Planning Sub-committee's decision making and should be disregarded by the Sub-Committee.

## ***Speaking at the Meeting***

If you have submitted a written representation to the Council in respect of a planning application you can register to speak at the meeting at which the application is considered by the Planning Sub-committee. To register to speak you should contact the Committee Officer by phone on 020 8356 1567 or email [governance@hackney.gov.uk](mailto:governance@hackney.gov.uk) by 4.00pm on the working day before the meeting.

If you wish to present photographs or illustrative material at the meeting, notice of this should be given as the consent of the Chair will be required. Please contact the Committee Officer for more information.

## RIGHTS OF PRESS AND PUBLIC TO REPORT ON MEETINGS

Where a meeting of the Council and its committees are open to the public, the press and public are welcome to report on meetings of the Council and its committees, through any audio, visual or written methods and may use digital and social media providing they do not disturb the conduct of the meeting and providing that the person reporting or providing the commentary is present at the meeting.

Those wishing to film, photograph or audio record a meeting are asked to notify the Council's Monitoring Officer by noon on the day of the meeting, if possible, or any time prior to the start of the meeting or notify the Chair at the start of the meeting.

The Monitoring Officer, or the Chair of the meeting, may designate a set area from which all recording must take place at a meeting.

The Council will endeavour to provide reasonable space and seating to view, hear and record the meeting. If those intending to record a meeting require any other reasonable facilities, notice should be given to the Monitoring Officer in advance of the meeting and will only be provided if practicable to do so.

The Chair shall have discretion to regulate the behaviour of all those present recording a meeting in the interests of the efficient conduct of the meeting. Anyone acting in a disruptive manner may be required by the Chair to cease recording or may be excluded from the meeting. Disruptive behaviour may include: moving from any designated recording area; causing excessive noise; intrusive lighting; interrupting the meeting; or filming members of the public who have asked not to be filmed.

All those visually recording a meeting are requested to only focus on recording councillors, officers and the public who are directly involved in the conduct of the meeting. The Chair of the meeting will ask any members of the public present if they have objections to being visually recorded. Those visually recording a meeting are asked to respect the wishes of those who do not wish to be filmed or photographed. Failure by someone recording a meeting to respect the wishes of those who do not wish to be filmed and photographed may result in the Chair instructing them to cease recording or in their exclusion from the meeting.

If a meeting passes a motion to exclude the press and public then in order to consider confidential or exempt information, all recording must cease and all recording equipment must be removed from the meeting room. The press and public are not permitted to use any means which might enable them to see or hear the proceedings whilst they are excluded from a meeting and confidential or exempt information is under consideration.

Providing oral commentary during a meeting is not permitted.

# ADVICE TO MEMBERS ON DECLARING INTERESTS

Hackney Council's Code of Conduct applies to **all** Members of the Council, the Mayor and co-opted Members.

This note is intended to provide general guidance for Members on declaring interests. However, you may need to obtain specific advice on whether you have an interest in a particular matter. If you need advice, you can contact:

- Interim Director of Legal;
- The Legal Adviser to the committee; or
- Governance Services.

If at all possible, you should try to identify any potential interest you may have before the meeting so that you and the person you ask for advice can fully consider all the circumstances before reaching a conclusion on what action you should take.

## 1. Do you have a disclosable pecuniary interest in any matter on the agenda or which is being considered at the meeting?

You will have a disclosable pecuniary interest in a matter if it:

- relates to an interest that you have already registered in Parts A and C of the Register of Pecuniary Interests of you or your spouse/civil partner, or anyone living with you as if they were your spouse/civil partner;
- relates to an interest that should be registered in Parts A and C of the Register of Pecuniary Interests of your spouse/civil partner, or anyone living with you as if they were your spouse/civil partner, but you have not yet done so; or
- affects your well-being or financial position or that of your spouse/civil partner, or anyone living with you as if they were your spouse/civil partner.

## 2. If you have a disclosable pecuniary interest in an item on the agenda you must:

- Declare the existence and nature of the interest (in relation to the relevant agenda item) as soon as it becomes apparent to you (subject to the rules regarding sensitive interests).
- You must leave the room when the item in which you have an interest is being discussed. You cannot stay in the meeting room or public gallery whilst discussion of the item takes place and you cannot vote on the matter. In addition, you must not seek to improperly influence the decision.
- If you have, however, obtained dispensation from the Monitoring Officer or Standards Committee you may remain in the room and participate in the meeting. If dispensation has been granted it will stipulate the extent of your involvement, such as whether you can only be present to make representations, provide evidence or whether you are able to fully participate and vote on the matter in which you have a pecuniary interest.



### 3. Do you have any other non-pecuniary interest on any matter on the agenda which is being considered at the meeting?

You will have 'other non-pecuniary interest' in a matter if:

- i. It relates to an external body that you have been appointed to as a Member or in another capacity; or
- ii. It relates to an organisation or individual which you have actively engaged in supporting.

### 4. If you have other non-pecuniary interest in an item on the agenda you must:

- i. Declare the existence and nature of the interest (in relation to the relevant agenda item) as soon as it becomes apparent to you.
- ii. You may remain in the room, participate in any discussion or vote provided that contractual, financial, consent, permission or licence matters are not under consideration relating to the item in which you have an interest.
- iii. If you have an interest in a contractual, financial, consent, permission or licence matter under consideration, you must leave the room unless you have obtained a dispensation from the Monitoring Officer or Standards Committee. You cannot stay in the room or public gallery whilst discussion of the item takes place and you cannot vote on the matter. In addition, you must not seek to improperly influence the decision. Where members of the public are allowed to make representations, or to give evidence or answer questions about the matter you may, with the permission of the meeting, speak on a matter then leave the room. Once you have finished making your representation, you must leave the room whilst the matter is being discussed.
- iv. If you have been granted dispensation, in accordance with the Council's dispensation procedure you may remain in the room. If dispensation has been granted it will stipulate the extent of your involvement, such as whether you can only be present to make representations, provide evidence or whether you are able to fully participate and vote on the matter in which you have a non pecuniary interest.

### Further Information

Advice can be obtained from Suki Binjal, Interim Director of Legal, on 020 8356 6234 or email [suki.binjal@hackney.gov.uk](mailto:suki.binjal@hackney.gov.uk)



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## LONDON BOROUGH OF HACKNEY

PLANNING SUB-COMMITTEE  
29 July 2020

ADDENDUM SHEET

### ITEM 5: 305A Kingsland Road, London, E8 4DL

**Parking details table:** Disabled car parking should read “one space for co-working and one space for co-living to be located in Lee Street”.

**4.5.1:** 5 additional comments have been received raising the following issues not already covered in the committee report:

- Inappropriate to proceed with a dense development such as this, in the midst of the Covid-19 pandemic

Officer response: *“the impacts of the Covid-19 are likely to be limited to the short / medium term and are likely to be less than the lifetime of the development. Once planning permission is granted the permission can be implemented at any stage within 3 years of the date of the permission. In addition it is considered that the proposals could be a preferable environment for single people social distancing than many alternatives such as shared C3 housing. Such housing may lack the same level of shared internal space, access to external space, or possibilities for social contact in a socially distanced way”.*

- Other co-living developments are marketed for use as hotels or student accommodation

Officer response: *“It is noted that other co-living developments such as the Old Oak Common example (referenced in the committee report), and another co-living development by the Collective near Canary Wharf (36 Limeharbour, London) accommodate students, and short stay visitors. However it should be noted that the Old Oak Common planning permission permits use of 20% of bedspaces by students. In addition the planning permissions for 36 Limeharbour (London Borough of Tower Hamlets ref: PA/16/01024 and PA/18/1782) are for a hotel use (class C1), which includes a combination of short and long stay accommodation. As such these examples operate in a different manner to the application proposals. Proposed planning conditions will ensure that the application proposals would not be able to be occupied by full time students or as short stay accommodation”.*

- Communal roof terraces in nearby residential developments have recently been used for informal unauthorised parties causing noise disturbance to neighbouring properties.

Officer response: *“Concerns regarding this issue are noted. However the management arrangements for a co-living / co working building, with a number of communal managed spaces managed as a single unit, on a 24hr basis by a management team will be materially different to a block of self-contained residential units, with a communal roof terrace. The communal areas of 305A will be clearly under the control and responsibility of the on-site management team, rather than residents. The draft management plan sets out procedures for personal conduct by residents and how anti-social behaviour will be*

*addressed. Hours of use on the terrace can be restricted, and anti social behaviour can be immediately addressed. CCTV will be in place on all roof terrace areas to allow building management to monitor these spaces and respond immediately to any anti-social behaviour issues. This would represent a significantly greater level of control on behaviour of tenants than would be the case for conventional self-contained residential development, which would be sufficient to prevent undue noise disturbance to neighbouring properties”.*

- Neighbouring objectors wish to highlight that two reports, from a noise consultant and daylight sunlight consultant which state the following:

Noise Assessment review by ACA Acoustics:

The developer has advised the rooftop terrace will be screened with acoustic material, stating that “this should make sure that noise does not escape however it is important to note that noise does not go downwards ... it can go upwards and outwards, but it is unlikely that you will hear this terrace from the basin even without the screening, but it will have screening”.

It is important to note that the developer’s statement is entirely incorrect; the extent of sound transmission downwards relative to that upwards and outwards is dependent on various meteorological factors and could be marginally higher or lower on a given day, however in lay terms there would be practically the same level of sound transmission down as there would be upwards.

In addition the developer has proposed an acoustic screen to control noise emissions from the terrace, which could be accessed by hundreds of people (residents and guests). This suggests that the developer has concern of the potential for adverse noise impacts on surrounding occupants and uses. However, without having a formal acoustic assessment undertaken by a suitably qualified acoustic consultant the extent of adverse impacts cannot be determined and whether any acoustic barrier will be sufficient. The most appropriate course of action would be to postpone the planning application process, allowing the developer to commission a detailed acoustic assessment of the potential adverse impacts and for these to be properly considered and mitigated accordingly.

Review of daylight sunlight report by Avison Young

I do not concur with this conclusion of the applicants daylight sunlight consultants (Point 2). The BRE has recognised that modern development incorporates the need for private amenity space which is always provided in the form of balconies over windows. In many instances it is possible to find that where a development takes place nearby to balconied buildings, the balconies themselves cause a major loss of light to a room.

Point 2 have undertaken both assessments with the balconies on, Appendix 2, and the balconies off Appendix 1. The discussion within the report is based solely on the assessment scenario with those balconies removed. There are a significant number of rooms that still lose more than 20% of their light, some 29, and that a number of those still lose up to 42% of their existing light. If one looks at the true existing, that is with balconies left on and the proposed scheme, this number rises significantly, some of the losses then being up to 55% of the existing. There will be a significant and noticeable impact by the scheme.

Clearly any impact will be felt more acutely in a person's living room as opposed to bedroom. It is very hard in looking at the Point 2 table to be completely accurate in terms of the number of living rooms as opposed to bedrooms that suffer these significant losses. Some living rooms will lose as examples 44.59%, 49.42% and 54.30% of the light reaching their windows and are left with levels as low as 5% VSC. This compared to the ideal BRE level for daylight which is 25% VSC. The living conditions of a number of the flats will therefore be seriously impacted and they will be left with very substandard conditions.

Officer response: *These issues are addressed within the committee report.*

#### **4.8 local groups / Councillor comments:**

Written submission from Cllr Burke:

*"A report by the Planning Sub-Committee, 2009, rejected an early version of Kingsland Wharves because it was 'out of character with the quiet and secluded nature and historic character of the Basin'.*

*Kingsland Basin has become a popular and valuable amenity where residents from neighbouring De Beauvoir Estate as well as the private and social housing around the Basin enjoy access to nature in an area with a deficit of open space. Lockdown taught us how valuable this is for peoples' well-being and the Basin was used by the whole community and visitors from London Fields and other nearby areas. The Basin will play an important part in the Green Infrastructure Plan & Local Nature Recovery Network as a refuge for and source of wildlife.*

#### Biodiversity

- *This proposal threatens the very characteristics that have created this quiet, tucked away refuge. If this is lost due to noise and disturbance, the wildlife will also be lost.*
- *Hackney Council's Regent's Canal Conservation Area Appraisal / Urban Design and Conservation Team reported in 2007 that: The canal basins of Hackney (Kingsland and Wenlock) provide a unique still water habitat which has the ability to support a greater aquatic life (plants and invertebrates) than the water of the canal.*
- *Dr Edward Francois of the UK Centre for Ecology and Hydrology, a world respected research institute, states: 'The water body provides a rare 'island' for wildlife in an urbanised environment. The wildlife is of value with, considering the urban environment, an impressive list of plants, invertebrates and fish, and supports feeding by birds and bats. It would seem to me that the conservation of the waterbody is important at the landscape level, providing a rare area of semi natural habitat, and also of value to the local community. Thus, my opinion is that a detailed survey of the biodiversity in the waterbody is necessary to be able to adequately predict ecological impacts of the development, as well as to identify further biodiversity of conservation importance'.*

#### Density

- *The reason this proposal is so problematic is its density. We have already seen the results of squeezing in too many people. Hackney Free School on a site fit for 550 pupils crammed in 700. Years of failing the students led to Ofsted rating the school inadequate in all areas with one judgement of particular relevance: the 'School environment does not promote wellbeing'.*

*Why Gamble with a valuable community amenity?*

*The Officer's Report says 'there is some uncertainty as to the rent levels, which can be expected from the co-living element of the development, due to the relatively new nature of the proposal, and lack of available rent comparables' (6.1.17).*

*Not only is the proposal out of context but it is novel. It seems prudent to try new housing types on a smaller scale and where the impacts on the developer, new residents and existing neighbouring residents would be more easily managed and less likely to cause harm.*

*Planning policy states that developments along waterspaces and riparian areas will only be permitted if there is no conflict with nature conservation and biodiversity and an enhancement of leisure, recreation or educational value of the waterspace. Therefore, the committee should reject this proposal".*

#### **4.8 local groups / Councillor comments:**

Written comment from Cllr James Peters:

*"I see that planning application 2019/2175 is scheduled to be heard this evening. While the site in question is in Haggerston ward, I am very concerned about the impact that the proposed building will have on residents of homes around Kingsland Wharf, a majority of whom live in De Beauvoir ward.*

*My concerns principally relate to the potential for noise nuisance, particularly in light of the proposed roof terrace and the transient nature of the likely residents of the completed building. Clearly, it is important to understand the context and setting of the site, on the Kingsland Wharf. A recent party on the roof terrace of 333 Kingsland Road caused noise to reverberate around the Wharf until the early hours of the morning, causing a severe nuisance to residents of the buildings on Kingsland Wharf. In this sense, the wharf acts as a noise box.*

*Given the temporary, co-living nature of this accommodation, and the reference to "digital nomads" as a target audience, I would hope that the planning sub-committee would satisfy itself that there are sufficient safeguards in place to reduce the heightened risk of regular and acute noise nuisance that the current proposal present.*

*In my experience, residents who are only living in a place for a short period, particularly younger people, have less of an attachment to the area and are significantly more likely to act without consideration for their neighbours. I am also concerned about the quality of the co-living accommodation for those living in the building. These are not the sort of quality homes that our planning policy should be allowing in Hackney. I am also worried about the quality of the subterranean workspace.*

*Finally, I echo residents' concerns about the disruption that the excavation of such a large hole in the ground and the operation of the several storeys of underground space immediately abutting the Kingsland Wharf will have on the thriving but fragile habitat and biodiversity that has developed in the basin.*

*I apologise for not having written before today but I have struggled to find the time to do so. I also consider the recent experience of residents when they had to endure the noise nuisance from the party at 333 Kingsland Road to be new information that is relevant to*

*the planning sub-committee's consideration of this application. For these reasons, I hope that the planning sub-committee will agree to consider what I say above”.*

**6.1.13** Insert additional sentences:

*“It should be noted that the "need" referred to in this part of the policy is not specifically about affordability (affordable housing requirements for co-living are dealt with at section (vi) of the policy). Rather this part of the policy requires an assessment of whether the type of co-living shared housing provides a type of accommodation for tenants who are not currently well catered for within the housing market. In this case the proposals are considered to better meet the needs of single tenants who are an important part of the housing market in Hackney and currently often rely on shared private rental sector housing, which does not always meet their needs effectively.*

*The proposals will offer a number of advantages to such tenants in comparison to conventional shared housing, in terms of a high quality maintenance free environment specifically designed for shared living, professional landlord management, security with regard to tenure (ability to extend tenancy periods), linkages with co-working space and opportunities for work collaboration”.*

**6.1.18** amend paragraph as follows:

*“The applicant has confirmed that the building including both the co-living and co-working spaces will be under single management. In addition, rental periods for co-living rooms of not less than 3 months were originally proposed (based on demonstrating that tenancies would exceed the 90 day short stay letting rule, thus preventing use as short stay accommodation. However, the operator would much rather residents signed up for a longer period hence the ability to sign up for a 3-year term. As such the applicants wish to increase the minimum rental period referred to in the management plan condition (para 8.1.20) to 6 months. In addition the applicant has accepted the condition that the management plan (secured by condition will require that the rooms are the main residence for tenants, thus preventing use for holiday / second home accommodation”.*

**6.8.3** amend paragraph to omit the sentence “done in the shape of a condition” as the car free requirement is secured as part of the Legal Agreement.

**6.10.1** Substitute reference to “the Council’s SPD on Planning Contributions (November 2016)” with a reference to the “[Planning Obligations SPD July 2020](#)” which was adopted following the adoption of LP33.

**8.1.3** Replace proposed condition with the following conditions:

Amendments to the Energy assessment

*“Prior to the commencement of the development hereby approved an energy assessment addendum, including the following information shall be submitted to and approved in writing by the Local Planning Authority:*

- a) a clear separation of the commercial and the co-living areas and the application of the energy hierarchy as indicated in the GLA the Energy Assessment Guidance on preparing energy assessments as part of planning applications, 2018;*
- b) Location and overall capacity of the PV panels and electricity generation (or equivalent carbon emissions saved);*

- c) *the correct carbon emission reductions for both the commercial and co-living developments after each stage of the energy hierarchy, including a commitment to reduce regulated carbon emissions through energy efficient measures alone;*
- d) *Demonstration of how the zero carbon target, with at least a 35% on-site reduction beyond Part L 2013 will be met for the co-living area. (any shortfall to the zero carbon target is to be made with a cash in lieu contribution to the Hackney carbon offset fund, via a section 106 agreement). The development shall thereafter be constructed and occupied in accordance with these approved details.*

*REASON: In the interests of the promotion of sustainable forms of development”*

#### Energy specification and layout

*“Prior to the commencement of above ground works of the development hereby approved the following information shall be submitted to and approved in writing by the Local Planning Authority, and the development shall thereafter be constructed and occupied in accordance with these approved details :*

- a) *full specification, including detailed layout of the centralised plant (clarifying the technology adopted for heating, domestic hot water provision and cooling, if needed);*
- b) *confirmation that the plant proposed has been designed to connect into a wider District Heat Network if one becomes available in the future;*
- c) *the efficiency and capacity of the installed plant and the temperature flows;*
- d) *sample of SAP and BRUKL sheets for the relevant stages of the energy hierarchy;*

*REASON: to ensure the development meets the sustainability requirements of the London Plan”*

#### Air Permeability Testing

*“Prior to occupation of the development hereby approved, a full air permeability test report confirming the development has achieved an average air permeability of 5 m<sup>3</sup>/h/m<sup>2</sup>@50pa shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed and occupied in accordance with these approved details.*

*REASON: In the interests of the promotion of sustainable forms of development”*

#### PV system

*“Prior to occupation of the development hereby approved, a certification by an accredited PV installer confirming that an array with an overall capacity and generation of electricity per year (or equivalent carbon emission saved) as previously submitted, has been installed on the proposed roof/terrace area of the development shall be submitted to and approved in writing by the Local Planning Authority. The hereby approved PV equipment shall be retained and maintained in this condition thereafter.*



*REASON: In the interests of the promotion of sustainable forms of development”*

**BREEAM Assessment**

*Within 12 weeks of occupation of the development hereby approved, a BREEAM post-construction assessment (or any assessment scheme that may replace it) confirming the ‘Excellent’ ratings (or another scheme target of equivalent or better environmental performance) have been achieved for the co-working space shall be submitted to and approved in writing by the Local Planning Authority.*

*REASON: In the interests of the promotion of sustainable forms of development”*

**8.1.20:** Amend condition as follows, to include reference to minimum 6 month tenancies, CCTV monitoring of roof terraces:

*“Prior to the occupation of the development a management plan shall be submitted to the local planning authority to include: restrictions on rental for less than 6 months / main residence only / no full time students, measures to manage impacts on neighbouring occupiers, hours of operation of the uses and use of the external terraces with CCTV monitoring, acoustic / visual screening to the roof level communal terrace, and management measures to prevent lightspill onto the Kingsland Basin. The development shall thereafter be operated in accordance with these approved details.*

*REASON: To ensure that the development does not detract from the amenity of the surrounding area and that facilities will be of significant benefit to the surrounding community”.*

**8.1.22:** Amend condition wording to replace “B1(a/c)” with “E(g)”

**8.1.23:** Insert additional condition:

*“The co-working floorspace hereby approved shall at all times be used only for purposes within part (g) (office / research and development / industrial) of use class E. The co-working floorspace shall not at any time be used for any purpose within parts (a), (b), (c), (d), (e) and (f) of use class E of the Town and Country (Use Classes Order) 1987 as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, or any such Order amending or revoking that Order whether in whole or in part.*

*REASON: In order to safeguard provision of office / research and development / industrial floorspace to meet the needs of the local economy, and to safeguard the amenity of the surrounding area”.*

**8.2.1:** Insert additional head of terms for the Legal Agreement:

- *“A credit equalling a minimum monetary value of £60 per new residential unit made available, to the first occupant of each new residential unit, as a contribution towards their car club membership fee and/ or driving credit”*
- *Carbon Offset Payment (to be determined by Energy Statement Addendum by reference to the Planning Obligations SPD July 2020)*

## **ITEM 6: 2-4 Orsman Road, London, N1 5NQ**

### Paragraph 4.7

Amend to read:

Consultation letters were sent to 67 neighbouring occupiers. 30 letters of objection have been received, including from the tenants of Canalside Studios, raising the following grounds:

Add to grounds of objection:

- Proposal would overwhelm existing buildings at the site (*Officer comment: Officers are of the view that the development is appropriate in its context and would not overwhelm existing buildings*)
- Proposal would give rise to overlooking of residential units (*Officer comment: This is addressed at paragraphs 6.5.6 and 6.5.7 of the report*)
- Proposal would cause loss of outlook by interrupting existing sight-lines and should be located at least 15m away from canal-facing units (*Officer comment: Officers consider the loss of outlook would be at a level that would not be so significant as to be harmful*)
- Proposal would disrupt a local community and result in displacement of occupiers (*Officer comment: It is noted that the construction phase could have an impact on existing occupiers, which is addressed in paragraph 6.5.5, none of the existing units is proposed to be demolished*)
- Proposal would harm local enterprises through the introduction of commercial floorspace (*Officer comment: The provision of office floorspace in this Priority Office Area is supported by local plan policies, as outlined in paragraphs 6.3.1 to 6.3.6 of the report*)
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*'being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit'*)

Any environmental impacts beyond acceptable levels can be reported to and investigated by the Environmental Protection team under Environmental Health legislation. Other material impacts have been addressed in the report.

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### Paragraph 5.3.3

Substitute “SPD: Planning Contributions” with “SPD: Planning Obligations 2020”

Paragraph 6.6.6

Amend to read:

The Council’s Network and Transportation Department have also requested that the developer contribute to highway improvements in the vicinity of the site, and have requested that this be via an agreement under s.278 of the Highways Act. This is noted, ~~by but~~ no estimate for such works has been received, and officers consider that ~~this matter can better be addressed by way of a suitable condition requiring the developer to enter into a s.278 Agreement once the extent of the works required has been ascertained. that given that the works are to the interior of the site, such a request should be made if any highways works are required.~~

Paragraph 8.1.28 - Delete condition

Add new condition at paragraph 8.1.28

The commercial floorspace hereby approved shall at all times be used only for purposes within Class B1 of the Town and Country Planning (Use Classes) Order 1987, as amended, or for uses within part (g) (office / research and development / industrial) of Use Class E and not for any other purpose within Use Class E of the Town and Country Planning (Use Classes) Order 1987 as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, or any such Order amending or revoking that Order whether in whole or in part.

REASON: In order to safeguard provision of office / research and development / industrial floorspace to meet the needs of the local economy, and to safeguard the amenity of the surrounding area

#### **ITEM 7: The House, 41 Boundary Street, Hackney E2 7JQ**

Amend paragraph 6.4.3 to read

The site is located in an area characterised by a predominantly mid-range mix of building heights and designs. The site is adjoined by a five storey residential block to the east, a seven storey residential block to the south, a five storey hotel to the west and a four storey Grade II listed residential block to the north, just beyond a small courtyard and a row of single storey Grade II listed workshops. The site directly adjoins the southern boundary of the South Shoreditch Conservation Area, and the Boundary Estate Conservation Area is located to the east of the site.

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within the boundary of the London Borough of Tower Hamlets, is located to the east.

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The proposal is considered to have an acceptable impact with regards to the design and appearance of the subject site, the setting of the adjoining conservation areas and the character and setting of the Grade II listed buildings to the north.

Amend paragraph 8.5 to read

Payment by the landowner/developer of monitoring costs and all the Council's legal and other relevant fees, disbursements and Value Added Tax in respect of the proposed negotiations and completion of the proposed Legal Agreement.

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

**ALED RICHARDS  
Director, Public Realm**

## LONDON BOROUGH OF HACKNEY

PLANNING SUB-COMMITTEE  
29 July 2020

ADDENDUM SHEET

### ITEM 5: 305A Kingsland Road, London, E8 4DL

**Parking details table:** Disabled car parking should read “one space for co-working and one space for co-living to be located in Lee Street”.

**4.5.1:** 5 additional comments have been received raising the following issues not already covered in the committee report:

- Inappropriate to proceed with a dense development such as this, in the midst of the Covid-19 pandemic  
Officer response: *“the impacts of the Covid-19 are likely to be limited to the short / medium term and are likely to be less than the lifetime of the development. Once planning permission is granted the permission can be implemented at any stage within 3 years of the date of the permission. In addition it is considered that the proposals could be a preferable environment for single people social distancing than many alternatives such as shared C3 housing. Such housing may lack the same level of shared internal space, access to external space, or possibilities for social contact in a socially distanced way”.*
- Other co-living developments are marketed for use as hotels or student accommodation  
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Officer response: *“Concerns regarding this issue are noted. However the management arrangements for a co-living / co working building, with a number of communal managed spaces managed as a single unit, on a 24hr basis by a management team will be materially different to a block of self-contained residential units, with a communal roof terrace. The communal areas of 305A will be clearly under the control and responsibility of the on-site management team, rather than residents. The draft management plan sets out procedures for personal conduct by residents and how anti-social behaviour will be*

*addressed. Hours of use on the terrace can be restricted, and anti social behaviour can be immediately addressed. CCTV will be in place on all roof terrace areas to allow building management to monitor these spaces and respond immediately to any anti-social behaviour issues. This would represent a significantly greater level of control on behaviour of tenants than would be the case for conventional self-contained residential development, which would be sufficient to prevent undue noise disturbance to neighbouring properties”.*

- Neighbouring objectors wish to highlight that two reports, from a noise consultant and daylight sunlight consultant which state the following:

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The developer has advised the rooftop terrace will be screened with acoustic material, stating that “this should make sure that noise does not escape however it is important to note that noise does not go downwards ... it can go upwards and outwards, but it is unlikely that you will hear this terrace from the basin even without the screening, but it will have screening”.

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I do not concur with this conclusion of the applicants daylight sunlight consultants (Point 2). The BRE has recognised that modern development incorporates the need for private amenity space which is always provided in the form of balconies over windows. In many instances it is possible to find that where a development takes place nearby to balconied buildings, the balconies themselves cause a major loss of light to a room.

Point 2 have undertaken both assessments with the balconies on, Appendix 2, and the balconies off Appendix 1. The discussion within the report is based solely on the assessment scenario with those balconies removed. There are a significant number of rooms that still lose more than 20% of their light, some 29, and that a number of those still lose up to 42% of their existing light. If one looks at the true existing, that is with balconies left on and the proposed scheme, this number rises significantly, some of the losses then being up to 55% of the existing. There will be a significant and noticeable impact by the scheme.

Clearly any impact will be felt more acutely in a person's living room as opposed to bedroom. It is very hard in looking at the Point 2 table to be completely accurate in terms of the number of living rooms as opposed to bedrooms that suffer these significant losses. Some living rooms will lose as examples 44.59%, 49.42% and 54.30% of the light reaching their windows and are left with levels as low as 5% VSC. This compared to the ideal BRE level for daylight which is 25% VSC. The living conditions of a number of the flats will therefore be seriously impacted and they will be left with very substandard conditions.

Officer response: *These issues are addressed within the committee report.*

#### **4.8 local groups / Councillor comments:**

Written submission from Cllr Burke:

*"A report by the Planning Sub-Committee, 2009, rejected an early version of Kingsland Wharves because it was 'out of character with the quiet and secluded nature and historic character of the Basin'.*

*Kingsland Basin has become a popular and valuable amenity where residents from neighbouring De Beauvoir Estate as well as the private and social housing around the Basin enjoy access to nature in an area with a deficit of open space. Lockdown taught us how valuable this is for peoples' well-being and the Basin was used by the whole community and visitors from London Fields and other nearby areas. The Basin will play an important part in the Green Infrastructure Plan & Local Nature Recovery Network as a refuge for and source of wildlife.*

#### Biodiversity

- *This proposal threatens the very characteristics that have created this quiet, tucked away refuge. If this is lost due to noise and disturbance, the wildlife will also be lost.*
- *Hackney Council's Regent's Canal Conservation Area Appraisal / Urban Design and Conservation Team reported in 2007 that: The canal basins of Hackney (Kingsland and Wenlock) provide a unique still water habitat which has the ability to support a greater aquatic life (plants and invertebrates) than the water of the canal.*
- *Dr Edward Francois of the UK Centre for Ecology and Hydrology, a world respected research institute, states: 'The water body provides a rare 'island' for wildlife in an urbanised environment. The wildlife is of value with, considering the urban environment, an impressive list of plants, invertebrates and fish, and supports feeding by birds and bats. It would seem to me that the conservation of the waterbody is important at the landscape level, providing a rare area of semi natural habitat, and also of value to the local community. Thus, my opinion is that a detailed survey of the biodiversity in the waterbody is necessary to be able to adequately predict ecological impacts of the development, as well as to identify further biodiversity of conservation importance'.*

#### Density

- *The reason this proposal is so problematic is its density. We have already seen the results of squeezing in too many people. Hackney Free School on a site fit for 550 pupils crammed in 700. Years of failing the students led to Ofsted rating the school inadequate in all areas with one judgement of particular relevance: the 'School environment does not promote wellbeing'.*

*Why Gamble with a valuable community amenity?*

*The Officer's Report says 'there is some uncertainty as to the rent levels, which can be expected from the co-living element of the development, due to the relatively new nature of the proposal, and lack of available rent comparables' (6.1.17).*

*Not only is the proposal out of context but it is novel. It seems prudent to try new housing types on a smaller scale and where the impacts on the developer, new residents and existing neighbouring residents would be more easily managed and less likely to cause harm.*

*Planning policy states that developments along waterspaces and riparian areas will only be permitted if there is no conflict with nature conservation and biodiversity and an enhancement of leisure, recreation or educational value of the waterspace. Therefore, the committee should reject this proposal".*

#### **4.8 local groups / Councillor comments:**

Written comment from Cllr James Peters:

*"I see that planning application 2019/2175 is scheduled to be heard this evening. While the site in question is in Haggerston ward, I am very concerned about the impact that the proposed building will have on residents of homes around Kingsland Wharf, a majority of whom live in De Beauvoir ward.*

*My concerns principally relate to the potential for noise nuisance, particularly in light of the proposed roof terrace and the transient nature of the likely residents of the completed building. Clearly, it is important to understand the context and setting of the site, on the Kingsland Wharf. A recent party on the roof terrace of 333 Kingsland Road caused noise to reverberate around the Wharf until the early hours of the morning, causing a severe nuisance to residents of the buildings on Kingsland Wharf. In this sense, the wharf acts as a noise box.*

*Given the temporary, co-living nature of this accommodation, and the reference to "digital nomads" as a target audience, I would hope that the planning sub-committee would satisfy itself that there are sufficient safeguards in place to reduce the heightened risk of regular and acute noise nuisance that the current proposal present.*

*In my experience, residents who are only living in a place for a short period, particularly younger people, have less of an attachment to the area and are significantly more likely to act without consideration for their neighbours. I am also concerned about the quality of the co-living accommodation for those living in the building. These are not the sort of quality homes that our planning policy should be allowing in Hackney. I am also worried about the quality of the subterranean workspace.*

*Finally, I echo residents' concerns about the disruption that the excavation of such a large hole in the ground and the operation of the several storeys of underground space immediately abutting the Kingsland Wharf will have on the thriving but fragile habitat and biodiversity that has developed in the basin.*

*I apologise for not having written before today but I have struggled to find the time to do so. I also consider the recent experience of residents when they had to endure the noise nuisance from the party at 333 Kingsland Road to be new information that is relevant to*



*the planning sub-committee's consideration of this application. For these reasons, I hope that the planning sub-committee will agree to consider what I say above”.*

**6.1.13** Insert additional sentences:

*“It should be noted that the "need" referred to in this part of the policy is not specifically about affordability (affordable housing requirements for co-living are dealt with at section (vi) of the policy). Rather this part of the policy requires an assessment of whether the type of co-living shared housing provides a type of accommodation for tenants who are not currently well catered for within the housing market. In this case the proposals are considered to better meet the needs of single tenants who are an important part of the housing market in Hackney and currently often rely on shared private rental sector housing, which does not always meet their needs effectively.*

*The proposals will offer a number of advantages to such tenants in comparison to conventional shared housing, in terms of a high quality maintenance free environment specifically designed for shared living, professional landlord management, security with regard to tenure (ability to extend tenancy periods), linkages with co-working space and opportunities for work collaboration”.*

**6.1.18** amend paragraph as follows:

*“The applicant has confirmed that the building including both the co-living and co-working spaces will be under single management. In addition, rental periods for co-living rooms of not less than 3 months were originally proposed (based on demonstrating that tenancies would exceed the 90 day short stay letting rule, thus preventing use as short stay accommodation. However, the operator would much rather residents signed up for a longer period hence the ability to sign up for a 3-year term. As such the applicants wish to increase the minimum rental period referred to in the management plan condition (para 8.1.20) to 6 months. In addition the applicant has accepted the condition that the management plan (secured by condition will require that the rooms are the main residence for tenants, thus preventing use for holiday / second home accommodation”.*

**6.8.3** amend paragraph to omit the sentence “done in the shape of a condition” as the car free requirement is secured as part of the Legal Agreement.

**6.10.1** Substitute reference to “the Council’s SPD on Planning Contributions (November 2016)” with a reference to the “[Planning Obligations SPD July 2020](#)” which was adopted following the adoption of LP33.

**8.1.3** Replace proposed condition with the following conditions:

Amendments to the Energy assessment

*“Prior to the commencement of the development hereby approved an energy assessment addendum, including the following information shall be submitted to and approved in writing by the Local Planning Authority:*

- a) a clear separation of the commercial and the co-living areas and the application of the energy hierarchy as indicated in the GLA the Energy Assessment Guidance on preparing energy assessments as part of planning applications, 2018;*
- b) Location and overall capacity of the PV panels and electricity generation (or equivalent carbon emissions saved);*

- c) *the correct carbon emission reductions for both the commercial and co-living developments after each stage of the energy hierarchy, including a commitment to reduce regulated carbon emissions through energy efficient measures alone;*
- d) *Demonstration of how the zero carbon target, with at least a 35% on-site reduction beyond Part L 2013 will be met for the co-living area. (any shortfall to the zero carbon target is to be made with a cash in lieu contribution to the Hackney carbon offset fund, via a section 106 agreement). The development shall thereafter be constructed and occupied in accordance with these approved details.*

*REASON: In the interests of the promotion of sustainable forms of development”*

#### Energy specification and layout

*“Prior to the commencement of above ground works of the development hereby approved the following information shall be submitted to and approved in writing by the Local Planning Authority, and the development shall thereafter be constructed and occupied in accordance with these approved details :*

- a) *full specification, including detailed layout of the centralised plant (clarifying the technology adopted for heating, domestic hot water provision and cooling, if needed);*
- b) *confirmation that the plant proposed has been designed to connect into a wider District Heat Network if one becomes available in the future;*
- c) *the efficiency and capacity of the installed plant and the temperature flows;*
- d) *sample of SAP and BRUKL sheets for the relevant stages of the energy hierarchy;*

*REASON: to ensure the development meets the sustainability requirements of the London Plan”*

#### Air Permeability Testing

*“Prior to occupation of the development hereby approved, a full air permeability test report confirming the development has achieved an average air permeability of 5 m<sup>3</sup>/h/m<sup>2</sup>@50pa shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed and occupied in accordance with these approved details.*

*REASON: In the interests of the promotion of sustainable forms of development”*

#### PV system

*“Prior to occupation of the development hereby approved, a certification by an accredited PV installer confirming that an array with an overall capacity and generation of electricity per year (or equivalent carbon emission saved) as previously submitted, has been installed on the proposed roof/terrace area of the development shall be submitted to and approved in writing by the Local Planning Authority. The hereby approved PV equipment shall be retained and maintained in this condition thereafter.*

*REASON: In the interests of the promotion of sustainable forms of development”*

#### BREEAM Assessment

*Within 12 weeks of occupation of the development hereby approved, a BREEAM post-construction assessment (or any assessment scheme that may replace it) confirming the ‘Excellent’ ratings (or another scheme target of equivalent or better environmental performance) have been achieved for the co-working space shall be submitted to and approved in writing by the Local Planning Authority.*

*REASON: In the interests of the promotion of sustainable forms of development”*

**8.1.20:** Amend condition as follows, to include reference to minimum 6 month tenancies, CCTV monitoring of roof terraces:

*“Prior to the occupation of the development a management plan shall be submitted to the local planning authority to include: restrictions on rental for less than 6 months / main residence only / no full time students, measures to manage impacts on neighbouring occupiers, hours of operation of the uses and use of the external terraces with CCTV monitoring, acoustic / visual screening to the roof level communal terrace, and management measures to prevent lightspill onto the Kingsland Basin. The development shall thereafter be operated in accordance with these approved details.*

*REASON: To ensure that the development does not detract from the amenity of the surrounding area and that facilities will be of significant benefit to the surrounding community”.*

**8.1.22:** Amend condition wording to replace “B1(a/c)” with “E(g)”

**8.1.23:** Insert additional condition:

*“The co-working floorspace hereby approved shall at all times be used only for purposes within part (g) (office / research and development / industrial) of use class E. The co-working floorspace shall not at any time be used for any purpose within parts (a), (b), (c), (d), (e) and (f) of use class E of the Town and Country (Use Classes Order) 1987 as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, or any such Order amending or revoking that Order whether in whole or in part.*

*REASON: In order to safeguard provision of office / research and development / industrial floorspace to meet the needs of the local economy, and to safeguard the amenity of the surrounding area”.*

**8.2.1:** Insert additional head of terms for the Legal Agreement:

- *“A credit equalling a minimum monetary value of £60 per new residential unit made available, to the first occupant of each new residential unit, as a contribution towards their car club membership fee and/ or driving credit”*
- *Carbon Offset Payment (to be determined by Energy Statement Addendum by reference to the Planning Obligations SPD July 2020)*

## **ITEM 6: 2-4 Orsman Road, London, N1 5NQ**

### Paragraph 4.7

Amend to read:

Consultation letters were sent to 67 neighbouring occupiers. 30 letters of objection have been received, including from the tenants of Canalside Studios, raising the following grounds:

Add to grounds of objection:

- Proposal would overwhelm existing buildings at the site (*Officer comment: Officers are of the view that the development is appropriate in its context and would not overwhelm existing buildings*)
- Proposal would give rise to overlooking of residential units (*Officer comment: This is addressed at paragraphs 6.5.6 and 6.5.7 of the report*)
- Proposal would cause loss of outlook by interrupting existing sight-lines and should be located at least 15m away from canal-facing units (*Officer comment: Officers consider the loss of outlook would be at a level that would not be so significant as to be harmful*)
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PLANNING SUB-COMMITTEE  
29 July 2020

ADDENDUM SHEET

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Review of daylight sunlight report by Avison Young

I do not concur with this conclusion of the applicants daylight sunlight consultants (Point 2). The BRE has recognised that modern development incorporates the need for private amenity space which is always provided in the form of balconies over windows. In many instances it is possible to find that where a development takes place nearby to balconied buildings, the balconies themselves cause a major loss of light to a room.

Point 2 have undertaken both assessments with the balconies on, Appendix 2, and the balconies off Appendix 1. The discussion within the report is based solely on the assessment scenario with those balconies removed. There are a significant number of rooms that still lose more than 20% of their light, some 29, and that a number of those still lose up to 42% of their existing light. If one looks at the true existing, that is with balconies left on and the proposed scheme, this number rises significantly, some of the losses then being up to 55% of the existing. There will be a significant and noticeable impact by the scheme.



Clearly any impact will be felt more acutely in a person's living room as opposed to bedroom. It is very hard in looking at the Point 2 table to be completely accurate in terms of the number of living rooms as opposed to bedrooms that suffer these significant losses. Some living rooms will lose as examples 44.59%, 49.42% and 54.30% of the light reaching their windows and are left with levels as low as 5% VSC. This compared to the ideal BRE level for daylight which is 25% VSC. The living conditions of a number of the flats will therefore be seriously impacted and they will be left with very substandard conditions.

Officer response: *These issues are addressed within the committee report.*

#### **4.8 local groups / Councillor comments:**

Written submission from Cllr Burke:

*"A report by the Planning Sub-Committee, 2009, rejected an early version of Kingsland Wharves because it was 'out of character with the quiet and secluded nature and historic character of the Basin'.*

*Kingsland Basin has become a popular and valuable amenity where residents from neighbouring De Beauvoir Estate as well as the private and social housing around the Basin enjoy access to nature in an area with a deficit of open space. Lockdown taught us how valuable this is for peoples' well-being and the Basin was used by the whole community and visitors from London Fields and other nearby areas. The Basin will play an important part in the Green Infrastructure Plan & Local Nature Recovery Network as a refuge for and source of wildlife.*

#### Biodiversity

- *This proposal threatens the very characteristics that have created this quiet, tucked away refuge. If this is lost due to noise and disturbance, the wildlife will also be lost.*
- *Hackney Council's Regent's Canal Conservation Area Appraisal / Urban Design and Conservation Team reported in 2007 that: The canal basins of Hackney (Kingsland and Wenlock) provide a unique still water habitat which has the ability to support a greater aquatic life (plants and invertebrates) than the water of the canal.*
- *Dr Edward Francois of the UK Centre for Ecology and Hydrology, a world respected research institute, states: 'The water body provides a rare 'island' for wildlife in an urbanised environment. The wildlife is of value with, considering the urban environment, an impressive list of plants, invertebrates and fish, and supports feeding by birds and bats. It would seem to me that the conservation of the waterbody is important at the landscape level, providing a rare area of semi natural habitat, and also of value to the local community. Thus, my opinion is that a detailed survey of the biodiversity in the waterbody is necessary to be able to adequately predict ecological impacts of the development, as well as to identify further biodiversity of conservation importance'.*

#### Density

- *The reason this proposal is so problematic is its density. We have already seen the results of squeezing in too many people. Hackney Free School on a site fit for 550 pupils crammed in 700. Years of failing the students led to Ofsted rating the school inadequate in all areas with one judgement of particular relevance: the 'School environment does not promote wellbeing'.*

*Why Gamble with a valuable community amenity?*

*The Officer's Report says 'there is some uncertainty as to the rent levels, which can be expected from the co-living element of the development, due to the relatively new nature of the proposal, and lack of available rent comparables' (6.1.17).*

*Not only is the proposal out of context but it is novel. It seems prudent to try new housing types on a smaller scale and where the impacts on the developer, new residents and existing neighbouring residents would be more easily managed and less likely to cause harm.*

*Planning policy states that developments along waterspaces and riparian areas will only be permitted if there is no conflict with nature conservation and biodiversity and an enhancement of leisure, recreation or educational value of the waterspace. Therefore, the committee should reject this proposal".*

#### **4.8 local groups / Councillor comments:**

Written comment from Cllr James Peters:

*"I see that planning application 2019/2175 is scheduled to be heard this evening. While the site in question is in Haggerston ward, I am very concerned about the impact that the proposed building will have on residents of homes around Kingsland Wharf, a majority of whom live in De Beauvoir ward.*

*My concerns principally relate to the potential for noise nuisance, particularly in light of the proposed roof terrace and the transient nature of the likely residents of the completed building. Clearly, it is important to understand the context and setting of the site, on the Kingsland Wharf. A recent party on the roof terrace of 333 Kingsland Road caused noise to reverberate around the Wharf until the early hours of the morning, causing a severe nuisance to residents of the buildings on Kingsland Wharf. In this sense, the wharf acts as a noise box.*

*Given the temporary, co-living nature of this accommodation, and the reference to "digital nomads" as a target audience, I would hope that the planning sub-committee would satisfy itself that there are sufficient safeguards in place to reduce the heightened risk of regular and acute noise nuisance that the current proposal present.*

*In my experience, residents who are only living in a place for a short period, particularly younger people, have less of an attachment to the area and are significantly more likely to act without consideration for their neighbours. I am also concerned about the quality of the co-living accommodation for those living in the building. These are not the sort of quality homes that our planning policy should be allowing in Hackney. I am also worried about the quality of the subterranean workspace.*

*Finally, I echo residents' concerns about the disruption that the excavation of such a large hole in the ground and the operation of the several storeys of underground space immediately abutting the Kingsland Wharf will have on the thriving but fragile habitat and biodiversity that has developed in the basin.*

*I apologise for not having written before today but I have struggled to find the time to do so. I also consider the recent experience of residents when they had to endure the noise nuisance from the party at 333 Kingsland Road to be new information that is relevant to*

*the planning sub-committee's consideration of this application. For these reasons, I hope that the planning sub-committee will agree to consider what I say above”.*

**6.1.13** Insert additional sentences:

*“It should be noted that the "need" referred to in this part of the policy is not specifically about affordability (affordable housing requirements for co-living are dealt with at section (vi) of the policy). Rather this part of the policy requires an assessment of whether the type of co-living shared housing provides a type of accommodation for tenants who are not currently well catered for within the housing market. In this case the proposals are considered to better meet the needs of single tenants who are an important part of the housing market in Hackney and currently often rely on shared private rental sector housing, which does not always meet their needs effectively.*

*The proposals will offer a number of advantages to such tenants in comparison to conventional shared housing, in terms of a high quality maintenance free environment specifically designed for shared living, professional landlord management, security with regard to tenure (ability to extend tenancy periods), linkages with co-working space and opportunities for work collaboration”.*

**6.1.18** amend paragraph as follows:

*“The applicant has confirmed that the building including both the co-living and co-working spaces will be under single management. In addition, rental periods for co-living rooms of not less than 3 months were originally proposed (based on demonstrating that tenancies would exceed the 90 day short stay letting rule, thus preventing use as short stay accommodation. However, the operator would much rather residents signed up for a longer period hence the ability to sign up for a 3-year term. As such the applicants wish to increase the minimum rental period referred to in the management plan condition (para 8.1.20) to 6 months. In addition the applicant has accepted the condition that the management plan (secured by condition will require that the rooms are the main residence for tenants, thus preventing use for holiday / second home accommodation”.*

**6.8.3** amend paragraph to omit the sentence “done in the shape of a condition” as the car free requirement is secured as part of the Legal Agreement.

**6.10.1** Substitute reference to “the Council’s SPD on Planning Contributions (November 2016)” with a reference to the “[Planning Obligations SPD July 2020](#)” which was adopted following the adoption of LP33.

**8.1.3** Replace proposed condition with the following conditions:

Amendments to the Energy assessment

*“Prior to the commencement of the development hereby approved an energy assessment addendum, including the following information shall be submitted to and approved in writing by the Local Planning Authority:*

- a) a clear separation of the commercial and the co-living areas and the application of the energy hierarchy as indicated in the GLA the Energy Assessment Guidance on preparing energy assessments as part of planning applications, 2018;*
- b) Location and overall capacity of the PV panels and electricity generation (or equivalent carbon emissions saved);*

- c) *the correct carbon emission reductions for both the commercial and co-living developments after each stage of the energy hierarchy, including a commitment to reduce regulated carbon emissions through energy efficient measures alone;*
- d) *Demonstration of how the zero carbon target, with at least a 35% on-site reduction beyond Part L 2013 will be met for the co-living area. (any shortfall to the zero carbon target is to be made with a cash in lieu contribution to the Hackney carbon offset fund, via a section 106 agreement). The development shall thereafter be constructed and occupied in accordance with these approved details.*

*REASON: In the interests of the promotion of sustainable forms of development”*

#### Energy specification and layout

*“Prior to the commencement of above ground works of the development hereby approved the following information shall be submitted to and approved in writing by the Local Planning Authority, and the development shall thereafter be constructed and occupied in accordance with these approved details :*

- a) *full specification, including detailed layout of the centralised plant (clarifying the technology adopted for heating, domestic hot water provision and cooling, if needed);*
- b) *confirmation that the plant proposed has been designed to connect into a wider District Heat Network if one becomes available in the future;*
- c) *the efficiency and capacity of the installed plant and the temperature flows;*
- d) *sample of SAP and BRUKL sheets for the relevant stages of the energy hierarchy;*

*REASON: to ensure the development meets the sustainability requirements of the London Plan”*

#### Air Permeability Testing

*“Prior to occupation of the development hereby approved, a full air permeability test report confirming the development has achieved an average air permeability of 5 m<sup>3</sup>/h/m<sup>2</sup>@50pa shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed and occupied in accordance with these approved details.*

*REASON: In the interests of the promotion of sustainable forms of development”*

#### PV system

*“Prior to occupation of the development hereby approved, a certification by an accredited PV installer confirming that an array with an overall capacity and generation of electricity per year (or equivalent carbon emission saved) as previously submitted, has been installed on the proposed roof/terrace area of the development shall be submitted to and approved in writing by the Local Planning Authority. The hereby approved PV equipment shall be retained and maintained in this condition thereafter.*

*REASON: In the interests of the promotion of sustainable forms of development”*

#### BREEAM Assessment

*Within 12 weeks of occupation of the development hereby approved, a BREEAM post-construction assessment (or any assessment scheme that may replace it) confirming the ‘Excellent’ ratings (or another scheme target of equivalent or better environmental performance) have been achieved for the co-working space shall be submitted to and approved in writing by the Local Planning Authority.*

*REASON: In the interests of the promotion of sustainable forms of development”*

**8.1.20:** Amend condition as follows, to include reference to minimum 6 month tenancies, CCTV monitoring of roof terraces:

*“Prior to the occupation of the development a management plan shall be submitted to the local planning authority to include: restrictions on rental for less than 6 months / main residence only / no full time students, measures to manage impacts on neighbouring occupiers, hours of operation of the uses and use of the external terraces with CCTV monitoring, acoustic / visual screening to the roof level communal terrace, and management measures to prevent lightspill onto the Kingsland Basin. The development shall thereafter be operated in accordance with these approved details.*

*REASON: To ensure that the development does not detract from the amenity of the surrounding area and that facilities will be of significant benefit to the surrounding community”.*

**8.1.22:** Amend condition wording to replace “B1(a/c)” with “E(g)”

**8.1.23:** Insert additional condition:

*“The co-working floorspace hereby approved shall at all times be used only for purposes within part (g) (office / research and development / industrial) of use class E. The co-working floorspace shall not at any time be used for any purpose within parts (a), (b), (c), (d), (e) and (f) of use class E of the Town and Country (Use Classes Order) 1987 as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, or any such Order amending or revoking that Order whether in whole or in part.*

*REASON: In order to safeguard provision of office / research and development / industrial floorspace to meet the needs of the local economy, and to safeguard the amenity of the surrounding area”.*

**8.2.1:** Insert additional head of terms for the Legal Agreement:

- *“A credit equalling a minimum monetary value of £60 per new residential unit made available, to the first occupant of each new residential unit, as a contribution towards their car club membership fee and/ or driving credit”*
- *Carbon Offset Payment (to be determined by Energy Statement Addendum by reference to the Planning Obligations SPD July 2020)*

## **ITEM 6: 2-4 Orsman Road, London, N1 5NQ**

### Paragraph 4.7

Amend to read:

Consultation letters were sent to 67 neighbouring occupiers. 30 letters of objection have been received, including from the tenants of Canalside Studios, raising the following grounds:

Add to grounds of objection:

- Proposal would overwhelm existing buildings at the site (*Officer comment: Officers are of the view that the development is appropriate in its context and would not overwhelm existing buildings*)
- Proposal would give rise to overlooking of residential units (*Officer comment: This is addressed at paragraphs 6.5.6 and 6.5.7 of the report*)
- Proposal would cause loss of outlook by interrupting existing sight-lines and should be located at least 15m away from canal-facing units (*Officer comment: Officers consider the loss of outlook would be at a level that would not be so significant as to be harmful*)
- Proposal would disrupt a local community and result in displacement of occupiers (*Officer comment: It is noted that the construction phase could have an impact on existing occupiers, which is addressed in paragraph 6.5.5, none of the existing units is proposed to be demolished*)
- Proposal would harm local enterprises through the introduction of commercial floorspace (*Officer comment: The provision of office floorspace in this Priority Office Area is supported by local plan policies, as outlined in paragraphs 6.3.1 to 6.3.6 of the report*)
- Proposal would result in loss of community amenity space on the site of the development (*Officer comment: a landowner has the right to seek permission to develop land and this is an informal amenity space due to the under-use of the land, and an element of open land within the wider site would be retained*)
- Proposal would result in noise, vibration, smells and light pollution caused by the proposed commercial units (*Officer comment: The proposed use is one that is defined in the Town and Country Planning (Use Classes) Order 1987, as amended, as:  
  
'being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit'*)

Any environmental impacts beyond acceptable levels can be reported to and investigated by the Environmental Protection team under Environmental Health legislation. Other material impacts have been addressed in the report.

- Proposal would result in increased traffic (*Officer comment: The proposal is unlikely to result in significant traffic generation*)
- Proposal would place a strain on the drains (*Officer comment: The proposal has been reviewed by Thames Water who have raised no objection, subject to conditions*)

### Paragraph 5.3.3

Substitute “SPD: Planning Contributions” with “SPD: Planning Obligations 2020”

Paragraph 6.6.6

Amend to read:

The Council’s Network and Transportation Department have also requested that the developer contribute to highway improvements in the vicinity of the site, and have requested that this be via an agreement under s.278 of the Highways Act. This is noted, ~~by but~~ no estimate for such works has been received, and officers consider that ~~this matter can better be addressed by way of a suitable condition requiring the developer to enter into a s.278 Agreement once the extent of the works required has been ascertained. that given that the works are to the interior of the site, such a request should be made if any highways works are required.~~

Paragraph 8.1.28 - Delete condition

Add new condition at paragraph 8.1.28

The commercial floorspace hereby approved shall at all times be used only for purposes within Class B1 of the Town and Country Planning (Use Classes) Order 1987, as amended, or for uses within part (g) (office / research and development / industrial) of Use Class E and not for any other purpose within Use Class E of the Town and Country Planning (Use Classes) Order 1987 as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, or any such Order amending or revoking that Order whether in whole or in part.

REASON: In order to safeguard provision of office / research and development / industrial floorspace to meet the needs of the local economy, and to safeguard the amenity of the surrounding area

#### **ITEM 7: The House, 41 Boundary Street, Hackney E2 7JQ**

Amend paragraph 6.4.3 to read

The site is located in an area characterised by a predominantly mid-range mix of building heights and designs. The site is adjoined by a five storey residential block to the east, a seven storey residential block to the south, a five storey hotel to the west and a four storey Grade II listed residential block to the north, just beyond a small courtyard and a row of single storey Grade II listed workshops. The site directly adjoins the southern boundary of the South Shoreditch Conservation Area, and the Boundary Estate Conservation Area is located to the east of the site.

Amend paragraph 6.4.9 to read

Cleeve House and workshops are located on the very edge of the South Shoreditch Conservation Area where the overarching character and uniformity of the area becomes more mixed as a result of greater levels of change. The Boundary Estate,

within the boundary of the London Borough of Tower Hamlets, is located to the east.

Amend paragraph 6.4.14 to read

The proposal is considered to have an acceptable impact with regards to the design and appearance of the subject site, the setting of the adjoining conservation areas and the character and setting of the Grade II listed buildings to the north.

Amend paragraph 8.5 to read

Payment by the landowner/developer of monitoring costs and all the Council's legal and other relevant fees, disbursements and Value Added Tax in respect of the proposed negotiations and completion of the proposed Legal Agreement.

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

**ALED RICHARDS  
Director, Public Realm**