

## **MINUTES OF A MEETING OF THE PLANNING SUB-COMMITTEE**

**WEDNESDAY, 1ST JULY, 2020**

<b>Councillors Present:</b>	<b>Councillor Vincent Stops in the Chair</b>  <b>Cllr Katie Hanson, Cllr Susan Fajana-Thomas, Cllr Michael Levy, Cllr Peter Snell, Cllr Clare Potter, Cllr Steve Race and Cllr Anna Lynch (Substitute)</b>
<b>Apologies:</b>	<b>Cllr Brian Bell and Cllr Clare Joseph</b>
<b>Officers in Attendance</b>	<b>John Boateng, Senior ICT Support Analyst</b>  <b>Natalie Broughton, Acting Head of Planning and Building Control</b>  <b>Rob Brew, Major Applications Manager</b>  <b>Graham Callam, Growth Team Manager</b>  <b>Neil Clearly, Project Manager – Affordable Housing</b>  <b>Barry Coughlan, Major Projects Planner</b>  <b>Cate Downes, Service Support Lead (ICT)</b>  <b>Luciana Grave, Conservation, Urban Design and Sustainability (CUDS) Manager</b>  <b>Peter Kelly, Senior Urban Designer</b>  <b>Mario Kahraman, ICT Support Analyst</b>  <b>Conor Keappock, Conservation and Design Officer</b>  <b>Tom Mouritz, Planning Legal Officer</b>  <b>Matt Payne, Conservation and Design Officer</b>  <b>Mehdi Rezaie, Deputy Team Leader North</b>  <b>Qasim Shafi, Principal Transport Planner</b>  <b>Christine Stephenson, Acting Senior Legal Officer</b>  <b>Gareth Sykes, Governance Services Officer</b>  <b>John Tsang, Development Management &amp; Enforcement Manager</b>

1.1 Apologies were received from Councillors Bell and Joseph.

## 2 **Declarations of Interest**

2.1 Councillor Race stated that application 2029/2458 New Era Estate (item 5) was in his ward. He added that he had been in contact with the applicant, Dolphin Living, about it previously. He had also been to an exhibition as part of their consultation and he had in his capacity as a local ward councillor canvassed local residents about the plans and had enquired over email about the delayed timelines. The councillor had consulted with the planning legal officers was of the view that he had not pre judged the application and on this basis, with the agreement of the legal officer he was going to participate in agenda item 5.

The legal officer gave a visual indication of agreement of this statement.

2.2 It was noted that all Committee members had been emailed before the meeting with a briefing document from the Chief Executive of Dolphin Living. This email had been forwarded on to the planning service by governance services.

2.3 It was also noted that all Committee members had been emailed additional information, via governance services, from one of the objectors to application 2018/4441 Finn House (item 7). The planning service had had prior sight of the additional information before being circulated to the committee members.

## 3 **Consider any proposal/questions referred to the sub-committee by the Council's Monitoring Officer**

None.

## 4 **Minutes of the Previous Meeting**

4.1 Committee members would email the Chair of the committee with their amendments to the 23<sup>rd</sup> April 2020 Planning Sub-Committee meeting minutes. The minutes would be approved at the next meeting.

**DEFERRED, the 23<sup>rd</sup> April 2020 Planning Sub-Committee meeting minutes would be approved at the next meeting.**

## 5 **2019/2458 New Era Estate (Land Bound by Orsman Road Halcombe Street Phillip Street and Whitmore Road), London N1**

5.1 **PROPOSAL:** Redevelopment of the New Era Estate to provide 199 residential units and 344 square metres (sqm) of flexible retail floorspace, provided across buildings ranging from 3 – 14 storeys, together with associated landscaped communal amenity space, secure cycle parking spaces and refuse storage facilities.

**5.2 POST-SUBMISSION AMENDMENTS: N/A**

5.3 The planning service's Planner, Major Applications Growth Team, introduced his report, as set in the meeting papers. During his presentation reference was made to the addendum and the following:

A written statement has been submitted by Cllr Kam Adams, Cllr for Hoxton East and Shoreditch and Speaker of Hackney:

*"Having been a councillor for Hoxton East & Shoreditch Ward since May 2014 and having lived on the Colville Estate for over 30 years I am very familiar with the New Era Estate. Having visited the estate and residents living on the estate many times, I can confirm it was home to a number of large family groups, the caretaker manager never advertised vacant flats to the general public any new lettings were advertised through word of mouth so the estate was full of the children that were born and grew up on the estate, relatives and friends. The estate was affordable as the landlord held rent at about 50% of the market rate. However, the residents were responsible for repairs, installing their own kitchens and bathrooms in return for cheap rents. Rents were paid in envelopes through the post box of the caretaker's office. In 2014, shortly after being elected as ward councillor, I became aware of the concerns that the residents on the estate had about their new landlord, Private Equity firm Westbrook who bought the estate from Robert Lever. They announced their intention to increase rents by 10%, which the residents said they couldn't afford and faced the prospect of being made homeless within months. Since Dolphin acquired the New Era estate in 2014 they have worked with residents to secure the future of the estate. From August 2017, when they first raised with residents, the possibility of rebuilding the estate, Dolphin have kept me informed of their plans. They have invited me to the 4 resident drop-in sessions and shared resident newsletters with me. I raised the following matters with Dolphin: Affordable rent on the estate, which they responded by introducing personalised rent whereby households would pay according to their income with the majority of increases at CPI 1% and put a cap on rent increases at CPI plus 4.5%. During this time the feedback I have received from residents of the estate has been positive and residents were generally happy and said that the new rent arrangement has worked well for the estate. I have also been contacted by other constituents about their build regarding what would happen to their rent and to the resident while the estate is demolished. They also raised the issue of the cost of moving. I raised these matters with Dolphin and they listened and addressed these concerns by promising the residents that they will be offered a new home while the estate is being rebuilt and residents will pay no more rent than they would have paid had the estate not been rebuilt, they also promised to offer the residents somewhere to live while the estate is being rebuilt and residents will be reimbursed for the cost of moving. I am in support of the rebuilding of the estate because it will:*

- *Increase the number of homes to rent in the local area*
- *Provide affordable housing into perpetuity*
- *Deliver high-quality homes to the existing community*
- *Keep the existing community together and increase accessibility for residents*
- *Provide both shared and private amenity spaces for residents".*

6.2.4 Omit the word “duplex”.

6.2.22 Replace “level 5” with “level 6”.

6.6.3 Replace “(1 in Orsman Road, 1 in Halcomb Street and 1 in Philip St)” to “(1 in Orsman Road, 2 in Halcomb Street and 1 in Philip St)”.

6.6.5 Replace “£200,000 monitoring fee” with “£2,000 monitoring fee”.

5.4 A member of the public spoke against the application. They raised concerns about the height of the building and its overlooking of the nearby Comet nursery and the negative impact on the amount of sunlight that the nursery was to receive. There were also concerns expressed about the construction that would take place with the resulting impact of noise and air pollution on local residents.

5.5 The Planning Sub-Committee next heard from a representative from Hackney Society who highlighted that the proposals fell short in a number of areas. The density, for example, was much higher than was recommended in the London Plan resulting in excessive over intensification. The proposed housing was sub-standard. A decrease of active street frontage, as a result of loss of shop frontages, would result in loss of local amenity and employment. The proposed scheme was also not comparable to nearby similar structures because it was much taller.

5.6 The applicant began by giving a brief overview of the charitable trust behind the project and how it was set up with the objective of providing housing for those who could not afford housing on the open market. The proposals were for 199 new homes and 344 square metres (sqm) of flexible retail space. The applicant explained that they had consulted with existing residents which included a resident’s ballot which returned a 91 percent yes vote in favour of rebuilding the estate.

5.7 The committee next heard from a representative for the local Tenants and Residents Association (TRA). They explained that the proposed scheme was to be a home to a stable and cohesive community. It was recognised that despite many households living in the area for a number of years and it being a popular place to live, the current housing was not fit for purpose. They concluded that the proposed scheme would provide local residents with the opportunity to remain as a community.

5.8 The Chair invited committee members to ask questions. The following points were raised:

- The daylight/sunlight assessment had concluded that 79 percent of the outside area of the Comet nursery would receive at least two hours of sunlight during the spring equinox. This was deemed acceptable within the BRE guidelines which stated that at least 50 percent of an open space should receive at least two hours of sunlight on the ground during the spring equinox
- Residential units on the ground floor were at busy locations and the planning service considered that privacy issues for those locations were managed because they were not only step up but were also set back so there was

defensible space between them and the street. This type of relationship with the street was common for the area

- There was a difference of opinion between the Hackney Society and the planning service on the proposed number of units and their relationship to the London Plan's density rate. The Hackney Society had used the Urban range in the plan while the planning service had measured the proposals against the central range. This had led to them drawing different conclusions regarding the density of the proposed structure
- Returning residents would retain their car parking permits for car parking on the street but there was no parking provided on site. There was currently a number of informal spaces which would be removed. Currently 35 residents had parking permits on the street and they would retain that entitlement as part of the proposed scheme
- The Greater London Authority's (GLA) had argued that because there were 78 original tenants, who were renting at personalised rent rates, the developer should also provide the equivalent number of affordable homes as well. The planning service stated that there was no legal requirement for this and they saw no justification in having the equivalent London Living Rent or affordable housing. If the planning service was to allow the GLA's suggestion to be implemented it would not make the scheme viable. The applicant would undertake further talks with the council and the GLA over some assumptions made in a viability scenario. If planning permission was granted the applicant would have further talks over grant levels
- As part of the section 106 agreement, there was a heads of terms, under recommendation B, for an early/late stage viability review as well as a commitment to explore potential for grant funding
- On concerns about the unit size mix and low number of family-sized units, the planning service explained that this was due partly to a viability issue but was also around accommodating the existing tenants and what tenure they would go under in the proposed development. The applicant concurred that the proposals were designed around meeting the needs of the existing community. There were a number of factors to take into consideration with this approach. If, for example, the applicant was to expand the size of the family units this would likely have a detrimental impact on the provision of the outside play space
- Paragraph 4.8.3 was a standard wording and was drafted in such a way to encourage dialogue with Thames Water
- It was understood that the disabled car parking bays were close as they could be to the entrances but this would be double checked by the council's Principal Transport Planner to ensure they were within 50 metres. The Chair of the committee recommended that this was conditioned
- One of the objectors reiterated their concerns over the density of the scheme and how it was not keeping with the context of the surrounding landscape
- The applicant explained that any surplus would be put into the provision for more affordable housing
- The council's affordable housing project manager explained that a policy approach was build-to-rent. The emerging London Plan would include build-to-rent, which was about 50 percent but within a scheme it would be living rent which was different to the 60/40 split which tended to be a traditional approach.

A consultant for the council explained that mix was not at 50 percent under the scheme because of high existing use value of the site. With the current mix there was not a full agreement, it was agreed that the scheme was not technically viable with the proposed mix at 35 percent. To increase the mix any further would lead to an even more or less viable scheme. It had been concluded that the highest value for the site was its existing use value rather than its redevelopment. If there were higher rents that would result in those in affordable housing having to pay lower rent. If it was, for example, 100 percent private rent that would improve the viability of the scheme

- The 20 percent profit margin from the scheme was never factored in, the consultant had argued for a 10 percent profit margin on GDV to reflect that it was a build-to-rent scheme. The 10 percent was a notional number but any profit made was re-invested into affordable housing. The applicant had already invested £50 million in Hackney
- The proposed development had 344 sqm of retail space which meant a reduction of just over a 100 sqm. It was a lot deeper, with a narrower width and a less active frontage. It was designed to be flexible to either be used as one large retail unit or to be converted into smaller retail units. Planning policy did support small retail units and the applicant had been reluctant to divide the space up into small retail units because of the feedback they had received during the public consultation. The applicant explained that they had actively engaged with retailers about them returning and the space was flexible in order for it to be suitable for this. The applicant added that they had worked with the council's commercial team to find alternative premises in Hackney as well as a rent period for those retailers who were not returning. This was not currently a head of term in the s106 agreement
- The report highlighted that the site was not designated for retail, which meant that the planning service was not necessarily looking for a big uplift in retail floor space. It would not be appropriate in policy terms. It was a thriving retail street and the council would want to retain that as much as possible. A lot of retail space was being re-provided but there was a reduction. There was no policy to protect rent levels and if the council tried to do that that would impact on the viability of the development. There was a policy that encouraged small retail units in a development. One possible workaround was to have a condition for a marketing strategy for how the retail units are let to encourage as far as possible small retail units and there was also a provision for the original retailers to return
- The nearby Colville Estate was currently outlining consent. There was no reserved matters consent so it was not clear what would happen with that development. The council were conscious that there were retail units on that estate and it would provide an active frontage that the council would try to protect. At the same time it would accommodate the new residential developments
- The Council's Urban Design Officer acknowledged that it was quite a constrained site but a lot of design work had gone into the scheme to ensure that it met the wishes of the local residents. The Design Review Panel (DRP) had negotiated an open air route to the south to allow residents to see out of the courtyard and allow an interaction between the space inside and the external neighbourhood

- The astro turf was a relatively small proportion of the courtyard and was designed to accommodate the high degree of wear and tear as a result of children playing. Grass was not robust enough for this type of area
- The council's transport planner was of the view that the surrounding network was felt could accommodate a slight increase in parking. The assumption was that all 35 parking permit-holding residents would return but that might not necessarily be the case. Through the travel plan the council would seek to reduce the bays to 10 over the coming years. There was a small impact but under the section 278 Highways Works the council were looking to add in a small number of personalised parking zones to fill in the gaps where there were existing crossovers. The general approach was that it was an overestimate in car parking bays and that over time there would be a reduction
- With personalised rents there was an expectation that after an original tenant leaves the unit would either revert to London Living Rent or the discount market rent. As a result of this, the planning service was looking at the potential for grant funding and also the review mechanism. There was no succession in the residencies. The existing residents could move into the London Living Rent homes and if needs be, according to the applicant, some of those existing residents could move into the market rent homes. When those residents, however, move on the tenure of the units would revert back to the rent as agreed under the s106 agreement or it was hoped a low rent tenure, subject to getting a grant
- The existing residents were on short term residencies
- Currently the applicant had no plans to sell on the properties once the existing residents move on. The applicant explained that they intended to keep the estates intact so that they could be managed on a unified basis
- The affordable housing was secured in perpetuity, however, the build-to-rent could be lost potentially to market purchase. Committee members noted that there was new policy under LP33 which had a requirement to ensure there was built to rent for a minimum 15 years. If a developer, for example, purchased the site and sold off the market rate rent units after 15 years, they would not be able to do the same for the affordable homes. When rented units are sold on to a private buyer that was called breakup value, this had not yet happened on the existing estate. With the proposed scheme and 35 percent of units being rented out in perpetuity it would make a less attractive proposition to any future purchases of the estate. The demand for build-to-rent was being driven by securing a long term investment over time
- A draft Construction Management Plan (CMP) had been submitted and there was a requirement for a full CMP to be submitted by condition. The planning service acknowledged that noise and air pollution were of concern because of the amount of schemes being developed in the surrounding area. It was a difficult area to manage traffic wise as well, and the council were in constant talks with network managers and the managers of the other developments in the area. The council was seeking contributions for CLP monitoring which would go towards a dedicated person who coordinated the communication with all the developers in the borough. It was suggested that this was included as an informative. Conditions were also in place as part of the CMP. The committee agreed to an

informative where there would be a single point of contact to address any issues around construction of the development

- Provision was in place for the existing residents on the estate. For any new residents allocation would follow the council's recent allocation policy. The focus of the scheme was on homes for local people who were more likely to be employed in the public sector
- It was accepted that the proposed scheme was denser than what was on the current site and that this would impact on the surrounding area. The site's capacity was pushed to its maximum. The DRP had also concluded this and had come up with a number of recommendations to compensate for this and most of these were addressed positively by the applicant to ensure the density was optimised
- The weaknesses of the scheme were acknowledged: it was dense, it had dual loaded corridors and a lot of it was single aspect. The planning service were of the view that the current proposals were a very good response to what was a very demanding brief. The architects had a very good track record and the proposed scheme was based on a previous awarding winning design. The quality of the materials was also very high and the design of the units was much better than the existing units in many ways
- A full un-redacted viability assessment had been published along with a full un-redacted set of correspondence between the council's and the developer's consultants
- The applicant welcomed the discussions with the council over viability and they were confident they could work together to deliver a viable scheme eventually
- The proposed section 278 highways work did accommodate for a loading bay which was understood to be on Whitmore Road. It appeared that one loading bay was sufficient for the size of the retail unit. There was also a delivery and service plan condition in place that would also monitor the situation. It was not clear whether there was a separate loading bay for the Colville Estate
- The planning service reiterated the idea of a marketing strategy condition where the applicant would set out how they would encourage existing retailers to return to the site or encourage smaller retail units. The committee noted that reduced rents was not supported by council planning policy

Vote:

For: unanimous

A full list of the conditions can be accessed via the following link to the Hackney Council website:

<http://mginternet.hackney.gov.uk/ieListDocuments.aspx?CId=125&MId=4949>

**RESOLVED, planning permission was GRANTED subject to completion of a S106 agreement.**

A five minute break followed this agenda item. 5.1 **PROPOSAL:** Redevelopment of the New Era Estate to provide 199 residential units and 344 square metres (sqm) of flexible retail floorspace, provided across buildings ranging from 3 – 14 storeys, together with associated landscaped communal amenity space, secure cycle parking spaces and refuse storage facilities.

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*I am in support of the rebuilding of the estate because it will:*

- *Increase the number of homes to rent in the local area*
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5.4 A member of the public spoke against the application, they raised concerns about the height of the building and the overlooking of the nearby Comet nursery and the negative impact on the amount of sunlight that the nursery receives. There was also concerns expressed about any construction that

- would take place with the resulting impact of noise and air pollution on local residents.
- 5.5 The Planning Sub-Committee next heard from a representative from Hackney Society who highlighted that the proposals fell short in a number of areas. The density, for example, was much higher than was recommended in the London Plan resulting in excessive over intensification. The proposed scheme were also not comparable to nearby similar structures because it was much taller.
- 5.6 The applicant began by giving a brief overview of the charitable trust behind the project and how it was set up with the objective of providing housing to those who from their income cannot afford housing on the open market. The proposals were for 199 new homes and 344 square metres (sqm) of flexible retail space. The applicant explained that they had consulted with existing residents over the future of the estate which included a resident ballot. The ballot returned a 91% yes vote in favour of rebuilding the estate.
- 5.7 The committee next heard from the Chair of New Era Tenants and Residents Association (TRA) explaining that the proposed scheme was to be a home to a stable and cohesive community. It was recognised that despite many households living in the area for a number of years and it being a popular place to live, current housing was not fit for purpose. The proposed scheme would provide local residents with the opportunity to remain as a community.
- 5.6 The Chair invited committee members to ask questions. The following points were raised:
- The daylight/sunlight assessment had concluded that 79 per cent of the outside area of the Comet Nursery would receive at least two hours of sunlight during the spring equinox. This was deemed acceptable within the BRE guidelines which stated that at least 50 per cent of an open space should receive at least two hours of sunlight on the ground during the spring equinox
  - Residential units on the ground floor were at busy locations and the planning service considered that privacy issues for those locations were managed because they were not only step up but were also set back so there was defensible space between them and the street. This type of relationship with the street was common for the area
  - There was a difference of opinion between the Hackney Society the planning on the proposed number of units and their relationship to the London Plan's density rate. The Hackney Society had used the urban range in the plan while the planning service had measured the proposals against the central range. This had led to them drawing different conclusions regarding the density of the proposed structure
  - Returning residents would retain their car parking permits for car parking on street but there was no parking provided on site. There was currently a number of informal spaces which would be removed. Currently 35 residents had permits to park on the street and they would retain that entitlement as part of the proposed scheme
  - The Greater London Authority's (GLA) had argued that because there was 78 original tenants, who were renting at personalised rent rates, the developer should also provide the equivalent number of affordable homes as well. There was no legal requirement for this. The planning service saw no justification in having the equivalent

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London Living Rent or affordable housing. If the planning service was to allow the GLA's suggestion to be implemented it would not make the scheme viable. The applicant would undertake further talks with the council and the GLA over some assumptions made in a viability scenario. If planning permission was granted the applicant would have further talks over grant levels

- As part of the section 106 agreement, there was a heads of terms, under recommendation B, for an early/late stage viability review as well as a commitment to explore potential for grant funding
- On concerns about the unit size mix and low number of family-sized units, the planning service explained that this was due partly to a viability issue but was also around accommodating the existing tenants and what tenure they would go under in the proposed development. The applicant concurred that the proposals were designed around meeting the needs of the existing community. There was a number of factors to take into consideration with this approach. If, for example, the applicant was to expand the size of the family units this would likely have a detrimental impact on the provision of the outside play space
- Paragraph 4.8.3 was a standard wording and was drafted in such a way to encourage dialogue with Thames Water
- It was understood that the disabled car parking bays were close as they could be to the entrances but this would double checked by the council's Principal Transport Planner to ensure they were within 50 metres. The Chair of the committee recommended that this was made part of a condition
- One of the objectors re-iterated that the proposed scheme was denser. It was a massive development which was not keeping with the context of the surrounding landscape
- The applicant explained any surplus was put into the provision for more affordable housing
- The council's affordable housing project manager explained that policy approach was build to rent. The emerging London Plan would include build to rent, which would out about 50 per cent but within a scheme it would be living rent which was different to the 60/40 split which tended to be a traditional approach. A consultant for the council explained that mix was not at 50 per cent under the scheme because of high existing use of the site. With the current mix why there was not in full agreement it was agreed that the scheme was not technically viable with the proposed mix at 35 per cent. To increase the mix any further would lead to an even more less viable scheme. It had been concluded that the highest value for the site was its existing use value rather than its redevelopment. If there was higher rents that would result in those in affordable housing to pay a lower rent. If it was, for example, 100 per cent private rent that would improve the viability of the scheme
- The 20 per cent profit margin from the scheme was never factored in, the consultant had argued for a 10 per cent profit margin on GDV to reflect that it was a build to rent scheme. The 10 per cent was a notional number but any profit made was re-invested into affordable housing. The applicant had already invested £50 million in Hackney
- In terms of retail space, the proposed development had 344 sqm of retail space which meant a reduction of just over a 100 sqm. The

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proposed units were a lot deeper than the existing with narrower width with a less active frontage with. The proposed retail unit was designed to be flexible to be used as either one large retail unit or to be converted into smaller retail units. Planning policy did support small retail units and the applicant had been reluctant to divide the space up into small retail units because the feedback they had received during public consultation. The retail space had been provided and it was capable of being used for either large or smaller retail units. The applicant added that they had actively engaged with retailers to offer them to return and the space was flexible in order to be suitable for those retailers who wanted to return and the applicant had worked with the council's commercial team to find alternative premises in Hackney as well as a rent period. This was not currently a head of term in the s106 agreement

- The report highlighted that the site was not designated for retail, which meant that the planning service was not necessarily looking for a big uplift in retail floor space. It would not be appropriate in policy terms. It was a thriving retail street and the council would want to retain that as much as possible. A lot of retail space was being re-provided but there was a reduction. There was no policy to protect rent levels and if the council tried to do that that would impact on the viability of the development. There was a policy that encouraged small retail units in a development. One workaround might be to have a condition for a marketing strategy for how the retail units are let to encourage as far as possible small retail units and there was also a provision for the original retailers to return
- The nearby Colville Estate was currently outlying consent. There was no reserved matters consent so it was not clear what would happen with that development. The council were conscious that there were retail units on that estate and it would provide an active frontage that the council would try to protect. At the same time it would accommodate the new residential developments
- It was noted that it was quite a constrained site but a lot of design work had gone into the scheme to ensure that it met the wishes of the residents. The Design Review Panel (DRP) negotiated an open air route to the south to allow residents to see out of the courtyard and allow an interaction between the space inside and the external neighbourhood
- The astro turf was a relatively small proportion of the courtyard and it was designed to accommodate the high degree of wear and tear that would take place in that area through children playing. Grass was considered not robust enough for this type of area
- The surrounding network was felt could accommodate a slight increase in parking. The assumption was that all 35 parking permit holding residents would return but that might not necessarily be the case. Through the travel plan the council would seek to reduce the bays to 10 over the coming years. There was a small impact but under the section 278 Highways Works the council were looking to add in a small number of personalised parking zones to fill in the gaps where there was existing crossovers. The general approach was that it was an over estimate in car parking bays and that over time there would be a reduction

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- Currently the applicant had no plans to sell on the properties once the existing residents move on. The applicant intended to keep the estates intact so that they could be managed in a unified basis
- The affordable housing was secured in perpetuity, however, the build to rent could be lost potentially to market purchase. It was noted that there was new policy under LP33 which had a requirement to ensure there was built to rent for a minimum 15 years. If a developer, for example, purchased the site and sold off the market rate rent units after 15 years but they would not be able to do it the affordable homes. When rented units are sold on to a private buyer that was called breakup value. Currently this had not happened on the existing estate, so far. With the proposed scheme and 35 per cent of units being rented out in perpetuity it would make a less attractive proposition to any future purchases of the estate. The demand for build to rent was being driven by securing a long term investment over time
- A draft Construction Management Plan (CMP) had been submitted and there was a requirement for a full CMP to be submitted by condition. It was acknowledged that noise and air pollution were of concern because of the amount of schemes being developed in the surrounding area. It was a difficult area to manage traffic wise as well, and the council were in constant talks with network managers and the managers of the other developments in the area. The council was seeking contributions for CLP monitoring which would go towards a dedicated person who coordinate the communication with all the developers in the borough. It was suggested that this was included as an informative. Conditions were also in place as part of the CMP .The committee agreed to an informative where there would be a single point of contact to address any issues around construction of the development
- Provision was in place for the existing residents on the estate. For any new residents allocation would follow the council's recent allocation policy. The focus of the scheme was on homes for local people who were more likely to be employed in the public sector
- It was accepted that the proposed scheme was denser than what was on the current site and that this would impact on the surrounding area. The site's capacity was pushed to its maximum. The DRP had also concluded this and had come up with a number of recommendations to compensate for this and most of these were addressed positively by the applicant to ensure the density was optimised

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- The weaknesses of the scheme were acknowledged: it was dense, it had dual loaded corridors, a lot of it was single aspect. The planning service, however, felt the current proposals were a very good response to what was a very demanding brief. The architects had a very good track record and the scheme before the committee was based on an awarding winning design for a scheme in 2011. Quality of the materials was very high and the design of the units was much better than the existing units in many ways
- A full un-redacted viability assessment had been published along with a full un-redacted set of correspondence between the council's and the developer's consultants
- The applicant welcomed the discussions with the council over viability and they were confident they could work together to deliver a viable scheme eventually
- The proposed section 278 highways work did accommodate for a loading bay which was understood to be on Whitmore Road. It appeared that one loading bay was sufficient for the size of the retail unit. There was also a deliver and service plan condition in place that would also monitor the situation. It was not clear whether there was a separate loading bay for the Colville Estate
- The planning service re-iterated the suggestion of a marketing strategy condition where the applicant would set out how they would encourage the existing retailer to return to the site or encourage small retail units. Reduced rents would not be supported by council planning policy

Vote:

For: unanimous

A full list of the conditions can be accessed via the following link to the Hackney Council website:

<http://mginternet.hackney.gov.uk/ieListDocuments.aspx?CId=125&MId=4949>

**RESOLVED, planning permission was GRANTED subject to completion of a S106 agreement.**

A five minute break followed this agenda item.

## **6 2019/3936 39-47 East Road N1 6AH**

### **6.1 PROPOSAL:**

Demolition of the existing office building and redevelopment of the site by the erection of a building 23 storeys in height plus double basement, the building to accommodate offices (within the B1 Use Class - 4,564m<sup>2</sup>) at lower ground level, ground floor level, mezzanine level and levels 01 to 04, and a hotel (within the C1 Use Class - 210 keys and 6,537m<sup>2</sup>) at ground floor and levels 5 to 20, with ancillary office and hotel accommodation at basement level, lower ground level, ground floor, roof (plant) level, and roof level, with associated public realm works.

### **6.2 POST-SUBMISSION AMENDMENTS:**

Amendments have been made to the design of the building comprising a reduction in height of 15m (approximately four storeys) with corresponding decreases in floor area and some minor changes to facade design. A re-consultation exercise has been undertaken.

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6.3 The Planning Service's Senior Planning Office introduced the application. As part of the officer's presentation reference was made to the addendum and the following:

**Approved Plans**

The following document should be added to the approved plans:

- Area Schedule dated 19/06/2020

**4.6 Neighbours**

4 additional consultation responses have been received from nearby residents.

The issues raised can be summarised as follows:

- Daylight/sunlight impacts of the development
- Inappropriate height in this location
- Pedestrian and highways impacts of the development
- Privacy impacts
- Will prevent servicing of commercial building to north from Silbury Street.  
(OFFICER NOTE: There is currently no servicing allowed from Silbury St so restriction of vehicular access on this street should not impact servicing of nearby commercial units).
- Wind impacts 10

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- Impact on local parking- Impact on the views from nearby residential buildings (OFFICER NOTE: This is not a material planning consideration).
- Amenity Impacts of hotel use.
- Environmental impacts of another large construction project in the area.

The issues raised above are considered to have been addressed in the officer report unless otherwise noted above.

#### **4.7 Local Groups / Other Consultees**

The following additional consultation response has been received:

Shoreditch Conservation Area Advisory Committee Objection. Although the site is outside the conservation area, it is close enough (two streets away from the Underwood CA) for concern that the overbearing

scale, height and massing of this project will have a detrimental impact on the area. Although there are towers close to the Old Street roundabout, this proposal extends the cluster further up East Road, creating a strip of tall buildings, with a wind tunnel effect. Context for the proposal should take into account the low brick buildings in the block immediately adjacent to the East.

OFFICER NOTE: The issues raised above are considered to have been addressed in the report.

#### **Amendments**

\*All amendments shown in italics\*

The following amendments should be made to section 6:

#### **6.1 The Principle of the Use**

At **6.1.1** the word 'net' should be added after the reference to the GLA hotel targets. The full sentence should read as follows:

The GLA's "Working Paper 88 Projections of demand and supply for visitor accommodation in London to 2050" (2017) identifies Hackney's need for hotel spaces between 2015 and 2041 as 3,382 additional units (*net*).

#### **6.4 Traffic and Transportation**

Paragraph **6.4.26** should be amended to read as follows:

6.4.26 Two of three existing mix use parking bays on East Road, within 15m of the site, have been earmarked to be converted to blue badge bays to accommodate disabled occupants and visitors who may need to drive as a necessity to the site. Although this number of spaces falls short of policy targets, the site cannot accommodate car parking as Silbury Street is proposed to be pedestrianised, which is in line with draft London Plan T2 (Healthy Streets). It is recommended that a condition be imposed requiring the submission of a Parking Design and Management Plan which



will require additional 2 spaces to be identified in the local area that can be converted should the need arise. The need for additional spaces shall be monitored through the Travel Plan. Accommodate disabled occupants and visitors who may need to drive as a necessity to the site. Although this number of spaces falls short of policy targets, the site cannot accommodate car parking as Silbury Street is proposed to be pedestrianised, which is in line with draft London Plan T2 (Healthy Streets). It is recommended that a condition be imposed requiring the submission of a Parking Design and Management Plan which will require additional 2 spaces to be identified in the local area that can be converted should the need arise. The need for additional spaces shall be monitored through the Travel Plan.

#### **6.6 Amenity of Nearby Occupiers**

Paragraphs 6.6.12 and 6.6.28 should be amended to read as follows:

6.6.12 Of the 27 windows assessed for VSC at this property, 22 either do not have retained VSCs over 27 percent or experience reductions in excess of 20 percent. Many of those windows that fail the BRE tests have reductions well over 20 percent with some suffering a reduction of VSC in excess of 60 percent. However, as mentioned above, the windows in question are all in close proximity to the site boundary and many enjoy existing daylight levels that could be considered unusually high for this type of boundary condition in an inner urban area. In addition, 14 of the 22 windows would serve bedroom windows which are considered less sensitive to a loss of daylight in BRE guidance. The remaining windows serve living/dining rooms but in all but *three* cases, these windows serve rooms with other windows which do not face the proposal site.

6.6.28 As discussed above, the proposed development will be located in close proximity to residential windows on the upper floors of Zeus House. While the proposed development will create an increased sense of enclosure to these windows, it should be noted that *three of nine* main living spaces affected are served by secondary windows where some degree of open aspect will be retained (or will remain unchanged). As discussed above, the proximity of the windows at Zeus House to the site boundary is also such that some degree of an increased sense of enclosure would be difficult to avoid should the application site be comprehensively redeveloped. Given the extent of the impact, and when considering the number of units affected against the wider public benefits of the scheme, the increased sense of enclosure that would arise at this building is considered to be within acceptable limits. The location of other nearby residential windows in relation to the development and the existing character of the area are such that there is not considered to be an increased sense of enclosure to other residential uses in the area arising from the development.

#### **8. RECOMMENDATION**

The wording of the following conditions should be amended:

##### **8.1.8 Future Proofing Connections to District Heating Network**

Notwithstanding the details shown on the plans and documents hereby approved, full particulars of the following shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development.

- Full detailed specification and layout of the main plant room confirming the location of *the potential connection points to demonstrate how the development could be adapted to connect to a future district heating network.*

REASON: In the interests of the promotion of sustainable forms of development and construction.

#### **8.1.9 Plant Design and Specification**

Notwithstanding the details shown on the plans and documents hereby approved, full particulars of the following shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development (excluding demolition). The development shall not be carried out otherwise than in accordance with the details thus approved.

1. *A study and justification of the energy strategy according to the system hierarchy as indicated in the GLA guidance for energy assessments;*
2. *Evidence assessing the viability of connection to nearby district heating networks. This should include further investigation of the potential for connection with relevant stakeholders (including Shoreditch, Bunhill and TFL) and to submit further details to demonstrate any constraints or otherwise associated with connecting; to act as an energy centre to satisfy the development's demand;*
3. *Any energy system to be adopted shall be future proofed to have the potential to connect to nearby district heating networks.*
4. Clarification as to how the ASHP for DWH will operate alongside heating and cooling or any other technologies being specified for the development;
5. Details of the Seasonal Coefficient of Performance (SCoP) and Seasonal Energy Efficiency ratio (SEER);
6. Full details of location of the condenser units from the VRF systems (or any other fixed plant adopted) and noise solutions to mitigate impact for nearby sensitive receptors;
7. Information about refrigerants that are required to have a Low or Zero Global Warming Potential (GWP) and Zero Ozone Depleting Potential (ODP)
8. Commitment to monitor the performance of the energy system post-construction, to ensure the expected performance approved is achieved.

REASON: In the interests of the promotion of sustainable forms of development and construction.

#### **8.1.10 Plant ASHP**

Notwithstanding the details shown on the plans and documents hereby approved, full particulars of the following shall be submitted to and approved in writing by the Local

Planning Authority prior to the occupation of the development. The development shall not be carried out otherwise than in accordance with the details thus approved.

- *Confirmation of installation and commissioning reports associated with the energy systems approved in the last energy report.*

REASON: In the interests of the promotion of sustainable forms of development and construction.

#### **8.1.13 Contaminated Land: Risk Assessment**

No development shall commence (*excluding demolition*) until an assessment of the risks posed by any contamination shall have been submitted to and approved in writing by the local planning authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The assessment shall include: a survey of the extent, scale and nature of contamination; the potential risks to: human health; property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; adjoining land; ground waters and surface waters; ecological systems; and archaeological sites and ancient monuments.

REASON: To protect human health, water resources, property and the wider environment from harm and pollution resulting from land contamination.

#### **8.1.14 Contaminated Land: Remediation Scheme**

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

REASON: To protect the end user(s) of the development, any adjacent land user(s) and the environment from contamination.

#### **8.1.28 Groundwater Site Investigation**

Notwithstanding the details shown on the plans and documents hereby approved, full particulars of the following shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development (*excluding demolition*). The development shall not be carried out otherwise than in accordance with the details thus approved.

a) An intrusive groundwater site investigation to confirm that the proposed development will have minimal impact on neighbouring sites including details of any proposed mitigation (where necessary).

REASON: In order to provide an adequate provision for Sustainable Urban Drainage. The following condition should be removed:

**8.1.29 Car Park Design and Management Plan**

Notwithstanding the details shown on the plans and documents hereby approved, full particulars of the following shall be submitted to and approved in writing by the Local Planning prior to the occupation of the development. The development shall not be carried out otherwise than in accordance with the details thus approved.

o A Car Park Design and Management Plan which identifies potential spaces on Curtain road that could be converted to blue badge spaces

REASON: In order to ensure that there is an adequate provision of disabled persons car parking spaces.

The following condition should be added:

**8.1.31 Piling**

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

REASON: The proposed works will be in close proximity to underground water utility infrastructure.

**8.2. Recommendation B**

The following additional contribution should be added to Recommendation B:

Highways and Transportation

- £1,000 towards Delivery and Servicing Management Plan monitoring

6.4 A local resident spoke first in objection to the application raising concerns about the impact of reduced light onto the communal terrace at Britannia Building on Ebenezer

Street. Local residents used to get full sunlight on the terrace but with the Montcalm Hotel and Eagle House this was reduced severely - apart from the month of June when the sun was at its highest. The development of the Atlas had impacted on local residents' light all year round. The 39-47 East Road proposals for 23 storeys would also impact on local residents' morning sun all year round. It was recommended that the proposed scheme should be no higher than the adjacent WeWork building. The local resident added that the proposals would also add to the wind tunnel effect in the area. Various high rises had made the streets prone to excessive wind. Furthermore local residents were also concerned about increased traffic in the area. There was constant traffic with hotel vehicles and on weekends vehicles park and block entrances. Local residents felt that they were being consistently misled with most developments in the area and they saw something wrong with the council's online process or the recommendation for approval was submitted well before receiving any comments from local people. They were also surprised that with over 400 consultation papers circulated than none of the papers found their way to their building. They concluded that construction of sites in the area had created mayhem with road traffic and construction companies flouting the strict working times rules. There were enough hotels and it was highlighted that the City was going through a transformation of use due to the Covid19 pandemic.

6.5 The applicant gave a brief overview of the scheme highlighting that the affordable workspace offer was a key public benefit of the scheme. They saw this as helping to mitigate the shortfall against employment floorspace policy. The proposal was to provide 14 percent of the overall office quantum at a discount of 40 percent against market rates. This exceeded both adopted and emerging policy targets and would result in an affordable workspace provision that was equal to that of 51 percent of the floorspace in the development being office space. The site was also well served by London Cycle Hire docking stations, with nearby docking stations located within a 10 minute walk. The existing site was now recognised to be at the end of its economic life, these proposals would seek to rejuvenate the site.

6.6 The Chair invited committee members to ask questions. The following points were raised:

- On concerns expressed about overshadowing, the submitted shadow assessment had shown that all the nearby amenity spaces that had been identified would meet BRE guidance.
- Structural issues around excavation are not a material planning consideration, however the council's Sustainable Urban Design Officer had provided comments on the impacts of piling and excavation and the issues raised were considered resolved to the satisfaction of officers.
- The Design Review Panel's (DRP) initial comments were based on the scheme that they saw at the time. References to a monolithic structure, for example, were based on a previous design which had a different brick work, design and height at that time. The scheme since then had significantly changed

- The final materials would be controlled through condition. If brick slips was considered to be unacceptable then the council had the power to refuse them
- The architect saw the site as being in transition and looking around at the nearby buildings they were differing in materiality. The applicant saw brick as the right material to use. If planning permission was granted then the architect would then look at the next level of detailed design. They noted concerns over brick slips adding that they already begun to explore what they would do at the next stage to add more depth to the design
- The Conservation and Design Officer explained how they had worked with the applicant to further refine the design with the expressive verticality of the grid to help emphasise the small floor plate. It was felt that the choice of brick was a good decision in how it transitioned from the buildings to the north moving towards the cluster that the site was part of
- On affordable work space the applicant explained that they would work closely with the planning service to identify potential occupiers
- On the concerns raised about a wind tunnel effect, it was noted that of the 116 measurement locations, only one location to the south of the site was found to have an increase in the occurrence of strong winds as a result of the development. This calculation was taken on an annual basis and amounted to an increase from 2.4 hours per year to 2.7 hours per year. This was a marginal increase in the annual impact. The area of the increase was in the centre of East Road, not on a pedestrian crossing in a not particularly well used area. The wind tunnel assessment also found that with two of the readings there was a small improvement as a result of the proposals
- Where harm was identified the planning service would seek mitigation measures, however, in this case they concluded that the harm was negligible. There was a series of public highways improvements, which included landscaping which would help improve the overall pedestrian experience on East Road.
- It was recognised that the trees that would be planted would not be as mature initially but they would still provide some improvement on the existing site
- It was recognised that some nearby units at Zeus House would be impacted by the proposals. This was acknowledged by the daylight/sunlight assessment. It was felt that there were mitigating circumstances, one of which was the distance of the windows to the boundary. The Planning Officer explained that any scheme that was going to build up to the boundary would have an impact on those units. Such was the constraints of the site that some impact was unavoidable
- The Chair of the committee suggested that such was Zeus House's close proximity to the car park that it could be classified as a 'poor neighbour'. Its light would not be protected as it should be if it was set back a bit further
- The committee noted that the occupants of Zeus House were consulted and no objections were received

- The planning service's Major Projects Planner explained that the marketing assessment that had been submitted had shown that the type of hotel that was proposed under the scheme would meet a specific demand. The hotel was different from some of the other hotels in the area in that it was a mid-price hotel unlike some of the budget and high end hotels in the area. There was a surplus of hotel rooms in the area and the planning service had calculated that there was an approximate surplus of about a 1000 hotel rooms, so there was still a comfortable demand within the GLA's projections
- The Chair of the committee stated that LP33 would put a break on the number of hotels and that the council would have to say that there was enough of them
- It was understood that the scheme was in the Hoxton West ward not Hoxton East and Shoreditch as cited in the meeting papers. The papers would be corrected to reflect this
- It was not clear the process behind how local TRAs were selected to be consulted and how certain ones were contacted and others were not. The planning services explained that it was not that some had been missed out it was just those who were consulted should not have been consulted. The consultation process had generated some responses and there was a second consultation exercise along with a site and press notice. The developer had also undertaken a consultation process prior to submission. The planning service was confident that they had met their statutory duty by consulting with neighbours. The planning service confirmed that they had evidence of a site notice being placed
- A local resident stated that no one in their building had been sent consultation papers and they were only made aware of the scheme when they had seen the site notice
- The legal officer explained that the council had a statutory duty to consult with local residents and part of that procedure was to put up a site notice along with letters being sent to local residents etc. Guidance is also set out in the adopted Statement of Community Involvement (SCI). Officers advised that over 400 letters were sent out and they were confident that these were sent out to the surrounding buildings. The applicant added that their consultation had included the sending out of over 2000 letters. These letters were sent out three times
- The planning service highlighted how comments received previously had been taken on board and they had contributed to height being lowered. The tower element for the scheme was also now a lot smaller. If the office was any higher this would have resulted in the floor plate being compromised further. It was reiterated that the design of the scheme was such that it was a transition through the cluster in the area. The grid like system was indicative of the hotel element that sat behind the scheme. The planning service was happy with the design and considered it to be acceptable
- The main plant room would be covered by the building and would take up to the two top floors of the building

- The council's Principal Transport Planner explained that the Atlas building development and the proposed application would help to reduce vehicle dominance. Committee members noted that one traffic lane had already been closed for some time. The planning service was not aware of a plan to get rid of the one way gyratory system and it was recognised that there were plans in place to reduce the traffic numbers.
- However, the Chair of the Committee stated that they [the committee] had specifically suggested that the Highways Department needed to look to use the S106 monies of various applications in the area. To revert the gyratory to a two-way operation and that narrowing the carriageway would make this less viable
- The planning service saw the improvements to the public realm e.g. tree planting and widening of pavements as the way forward in mitigating the impact of the wind tunnel effect. Physical additions to the actual building were not warranted or justified in this case although the architect did add that they had given the design depth to the façade to help against the wind tunnel effect
- It was agreed that if the applicant sought brick slips there would be a condition that this would come back to the planning sub-committee for their consideration. The applicant replied that the scheme would be a combination of brick slip and brick
- Disabled parking was covered through the travel plan. There were two car park spaces on the road and would be made available to the first occupants. They were the nearest spaces on the public highway. They would be 10-15 metres away from the entrances
- The local resident was surprised about the 2000 letters being sent out to local residents. They felt that something had gone awry in the process. They insisted that they and their fellow residents were not consulted. They reiterated their objections on the grounds of the loss of light and the wind tunnel effect

Vote:

For: Unanimous

A full list of the conditions can be accessed via the following link to the Hackney Council website: <http://mginternet.hackney.gov.uk/ieListDocuments.aspx?CIId=125&MIId=4949>

**RESOLVED, conditional planning permission was APPROVED subject to the completion of a legal agreement.**

*At the conclusion of this agenda item Councillor Fajana-Thomas announced that she would be leaving the meeting. The Councillor, in her capacity as a mental health advocate for the council, commented that it was not good for mental health for looking at a screen for three hours.*

**7 2018/4414 Finn House (Western Block) Bevenden Street London N1 6BL**

**7.1 PROPOSAL:** Erection of roof extension at main roof level for the provision of 8 residential flats (Class C3) with associated refuse/recycling and cycle parking at ground floor level.

**7.2 POST SUBMISSION REVISIONS:** The number of family units has been increased and the layout of accommodation revised. This has been facilitated by a reduction in the number of units proposed by 1. Alterations have also been made to relocate the refuse and recycling to the rear of the site. Two units were reduced by one bed space each. More detail was sought on townscape impacts, landscaping, stacking and refuse storage

**7.3** The planning officer introduced the application report as set out in the meeting papers and during the course of their presentation reference was made to the addendum and the following:

- Additional information from an objector was sent to Governance Services for circulation to members. The objection is as follows
- Previous planning permissions have restricted to four storeys on Bevenden Road



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- Play space is not provided (Officer's note: Child yield for the development using the GLA's calculator is about 1.5 children. Developments under 10 children are not required to provide play space)
  - Accessibility - a lift hasn't been provided
  - Waste collection - bins to the rear
  - Private amenity space is undersized
  - Affordable housing isn't provided
  - Noise transmission issues
  - Landscaping and biodiversity issues due to loss of trees
- Waste management company has changed (Officer's note: Details of the refuse management strategy are reserved by condition)
- Daylight impacts on ground floor flats have not been addressed (Officer's note: Details of the bin store will be reserved by condition. The bin stores, by reason of their proximity to the residential windows, are not considered to adversely affect the daylight and sunlight of the residential occupiers. It should also be noted there is an existing hedge located between the closest affected windows and refuse area that will be retained.
  - Heritage report states that the height will have a minimal impact on street scene
  - The development is contrary to policy on design and guidance on quality
- Officer's note: The issues raised above have been addressed in the officer's report unless otherwise noted.

## 6. Recommendations

### 6.1.11 Waste/Recycling collection

Remove text of condition 6.1.11 and replace with the following:

Notwithstanding the details in **Planning Addendum V2 dated June 2020** and **Letter from Pier Management Limited to Jamie Milne dated 16 October 2019 ref.**

**DH/FINNHSE01-33**, details of a refuse management plan shall be submitted and approved in writing by the Local Planning Authority prior to occupation of the development. The plan shall cover the following:

- Cleaning and waste removal including arrangements for refuse to be presented to the kerbside for collection and returned to the site the same day;
- The organisation that will be contracted;
- Contact details for any complaints;
- Monitoring and review of operations.

The refuse management plan shall be implemented, and the site shall be managed in accordance with the approved plan for the life of the development.

REASON: In the interests of providing adequate waste and recycling facilities.

7.4 The committee first heard from two members of the public speaking in objection to the application. Their objections centred on the detrimental impact on local amenity and character and its failure to meet modern housing standards and misleading application documents. It was felt that the proposed scheme involved demolition of its characteristic roofscape and, it had a detrimental impact on its proportions and constituted overdevelopment of this narrow residential street. The objectors cited two large housing developments which now faced Finn House. Both schemes were restricted in height in order to respect the scale and amenity of Bevenden Street following consultation with Hackney planning officers. The objectors felt that the proposed scheme failed to comply with the minimum Housing Quality Standards in the Supplementary Planning Guidance (SPG) 2016 which provided guidance on implementation of the 2016 London Plan. Thirdly it was felt there were misleading application documents. The LVIS claimed that justification for adding a sixth storey to 34-88 Finn House, that the St Leonard's development would be eight storeys. The objectors were of the view that this was misleading as the development stepped down to four storeys opposite Finn House in accordance with the Site Allocations Local Plan 2016. The objectors highlighted that the applicant claimed that 'the proposals recognise and conserve the host building's significance', however, English Heritage strongly advised against a pastiche approach for alterations or additions to existing buildings. The objectors next highlighted that the daylight and sunlight report did not record the impact on 39 and 40 Finn House. The objectors felt the Heritage report was misleading in

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stating that the *'additional height of the building will have a minimal impact on the street scene due to the narrow street'*. All the new developments opposite Finn House had been restricted to four storeys and the existing buildings were lower. The objectors concluded that the application should be rejected due to the cumulative impact of the objections that they had highlighted.

7.5 A local ward councillor next spoke in objection to the application. They highlighted the lack of accessibility of the scheme - there were six flights of stairs but not lift had been provided. Since the last Planning Sub-Committee the application was considered at, it was felt that the applicant had not made an attempt to contact local residents. Furthermore, there was no play space provided and also there was no affordable housing provided either. The ward councillor concluded that the scheme was not wheelchair friendly and it was felt that this scheme was a lost opportunity.

7.6 The representative for the applicant replied by explaining that following the previous deferral the applicant had worked with the planning service to address those concerns raised at the previous meeting. He explained that the applicant had submitted an addendum along with revised plans and they had stressed that they were committed to working collaboratively with the planning service so that it was achieved in line with local development plan policies. The representative for the applicant insisted that they had submitted a number of comprehensive and detailed submissions and this had resulted in a positive recognition from the planning service. Among the papers the applicant had submitted were detailed Computer Generated Images (CGIs) and drawings illustrating how the scheme would fit into the context of the surrounding area highlighting those buildings that are six to seven storeys high. The applicant considered the additional storey not to be harmful in terms of townscape. While it was recognised that it was taller it would be set back. The representative for the applicant highlighted that the report stated that the scheme would be acceptably absorbed into the street setting. The scheme would also provide on-site secure covered bicycle storages which does not currently exist and it would also provide an additional refuse area. These would be located at the rear of the site in order to preserve the character of the building and the street scene as well as ensuring that the local amenities were unaffected. The applicant acknowledged the impact that any construction would have on local residents and suitable conditions had been included in the report e.g. the Construction and Logistics Plan. The scheme represented a sustainable scheme as supported by the local development plan, London Plan and the NPPF. The applicant insisted that the scheme would meet all the council's standards and would meet all the regulations imposed on it. The representative for the applicant added that with the recent news that the government in August was to bring into effect a Permitted Development Right (PDR) - to allow an upward extension of two storeys on blocks of flats without the need for planning permission, made it was clear that the application site was just the sort of site the government was looking at to help the national housing shortage. The applicant endorsed the planning officer's view that the scheme constituted a

sustainable development and would be of a high quality design and therefore ask the committee to uphold the officer's recommendation.

7.7 The chair of the committee invited committee members to ask questions and the following points were raised:

- The head of the planning service explained that the committee could not retrospectively impose changes in terms of standards on an existing building. If someone was extending an existing building they would have to work within the confines of that existing building. A lift, for example was a good idea, but it had to be factored into the constraints of the site and in the case of the site under consideration planning officers had concluded that it was too difficult to do
- Some of the committee felt that if they had sight of Construction Management Plan (CMP) it would be useful in the case of this application as it may assist the committee in making their decision
- It was recommended that if the committee was minded to grant planning permission it would be helpful to get a good match with the brick work
- Some of the committee felt it was unhelpful for the representative for the applicant to suggest that if the committee did not grant planning permission then something worse would come in after the 1<sup>st</sup> August and the introduction of the PDR
- The CMP would normally be submitted as a detailed condition after planning permission was granted
- On the brick work, the planning service's Conservation and Design Officer explained that he had considered both of the types of the brick and he believed they were a good match and they had the same textured pattern with weathering that was guaranteed for the lifetime of the brick. The mortar would also be further tested
- Bin storage would be located at the rear of the site. Since the original application the applicant had committed to wheeling out the bins out the front of the premises for collection. The applicant would also place them back in the same storage area after they had been collected. The council's waste services had confirmed that they were happy with this approach. It was a detailed condition that the council could enforce against any non-compliance. The planning officer explained that due to the proximity of the bin storage, it would be close to one of the residential units, but because of the distance from the ground floor units it was not felt to be an issue
- It was acknowledged that because the number of affordable housing as part of the scheme was below 10 they could not seek affordable housing funding. The planning officer added that LP33 had yet to come into place and the planning service had received the inspectorate's report, which did carry significant weight, in that it would require an affordable housing offer. Until the SPD comes into effect then the council could not make an affordable housing offer
- The planning officer explained that while there were some issues with stacking, most of which would be covered by the building regulations. It

was understood that stacking would usually be used in residential conversions when the floor wasn't being upgraded. In the case of the scheme before the committee, where the existing roof was becoming a floor, then building regulations would apply to make sure the noise transmission was minimised. The units on the top floor are currently undersized so it would be difficult to replicate the units below completely resulting in them not meeting the planning service's current minimal floor standards

- The planning officer explained there was no room in the core of the building for a lift as there had been no previous lift installed. Three locations outside of the building had been considered as possible sites for a lift: 1) the front would impact on the design of the building and would sit near the bin storage. This would alter the design of the building; 2) the eastern side of the building would not be possible as it would block access to the parking area; 3) a lift at the rear of the site would affect access to light by some residential units at the rear. The planning service were satisfied that a lift on site was not possible. The planning officer reiterated that the bin storage would not be moved and full details on the bin storage would return to the committee for consideration. The planning service had asked for full details in the management plan which would require the bins to be taken out into the street and wheeled back in the same day on collection day. The planning officer explained that as it was a detailed condition the planning service did have an ability to enforce against those conditions in the event of non-compliance. This would be enforced via a detailed condition as part of the waste strategy. There was no appeals process against non-compliance so the council could continue to take action against the developer if there was a breach of condition. The applicant explained that a management company on their behalf would ensure that the conditions were adhered to. The applicant did not foresee there being any problems with the conditions going forward and there would be regular updates from the management company. The applicant added that in terms of consultation they went down the council's own statutory consultation route, following this and if planning permission was to be granted, they would consult with local residents. The applicant explained was not in their interest to upset their lease holders as they were the freeholders of the building
- The applicant confirmed that there was no need for any of the current residents to leave their own whilst the development was under way
- On the concerns raised about the poor design articulation in terms of layout, the planning officer, as mentioned previously, it was not possible to build units that meet the minimal floor standard and stack them above the immediate units below. This had resulted in some bathrooms being above bedrooms. The council's building control team confirmed that those existing ceilings would be turned into floors and the building regulations would cover noise insulation to minimise any impact from sound. The applicant would be required to do this under building regulations which would be monitored by building control

- Some of the committee members re-iterated their concerns about an apparent lack of communication by the applicant with the existing residents
- The applicant insisted that the scheme was well within their expertise and remit to undertake
- The planning service stated that the only instance where they had come across similar schemes in the past was in the case of council- run estates. Some of the committee members were perplexed as to why serious consideration had not been given to placing a lift at the front of the structure with all levels access for the residents. It was felt to be completely possible and that the viability of a lift at the front of the building had not been properly tested. One of the objectors speculated that a resources issue maybe behind why a lift at the front had not been fully explored by the applicant. The planning service responded that a lift at the front, from a design perspective was not a good idea. It would compromise the composition and character of the building making it too dominant and overbearing of the street scene. Also, in policy terms, it was difficult to have a lift servicing all of the existing when there had not been one there before

Vote:

For: Councillors Race and Stops

Against: Councillors Hanson, Lynch and Snell

Abstention: Councillors Levy and Potter

The application was not approved. Those committee members who had voted against the recommendation felt there was not enough adequate justification given for the inadequacy of the access arrangements for the flats. There also remained concerns about the management of waste on site. It was also felt that the detail on the brick work was not convincing enough unless the applicant could provide a contrasting match.

A full list of the conditions can be accessed via the following link to the Hackney Council website:

<http://mginternet.hackney.gov.uk/ieListDocuments.aspx?CId=125&MId=4949>

**The planning application was NOT APPROVED.**

## **8 2020/0501 184 Evering Road, London E5 8AJ**

8.1 The application was withdrawn from the agenda at the request of the agent, as they wished to submit further revised details.

**The planning application was WITHDRAWN from the meeting agenda.**

## **9 2019/4081 73 Clapton Common Hackney London E5 9AA**

9.1 **PROPOSAL:** Submission of details to discharge conditions 3, 4, 7, 9, 11 and 28 associated with planning permission 2016/1963 dated 7/12/2018.

9.2 **POST SUBMISSION REVISIONS:** Revised details received. Consultation for approval of details not required.

9.3 The planning officer presented the application as set out in the meeting report.  
*There were no persons registered to speak in objection to the application.*

9.4 The agent for the applicant began by thanking the committee and planning service for asking for a one to one mock up. It had generated some excitement in the community and it was a tangible way of understanding of what was proposed. The agent recommended that in the future the conditions were worded slightly differently, he added that he was aware that other major applications have one to one mock-ups for approval and that this was a) normally

dealt with under delegated powers and b) it was pre-demolition requirement pre-commencement. It was felt that it would make it much easier to procure the one to one samples and make it part of the building contract, however when the time frame is uncertain it was difficult to get a contract in place without exposing the applicant to great risk from time delays in the case of this application the applicant was a charity and the agent submitted the application in November 2019 and even a better idea was to require a one to one mock-up to be approved before any development because above ground. Finally the agent thanked all the council officers for all their help during these strange times the lines of communication had been open at all times and the agent was very grateful for this and also they thanked the planning committee for running the meeting virtually and late into the night.

9.5 The chair of the committee explained that the reason the committee had made this request was because the materials and cladding that the applicant was introducing was quite unique.

9.6 One of the committee members of the committee queried whether there would be any confusion caused by putting a larger number 45 on the front of a building whose address was actually number 33? It was acknowledged that the 45 was reference to 45<sup>th</sup> street in New York but it was doubtful that many people would get the reference. It was suggested that this was not a planning matter.

Vote:

For: Unanimous\*

\*Except Councillor Fajana-Thomas who had left the meeting at the end of agenda item 6.

A full list of the conditions can be accessed via the following link to the Hackney Council website:

<http://mginternet.hackney.gov.uk/ieListDocuments.aspx?CId=125&MId=4949> 26

**RESOLVED, the submission of details to discharge conditions 3, 4, 7, 9, 11 and associated with planning permission 2016/1963 dated 7/12/2018 were APPROVED.**

## **10 Delegated Decisions**

10.1 The committee members noted the contents of the delegated decisions document.

**RESOLVED, the Planning Sub-Committee NOTED the delegated decisions document.**

**Duration of the meeting: 18:30 – 22:55**

**Signed:**

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**Chair of Planning Sub-Committee, Councillor Vincent Stops**

**Contact:**

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