

MINUTES OF A MEETING OF THE PLANNING SUB-COMMITTEE

THURSDAY 10 MARCH 2022, 6:30PM

THIS MEETING WAS LIVE STREAMED AND CAN BE VIEWED HERE:

<https://youtu.be/7uakO3MQGp4>

ALTERNATIVE LIVESTREAM LINK OF MEETING:

<https://youtu.be/MNBvtyuVWeY>

Councillors Present:	Councillor Vincent Stops in the Chair Councillor Brian Bell, Councillor Katie Hanson (Vice Chair), Councillor Clare Joseph, Councillor Steve Race and Councillor Sarah Young.
Apologies:	Councillor Ajay Chauhan, Councillor Humaira Garasia and Councillor Michael Levy
Officers in Attendance:	Natalie Broughton, Head of Planning and Building Control Robert Brew, Major Applications Team Leader James Carney, Property Services Surveyor Barry Coughlan, Major Projects Planner (Development Manager) Luciana Grave, Deputy Conservation Urban Design and Sustainability Team Leader Mario Kahraman, ICT Support Matt Payne, Conservation Urban Design and Sustainability Deputy Manager Qasim Shafi, Principal Transportation Planner Andrew Spragg, Team Leader - Governance Gareth Sykes, Governance Officer Christine Stephenson, Legal Officer Timothy Walder, Principal Conservation and Design Office

1 Apologies for Absence

- 1.1. Apologies for absence were received from Cllr Chauhan, Cllr Garasia and Cllr Levy.

2 Declarations of Interest

- 2.1 The Sub-Committee members declared an interest in that, prior to the meeting, they had received various correspondence from interested parties objecting to the application at agenda item 5. Cllr Young declared an interest in that she

personally knew one of the objectors who had written to the Sub-Committee. The Legal Officer stated that if the Cllr was satisfied that they had not predetermined the application at agenda item 5, had not come to a conclusion and had not discussed with the objector what they knew and that they kept an open mind, then it was up to the Cllr to decide on whether to participate in the meeting. The Cllr was content to continue to participate in the meeting.

3 To consider any proposal/questions referred to the Sub-Committee by the Council's Monitoring Officer

3.1 There were no proposals/questions referred by the Council's Monitoring Officer to the Sub-Committee.

4 Minutes of the Previous Meeting

4.1 There were no minutes submitted to the meeting for approval.

5 2017/3511: 49 – 50 Eagle Wharf, London, N1 7ED

5.1 PROPOSAL: Partial demolition of existing buildings, retention of 3 storey building and former industrial chimney and redevelopment of the site to provide a mixed use scheme comprising blocks of 2 to 7 storeys and accommodating 5,591 sqm of commercial floorspace (Use Class Eg[i]) at basement, ground, first, second, third, fourth and fifth floor level, 50 residential units at part first, part second, third, fourth, fifth and sixth floor levels (comprising 23 x 1 bed, 17 x 2 bed, 8 x 3 bed, 2 x 4 bed) as well as 127 sqm café floorspace (Use Class E[b]) at ground floor level, landscaped communal gardens, pedestrian link route to the Regents Canal and other associated works.

5.2 POST SUBMISSION REVISIONS: The application has been amended since last presented to committee in 2019. The amendments comprise minor reductions in commercial floor area in order to address updated cycle parking and sustainability standards. Relevant supporting information was also updated to reflect the current policy context and additional viability information has been published online. A re-consultation exercise was undertaken on 29/10/2021 and a further re-consultation exercise undertaken on 07/02/2022 following a further reduction in commercial floorspace to accommodate increased waste storage and the submission of additional information relating to sustainability and fire safety. It is noted that a minor amendment was made on 01/03/2022 to the submitted Fire Statement which added two additional images to the statement. The amended statement has been published online. Given the extent and nature of this change, it is not considered necessary to undertake a further re-consultation.

5.3 The Planning Service's Major Projects Planner introduced the application report as published. During the course of the presentation reference was made to the published addendum and a number of amendments made to the published report. These amendments included the Planning Service receiving 17 additional objections and receiving a further letter of objection from Icen Projects Limited, the planning consultants representing the existing occupier on site Holborn Studios. There were also a number of clarifications and corrections to the published report at paragraphs 1.4, 1.5, 3.12.5, 4.7, 5.3.5, 5.3.7, 5.3.14, 5.3.15, 5.2.23, 6.2.2 and 8.2. A new condition, 9.1.51, was also added.

- 5.4 The Sub-Committee heard from representatives for the objectors who raised concerns about the proposals not meeting several planning policies.
- 5.5 The Sub-Committee heard from the applicant who spoke of the history of the scheme and its benefits to the local area.
- 5.6 During the discussion phase of the Sub-Committee meeting a number of points were raised including the following:
- The application report recognised the cultural use and value of the existing Holborn Studios. However, officers considered that the application could not be reasonably refused on the grounds that the replacement commercial space was not suitable for the particular operational requirements of a specific occupant;
 - Solicitor letters relating to Tenant Compensation Costs and sustainability consultant RPS' Review of Sustainability, had been listed as background papers in the report and were available for inspection on request. Other documents had been published and consulted on, including: Hackney Property Services' Summary Viability Report, Savills Financial Viability Assessment, Savills Viability summary report, and Strettons' Viability Assessment ;
 - On the Principle of Development, the application report had stated that in terms of commercial floorspace in this location Local Plan Policy LP27 seeks a target of 60% subject to viability. The viability of the proposals had been assessed and the proposal was considered to provide the maximum economically feasible amount of commercial floorspace;
 - The affordable workspace provision had changed and was now 11.5% of office floorspace at 60% of market rental levels. The provision exceeded current planning policy and was providing office floorspace in perpetuity;
 - The Council's Planning Service had tested the proposals for viability and they had been found to just about break even with the surplus going to an offsite housing contribution. The reduction in the contribution from £757,076 to £157,823 was due to a reassessment of the viability of the proposed scheme due to the passage of time and the inclusion of some additional costs/contributions since the scheme was last assessed;
 - On the issue of the London Plan and protecting an existing site for cultural use, the proposals would see an improvement in the standard of the employment space, as well as improvement in sustainability standards. A re-provision of floorspace was being proposed which could accommodate a similar cultural use;
 - The proposed floorspace would be kept within the proposed use class through the planning permission. The layout of the space was designed to be flexible enough to appeal and accommodate studio spaces;
 - Reference was made to a letter from the Greater London Authority (GLA)'s Cultural at Risk Team submitted on the day of the Sub-Committee meeting. This stated that the Culture at Risk Team position was that the development risks a loss of cultural

infrastructure. The letter was circulated to the Sub-Committee for their consideration;

- The Sub-Committee noted that in some instances some cultural uses could be protected through a use class by imposing particular use classes e.g. subsections of use class F which covered, for example, public libraries and museums;
- The application report acknowledged that the basement level did not have natural light. Typically studios, such as photographic and music ones, which the proposed basement level was designed for, did not require natural light. The space had been designed with minimal structural columns and its height had also been increased and it was designed for multiple uses;
- The independent appraisal of the proposed scheme targeted a profit margin of 20% on cost. Which also reflected a return on the Gross Development Value (GDV) of 16.36%. The profit generated by the scheme was generally in keeping with accepted schemes of similar risk profiles across London;
- On the matter of biodiversity, the proposals would result in the site being set back from the canal, an additional area of courtyard space, as well as providing green roofs. There was also proposed planting across the site, except in the historic areas, the inclusion of climbers and the creation of permeable paving;
- With regard to the policy regarding low cost floor space, the proposals were providing the maximum commercial floorspace based on the site constraints in place. On this basis the 11.5% affordable workspace offer was considered acceptable and satisfied the part of the London Plan policy regarding low cost workspace;
- On design and heritage, a detailed assessment had been made of this locally listed site in the Regents Canal Conservation Area in 2015, with more recent visits to check that there was no change, which had concluded that the older and more significant buildings on the site and the chimney should be retained. Some other areas of the existing site were more recent in date or had been heavily altered and were considered less significant. The application report recognised that some harm would be caused by the demolition of those buildings but it was concluded that their loss was outweighed by the overall public benefits of the scheme. The proposed scheme would remove the ad hoc work that been undertaken over the years around the chimney allowing it to stand alone;
- The height of the proposed scheme was typical of buildings in the area. Massing and height had been previously accepted by the Sub-Committee;
- The design of the site had been considered previously by the Sub-Committee and by the Design Review Panel (DRP);
- The Sub-Committee's previous decision on the scheme was a material planning consideration and should be taken into account along with the information presented at the current Sub-Committee meeting;
- It was acknowledged in the application report that not all of the proposed accommodation was dual aspect but given the orientation of the site the provision of outlook and daylight, it was considered acceptable by the Council;

- An assessment had also been undertaken in relation to concerns over overheating within the proposed single aspect units and it was concluded that these units were policy compliant. The application report also acknowledged that the mix of the proposed units was not entirely policy compliant (only 20% of the units were family size). However, in light of the constraints of the site and the overall provision of the scheme to optimise housing supply, the units mix was deemed to be acceptable by the Council. The units mix had been previously accepted by the Sub-Committee;
- The application report acknowledged that the proposals had fallen short of the Local Plan policies LP48 and LP50, however, due to the constraints of the site, its location next to the canal and the quality of the existing open space, the provision of the open space proposed was considered acceptable by the Council. The proposals had also been assessed for child friendly space provision and they were considered to be of a high standard;
- The proposed scheme's massing and impact on privacy remained unchanged from when the application was last considered;
- All the floors were accessible by lifts and stairs. On the top floors there were duplex units which could be accessed from the floor below;
- A Fire Statement had been submitted and was considered acceptable by the Council in terms of relevant provisions for fire safety;
- The Sub-Committee noted that they could come to a different decision from those that had been made previously at Sub-Committee, however with their decision going to appeal they would have to explain their reasons for taking a different decision to what had been made before. Members were reminded that, following the previous Judicial Review decision, officers had ensured that all information was published on the Hackney Council's website;
- The Council's Head of Planning and Building Control explained that in planning there was a principle of consistency in decisions; any change in the decision by the Sub-Committee needed to be based on changes in material circumstances since the last time the Sub-Committee made a decision on the application;
- There have been enhancements made to the proposed landscaping scheme in order to address new standards relating to urban greening and biodiversity (LP48 and London Plan policy G5). These changes had been considered to be acceptable by the Council;
- Details on the maintenance of green roofs was included as part of the condition;
- Since the application was last considered, the types of cycle parking available had changed. As a result the preference was for single Sheffield cycle stands on site and the impact of the cycle storage had been previously discussed and the maximum level had been reached without negatively impacting on the affordable workspace;
- On energy and sustainability, the application report had concluded that the existing building did not have a high level of sustainability. The proposed scheme would be built to modern sustainability standards and in addition, as part of the Construction Management

- Plan (CMP) condition, would include a provision of a Site Waste Management Plan to ensure any waste materials were reused;
- On other planning considerations, the Sub-Committee noted that the calculation for carbon offsetting had changed. A higher value had been attributed to the amount that was to be paid per ton which had led to a higher contribution;
 - The Sub-Committee recognised that the previous decision that it had made was material and not binding. They also acknowledged that recent changes in planning policy had meant that some aspects of the proposals did not meet certain planning policy targets. These Sub-Committee members had concluded that a case had not been made for the benefits of the scheme;
 - The Chair of the Sub-Committee was of the view that the application had been considered several times in the past and that if the other Sub-Committee members were minded to vote against the application now it may be lost at the appeal stage;
 - Those Sub-Committee members who were minded to vote against the recommendation explained that they were doing so on the grounds of concerns about the protection of the existing cultural use of the site, the quality of the new accommodation proposed and the scheme failing to meet planning policy targets on employment floorspace, the family housing mix and the play/outdoor space.

The Planning Sub-Committee members voted on the following recommendation:

To approve conditional planning permission subject to conditions and legal agreement.

Vote

For: Councillor Stops.

Against: Councillor Bell, Councillor Hanson, Councillor Joseph, Councillor Race and Councillor Young.

Abstentions: None.

Councillor Hanson proposed a motion, seconded by Councillor Joseph, that the Planning Sub-Committee was minded to refuse the planning application.

The Sub-Committee agreed that a report, prepared by Planning Service officers and outlining the Sub-Committee's reasons for refusing the application, would be submitted to the next Planning Sub-Committee meeting, on the 6 April 2022, for consideration and the Sub-Committee's vote.

6 Delegated decisions

6.1 The Sub-Committee noted the document.

RESOLVED: to note the delegated decisions document.

7 Any other business

7.1 There were no any other business items.

8 Dates of future meetings

6 and 27 April 2022.

END OF THE MEETING

Duration of the meeting: 6:30pm - 9:25pm

Chair for the meeting: Cllr Vincent Stops

Contact:

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Governance Officer

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