



## Planning Sub-Committee – 29/07/2020

<b>ADDRESSES:</b> 305A Kingsland Road, London, E8 4DL	
<b>APPLICATION NUMBERS:</b> 2019/2175	<b>REPORT AUTHOR:</b> Steve Fraser-Lim
<b>DRAWING NUMBERS:</b> 853-P-0200-GA-F; 853-P-0201-GA-G; 853-P-0202-GA-G; 853-P-0203-GA-F; 853-P-0204-GA-F; 853-P-0205-GA-F; 853-P-0206-GA-F; 853-P-0207-GA-F; 853-P-0210-GA-E; 853-P-0210.5-GA-E; 853-P-0300-GA-G; 853-P-0301-GA-G; 853-P-0302-GA-F; 853-P-0303-GA-F; 853-0400-GA-C; 853-0401-GA-C; 853-0402-GA-C; 853-0403-GA-C	<b>VALID DATE:</b> 02/08/2019
<b>APPLICANT:</b> Pause (Kingsland Road Developments Ltd), C/O Agent	<b>AGENT:</b> CMA Planning 113 The Timberyard Drysdale Street London N1 6ND
<b>PROPOSAL:</b> Demolition of existing buildings and structures and erection of a part 6 and part 7 (plus basement) storey building comprising flexible workspace and co-living accommodation (sui generis); along with plant; cycle parking; refuse / recycling facilities; and associated works.	
<b>RECOMMENDATION SUMMARY:</b> Grant conditional planning permission subject to conditions and completion of a legal agreement	
<b>POST-SUBMISSION AMENDMENTS:</b> Reduction in massing at site boundary; submission of additional information with regard to biodiversity, heritage, daylight / sunlight, submission of additional information with regard to the proposed co-living element.	
<b>REASONS FOR REFERRAL TO SUB COMMITTEE:</b> This application is a major development and thus is required to be reported to the planning sub committee. The application was considered at the planning sub-committee in February 2020. Members deferred the item as they requested further information with regard to the proposal's relationship with emerging LP33 and London Plan policies. Further information with regard to the standard of amenity of future occupiers was also requested.	

### ANALYSIS INFORMATION

ZONING DESIGNATION:	(Yes)	(No)
CPZ	X	
Conservation Area	X (Regents Canal / Kingsland)	
Listed Building (Statutory)		X
Listed Building (Local)		X



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PEA	X	
CAZ		X



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### EXISTING LAND USE DETAILS

LAND USE	USE DESCRIPTION	GEA (SQM)
Sui Generis	Builders Merchants	987
<b>TOTAL</b>		

### PROPOSED LAND USE DETAILS

USE (SQM)	USE DESCRIPTION	GIA (SQM)
Sui Generis	mixed business / co-living	9042
	Business element	4699
	Co-living (residential) element	4343
<b>TOTAL</b>		<b>9042</b>

### HOUSING MIX TABLE

CO-LIVING	NO OF ROOMS	SIZE (SQM)
Room type 01	82	24.2
Room type 02	28	19.5
Room type 03	1	29.3
Room type 04	1	28.6
Room type accessible	9	32.4
<b>Total</b>	<b>121</b>	

### PARKING DETAILS:

	Parking (light vehicles)	Spaces goods	Parking (Disabled)	Spaces	Bicycle storage
<b>Existing</b>					
<b>Builders Merchants</b>	10		0		0
<b>Proposed</b>					
<b>Co-working / co-living</b>	1		0 (1 disabled space to be provided on Lee Street)		186

### CASE OFFICER'S REPORT

#### 1. SITE AND CONTEXT

- 1.1 The application comprises a two storey building dating from the 1950s fronting the west side of Kingsland Road. The building also includes a single storey rear extension running along the length of the southern site boundary and with an open yard area to the rear fronting Kingsland Basin. The buildings and open yard are currently in use by Travis Perkins as a builders merchants.
- 1.2 More recent residential development comprising two blocks, one facing Kingsland Road, and one block facing Kingsland Basin with a courtyard car parking area in between is situated to the south. A similar residential

development is also situated on the opposite side of the site to the north. The Kingsland Basin which forms part of the Regents Canal network adjoins to the west. Contemporary mixed business and residential development is situated on the opposite side of the Canal to the west. Mixed retail and residential development is also situated on the opposite side of Kingsland Road to the east.

- 1.3 The wider surrounding area is mixed in character. Kingsland Road is a main arterial route within the borough and is fronted by a range of retail and commercial uses on ground floor with some residential use on upper floors. In addition sites which adjoin the Regents Canal and Kingsland Basin have also had a historically industrial character. As such the site falls within a Priority Office Area (POA). The site and surrounding area is also subject to an Article 4 direction withdrawing permitted development rights for change of use from office to residential.
- 1.4 The Kingsland Basin and Regents Canal area are also a designated Site of Importance for Nature Conservation (SINC). More recently the majority of sites surrounding the basin have been redeveloped as part of mixed business and residential development, which involves new build development, with some retention and refurbishments of existing buildings. This includes all other adjacent sites lining the Kingsland Basin, to the north and south, and on the opposite side of the basin to the west.
- 1.5 The site and surrounding Kingsland Basin is within the Core Growth Area of the City Fringe Opportunity Area Planning Framework (OAPF). In addition the site has a PTAL rating of 5/6a due to its proximity to bus routes along Kingsland Road, and Haggerston Overground station. Shoreditch and the Central Activity Zone (CAZ) are a short travel distance to the south, and Dalston town centre to the north.

## **2. CONSERVATION IMPLICATIONS**

- 2.1 All sites surrounding the Kingsland Basin, including the application site are located within the Regents Canal / Kingsland Conservation Area. This is in recognition of the industrial history and character of the Canal, basins and adjoining area. The Kingsland Conservation Area Appraisal notes that the Regents Canal was developed in 1819 and saw the development of a number of timber yards and sawmills due to the proximity of the furniture trade in the nearby area. The Travis Perkins site is noted as previously being used for such purposes. The canal area of the conservation area is also noted to comprise buildings with larger industrial footprints, and the appraisal notes that there is an opportunity to strengthen the character of this area of the conservation area by encouraging hard, robust industrial architecture, with buildings of at least 3-4 stories in scale.
- 2.2 No.314 Quebec Wharf, a grade II listed building adjoins the site to the north and faces the Basin. No.22-24 Hertford Road, situated on the opposite side of the Basin to the west is also grade II listed. Nos 319-331 Kingsland Road are

located a short distance to the north facing Kingsland Road and are locally listed buildings.

### **3. HISTORY**

- 3.1 There is no relevant planning history at the application site.

### **4. CONSULTATIONS**

- 4.1 The application has been subject to three separate rounds of public consultation. The first round of public consultation took place in relation to the originally submitted proposals and commenced on 13/08/19, ending on 06/09/2019. This round of consultation included neighbour letters, site and press notices.

- 4.2 A second round of consultation took place, commencing on 29/11/19 and ending on the 23/12/19, in connection to amendments to the proposals (reduction in massing at site boundary; submission of additional information with regard to biodiversity, heritage, daylight / sunlight). Neighbour letters were sent out which highlighted these amendments to the proposals.

- 4.3 Following the deferral of the application at the February sub-committee , the applicants submitted an additional document providing further justification with regard to the acceptability and standard of amenity of the proposed co-living element of the proposals. This was subject to a third round of public consultation commencing on 10/03/2020 and ending on 27/03/2020. Neighbour letters were sent out which highlighted the additional information which had been submitted.

#### **4.4 Neighbours**

- 4.5.1 622 neighbouring properties were consulted on the application, during each of the three rounds of consultation. 238 objections, 66 comments and 6 supports have been received to all three rounds of consultation, raising the following issues:

##### Principle of proposed uses

- Profit is being maximised by selling rabbit hutches.
- Commercial use would harm the quiet residential character of the surrounding area.
- The co-living accommodation will be similar to a hostel. Such a use would be harmful to community safety due to proximity to families, schools and long term residents.
- There is no provision for affordable housing and affordable workspace. The proposals will therefore not provide accommodation which reduces the housing waiting list in the borough. Lack of social rent housing would lead to the canal area becoming a socio economic bubble.
- The large number of additional tenants will cause overcrowding in the surrounding area.

- The proposed development would result in increased overcrowding of local shops and services such as doctors surgeries. The mix of uses and dense use of the site is to be welcomed. The proposal does push the envelope of the site, but within the context of a progressive planning context and growing city, this should be expected.
- The transient nature of occupiers of the development means they will be less concerned about the amenity of the surrounding area.
- The proposals should include details about how they will be managed to reduce noise disturbance, anti social behaviour, ensure that rooms are not overcrowded and responsiveness to complaints.
- Insufficient affordable housing is provided to meet planning policies. The high rent levels of the new accommodation will not be affordable to the majority of local people.
- The proposed co-living will be used as short stay visitor accommodation by people with other residences.
- Other example co-living developments are operated partly as hotels or student accommodation, for instance 50% of the Old Oak co-living development is occupied by students.
- Social distancing as a result of covid-19 would not be possible in co-living developments.

### Design / Heritage

- It is not clear how tall the new building will be.
- The height and mass of the building is too dominant and should be stepped back / reduced in height.
- Excavation of a large basin could harm the Kingsland Basin.
- The proposed development would obscure the south elevation of grade II listed Quebec Wharf
- The colonnade to the Kingsland Road frontage is unnecessary and should be replaced with public space or outdoor seating for the associated use.
- The proposed demolition of the existing building will result in a loss of building of character, and the new development will increase homogeneity of building types along Kingsland Road.
- The proposed development is much denser than neighbouring development, with full site coverage and no courtyard areas which other sites have. A courtyard should be introduced to break up building mass and reduce density.
- the proposal is of general high quality design and materials. The architectural response will be a welcome addition to the characteristic diversity of modern architecture along the canal basin.
- Other co-living examples listed in the applicant statement are not in comparable locations. They are located on busy roads, in town centres away from other residential developments and established residential communities.

### Amenity / pollution issues

- The large roof terraces will result in noise pollution and overlooking. The noise assessment does not assess noise impacts from these spaces.
- There is no information to show that acoustic screens to the terrace will be sufficiently effective.
- Noise from the terrace will not dissipate in the air above. It will reverberate around the basin.
- Asbestos could be present in the existing buildings and their demolition could harm human health.
- Views across the site will be completely filled in, with significant loss of daylight and sunlight, and overshadowing of windows and balconies, as mentioned in the conclusions in the daylight report.
- A high boundary wall will be erected adjacent to habitable room windows
- The proposed development will contribute to air pollution and trap air pollution from wood burning stoves of canal boats in the basin.
- The proposals will result in loss of daylight to canal boats moored in permanent moorings and this has not been considered.

### Biodiversity / natural environment

- Proposals will block out sunlight on the opposite side of Kingsland Basin.
- Proposals will result in light pollution to Kingsland Basin from large lit windows at ground floor level. This will harm biodiversity and amenity of neighbouring occupiers. Blinds could be used to mitigate this.
- Street trees should be planted as part of the development.
- Overshadowing of the Kingsland Basin will harm its biodiversity and protected species, including harm to fish spawning.
- Bats roost on existing buildings at the site, which will be lost as a result of the development.
- Access by future occupiers to the basin should be restricted to protect biodiversity.

## 4.7 Council Departments

### Waste management

4.7.1 No comment received.

### Transport

4.7.2 The submitted trip generation assessment which forms part of the Transport Assessment predicts a decrease in the overall vehicle trips to and from the application site as a result of the proposed car-free development. The overall trips predicted to be generated on a weekday 12-hour is 1537. Although trip generation is high, given the excellent public transport accessibility of the site, the majority of the trips, as expected, are likely to be undertaken by sustainable travel modes such as walking, cycling and public transport. Therefore trip generation is not likely to have a considerable impact on the transport and highways network and is supported.

The proposal is for a car free development which is in line with Hackney and London Plan policies. All occupants except blue badge holders will be restricted



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from applying for CPZ permits for the local area. 1 blue badge space for the residential element and 1 blue badge space for office/ commercial element of the development is required on-street from the out-set.

It is noted that a blue badge space has been proposed on Lee Street. It is regrettable that no provision has been made on-site. However it is acknowledged that this is difficult to achieve due to design constraints. The applicant is required to identify and convert a blue badge from outset, due to the constrained circumstances of this site, spaces will be made available when the need arises. This shall be monitored through the Travel Plan.

The applicants have proposed 186 cycle spaces, which is in accordance with London Plan Standards. This is supported. However shared cycle parking space for both uses, including visitors is not supported. Residents' cycle parking in new developments should be designed to be: secure, with access for residents only, and with stands/racks allowing both the frame and at least one wheel to be secured (London Cycle Design Standards, Chapter 8). Details of this should be secured by condition.

Deliveries are accommodated on-site which is supported. The applicants have proposed a turntable arrangement that allows a 7.5t lorry to enter and exit in a forward gear without reversing on Kingsland Road, which is supported. The predicted number of deliveries per day is required to understand the implications on the public highway as service vehicles need to cross the bus stop to get into the site.

Additionally, at no point of the day should vehicles obstruct the free flow of pedestrians and traffic. This needs to be demonstrated through a swept path analysis in the final DSP. This shall be conditioned.

A full Travel Plan for both uses will be required to be produced and implemented on occupation of the development. This will be secured through the legal Agreement inclusive of £4800 contribution towards the monitoring of the Travel Plan. A contribution of £4800 towards monitoring the Travel Plan for the C3 and B1 use is sought.

All developments are expected to integrate the proposed development into public realm and or provided contributions to urban realm improvements in the vicinity of the site including reinstatement of redundant crossovers and footway renewal.

To encourage occupants to travel by sustainable modes a contribution towards Car club membership and driving credit should be offered to all residents of the development. This would discourage the use of private vehicles on occasions when the use of a vehicle cannot be avoided. The S106 car club contribution clause should state: 'A credit equalling a minimum monetary value of £60 per new residential unit made available, to the first occupant of each new residential unit, as a contribution towards their car club membership fee and/ or driving credit.'



Given the nature of the proposed development, a demolition and construction plan is required and should be conditioned to mitigate negative impact on the surrounding highway network. A contribution of £8,749 towards Construction Logistics and Community Safety (CLOCS) and Construction Logistics Plan (CLP) monitoring is sought.

### 4.8 Local groups

#### 4.8.1 Kingsland Conservation Area Advisory Committee

We object to this proposal which will have substantial impacts on both the Kingsland Road and Basin. It seeks to replace a late 1930's building which lends variety and character to this part of the Kingsland Road with a part 6 and part 7 storey building which does not substantially enhance the streetscape; indeed it will simply add to the increasing homogeneity of both east and west sides of the road in the Haggerston area. From the Kingsland Basin perspective, the open space of the Travis Perkins yard offers relief from the tall buildings to the south and mirrors the open space on the opposite side of the basin around the Grade II listed 22-24 Hertford Road. The proposed new building would occupy the entire site and extend the line of tall buildings along the eastern margin of the canal basin, substantially curtailing the long views across the basin from the west. However, the Heritage Report disregards this contribution to the setting of 22-24 Hertford Road. Additionally the proposal has significant negative acoustic, privacy and sunlight implications for the Basin.

The set-back on the Basin side makes little acknowledgement of the adjacent Quebec Wharf, which is Grade II listed, and the majority of the southern flank of the building would be hidden from view. We are particularly concerned about the proposed two storey basement which will require excavation both adjacent to the listed Quebec Wharf and significantly deeper than the canal basin with the potential risk of serious harm.

Balconies are not appropriate locations for trees, nor is the roof of the building (as shown in a couple of drawings). The green walls will only be successful if there is a robust maintenance plan in place which is followed up in practice. The planter on the edge of the basin and the troughs on the amenity areas on the northern and southern elevations seem to be a token gesture to concerns about the local ecology.

This is the last site on the Basin to be redeveloped and we are disappointed that there is not greater acknowledgement of the industrial heritage of the area and more concern about the setting of the neighbouring listed buildings. If the scheme were to retain the existing building and develop the rest of the site to match its proportions this would better suit the adjacent buildings at this end of the Basin and would help to retain the context of its historical 20th Century use.

#### 4.8.2 Hackney Society

The Hackney Society object to the proposals in their current form for the redevelopment of 305A Kingsland Road on use, amenity, heritage and ecology

grounds. A greater consideration of heritage, ecology and existing amenity is required to generate proposals that might fulfil policy, and avoid harm to this important, valued and historic environment. It is recommended that the application is withdrawn so that the overall massing of the scheme can be revisited to: Reconsider the balance of use of the building; Mitigate harm to the amenity of neighbouring occupants; Reveal and enhance the significance of Quebec Wharf; Support the existing ecology of the Basin and enhance the biodiversity of the environment.

In addition It is clear that members of the Planning Sub-Committee have some unease at the rapid evolution of this new tenure and want to understand its impact, and how it sits within existing and emerging policy. There is also a broad-based aim to bring forward a significant quantity of housing at the right price and in the right places at the greatest speed. Recent events around the coronavirus pandemic are unprecedented and whilst we cannot require suitability for the direst of exceptional circumstances a minimum standard, it should give us pause for thought. We are under no doubt there is space in a normal functioning market for quality housing with some degree of shared facilities - and there are individuals who would very much want to live in them. But they must not distort the housing market in a race to provide less space for more money.

It is not being over-dramatic to observe that the relative paucity of private amenity space in London, and our collective dependency on 'just-in-time' shopping and consumer services have a life-and-death consequence in the face of a global pandemic.

It is in this context that we should take the utmost caution in progressing any novel tenure where healthy independent living is impossible. We must pause and reflect. We need to ensure there are sufficient safeguards - both in broad policy terms and in the specifics of any proposed communal or co-living scheme - against undesirable living conditions, should we face similar measures in the future. We urge the applicant to withdraw the scheme at this time.

#### 4.8.3 Canals in Hackney User Group (CHUG)

This proposal currently fails to take fully into account important and specific features relating to its unique position within Kingsland Basin and has an unacceptable negative effect on the basin and surrounding environs. The application fails to fulfil several parameters as set out in Policy DM1, Policy DM2 of the London Borough of Hackney's Development Management Local Plan.

#### 4.8.4 Travis Perkins (Existing occupiers of site)

Do not support this planning application which will result in the loss of a successful business that provides established local jobs. The loss of a successful business will directly result in the loss of jobs, contrary to the ethos of the NPPF which seeks to drive economic development and protect local businesses. Account must be taken of the value of the existing use both to local services and trades by reason of its contribution to the local economy.



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Preserving the builders' merchant use should therefore be a material consideration in the determination of this planning application. The loss of the use would be a detriment to the area and for the local employment opportunities created by Travis Perkins.

### 4.8.5 Hackney Swifts Group

Welcome proactive references to biodiversity enhancements within the application submission, including measures such as brown gravel roofs, bat boxes, bumblebee nesting boxes, swift boxes / bricks within overhangs, heron platforms near to quiet areas of the canal basin. These measures should be secured by planning conditions.

### 4.8.6 Inland Waterway Association

The IWA objects to the scheme as currently proposed. The height of the proposed development on the canal side will create a loss of morning sunlight, in an area containing residential moorings, where there is already a "canyon effect" from the growth of new buildings immediately along both sides of the basin.

Although the proposed building has a small step-back from the canal facing front of the adjacent listed Quebec Wharf, the Quebec wharf building will be largely lost to view from the canal towpath bridge, over which pass so many thousands of pedestrians enjoying the towpath walk.

## 4.9 External consultees

### 4.9.1 Historic England

The development site is located between Kingsland Road and the Kingsland Basin in the Kingsland Road Conservation Area. Although the Kingsland Road forms part of the ancient Roman Road of Ermine Street, this particular part of the conservation area has been shaped by the development of the Regent's Canal and associated Kingsland Basin in the early 19th century as set out in Section 5.3 of the Kingsland Road Conservation Area Appraisal (CJDA for London Borough of Hackney, January 1998).

According to historic mapping, the street-fronting building and associated shed to the rear at 305A Kingsland Road were built in the mid-1950s and operated as a timber wharf. Alongside the neighbouring Quebec Wharf, 305 A Kingsland Road is a rare survivor of a building complex associated with canal-side industrial activity that historically defined this part of Kingsland Road. The street-fronting building is also of some architectural quality in our view. We therefore consider that this building makes a positive contribution to the character of the Kingsland Road Conservation Area.

In determining this application, we would draw your attention to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) which places a statutory duty on local planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

We would also draw attention to Paragraph 201 of the National Planning Policy Framework (NPPF, February 2019) which states that the loss of a building which makes a positive contribution to the significance of a conservation area should be treated as ‘substantial’ or ‘less than substantial’ harm. Whilst these proposals would clearly cause ‘less than substantial harm’ in our view, your Council should be satisfied that this harm is clearly and convincingly justified and outweighed by public benefits in accordance with Paragraphs 194 and 196 respectively should you be minded to approve the application.

#### 4.9.2 Historic England Archaeology

Wish to make no comment on the application.

#### 4.9.3 Thames Water

With regard to surface water, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. The proposed development is located within 15 metres of a strategic sewer. Thames Water requests that a condition is added to any planning consent requiring submission of a piling method statement, and an informative with regard to a Groundwater Risk Management Permit.

With regard to waste water network and sewage treatment works infrastructure capacity, Thames Water would not have any objection to the above planning application, based on the information provided.

#### 4.9.4 Natural England

Natural England has no comments to make on this application. The application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment.

#### 4.9.5 Transport for London

The site of the proposed development is located on the A10 (Kingsland Road), which forms part of the Transport for London Road Network (TLRN). TfL welcomes that the proposed development is car free, given the site of the proposed development has a public transport access level (PTAL) of 6a, on a scale of 1-6, where 6 is the most accessible. TfL further welcomes the net reduction of car trips as a result of a proposed car free development replacing the existing use.

Cycle parking provision should be in accordance with TfL's London Cycle Design Standards (LCDS). To accommodate all types of cycle, the LCDS sets out that lifts should have minimum dimensions of 1.2 by 2.3 metres. The proposed cycle lift for this development has dimensions of 1.6 by 2.2 metres. TfL welcomes that the width of the proposed lift is greater than the minimum\_



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standard set out in the LCDS. However, TfL requests that the length of the proposed cycle lift is increased to meet the minimum LCDS requirement.

The LCDS sets out that 5 percent of long stay spaces should be for oversized/adapted cycles, including cargo bikes. TfL requests an increase in the provision of oversized spaces to 9 oversized spaces. The vehicle servicing access at ground level on Kingsland Road should also be able to accept cargo bike deliveries when the vehicle turning circle is not occupied.

TfL requests a partial Active Travel Zone (ATZ) assessment to be completed and added to the TA, focused on local green spaces including publicly accessible, walkable parts of the nearby canal basin.

TfL requests for the proposed development to fund new footway surfacing along the site boundary at the Kingsland Road frontage. This should be secured by Legal Agreement and delivered through a Section 278 agreement with TfL. The rough expected cost based on approximately 150 square metres of new footway being created along Kingsland Road, between the kerbside and the proposed building line, is £7,500.

TfL requests that a Construction Logistics Plan, as referred to in London Plan policy 6.3, is submitted to and approved by LB Hackney in conjunction with TfL before construction work commences on site. TfL requests that a full Delivery and Servicing Plan (DSP), as referred to in the London Freight Plan, which identifies efficiency and sustainability measures to be undertaken once developments are operational is submitted to and approved by LB Hackney in conjunction with TfL prior to occupation. To ensure no obstructions to the TLRN during construction, TfL requests an outline Construction Logistics Plan (CLP) for the proposed development, produced prior to determination, in accordance with TfL best practice guidance.



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### 5.1 Hackney Local Plan (LP33)

- PP5 - Enhanced corridors
- LP1 - Design quality and local character
- LP2 - Development and amenity
- LP3 - Designated heritage assets
- LP4 - Non designated heritage assets
- LP5 - Strategic and local views
- LP6 - Archaeology
- LP9 - Health and wellbeing
- LP11 - Utilities and digital connectivity infrastructure
- LP12 - Housing supply
- LP13 - Affordable housing
- LP14 - Dwelling size mix
- LP15 - Build to rent
- LP17 - Housing design
- LP21 - Large scale
- LP26 - New employment floorspace
- LP27 - Protecting and promoting office floorspace in the borough
- LP28 - Protecting and promoting industrial land and floorspace in the borough
- LP29 - Affordable workspace and low cost employment workspace
- LP31 - Local jobs, skills and training
- LP41 - Liveable neighbourhoods
- LP42 - Walking and cycling
- LP43 - Transport and development
- LP44 - Public transport and infrastructure
- LP45 - Car parking and car free development
- LP46 - Protection and enhancement of green infrastructure
- LP47 - Biodiversity and Sites of Importance for Nature Conservation
- LP48 - New open space
- LP51 - Tree management and landscaping
- LP52 - Waterways, canals and residential moorings
- LP53 - Water and flooding
- LP54 - Overheating
- LP55 - Mitigating climate change
- LP56 - Decentralised energy networks
- LP57 - Waste
- LP58 - Improving the environment - pollution

### 5.2 London Plan (2016)

- 2.13 - Opportunity areas and intensification areas
- 2.14 - Areas for regeneration
- 3.3 - Increasing Housing Supply
- 3.4 - Optimising Housing Potential
- 3.5 - Quality and Design Housing Development
- 3.6 - Children and Young People's Play and Informal Recreation Facilities.
- 3.8 - Housing Choice
- 3.9 - Mixed and Balanced Communities
- 3.12 - Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes



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- 4.2 - Offices
- 4.3 - Mixed use development and offices
- 4.4 - Managing industrial land and premises
- 4.10 - New and emerging business sectors
- 4.12 - Improving opportunities for all
- 5.1 - Climate Change Mitigation
- 5.2 - Minimising Carbon Dioxide Emissions
- 5.3 - Sustainable Design and Construction
- 5.6 - Decentralised Energy in Development Proposals
- 5.7 - Renewable Energy
- 5.9 - Overheating and Cooling
- 5.10 - Urban Greening
- 5.11 - Green Roofs and Development Site Environs
- 5.12 - Flood Risk Management
- 5.13 - Sustainable Drainage
- 5.15 - Water Use and Supplies
- 6.1 - Strategic Approach to Transport
- 6.2 - Providing Public Transport Capacity and Safeguarding Land for Transport
- 6.3 - Assessing Effects of Development on Transport Capacity
- 6.9 - Cycling
- 6.10 - Walking
- 6.13 - Parking
- 7.1 - Lifetime Neighbourhoods
- 7.2 - An Inclusive Environment
- 7.3 - Designing Out Crime
- 7.4 - Local Character
- 7.5 - Public Realm
- 7.6 - Architecture
- 7.7 - Location and Design of Tall and Large Buildings
- 7.8 - Heritage Assets and Archaeology
- 7.14 - Improving Air Quality
- 7.15 - Reducing and Managing Noise, Improving and Enhancing the Acoustic Environment and Promoting Appropriate Soundscapes
- 7.18 - Protecting Open Space and Addressing Deficiency
- 7.19 - Biodiversity and Access to Nature
- 7.21 - Trees and Woodlands

### **5.3 National Policy**

National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)

### **5.4 Emerging Planning Policy**

5.4.1 The GLA is producing a new London Plan, which was subject to Examination in Public between January 2019 and May 2019. The Inspectors' Panel report was published in October 2019. The Mayor of London has now considered the Inspectors' recommendations and, in December 2019, issued to the Secretary of State his intention to publish the London Plan. The Secretary of State has raised

significant objections to the plan and it is not known when it will be published.

5.4.2 The NPPF sets out that decision takers may also give weight to relevant policies in emerging plans according to their stage in preparation, the extent of unresolved objections and degree of consistency with the NPPF. The emerging London Plan is a material planning consideration. Where relevant, emerging content within these documents is discussed in the body of this report.

5.4.3 Adoption of the Council's Local Plan (LP33) is expected on 22 July 2020 and as such will be part of the adopted Development Plan by the time this matter is considered by the Planning Sub-Committee. If LP33 is not adopted by the time of the meeting, the implications for this report will be addressed in an addendum.

### **5.5 COMMENT**

#### **Background**

5.5.1 The proposals comprise a lower ground floor, mezzanine, and six / seven storey building comprising co-living / co-working floorspace. The building is managed as a single unit within the Sui Generis use class. The co-working space will be used for business purposes most similar to office (class B1A) and light industrial (class B1C). The co-living space comprises a type of residential accommodation comprising both private rooms and shared spaces. The lower ground floor and mezzanine comprises light industrial 'maker' floorspace. This space will be suitable for a range of light industrial, workshop activities due to high (4m) floor to ceiling heights and servicing from the loading bay by goods lift. A 165 space cycle store is also provided at this level. First floor comprises office space, serviced suites, co-working spaces and breakout areas.

5.5.2 The second to seventh floors comprise co-living residential space. Co-living rooms range in size from 19 to 32sqm in size and include sleeping area, lounge / dining area, kitchenette and bathroom. Some units also include a private balcony area. Shared amenity / kitchen / dining / lounge spaces and mixed mode event spaces are also provided on each floor with access to shared balcony areas.

5.5.3 The proposed building aligns with the building lines of adjacent development lining the east and west site frontages to both Kingsland Road and Kingsland Basin. Although the east elevation to Kingsland Road is chamfered between the line of the existing building on the site and the adjoining building to the south. A linking element connects both building frontages but is set in from site boundaries to north and south.

5.5.4 Building facades comprise a red brick frame, with red / burgundy metalwork, cladding and movable shutters to the south elevation. Roof levels comprise a communal terrace areas, as well as brown gravel roofs, wildflower planting areas and bird / bat bee boxes.

### **6. Considerations**



The principal planning considerations with regard to this application are as follows:

- 6.1 Principle of the proposed use / loss of existing use;
- 6.2 Design and conservation;
- 6.3 Daylight / sunlight / overshadowing impacts;
- 6.4 Ecology and biodiversity impacts;
- 6.5 Noise and air pollution
- 6.6 Transport
- 6.7 Sustainability

Each of these issues is discussed in turn below.

### **6.1 Principle of proposed use / loss of existing use**

- 6.1.1 The site is currently in use as a Travis Perkins builders merchants within the B8 or Sui Generis use class. Concerns from Travis Perkins that builders merchants should be given additional protection are noted. The existing use comprises a form of storage and distribution use which is commonly found within Priority Industrial Areas (PIAs) and Priority Office Areas (POAs). However, there are no policies which require the retention of specific uses such as builders merchants. As such redevelopment proposals will be assessed against relevant adopted policies with regard to PIA/POAs which include an assessment of the existing and proposed employment benefits of the proposals. The proposals comprise a co-living / co working employment-led development which includes elements of both workspace and residential accommodation, integrated together within the same, managed development. As such policy with regard to business floorspace and residential development are relevant.

#### Employment floorspace

- 6.1.2 In terms of employment floorspace, the site is within a designated POA. The existing builders merchants use is likely to comprise a sui generis use as it includes an element of storage / distribution (class B8) and office (class B1), as well as retail to trades (class A1). LP33 policy LP27 states that *“New development involving the provision of new office (B1a) floorspace must comprise well designed, high quality buildings and floorspace that is flexible / adaptable to accommodate a range of unit sizes and types with good natural light, suitable for sub-division and configuration for new uses and activities, including for occupation by small or independent commercial enterprises. All applications incorporating new office floorspace should include a marketing strategy which demonstrates the design and layout of the proposed floorspace is of a high quality, is flexible and meets the needs of likely end users. New development within designated POAs will only be permitted if it is employment led where B1 use class is the primary use in line with the below thresholds, subject to viability”*.
- 6.1.3 LP33 policy LP28 states that *“Where proposals involve the provision of new industrial floorspace (B1c, B2, B8 and Sui Generis uses of an industrial nature), the development must be of an appropriate scale and should be flexible and*

*adaptable for different types of uses and suitable to meet future needs”. With regard to retention of industrial floorspace outside of PIAs the policy requires that “New development must protect, and where possible enhance, the existing stock of industrial land and floorspace to meet local needs. The loss of industrial land and floorspace outside of Priority Industrial Areas and Locally Significant Industrial Sites will only be permitted where all of the following criteria are met; i. Robust marketing evidence is submitted which demonstrates that there has been no demand for the existing or vacant land and floorspace for its current or former use; any new employment use provides a range of higher quality, more flexible floorspace and preferably a higher density employment than the previous use; and iii. It is demonstrated that the new commercial floorspace being provided has a strong likelihood of being occupied through the submission of a detailed marketing strategy”.*

- 6.1.4 The site is also within the Core area of the City Fringe Opportunity Area Planning Framework (OAPF). Para 2.1 and 2.2 of the OAPF notes that *“There have also been significant changes in the way office space is used, with new technologies and working practices offering new opportunities and blurring the distinction between office based work and light industry...this document notes the growth of the Tech City cluster and seeks to reinforce and promulgate the catalysts for this growth. The primary aim of the OAPF is therefore to create a positive environment for employment growth in the City Fringe”.*
- 6.1.5 The proposals would provide 4699sqm of employment floorspace with circa 1200sqm (26%) suitable for light industrial use (class B1c) and the remainder suitable for office use (B1a). This would result in an uplift of 3712sqm over the existing situation. In addition the proposed light industrial floorspace would ensure a wide range of new employment floorspace provision which would help to balance the loss of the existing builders merchants use.
- 6.1.6 The proposed B1a and B1c floorspace would together result in a significant provision of new employment floorspace on the site, as part of an employment led development within the PEA (a higher proportion of employment than residential floorspace is proposed). The proposed development would provide a mix of floorspace suitable for light industrial and office uses. The light industrial space is serviced by an off street loading bay and hoist. In addition floorspace features high floor to ceiling heights, natural daylight and potential for sub-division. As such the proposed floorspace would meet the up to date needs of business and would contribute to the local economy.
- 6.1.7 In addition the nature of the proposed co-living / co-working development could provide further benefits to the local economy. Combining the two elements together creates a number of synergies between the two activities. There will be increased opportunities for collaboration between residents and workers. In addition both uses can share entrances, circulation space, and other ancillary facilities such as cycle and refuse storage. This helps to maximise the employment potential of the site. As such the proposed development would help to facilitate the new working practices and business opportunities envisaged by the OAPF. In addition 10% (470m<sup>2</sup>) of the proposed employment floorspace

would be affordable, at 40% below market rents, in general accordance with LP33 policy LP29.

### 6.1.8 General principle of residential development

The proposals comprise 121 co-living residential rooms in the form of 1 bed and studio units, as part of a single development integrated with the co-working space. Co-living accommodation is considered to be a unique (sui-generis) use which falls outside of the conventional housing (class C3 use class). However the use still comprises a form of residential accommodation. As such some housing policies are of relevance. London Plan policies 3.3, 3.4 and LP33 Policy LP12 highlight the need for a new housing supply of 1330 homes per year to meet housing need in London and Hackney.

6.1.9 In addition LP12 states that self contained residential accommodation is the priority form of residential development in the borough, and alternative housing types such as student / shared housing are only permitted where self contained residential accommodation is not feasible.

6.1.9 Therefore the principle of a form of residential use as part of a mixed use development is supported. However the acceptability of co-living rather than conventional self contained housing on the site is subject to further assessment, set out below.

### 6.1.10 Acceptability of Co-living housing

Hackney Local Plan (LP33) Policy LP21 (large scale purpose built housing) states that *“Development involving the provision of new large-scale purpose-built shared housing comprising of at least 50 units will only be permitted if all of the following criteria are met:*

- i. It meets an identified need; and the site is not suitable for development for conventional self-contained units.*
- ii. It is located in an area well-connected to local services and facilities, and in an area with high-transport accessibility;*
- iii. It is under single management;*
- iv. its units are all for rent with minimum tenancy lengths of no less than three months;*
- v. a management plan is provided with the application;*
- vi. At least 50% of all units provided at rental levels which do not exceed one-third of ward-level incomes (excluding utility bills);*
- vii. Rooms and communal spaces are of a high quality and of adequate size and the development provides a good standard of accommodation in terms of space standards, management requirements, facilities, daylight and sunlight, aspect and amenity space;*
- viii. Suitable communal facilities amenity space is provided to meet the needs of occupiers;*
- ix. The development must not have a detrimental impact on the amenity of neighbouring occupiers;*
- x. The development must not lead to an over-concentration of these types of uses in the area;*

- xi. 10% of the units provided are easily adaptable for occupation by wheelchair users.*
- xii. A detailed management plan and details of proposed tenancy lengths are provided”.*

6.1.11 Emerging London Plan policy H16 states that “large scale purpose built shared housing should meet the following criteria:

- 1) it is of good quality and design*
- 2) it contributes towards mixed and inclusive neighbourhoods*
- 3) it is located in an area well-connected to local services and employment by walking, cycling and public transport, and its design does not contribute to car dependency*
- 4) it is under single management*
- 5) its units are all for rent with minimum tenancy lengths of no less than three months*
- 6) communal facilities and services are provided that are sufficient to meet the requirements of the intended number of residents and offer at least:
  - a) convenient access to a communal kitchen*
  - b) outside communal amenity space (roof terrace and/or garden)*
  - c) internal communal amenity space (dining rooms, lounges)*
  - d) laundry and drying facilities*
  - e) a concierge*
  - f) bedding and linen changing and/or room cleaning services.**
- 7) the private units provide adequate functional living space and layout, and are not self-contained homes or capable of being used as self-contained homes*
- 8) a management plan is provided with the application*
- 9) it delivers a cash in lieu contribution towards conventional C3 affordable housing. Boroughs should seek this contribution for the provision of new C3 off-site affordable housing as either an:
  - a) upfront cash in lieu payment to the local authority, or*
  - b) in perpetuity annual payment to the local authority**In both cases developments are expected to provide a contribution that is equivalent to 35 percent of the units, to be provided at a discount of 50 per cent of the market rent. All large-scale purpose-built shared living schemes will be subject to the Viability Tested Route”.**

6.1.12 Both LP33 policy LP21 and emerging London Plan policy H16 are considered similar in many respects. However as policy LP21 is now adopted greater weight is given the requirements of this policy. An assessment against the criteria within policy LP21 is set out below.

6.1.13 *(j): Meets an identified need, site not suitable for self contained residential:* In terms of part i) of the policy, it is noted that the wider site location is capable of accommodating housing, as evidenced by presence of other residential developments in proximity to the site. However the site itself is not considered to be capable of accommodating conventional self contained housing without significant impact on the quality of the overall development. This is due to a number of unique constraints, which are relevant to the site.

- 6.1.14 The site is within a Priority Office Area (POA), and therefore the overarching policy objective is to maximise employment opportunities. The introduction of conventional housing would have a negative impact on the delivery of employment-generating floorspace. In addition, policy LP28 requires that existing light industrial floorspace should be re-provided as part of the development. The site is located on a red route and therefore servicing for this space would need to take place via an off street loading bay.
- 6.1.15 The co-working / co-living format of development allows for efficient shared use of entrances, circulation space, cycle and refuse storage by both the co-living and co-working elements of the development. If conventional housing was provided on upper floors above the employment floorspace (including replacement light industrial floorspace), then this would require separate street entrances, lobby, access cores, and bike / refuse storage areas. In addition as the co-living / co-working development is a managed building on a 24hr basis, the electrical substation is located within the basement. If the proposals were for employment floorspace and conventional housing, then this would need to be located so as to be accessible from the street.
- 6.1.16 If all the above features were incorporated into the development, then this would result in a completely inactive building frontage, which would be taken up with entrances, loading bay, refuse / recycling store, cycle parking and sub-station. In addition the proposals would result in a loss of employment floorspace of around 800sqm of business floorspace, through secondary means of escape cores and residential entrances obstructing lightwells to basement office accommodation. As such the proposed co-living use would offer significant advantages in balancing competing land uses at the site, compared to conventional self contained residential development.
- 6.1.17 (ii) well connected, high public transport accessibility: In terms of part (ii) of policy LP21 the site location is highly accessible by public transport and has a PTAL rating of 5 and is a well connected location in close proximity to local shops and services. In addition the site is only a short travel distance to Shoreditch and the Central Activities Zone with its associated business and leisure activities as well as other institutions. As such the site is well located for this denser form of residential accommodation in accordance with part ii of the policy.
- 6.1.18 (iii) and (iv) under single management and with tenancy periods of not less than 3 months: The applicant has confirmed that the building including both the co-living and co-working spaces will be under single management. In addition rental periods for co-living rooms of not less than 3 months will be required. In addition the applicant has accepted a head of term within the s106 to require that the management company will seek to ensure that the rooms are the main residence for tenants, thus preventing use for holiday / second home accommodation.
- 6.1.19 Concerns with regard to occupation of the building are also noted and objectors have highlighted that the Old Oak co-living example (discussed further below),

houses a number of students. However it should be noted that the Old Oak planning consent allows for occupation of a number of rooms by students which is different to the application proposals. The management plan (see below) will require that the premises are occupied by tenants who are in employment, rather than students.

- 6.1.20 (v) management plan: A draft management plan has been submitted with the application, which sets out a number of management measures including 24 hour on site staff presence, manned reception desk, procedure for arrival / departure of residents and visitors, residents disciplinary procedure in the event of conduct concerns, 'quiet hours' throughout the building between 11:00pm and 07:00am, and maintenance and cleaning of communal spaces. A full management plan is required by condition with further detail with regard to management of roof terraces, and light spill towards the Kingsland Basin. as such the proposals would meet part (v) of policy LP21.
- 6.1.21 (vi) At least 50% of all units provided at rental levels which do not exceed one-third of ward-level incomes (excluding utility bills); The intention of this element of the policy is to ensure that affordable housing is provided which is compatible with the nature of co-living housing. Draft emerging London Plan Policy H16 also states that new shared housing should deliver a cash in lieu payment for affordable housing equivalent to 35% of units.
- 6.1.22 LP33 Policy LP13 is also of relevance alongside policy LP21 and states that *“new development must maximise opportunities to supply genuinely affordable housing on-site. The Council will seek the maximum reasonable amount of affordable housing, subject to viability and site context. Affordable housing requirements are not limited to Class C3 in the Use Classes Order and will be sought from alternative housing products and developments such as purpose-built shared housing (e.g. co-living), supported and specialist housing and student housing... Off-site affordable housing or payments in-lieu will only be considered in truly exceptional circumstances where the Council is satisfied that off-site provision would secure a better outcome in meeting housing need. Off-site affordable housing and payments in lieu will be required to be equivalent to the 50% requirement, subject to viability”*.
- 6.1.23 The application proposes an in lieu payment of £500,000. This would equate to an additional circa 1 social rent unit or 3 shared ownership units of conventional housing, within one of the Council's own housing developments. This proportion of affordable housing would be below the targets set by the policy above policies, and would not represent the form of on site affordable housing sought by policy LP21. However the proposed affordable housing contribution has been the subject to financial viability testing, as required by policy LP13.
- 6.1.24 A Financial Viability Assessment (FVA) has been submitted in order to gauge the maximum reasonable amount of affordable housing that can be provided as part of the scheme, in addition to the provision of employment floorspace and affordable workspace. As originally submitted the FVA suggested that the provision of affordable housing, in addition to the level of employment floorspace

(and affordable workspace) proposed was unviable. The inputs within the appraisal in terms of build costs, existing use value of the site and rental values have been reviewed by external consultants who have experience of reviewing some of the other limited number of shared living projects that have been submitted for planning permission in London. The review process has identified that there is some uncertainty as to the rent levels, which can be expected from the co-living element of the development, due to the relatively new nature of the proposal, and lack of available rent comparables. One way of addressing this issue would be to include a review mechanism to capture any uplift if rent levels are higher than expected.

- 6.1.25 In addition various other viability options have been modelled such as an increase in the proportion of co-living accommodation at the expense of co-working floorspace, and change of the co-living element to private sale self contained housing. However this did not significantly increase the potential for the development to provide affordable housing and did not maximise the employment floorspace of the proposals, required by policy.
- 6.1.26 Based on the review of these options and the uncertainty with regard to rent levels and possible future uplift over time, the applicant has agreed to provide a contribution of £500,000, to address any uncertainties in the viability appraisal and to avoid the complexity of agreeing a review mechanism to the Legal Agreement. The proposed contribution has been assessed by the Council's external professional advisors (BNP Paribas and Montagu Evans) to be likely to be superior to any potential sum which could be achieved through a later stage viability review.
- 6.1.27 It is noted that emerging policy LP21 requires that affordable housing provision in the form of London Living Rent units should be provided on site rather than as an off site payment. However an in lieu contribution is considered acceptable in this instance as there is no clear viability surplus identified as part of the viability discussions. Rather the up-front contribution is intended to substitute for the requirement for a later stage viability review mechanism in the Legal Agreement. As such the proposed in lieu contribution is considered to be the maximum reasonable amount of affordable housing benefit that can be achieved at the site, in accordance with the above policy with regard to sub market rental of some of the units is addressed in the following affordable housing section.
- 6.1.28 (vii) and (viii) rooms and communal spaces to provide a good standard of amenity, sufficient communal space to meet the needs of occupiers: The proposed studio bedroom types are 19-32sqm in size. However the proposed rooms are not self contained units and benefit from other communal spaces. The proposed co-living rooms are well designed with a small kitchenette area and some balcony external amenity space. In addition residents would have access to two kitchen / dining rooms (two cooking points per kitchen, sufficient for 15% of residents per floor) and two breakout lounge areas per floor. A larger multi mode room is also available on each floor which has been designed to be capable of being used flexibly for a range of social and leisure uses. Large

communal roof terrace spaces are also available at roof level. The internal communal spaces would equate to an additional 5sqm per person. As such an occupier of one of the 24sqm rooms available would benefit from a total of 29sqm private and communal floorspace.

- 6.1.29 The applicant has compared this level of provision with a conventional flat shared by 3 and 4 persons. This form of housing would provide 8-13sqm of private space per room, with a further 8-12 sqm of shared space (kitchen, living room, dining room etc). conventional self-contained housing, shared by adults, would therefore amount to 20-25sqm of private / communal floorspace per person. This would be less on a per person basis than the proposed co-living development.
- 6.1.30 The development would also compare favourably with some unit types within the Nationally Described Space Standards (NDSS) for conventional new build self contained housing on a per person basis. For example the NDSS requirement of 37sqm for a 1bed, 1person self-contained unit would not be met by the development. However the NDSS requirement of 50sqm for a 1bed, 2person flat (25sqm per person) would be exceeded. The NDSS requirement for a 2 bed, 3 person flat of 61sqm (20.3sqm per person) would also be exceeded, and so on for larger units.
- 6.1.31 In addition whilst co-living is a relatively new form of development with limited built examples elsewhere, some comparison is made to other co-living developments which have recently gained (or are in the process of gaining) planning permission in London. This includes sites at:
- 6.1.32 Land adjacent to Croydon College, London Borough of Croydon: 817 co-living rooms are proposed in a 49 storey tower (ref: 19/04987/FUL, committee resolution to grant planning permission in February 2020 subject to completion of legal agreement and GLA stage II approval).
- 6.1.33 21 High Street, Feltham, London Borough of Hounslow: 128 co-living rooms are provided in a 7 storey building (ref: P/2018/2426, granted planning permission February 2020, following an appeal to the Planning Inspectorate).
- 6.1.34 304-312 Stratford High Street, London Legacy Development Corporation: Application submitted in October 2015, but still currently undetermined (ref: 15/00515/FUL) by the Collective (a co-living provider) comprising 223 Co-Living units comprising five distinct types ranging from 1 to 2 bedroom-units (250 bedspaces) within a 30 storey building, which also includes serviced apartment units, office and restaurant floorspace.
- 6.1.35 Nash House, Old Oak Common, London borough Ealing:  
This is one of the first and most commonly known examples of co-living housing which is completed and operational in London, and has been developed by the Collective (a co-living provider). Planning permission was originally granted in 2011 for a mixed use, student housing development, but planning permission was subsequently granted for change of use of student housing to co-living (with a limit of up to 20% as students) in September 2017 (ref: 165092OPDFUL). The



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development provides 323 bedrooms (437 bedspaces for non-students and 109 bedspaces for students) within a mixed use 11 storey building.

6.1.36 A comparison of room / communal space sizes between the above examples and the application site is provided below:

<b>example</b>	<b>room size</b>	<b>communal internal space</b>	<b>communal external space</b>	<b>private external / defensible internal space outside room</b>
<b>Application site, 305A Kingsland Road</b>	ranging from 19-32sqm, most rooms 24sqm	5 sqm per person (approx), in breakout lounge areas, kitchen / dining room, mixed mode room and laundry rooms	4.84sqm per person on the top floor and lower level roof terraces.	yes, for more than half of units, also defensible semi private internal space
<b>Land adjacent to Croydon College, Croydon</b>	ranging from 20-29sqm, most rooms 25sqm	3sqm per person in ground floor cafe, range of communal kitchens and lounges, laundry room	0.68sqm per person, in a 556sqm roof terrace.	None
<b>21 High Street, Feltham</b>	ranging from 18-26sqm, most rooms 21sqm	6sqm per person (approx) in ground floor cafe, communal kitchen and lounges, laundry room	0.19sqm per person in a 24sqm roof terrace.	None
<b>304-312 Stratford High Street</b>	mostly 14sqm, with limited number of 26sqm accessible rooms	4.2sqm per person in communal kitchens, amenity spaces and restaurant.	0.57sqm per person in 144sqm roof terrace.	None

<b>Nash House, Old Oak Common</b>	Most rooms 13.5sqm with limited number of 27.5sqm accessible rooms	1.6sqm per person in communal amenity spaces on each floor and gym.	1.6sqm per person within 884sqm roof terrace.	None
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6.1.37 As such the application proposals compare favourably to the above examples in terms of room sizes, and extent of internal / external amenity space. The scale of the proposed private rooms and communal spaces is materially more spacious than many other comparable co-living developments, in particular Old Oak Common which is more akin to student accommodation. Given the above factors the proposed development would provide adequate amenity for future occupiers, both in comparison to other co-living developments, and other types of residential accommodation, in accordance with parts (vii) and part (viii) of policy LP21.

6.1.38 (ix) would not result in adverse impact on the amenity of neighbouring properties: The proposals are not considered to result in undue adverse impacts on the amenity of neighbouring properties, given the dense urban context of the surrounding area. This issue is discussed in further detail within the amenity section of the report.

6.1.39 (x) would not result in an overconcentration of similar uses in the surrounding area: Concerns are noted that a concentration of young people within the development could harm community safety or result in increased anti-social behaviour, and that co-living development would not be appropriate adjacent to existing residential buildings. However the wider Kingsland Road area is mixed in character with residential, business and education uses in proximity.

6.1.40 There are no other large purpose built shared housing or House in Multiple Occupation (HMO) developments in proximity to the site. Given this mixed character the proposed co-living residential element would not unduly change the character or amenity of the surrounding area. The building will also include 24hour on site management which will help to mitigate potential for anti-social behaviour in the surrounding area.

6.1.41 (xi) 10% of the proposed units to be wheelchair accessible: 9 units are proposed which is less than 10% of total units. However the shortfall is small and take-up of disabled rooms uncertain given the new character of the proposed use. As such the proposed provision is considered acceptable in this instance. A condition requiring a management plan is attached which would meet part (xii) of the policy.

6.1.42 (xii) A detailed management plan and details of proposed tenancy lengths are provided: A draft management plan has been submitted with the application, which sets out a number of management measures including 24 hour on site staff presence, manned reception desk, procedure for arrival / departure of residents and visitors, residents disciplinary procedure in the event of conduct

concerns, 'quiet hours' throughout the building between 11:00pm and 07:00am, and maintenance and cleaning of communal spaces. A full management plan is required by condition which can include information on tenancy lengths, to prevent use as short term visitor accommodation, alongside other information identified above.

### 6.1.43 Co-living Summary

The requirements of LP33 policy LP21 and emerging London Plan policy H16, are noted, including that the requirement that co-living developments will only be permitted in limited circumstances where conventional self contained housing is not feasible. However in this case there are a number of factors which combine to make a co-living development more advantageous than conventional residential accommodation, in terms of: maximising both the employment and residential potential of the site; beneficial linkages between the co-living / co-working space; and providing an active street frontage. As such the provision of this type of shared housing is considered to be more feasible and the preferred form of residential in this instance, given the above circumstances. The proposals would therefore meet the tests set by part (i) of LP33 policy LP21 in demonstrating that the site is not feasible for conventional self contained housing. In addition the proposals meet all the other tests of policy LP21 in terms of location, amenity, management as identified above.

## 6.2 Design and conservation

6.2.1 The proposal incorporates a number of creative solutions to address the constraints and opportunities of the site. The three lower floors and mezzanine of the scheme are connected visually and functionally through the use of voids, open stairs and generous roof-lights. This is considered beneficial to the environmental quality of these workshop/office spaces and the intended coworking spirit of the scheme.

6.2.2 Each co-living floor is rationally organised around generous communal circulation, two kitchen/dining rooms, two break-out areas and a 'mix-mood' room. External amenity space is provided on the sixth floor and roof of the scheme. This overall provision of amenity space is considered acceptable. The scheme is unusual in that the entire footprint of the large site is built upon and no ground floor courtyard spaces at the centre of the block have been provided. However this was considered acceptable given the dense patterns of development within the surrounding area.

### 6.2.3 Form and Massing

The current proposal is considered as well integrated within the surrounding context. On Kingsland Road, the scheme's height is comparable to those of the recent buildings to the south and stepping down by a storey towards the lower segment of the street to the north. At ground/first floor, the elevation has been further articulated with a colonnade linking the set-back main facade of the scheme to the existing alignment of buildings on the southern segment of the street. This is beneficial to integrate the scheme within the existing streetscape

and mediate between the distinct alignment and character of buildings to its north and south.

6.2.4 On the Kingsland Basin side, the proposal is subdivided into three elements, with heights and set-backs creating a legible transition with the adjoining buildings. The linking element of the scheme has been positioned and shaped in a way to limit as much as possible the potential overshadowing and overlooking to neighbouring properties. Generally, the scheme is not objected in massing/form terms, subject to the outcome of the submitted daylight and sunlight assessment.

### 6.2.5 Architecture and Materials

The proposal is considered of high architectural quality. On the Kingsland Road side, the well-proportioned language of brick grid and metal balustrades, is enriched by the pre-cast colonnade at ground-first floor, the planters on upper floors and the dynamic effect created by the sliding metal panel in front of the co-living units.

6.2.6 On the basin side, the northern segment-elevation of the scheme is expressed as a lighter metal-panels elevation, which reduces the perceived bulk of the overall building and creates an effective transition between the seven storey brick element of the scheme and the Grade II listed Quebec Wharf building. Climbing and trailing plants and trees are integrated in the elevation of the scheme and contribute to integrate it in the sensitive environmental context of the Kingsland Basin.

6.2.7 The southern facade is activated by the expressive language of folding shutters, metal balustrades and full height windows. A simpler language of red powder coated metalwork and full height windows and Juliette balconies is playfully applied to the north facade. It is noted that the proposal will create a three storey flank to the north, partially visible from Kingsland Road. This element has been treated as an architectural feature, legibly referring to the scheme overall language of brick grid and infills and is not considered as having a significant negative impact on the character and appearance of the streetscape.

6.2.8 A comprehensive condition should be included to ensure that detailed technical section drawings of all type-walls (scale 1:5, 1:10 and 1:20) are submitted for approval, showing all joints of adjoining materials, thresholds and detail of all appearing features, including sills, balconies' balustrades and soffits. Material samples of all appearing materials and two mock-ups of type elevations to be agreed with the Council should be also provided.

### 6.2.10 Landscape:

The interface with the Kingsland Basin incorporates a green buffer with planting and a screen to the basin edge, to mitigate any direct overlooking between the lower floors of the building and the basin boats and Canals in Hackney User Group (CHUG) outdoor community space.

6.2.11 Generally, a set of planters have been effectively integrated in the overall design and strategically positioned to serve a purpose for screening, aesthetic or ecological benefits. The proposals include significant areas of biodiverse roofs, including areas with flower rich planting. As such the development achieves an Urban Green Factor (UGF) of 0.38. This is in excess of the 0.3 UGF for mixed use developments but less than the 0.4 score required for residential development to meet policy LP48. Overall the small shortfall is considered acceptable given the measures proposed within the development, and its mixed use character.

6.2.12 Internal design quality / standard of amenity for future occupiers:

Issues with regard the standard of accommodation for future occupiers is considered further above. The proposed units are considered well designed with all necessary facilities, and would also benefit from some balcony external amenity space. In addition residents would have access to two kitchen / dining rooms and a larger multi mode room on each floor which has been designed to be capable of being used flexibly for a range of leisure uses. A communal roof terrace area is also available at roof level.

6.2.13 As such access to these facilities would help to offset the shortfall in the size of the proposed units and would ensure that residents would have access to a similar level of available space as conventional house-share accommodation. Approximately 5sqm per person of communal external amenity space would be provided for new occupiers, which is a significant level of provision in comparison with other developments in the surrounding area, although less than the 14sqm required for new residential developments as set out in policy LP48. Given the site context and that large areas of roof space provide communal space, this level of provision is considered acceptable.

6.2.14 Conservation and Heritage Assets Demolition of existing building

The existing warehouse building on site was assessed by the Council's Heritage Officer, who assessed it of not sufficient architectural or historic interest, to justify a refusal for its proposed demolition.

6.2.15 However, as a building which represents the industrial history of the area, the building is a rare and characteristic remnant and positive contributor. The architectural quality may be seen as relatively low, but industrial character is often defined by more functional buildings which have a cumulative quality. As such the loss of the building will reduce the sense of the area as being characterised by its industrial heritage.

6.2.16 Conservation areas

The site sits within the Kingsland Conservation Area and the Regents' Canal conservation area. Conservation areas are protected through national policy treatment as designated 'heritage assets'. In reference to proposals affecting heritage assets, the 2018 National Planning Policy Framework (NPPF) states at paragraphs 190 and 194:

*“190. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal.*

*194. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification...”*

6.2.17 Directly in reference to conservation areas, the Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states: *“In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area”.*

6.2.18 Leaving aside the contribution made to the streetscape by the existing building on the site, on the Kingsland Road side the scheme is considered to make a positive contribution to the emerging mid-rise character of this part of the conservation area, with a brick architecture sympathetic to the materiality of the historic buildings to the north of the site, including the locally listed terrace at 319-331 Kingsland Road.

6.2.19 On the Kingsland Basin side, within the Regents’ Canal Conservation Area, while the role played by the overall existing open space surrounding the water basin to the character of the conservation area is understood, it is considered that in this particular case the scheme would fill a not particularly appealing gap in the built frontage of the basin, with a massing and form well integrated within the existing elevation of buildings, as shown by views at page 72 and 73 of the submitted Design and Access Statement (D&A). A further document has been submitted by the applicant which indicates the challenges of converting the existing building. Overall, the negative aspects of the scheme in conservation terms (demolition of the existing building) are considered limited and of less than substantial harm. These would be outweighed by benefits of the development in conservation design terms, through restoring built frontages of the two conservation areas, with new high quality contemporary architecture. Other public benefits include maximising the employment potential of the site, provision of new housing, and incorporation of biodiversity enhancements (discussed further elsewhere in the report), which all outweigh any harm in conservation terms.

### Impact on adjoining Grade II listed Quebec Wharf building

6.2.20 As reported in the National Heritage List for England (NHLE), the Grade II listed Quebec Wharf is a...*“Former granary with attached boiler and engine house, office and dwelling house, later spice warehouse. Built in 1878 for the North Metropolitan Tramways Company as a forage warehouse for its horses. It comprises a canalside granary with attached boiler and engine house, office*

*and dwelling house. It was used as a spice warehouse for a short period in the later C20. Built of stock brick with red brick dressings and slate roof”.*

6.2.21 In addition to the NPPF recommendations reported above and in reference to heritage assets affected by new developments, the Section 66 of the 1990 Act states: *“In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”.*

6.2.22 On the Kingsland Basin side, the scheme has been designed thoughtfully in a way to limit its perceived bulk towards the adjoining statutory listed Quebec Wharf building. The intermediate metal element of the scheme is considered beneficial to avoid a monolithic feel with the main volume of the scheme and preserve the legibility of the form of the listed building.

6.2.23 It is noted that the current unbuilt part of the site towards the Kingsland Basin exposes the brick flank and roof outline of the adjoining statutory listed Quebec Wharf building. The proposal would fill this void in the fabric and conceal most of the side elevation of the listed building. Nevertheless, it is considered that the proposal’s stepped-back elevation has some beneficial effect as it exposes the corner and front slope of the roof of the adjoining listed building, maintaining the legibility of its three-dimensional form.

6.2.24 On the Kingsland Road side, the statutory listed, three storeys with gable building is already surrounded by contemporary buildings and extensions, to the north and south. The proposed scheme is considered as adding positively to this varied context and sympathetic to the brick character of this listed building. The scheme is not objected to in these terms.

6.2.25 Overall, it is considered that while the site makes a small negative contribution to the significance of the adjoining former granary, the proposal is considered as having a less than substantial impact on this contribution, while delivering an architecture of very high quality and beneficial to the overall architectural character of the water basin and setting of the adjoining listed building.

6.2.26 Design Conservation Conclusion

The scheme is overall considered as a positive addition to the surrounding varied context and the character of the Kingsland and Regents’ Canal conservation areas. Any conservation related harm identified above is considered less than substantial. These would be outweighed by benefits of the development in conservation design terms, through restoring built frontages of the two conservation areas, with new high quality contemporary architecture. Other public benefits include maximising the employment potential of the site, provision of new housing, and incorporation of biodiversity enhancements (discussed further elsewhere in the report), which all outweigh any harm in conservation terms.

6.2.27 Conditions to any approval should require that detailed technical section drawings of all type-walls (scale 1:5, 1:10 and 1:20) are submitted for approval, showing all joints of adjoining materials, thresholds and detail of all appearing features, including sills, balconies' balustrades and soffits. Material samples of all appearing materials and two mock-ups of type elevations to be agreed with the Council should also be provided.

### **6.3 Daylight / sunlight / overshadowing impacts**

#### **6.3.1 Daylight**

A daylight / sunlight assessment has been submitted within the application and considers the impacts on neighbouring occupiers in terms of daylight, sunlight and overshadowing, as well as daylight levels within the proposed flats. The assessment is based upon the methodology set out in the BRE document "Site Layout Planning for Daylight and Sunlight – A Good Practice Guide (2011)". The BRE guide sets out a number of different methods for assessing the impact of the development upon neighbouring properties. The main methods in the daylight sunlight assessment submitted by the applicant are the Vertical Sky Component (VSC) and daylight distribution methods ('no sky line' (NSL)). Each method is useful in assessing different aspects of daylight impacts. VSC is most useful in assessing the degree of change, NSL illustrates the distribution of daylight in a room. Using these methods of assessment the BRE guidelines state that if reductions in daylight as a result of the development are greater than 20% then this is likely to be significant and noticeable to residents of neighbouring properties. It should be noted that the BRE guidelines are a guide (not policy) which is intended to inform decision making, and assist with development rather than constrain it. The guidelines are to be interpreted flexibly taking into account the patterns of development within the wider area. The guidelines note that in higher density locations a greater degree of obstruction may be unavoidable if new developments are to match the height and proportions of existing buildings.

6.5.2 Nearby properties experiencing the greatest potential impacts are Commercial Wharf 305 Kingsland Road to the south and Quebec Wharf 307-315 Kingsland Road to the north. Balconies above existing windows of these properties have been omitted to allow for a more accurate assessment of impacts. For commercial wharf, when taking into account the impact of the development, 40 windows would still experience daylight levels in excess of BRE guidelines and 18 would experience significant and noticeable reductions in daylight. For Quebec Wharf 12 windows would experience significant and noticeable reductions in daylight. Daylight reductions to all other nearby properties would not be significant or noticeable.

6.5.3 The results of the daylight / sunlight assessment, and the significant concerns of neighbouring properties with regard to this issue are noted. However regard must also be given to the pattern of development within the surrounding area. A number of other sites along the eastern side of Kingsland Basin have been redeveloped with blocks fronting Kingsland Road and the Basin up to 7 stories in height. There are also a number of east / west infill blocks which link the



street and basin frontages, creating dense courtyard spaces. This pattern of development is replicated to both north and south. The application site is currently relatively open and of lower rise scale in comparison. The proposed development would replicate the patterns of development and building heights which already exist in the surrounding area. It is accepted that the proposals do result in a higher level of building coverage across the site than some sites, but the proposed east / west linking element is still set back from the northern and southern boundaries, which means that it is not a significant factor in terms of daylight impacts on neighbouring properties.

6.5.4 Given the above factors any proposed development which reinstates a building frontage to the basin and Kingsland Road to a similar height as adjacent buildings and replicates similar patterns of development would be likely to result in some significant and noticeable daylight impacts to neighbouring properties.

6.5.5 Concerns are also noted with regard to loss of daylight to canal boats at permanent residential moorings in the Kingsland Basin. However as noted above some impact on daylight to these mooring should be expected in development is to take place, of a similar scale to the surrounding area. In addition canal boats usually feature portholes to either side of the boat (dual aspect) and will therefore be able to receive daylight from directions unaffected by the development.

6.5.6 As such given the above factors and the character of the surrounding area, and existing open character of the site, the impacts on daylight are considered to be of a level that could be reasonably anticipated within the dense and urban character of the surrounding area, in accordance with aforementioned policies.

#### 6.5.7 Sunlight impacts

It should be noted that sunlight is not as important to residential amenity as daylight, as some rooms which face northwards do not receive any direct sunlight. In any case all potentially affected windows in neighbouring properties which face within 90 degrees of south, would not experience any sunlight impacts to a level which the BRE guidelines consider significant.

#### 6.5.8 Outlook / oppressive sense of enclosure

This issue is not defined within the BRE guidance and is a more subjective assessment based on the degree of change which can reasonably be expected given the wider surrounding area. Officers were concerned that the original proposals would result in a significant increase in building height immediately adjacent to the southern boundary with Commercial Wharf. This could have resulted in a much increased sense of enclosure in the adjacent courtyard and windows. However revised proposals have been submitted which reduce the height of the development where it is adjacent to the boundary, to a level which is similar to the existing building. In addition the proposed taller elements are pushed back so that they do not project forward of the building lines of the adjacent buildings to the south. These measures will ensure that the proposals have a more neighbourly relationship with adjacent buildings and will not result in any undue loss of outlook or sense of enclosure to this adjoining

development.

- 6.5.9 Overbearing / sense of enclosure impacts to Quebec Wharf are also not considered to be harmful, given the layout of this adjacent development with heavily enclosed courtyards, and significant flank walls immediately adjacent to the application site boundary.

Overlooking between existing / proposed buildings

- 6.5.10 The proposed development would maintain a separation distance of 11-26m from the neighbouring windows of Commercial Wharf to the south. Windows, which are in closer proximity are at an oblique angle of up to 90 degrees. Distances of circa 13m would be maintained between the windows of proposal and Quebec Wharf to the north. This level of separation is similar to other residential blocks in the surrounding area and would not result in undue impact on the privacy of neighbouring occupiers.

Overshadowing

- 6.5.11 Overshadowing impacts have also been considered. The BRE guidelines state that amenity open space should in order to appear adequately sunlit throughout the year, at least half of a garden or amenity areas should receive at least two hours of sunlight on 21 March. The impact of the proposals upon Kingsland Basin has been assessed. When taking into account the impact of the proposals, 100% of the basin would receive more than 2 hours of sunlight on 21<sup>st</sup> March, in accordance with BRE guidelines for open space. Whilst the basin does not have the characteristics of a conventional open space, the level of overshadowing does have bearing upon ecological impacts which are discussed further below.

Amenity conclusion

- 6.5.12 In summary the proposed development would not result in unacceptable impacts on the amenity of surrounding existing and future occupiers, in terms of daylight, sunlight, sense of enclosure, overlooking / privacy, or overshadowing.

**6.6 Biodiversity / ecology impacts**

- 6.7.1 Kingsland Basin is a designated Site of Importance for Nature Conservation (SINC). LP33 policy LP47 states that the Council will protect, conserve and enhance nature conservation areas. Development will be encouraged to include measures that contribute to the borough's natural environment and biodiversity. Where appropriate, a biodiversity survey of the site must be carried out, with actions to enhance the biodiversity value, mitigate or compensate for any harm to habitats and / or species. Policy LP47 and LP48 state that development adjacent to SINC's shall not result in adverse biodiversity impacts, including as a result of overshadowing of waterways.

- 6.7.2 An ecological assessment has been submitted to assess biodiversity impacts, which include bats, birds and fish. In terms of bats, a preliminary roost assessment and emergence survey was undertaken by qualified bat ecologists. The existing buildings on site were assessed to have negligible potential for

roosting bats due to their absence of roof voids, internal lighting and intensive use. In addition the existing courtyard space is noted to be well illuminated which would discourage use by bats. In addition no bats were identified emerging from buildings within the site. However a variety of bat species were recorded foraging in the basin, in landscaped areas, brown roofs of buildings and along the Regents Canal to the south. Bats were noted to enter the basin either from the Regents Canal to the south, or between buildings at the north end of the basin. The proposed development was noted not to interfere with these activities.

- 6.7.3 In terms of birds a number of bird species were known to forage in the basin, to report notes that given the design of existing buildings with bird netting, there are highly unlikely to be bird nests on the site. Fish and fish fry were noted to be abundant in the basin. The report noted that whilst there would be some limited additional overshadowing of the basin, the change was not significant enough to cause a noticeable impact to the flora and fauna within the basin. In addition the proposals include a number of biodiversity enhancements such as a brown roof, wildflower planting at roof level, bird, bat and bumble bee boxes, heron platform and climbing / trailing planters to the building façade.
- 6.7.4 Significant concerns were raised that the increased overshadowing would impact on fish in Kingsland Basin. Given the concerns that were raised, further reports have been submitted by the applicants which address these issues. A Fisheries Note by a qualified fresh water fish ecologist considers the impact of overshadowing on fish (Perch, Pike, Roach and Tench) in the basin in further detail. The report notes that overshadowing from the development would amount only to an additional 10% of the area of the basin, with no additional shadowing at all after 11am. In addition *“shading will result in some reduction in insolation and a subsequent reduction in water temperature, however, the impact is limited to early to mid-morning and is not expected to result in significant changes in water temperature in the basin as a whole due to the limited area of impact. This assessment is corroborated by the fact that the majority of Kingsland Basin currently experiences similar levels of shading to that proposed and yet macrophyte populations appear unaffected and juvenile fish are present in significant densities in impacted areas.*
- 6.7.5 *It is also worth noting that discussions around temperature and fish usually focus on negative impacts associated with an increase in temperature and there may be some benefits to a reduction in water temperature as a result of limited shading (provided that macrophyte populations are not impacted) given the potential impacts of climate change. For example, in more rural catchments, shading from riparian trees has been shown to significantly increase thermal resilience and act as an important buffer during hot summers”.*
- 6.7.6 A further Ecology note has responded to the concern about the proposed development obstructing commuting routes for bats into the basin. Bats would still be capable of travelling at the height of the proposed building and were noted to forage on the brown roofs of other nearby seven storey buildings. In addition light spill from the proposed development would not be greater than

other adjacent residential blocks. The information from applicants consultants, along with representations from objectors, which dispute the findings of the submitted reports are noted. However officers consider that sufficient evidence from appropriately qualified consultants has been submitted to show that on balance the proposals will improve the biodiversity value of the site itself, in comparison to the existing situation, subject to conditions to secure proposed biodiversity enhancements. And also that the proposals would not result in significant adverse impacts on the adjacent SINC.

### **6.7 Noise / Air pollution**

#### **6.7.1 Noise**

A number of concerns have been raised with regard to potential noise impacts from the development in particular from the proposed terrace at roof level. A noise report has been submitted with the application which considers noise impact from and to the development. Mechanical ventilation is proposed to all proposed units facing Kingsland Road and facades designed to provide acoustic protection for future occupiers. Proposed roof level terraces will be well separated from noise levels in Kingsland Road. Noise from plant, equipment and air handling units within the development is assessed to be likely to be below background noise levels, although full details of noise output from plant is not available as specific plant selections have not yet been made.

6.7.2 Given the above factors it is not considered that noise impacts from the development on adjoining noise sensitive uses are likely to be significant. In addition proposed occupiers are also adequately protected from higher background noise levels adjacent to Kingsland Road. Any noise impacts can be adequately mitigated through conditions requiring details of plant / machinery and acoustic attenuation if required.

6.7.3 In addition concerns regarding noise impacts from the proposed roof terrace are noted. Objectors have also requested that the noise report assess noise impacts from this element of the proposal. However it should be noted that the proposed roof terrace is a communal external amenity space, which is similar to others that have been provided within high density residential developments in the borough. Detailed noise assessment of such spaces is not normally required. Such facilities are normally encouraged, as they enhance the range of external space available for future residents. The space is not connected to any restaurant or bar facilities, which could encourage higher noise levels. In addition the proposed development will be managed by a dedicated management organisation, and a condition can be required for submission of a management plan for the development including limits on the hours of use of the communal terrace. In addition conditions requiring acoustic screening of the terrace are also proposed. Subject to these measures the proposals are not considered to result in undue noise impacts on nearby noise sensitive uses.

#### **6.7.4 Air Quality**

The whole of the borough is a designated Air Quality Management Area and Kingsland Road is subject to elevated levels of air pollution. An Air Quality

Assessment has been submitted with the application which considers air quality impacts from and to the surrounding area. The proposed development would be car free, and heating / cooling is proposed through use of air source heat pumps. As such the proposals would not worsen air quality in the operational phase. Conditions with regard to demolition and construction management will ensure that air quality impacts during the construction phase can be mitigated.

- 6.7.5 The submitted AQA indicates that residential accommodation on the first and second floors facing Kingsland Road will be subject to raised levels of NO<sub>2</sub>, particulate pollution. As such mechanical ventilation to all proposed units facing Kingsland Road, with air intakes above 3<sup>rd</sup> floor level are recommended to ensure adequate air quality to these units. Subject to conditions to secure these measures the proposals are therefore considered to be acceptable in terms of air quality.

### **6.8 Transport**

- 6.8.1 The submitted trip generation assessment which forms part of the Transport Assessment predicts a decrease in the overall vehicle trips to and from the application site as a result of the proposed car-free development. The overall trips predicted to be generated on a weekday 12-hour is 1537. Although trip generation is high, given the excellent public transport accessibility of the site, the majority of the trips, as expected, are likely to be undertaken by sustainable travel modes such as walking, cycling and public transport. Therefore trip generation is not likely to have a considerable impact on the transport and highways network and is supported.
- 6.8.2 The proposal is for a car free development which is in line with Hackney and London Plan policies. All occupants except blue badge holders will be restricted from applying for CPZ permits for the local area. 1 blue badge space for the residential element and 1 blue badge space for office/ commercial element of the development is required on-street from the out-set. It is noted that a blue badge space has been proposed on Lee Street rather than on site (80m from the site on the opposite side of Kingsland Road). This is due to the constraints of the development site fronting Kingsland Road.
- 6.8.3 Although, the applicant is required to identify and convert a blue badge from outset, due to the constrained circumstances of this site, spaces will be made available when the need arises. This shall be monitored through the Travel Plan. A CPZ exclusion to restrict parking permits being issued is recommended for all users of the proposed site (except those with a blue badge). This should be done in the shape of a condition, secured via a legal agreement. The applicants have proposed 186 cycle parking spaces, which is according to London Plan Standards. This is supported.
- 6.8.4 Deliveries are accommodated on-site which is supported. The applicants have proposed a turntable arrangement that allows a 7.5t lorry to enter and exit in a forward gear without reversing on Kingsland Road, which is supported. The predicted number of deliveries per day is required to understand the

implications on the public highway as service vehicles need to cross the bus stop to get into the site. Additionally, at no point of the day should vehicles obstruct the free flow of pedestrians and traffic. This needs to be demonstrated through a swept path analysis in the final DSP. This shall be required by condition.

- 6.8.5 A full Travel Plan for both uses will be required to be produced and implemented on occupation of the development. This will be secured through the s106 legal agreement inclusive of £4800 contribution towards the monitoring of the Travel Plan. In accordance with LP33 Policies LP1, LP41 and LP43 all developments are expected to integrate the proposed development into public realm and or provided contributions to urban realm improvements in the vicinity of the site including reinstatement of redundant crossovers and footway renewal. Given the nature of the proposed development, a demolition and construction plan is required by condition to mitigate negative impact on the surrounding highway network.

### **6.9 Sustainability**

- 6.9.1 The proposed energy strategy is required to follow the following hierarchy in accordance with Hackney and London Plan policies: *Be Lean*: Use less energy, by adopting sustainable design and construction measures; *be Clean*: Supply energy efficiently, in particular by prioritising decentralised energy generation; *Be Green*: Using renewable energy.
- 6.9.2 The co-living areas are required to be zero carbon, with a minimum of 35% beyond part L. Any shortfall to the 100% regulated carbon emissions shall have a payment to the Carbon Offset Fund. The building has a centralised heat pump system that supplies both the commercial and the co-living areas, which contributes towards 'be lean' measures. In addition the installation of PVs on the roof are expected to generate 42,320 kWh of electricity per year, in accordance with 'be green' measures. As such the proposals would broadly follow the energy hierarchy. However clarity is still sought on how the centralised building system is actually working, and how services are provided. As such a condition is proposed requiring submission of further details.

### **6.10 Legal Agreement and Community Infrastructure Levy**

- 6.10.1 Details of likely Legal Agreement requirements, contributions and clauses have been prepared in line with the Council's SPD on Planning Contributions (November 2016), and the relevant regulations (Community Infrastructure Levy Regulations 2010) and the resulting level of contributions and Heads of Terms for the Legal Agreement are detailed at Recommendation B below.
- 6.10.2 In addition, the Legal Agreement should include measures regarding apprentices and local labour during construction and the operational phase as well as a commitment to carry out all works in keeping with the National Considerate Contractor Scheme as per the requirements of the Planning Contributions SPD for a development of this size and nature.

6.10.3 The Mayor of London has introduced a Community Infrastructure Levy to assist in the funding of Crossrail. Mayoral CIL is charged at a rate of £60 per sqm of development, minus any existing floorspace which has been occupied for its lawful use for at least 6 of the last 36 months and floorspace which is proposed to be provided as affordable housing. The development is CIL liable with a Mayoral CIL charge of £483,300.

6.10.4 Since the 1<sup>st</sup> April 2015 LB of Hackney has implemented its own CIL Charging Schedule which is relevant to the development. Hackney's CIL Charging Schedule requires a Local CIL charge of £190 per sqm for residential development in this location. Business uses are rated at £0 per sqm. The Local CIL charge is therefore £735,096.70.

## **CONCLUSION**

7.1 The proposed development would maximise provision of employment floorspace at this site and provide residential accommodation which meets an identified need and would help to address housing requirements in the borough. The design of the proposals would respond well to its context within a conservation area. Other potential impacts in terms of residential amenity, ecology / biodiversity, noise / air pollution and transport can be managed effectively. As such the grant of planning permission, subject to completion of a Legal Agreement is recommended.

## **7. RECOMMENDATION**

### **Recommendation A**

8.1. That Full Planning Permission for application 2019/2175 be approved subject to the following conditions:

#### **8.1.1 Commencement within three years**

The development hereby permitted must be begun not later than three years after the date of this permission.

REASON: In order to comply with the provisions of Section 91(1) of the Town and Country Planning Act 1990 as amended.

#### **8.1.2 Development in accordance with plans**

The development hereby permitted shall only be carried out and completed strictly in accordance with the submitted plans hereby approved: 853-P-0200-GA-F; 853-P-0201-GA-G; 853-P-0202-GA-G; 853-P-0203-GA-F; 853-P-0204-GA-F; 853-P-0205-GA-F; 853-P-0206-GA-F; 853-P-0207-GA-F; 853-P-0210-GA-E; 853-P-0210.5-GA-E; 853-P-0300-GA-G; 853-P-0301-GA-G; 853-P-0302-GA-F; 853-P-0303-GA-F; 853-0400-GA-C; 853-0401-GA-C; 853-0402-GA-C; 853-0403-GA-C and any subsequent approval of details.

REASON: To ensure that the development hereby permitted is carried out in full accordance with the plans hereby approved.

**8.1.3 Development in accordance with energy strategy**

The measures identified in the submitted Energy and sustainability strategy shall be incorporated prior to occupation of the development.

REASON: In order for the development to demonstrate an adequate response to climate change and climate change adaptation.

**8.1.4 Development in accordance with Air Quality Assessment**

The measures identified in the submitted Air Quality Assessment shall be incorporated prior to occupation of the development.

REASON: In order for the development to mitigate impacts from poor air quality upon future occupiers.

**8.1.5 Demolition Management Plan**

No development shall take place until a detailed Demolition Management Plan covering the matters set out below has been submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the details and measures approved as part of the demolition management plan, which shall be maintained throughout the entire demolition period. a) A demolition method statement covering all phases of the development to include details of noise control measures and measures to preserve air quality (including a risk assessment of the demolition phase); b) A demolition waste management plan setting out how resources will be managed and waste controlled at all stages during the demolition phase, including, but not limited to, details of dust mitigation measures during site clearance and demolition works, the location of any mobile plant machinery, details of measures to be employed to mitigate against noise and vibration arising out of the demolition process demonstrating best practical means c) Details of the location where deliveries/collections will be undertaken; the size and number of lorries expected to access the site daily; the access arrangements (including turning provision if applicable); construction traffic routing; details of parking suspensions (if required) and the duration of demolition d) Compliance with NRMM regulations.

REASON: To avoid hazard and obstruction being caused to users of the public highway and in the interest of public safety and amenity, and to protect air quality and public health.

**8.1.6 Construction Management Plan**

No development (with the exception of demolition and site clearance) shall take place until a detailed Construction Management Plan covering the matters set out



below has been submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the details and measures approved as part of the construction management plan, which shall be maintained throughout the entire construction period. a) A construction method statement covering all phases of the development to include details of noise control measures and measures to preserve air quality (including a risk assessment of the construction phase); b) A construction waste management plan setting out how resources will be managed and waste controlled at all stages during a construction project, including, but not limited to, details of dust mitigation measures during construction works, the location of any mobile plant machinery, details of measures to be employed to mitigate against noise and vibration arising out of the construction process demonstrating best practical means c) Details of the location where deliveries will be undertaken; the size and number of lorries expected to access the site daily; the access arrangements (including turning provision if applicable); construction traffic routing; details of parking suspensions (if required) and the duration of construction d) Compliance with NRMM regulations

REASON: To avoid hazard and obstruction being caused to users of the public highway and in the interest of public safety and amenity, and to protect air quality and public health.

#### **8.1.7 Sustainable Urban Drainage**

Prior to the commencement of development (with the exception of site clearance, demolition and investigation works) a sustainable drainage strategy, including design calculations and construction details for any proposed (sustainable) drainage systems including biodiverse roofs (with substrate depth of at least 80mm not including the vegetative mats), porous surfacing, rain gardens, underground attenuation system, swales, podium green space and the flow control systems shall be submitted and approved by the LPA for each phase in consultation with the SuDS officer. No discharge of surface water from the site shall be allowed until the drainage works referred to in the approved details have been completed.

REASON: To ensure that the proposals do not increase flood risk in the surrounding area. The condition is required to be discharged pre-commencement as the strategy may require rainwater attenuation measures which need to be incorporated into the design of the proposals at the outset.

#### **8.1.8 Assessment of Land Contamination**

Prior to the commencement of the development (other than demolition and site clearance), an assessment of the nature and extent of contamination shall be submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:  
human health,  
property (existing or proposed) including buildings, and service lines and pipes,  
adjoining land,  
groundwater and surface waters,  
ecological systems,  
archaeological sites and ancient monuments.

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

#### **8.1.9 Contaminated Land remediation scheme**

Prior to the commencement of the development (other than demolition and site clearance), a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

#### **8.1.10 Contaminated land Validation report**

The remediation scheme for the development shall be implemented in accordance with the approved timetable of works. Within 3 months of the completion of measures identified in the approved remediation scheme, a validation report (that demonstrates the effectiveness of the remediation carried out) must be submitted to the Local Planning Authority.

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

#### **8.1.11 Details of Hard and Soft Landscaping**

A hard and soft landscaping scheme illustrated on detailed drawings, shall be submitted to and approved by the Local Planning Authority, in writing, prior to occupation of the development. Details shall include:

- Details of bio-diverse green / brown roofs
- Details of boundary treatments

All landscaping in accordance with the scheme, when approved, shall be carried out within a period of twelve months from the occupation date or shall be carried out in the first planting (and seeding) season following completion of the development, and shall be maintained to the satisfaction of the Local Planning Authority for a period of five years, such maintenance to include the replacement of any plants that die, or are severely damaged, seriously diseased, or removed.

REASON: To accord with the requirements of Section 197(a) of the Town and Country Planning Act 1990 and to provide reasonable environmental standards in the interests of the appearance of the site and area. To ensure that the development will have a microclimate that is suitable for pedestrian use. To ensure that the development will not have an adverse privacy impact upon the amenity of nearby residential uses.

### **8.1.12 Biodiversity enhancements / mitigation**

Prior to occupation of the development, details of biodiversity enhancements to be incorporated within the buildings and areas surrounding the building within the application site if appropriate, to include measures such as bird / bat / bee boxes, heron platforms, wildlife planting, and physical measures to prevent lightspill onto the basin shall be submitted to the Local Planning Authority for approval. The approved measures shall be installed prior to first occupation of the development and retained and maintained thereafter.

REASON: To ensure that the development takes the opportunities available to provide enhanced habitat opportunities to support biodiversity across the site.

### **8.1.13 Detailed elevation drawings**

Prior to the commencement of above ground works for the development, detailed elevation and sections at 1:20 scale shall be submitted to and approved in writing by the Local Planning Authority. The submitted information shall include the following details set out below. The development shall not be carried out other than in accordance with the details as approved, unless otherwise agreed in writing with the Local Planning Authority.

- Window openings
- Balconies
- Balustrades
- Building entrances including service entrances
- Roof edge details
- details of signage
- Lift overrun/plant housing
- Residential entrances
- Bin store enclosure
- Coping
- Boundary colonnades

REASON: To ensure that the external appearance of the development is

satisfactory.

#### **8.1.14 Details of materials / Mock up panel**

Prior to the commencement of above ground works for the development full details and samples of all external materials including any window frames, doors, cladding panels, brick work, and/or balconies for each phase shall be assembled on site in the form of a mock up panel / bay detail or other form as agreed with officers for approval in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the details as approved, unless otherwise agreed in writing with the Local Planning Authority.

REASON: To ensure that the external appearance of the development is satisfactory.

#### **8.1.15 Waste Strategy**

Prior to first occupation of the development hereby approved, a refuse strategy shall be submitted to and approved in writing by the Local Planning Authority. Refuse collection shall only be carried out in accordance with the details thus approved, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure the development is satisfactorily served in terms of refuse collection and safeguard against the build-up of pollution.

#### **8.1.16 cycle parking**

Prior to first occupation of the development details of secure cycle parking for 165 cycles additional visitor cycle spaces shall be submitted to and approved in writing by the local planning authority. The approved cycle parking shall be installed in accordance with the approved details prior to first occupation and permanently maintained thereafter unless otherwise agreed in writing by the Council. Cycle parking provision should be designed to accord as far as is reasonably practical with London Plan and Hackney Cycle Parking SPG standards.

REASON: To ensure that a reasonable provision is made within the site for the parking of bicycles in the interest of relieving congestion in surrounding streets and improving highway conditions in general.

#### **8.1.17 Delivery Service Plan**

Prior to first occupation of the development a Delivery Service Plan (DSP) shall be submitted and approved by the Local Planning Authority and the measures outlined within the DSP shall be implemented prior to first occupation and retained and maintained thereafter.

REASON: To ensure that the development can be adequately serviced without detriment to the amenity and highway safety of the surrounding area.

**8.1.18 Secured by design**

Prior to carrying out above grade works for the development, details shall be submitted to and approved, in writing, by the Local Planning Authority to demonstrate that the building can achieve 'Secured by Design' Accreditation. The development shall only be carried out in accordance with the approved details.

REASON: In order to reduce opportunities for crime, and to safeguard the security of future occupiers and users of the development.

**8.1.19 Secure by design accreditation**

Within three months of the first occupation of the development, a 'Secured by Design' accreditation shall be obtained for the building and submitted to the Council for approval in writing.

REASON: In order to reduce opportunities for crime, and to safeguard the security of future occupiers and users of the development.

**8.1.20 Operational Management Plan for development**

Prior to the occupation of the development a management plan shall be submitted to the local planning authority to include: restrictions on rental for less than 3 months / main residence only / no full time students, measures to manage impacts on neighbouring occupiers, hours of operation of the uses and use of the external terraces, acoustic / visual screening to the roof level communal terrace, and management measures to prevent lightspill onto the Kingsland Basin. The development shall thereafter be operated in accordance with these approved details.

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

**8.1.21 Plant and machinery**

Prior to first occupation of the development, details of external plant and machinery (if proposed), including information to assess potential noise disturbance from such plant, shall be submitted for approval by the local planning authority. The approved plant, machinery and acoustic mitigation (if any is required) shall thereafter be installed, retained and maintained in accordance with the approved details. In any case noise from any plant or machinery associated with the approved development shall not exceed 5dB(A) below background levels when measured at any nearby noise sensitive premises.

REASON: To ensure that the development does not detract from the appearance or amenity of the surrounding area.

### 8.1.22 Prevention of intensification of the development at a later stage

Prior to first occupation of the development, the building shall be laid out in accordance with the approved plans (or any other such plans approved at a later date), to provide not less than 3748sqm GIA of lettable class B1A/C floorspace, not more than 121 co-living bedrooms (ranging in size from 19.5-32sqm), and not less than 740sqm of shared co-living communal amenity / mixed mode space. The development shall be retained and maintained in this condition thereafter.

REASON: To ensure adequate provision of employment floorspace, and an acceptable standard of amenity for future occupiers.

### 8.2. Recommendation B

8.2.1 That the above recommendation be subject to the applicant, the landowners and their mortgagees enter into a Legal Agreement in order to secure the following matters to the satisfaction of the Director of Legal Services:

#### Affordable Housing

- £500,000 in lieu off site affordable housing contribution

#### Highways and Transportation

- Car-Free Agreement – to restrict residents and business occupiers of the development from obtaining parking permits to park in the surrounding CPZ bays.
- Travel Plan (for business and residential elements), including financial contribution of £4,800 for monitoring.
- £8,749 towards Construction Logistics and Community Safety (CLOCS) and Construction Logistics Plan (CLP) monitoring
- S278 (with TfL) / Contribution towards public realm / footway reinstatement adjacent to the site.

#### Employment, Skills and Construction

- 10% of workspace to be affordable workspace at least 40% below locality market rent levels;
- Hackney Works financial contribution: Employment and training - construction phase: £43,853; operational phase: £146,862.
- Active programme for recruiting and retaining apprentices and as a minimum take on at least one apprentice per £2 million of construction contract value and provide the Council with written information documenting that programme within seven days of a written request from the Council;
- Commitment to the Council's local labour and construction initiatives, including submission and compliance with an employment and skills plan
- Quarterly Labour returns through 5 year period for operational phase
- A support fee of £1,500 per apprentice placement in order to cover; pre-employment, recruitment process, post-employment mentoring and support; and

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- If the length of the build/project does not allow for an apprenticeship placement, and it can be demonstrated that all reasonable endeavours have been undertaken to deliver the apprenticeship, a £7,000 fee per apprentice will be payable to allow for the creation of alternative training opportunities elsewhere in the borough.
- Considerate Constructors Scheme – the applicant to carry out all works in keeping with the National Considerate Constructors Scheme.

### Phasing

- Co-living residential units not to be occupied until the business floorspace is completed to Shell & Core Specification.

### Costs

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

## 8.3 Recommendation C

- 8.3.1 The Sub-Committee grants delegated authority to the Director of Public Realm and Head of Planning (or in their absence either the Growth Team Manager or DM & Enforcement Manager) to make any minor alterations, additions or deletions to the recommended conditions and or heads of terms as set out in this report provided this authority shall be exercised after consultation with the Chair (or in their absence the Vice-Chair) of the Sub-Committee (who may request that such alterations, additions or deletions be first approved by the Sub-Committee).

## 9 INFORMATIVES

A reason for approval is required quoting all the Core Strategy, and London Plan policies listed at sections 5 of this report. In addition the following informatives should be added:

SI.2 Work Affecting Public Highway  
SI.3 Sanitary, Ventilation and Drainage Arrangements  
SI.6 Control of Pollution (Clean Air, Noise, etc.)  
SI.25 Disabled Person's Provisions  
SI.27 Fire Precautions Act  
SI.28 Refuse Storage and Disposal Arrangements  
SI.34 Landscaping  
SI.45 The Construction (Design & Management) Regulations 1994  
SI.48 Soundproofing

NSI Prior consent for construction from the Local Authority.

NSI A Trade Effluent Consent will be required for any Effluent discharge other



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than a 'Domestic Discharge'. Any discharge without this consent is illegal and may result in prosecution. (Domestic usage for example includes - toilets, showers, washbasins, baths, private swimming pools and canteens). Typical Trade Effluent processes include: - Laundrette/Laundry, PCB manufacture, commercial swimming pools, photographic/printing, food preparation, abattoir, farm wastes, vehicle washing, metal plating/finishing, cattle market wash down, chemical manufacture, treated cooling water and

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

ALED RICHARDS – DIRECTOR – PUBLIC REALM, NEIGHBOURHOODS AND HOUSING

NO.	SUBMISSION DOCUMENTS, POLICY/GUIDANCE/ BACKGROUND PAPERS	NAME/DESIGNATION AND TELEPHONE EXTENSION OF ORIGINAL COPY	LOCATION CONTACT OFFICER
1.	<p>Application documents and LBH policies/guidance referred to in this report are available for inspection on the Council's website</p> <p>Policy/guidance from other authorities/bodies referred to in this report are available for inspection on the website of the relevant authorities/bodies</p> <p>Other background papers referred to in this report are available for inspection upon request to the officer named in this section.</p> <p>All documents that are material to</p>	2 Hillman Street London E8 1FB	Steve Fraser-Lim, 2 Hillman Street London E8 1FB Tel: 02083568393





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	<p>the preparation of this report are referenced in the report except: draft “Review of affordable housing viability” by BNP Paribas dated Sept 2019; and email correspondence between BNP Paribas, Council affordable housing viability advisor and case officer dated 6/12/19.</p>		
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