

LONDON BOROUGH OF HACKNEY

PLANNING SUB-COMMITTEE
29 July 2020

ADDENDUM SHEET

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

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

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

- Inappropriate to proceed with a dense development such as this, in the midst of the Covid-19 pandemic
Officer response: *“the impacts of the Covid-19 are likely to be limited to the short / medium term and are likely to be less than the lifetime of the development. Once planning permission is granted the permission can be implemented at any stage within 3 years of the date of the permission. In addition it is considered that the proposals could be a preferable environment for single people social distancing than many alternatives such as shared C3 housing. Such housing may lack the same level of shared internal space, access to external space, or possibilities for social contact in a socially distanced way”.*
- Other co-living developments are marketed for use as hotels or student accommodation
Officer response: *“It is noted that other co-living developments such as the Old Oak Common example (referenced in the committee report), and another co-living development by the Collective near Canary Wharf (36 Limeharbour, London) accommodate students, and short stay visitors. However it should be noted that the Old Oak Common planning permission permits use of 20% of bedspaces by students. In addition the planning permissions for 36 Limeharbour (London Borough of Tower Hamlets ref: PA/16/01024 and PA/18/1782) are for a hotel use (class C1), which includes a combination of short and long stay accommodation. As such these examples operate in a different manner to the application proposals. Proposed planning conditions will ensure that the application proposals would not be able to be occupied by full time students or as short stay accommodation”.*
- Communal roof terraces in nearby residential developments have recently been used for informal unauthorised parties causing noise disturbance to neighbouring properties.
Officer response: *“Concerns regarding this issue are noted. However the management arrangements for a co-living / co working building, with a number of communal managed spaces managed as a single unit, on a 24hr basis by a management team will be materially different to a block of self-contained residential units, with a communal roof terrace. The communal areas of 305A will be clearly under the control and responsibility of the on-site management team, rather than residents. The draft management plan sets out procedures for personal conduct by residents and how anti-social behaviour will be*

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

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

Noise Assessment review by ACA Acoustics:

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

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

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

Review of daylight sunlight report by Avison Young

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

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

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

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

4.8 local groups / Councillor comments:

Written submission from Cllr Burke:

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

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

Biodiversity

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

Density

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

Why Gamble with a valuable community amenity?

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

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

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

4.8 local groups / Councillor comments:

Written comment from Cllr James Peters:

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

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

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

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

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

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

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

6.1.13 Insert additional sentences:

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

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

6.1.18 amend paragraph as follows:

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

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

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

8.1.3 Replace proposed condition with the following conditions:

Amendments to the Energy assessment

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

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

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

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

Energy specification and layout

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

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

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

Air Permeability Testing

“Prior to occupation of the development hereby approved, a full air permeability test report confirming the development has achieved an average air permeability of 5 m³/h/m²@50pa shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed and occupied in accordance with these approved details.

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

PV system

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

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

BREEAM Assessment

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

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

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

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

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

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

8.1.23: Insert additional condition:

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

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

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

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

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

Paragraph 4.7

Amend to read:

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

Add to grounds of objection:

- Proposal would overwhelm existing buildings at the site (*Officer comment: Officers are of the view that the development is appropriate in its context and would not overwhelm existing buildings*)
- Proposal would give rise to overlooking of residential units (*Officer comment: This is addressed at paragraphs 6.5.6 and 6.5.7 of the report*)
- Proposal would cause loss of outlook by interrupting existing sight-lines and should be located at least 15m away from canal-facing units (*Officer comment: Officers consider the loss of outlook would be at a level that would not be so significant as to be harmful*)
- Proposal would disrupt a local community and result in displacement of occupiers (*Officer comment: It is noted that the construction phase could have an impact on existing occupiers, which is addressed in paragraph 6.5.5, none of the existing units is proposed to be demolished*)
- Proposal would harm local enterprises through the introduction of commercial floorspace (*Officer comment: The provision of office floorspace in this Priority Office Area is supported by local plan policies, as outlined in paragraphs 6.3.1 to 6.3.6 of the report*)
- Proposal would result in loss of community amenity space on the site of the development (*Officer comment: a landowner has the right to seek permission to develop land and this is an informal amenity space due to the under-use of the land, and an element of open land within the wider site would be retained*)
- Proposal would result in noise, vibration, smells and light pollution caused by the proposed commercial units (*Officer comment: The proposed use is one that is defined in the Town and Country Planning (Use Classes) Order 1987, as amended, as:

'being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit'*)

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

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

Paragraph 5.3.3

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

Paragraph 6.6.6

Amend to read:

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

Paragraph 8.1.28 - Delete condition

Add new condition at paragraph 8.1.28

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

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

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

Amend paragraph 6.4.3 to read

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

Amend paragraph 6.4.9 to read

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

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

Amend paragraph 6.4.14 to read

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

Amend paragraph 8.5 to read

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

Signed..... Date.....

**ALED RICHARDS
Director, Public Realm**