

# LONDON BOROUGH OF HACKNEY

PLANNING SUB-COMMITTEE  
09 September 2020

ADDENDUM SHEET

**ITEM 5: Land bounded by Seven Sisters Road to the North, Woodberry Grove to the West, and Devan Grove and Eastern Reservoir to the South, which includes buildings identified as The Happy Man Public House, 89 Woodberry Grove, 440 Seven Sisters Road, 1-25 Bayhurst House, 1-30 Chattenden House, 1-45 Farningham Road, 1-80 Ashdale House, 1-80 Burtonwood House, Woodberry Down, London, N4**

## **Additional representations received**

### Objections

131 additional representations have been received from 121 parties, including the Woodberry Down Labour Party. In addition, 24 handwritten letters were submitted by a single party, although they purported to be from 24 individuals. Not all of the names were legible, and some of the addresses were incorrect or incomplete. These 24 letters all solely relate to the loss of the Happy Man Tree.

Of the 131 other additional representations, the concerns of 93 individuals relate solely to the matter of the Happy Man Tree, its loss, the resultant impact on climate change, biodiversity, local microclimate and amenity, and the quality of replacement planting. These matters are, in general, discussed in the main report and appendix A. It is recognised that large trees have a beneficial effect on microclimate and climate change, however in this case, it is considered that the loss of this tree in these regards would be adequately mitigated by way of the proposed landscaping and CAVAT compensation.

The impact of the loss of the tree on mental health is also raised, as are the circumstances created by the Covid-19 pandemic. The applicant has submitted a Health Impact Assessment (HIA) in support of the application in accordance with policy LP9 (health and wellbeing). This recognises the beneficial effect of access to green space and tree planting has on mental health. The HIA has been assessed by the Council's Public Health Team and, whilst neither the HIA or the Public Health Team's assessment specifically refers to the loss of the Happy Man Tree, the development was considered in the context of the loss of existing open spaces and associated trees and found, in light of the replacement landscaping and public open space to be provided as part of the development, to be "positive" in terms of access to open space and nature.

In terms of the Covid-19 pandemic, in procedural terms legislation has been passed in respect of matters such as consultation and remote meetings which allows planning applications to continue to be determined. The Local Planning Authority has complied with those requirements. Comments relating to changed priorities and perspectives in light of life changes resulting from the pandemic are noted, however planning applications are

required by law to be determined in accordance with the Development Plan. The proposal under consideration is, for the reasons set out in the reports, considered to be compliant with the current Development Plan.

A number of these refer to an alternative proposal which has been worked up by third parties, understood to be architects working on behalf of “Friends of the Happy Man Tree”. This alternative scheme has not been submitted by the applicants and is therefore outside of the scope of consideration of the application, which should be determined on the basis of its own merits by members. The expected delays anticipated by the applicant in delivery of the development that would result from a change to the proposal are also challenged by objectors. Whilst comments on the statutory time limits for determination of planning applications are noted, the fact that the current application has been under consideration since July 2019 gives an indication of the realistic timescales for assessment of an alternative scheme. Furthermore, whilst not a planning consideration, colleagues in the Regeneration Team have confirmed that under the Principal Development Agreement agreed between the Council, Berkeley Homes and Notting Hill Genesis any changes to a submission would require extensive consultation with various partners and stakeholders including local residents which would also add to any delay.

A suggestion has been made that the tree should be retained and moved, however this would be unlikely to be successful and would be extremely difficult and expensive to undertake.

Some of the objections also draw attention to the nomination of the Happy Man Tree for the Woodland Trust Tree of the Year 2020, articles in the local and national press, a change.org petition against the loss of the tree (see below for more details), the “Save the Happy Man Tree” twitter account, various documents and youtube videos relating to trees and climate change, and works of art and literature by protestors that the tree has inspired over the last few months. Attention has also been drawn to the “Friends of the Happy Man Tree”, however no formal representation has been made on behalf of this group.

For the avoidance of doubt, the government guidance referred to in paragraph 6.6.3 of the main report is the Natural England and Forestry Commission standing advice, and regard was had to this in the assessment of the proposal.

Leaving aside the matter of the Happy Man Tree, the issues of the principle of the development (in respect of refurbishment rather than redevelopment and the loss of the Happy Man Public House and Redmond Community Centre), design, quality of accommodation, impact on residential amenity, quantum of affordable housing proposed, the CO<sup>2</sup> emissions of the development, the energy source of the proposed energy centre and community involvement in the application were also raised.

The principle of the development, design, quality of accommodation, impact on residential amenity and quantum of affordable housing proposed are discussed in the report to the April Planning Sub-Committee (Appendix A to the main report to Planning Sub-Committee) whilst the CO<sup>2</sup> emissions of the development are discussed in the main report to Planning Sub-Committee.

In respect of the decentralised energy network (DEN), the relevant LP33 policy (LP56 ) has no requirement for or restriction on the source of energy for such installations. Whilst it is noted that the use of gas, rather than renewable energy sources, is unfortunate given

Hackney's declared climate emergency, it is in line with the evolution of the facility over many years, and the incorporation of a DEN serving the entirety of the estate is of itself of significant overall benefit in addressing climate change, leaving aside the fueling of the installation. Furthermore, conditions 36, 37 and 40 seek to ensure that the functioning of the DEN is acceptable in terms of air quality and operation, and allow for alternative technologies and fuels to be used in its delivery in order to secure a lower carbon system.

Extensive community consultation was undertaken by the applicant and the Council's Regeneration Team prior to submission, and the application has been subject to public consultation during the planning application process in accordance with statutory and local publicity requirements.

Some objections refer to or reiterate comments made in respect of earlier consultations; the matters raised have previously been addressed in the report to the April Planning Sub-Committee (Appendix A to the main report to Planning Sub-Committee).

Other matters raised which fall outside of the scope of this application or are not planning matters include the management of the Woodberry Wetlands/New River Path, purchasing of market units by investors, the cost of heating and power for residents of the estate, the licence granted to fell the tree and the attempted judicial review against it.

### Supports

Seven additional supporting representations have been received.

### Consultation responses

The Hackney Society Planning Group and Stoke Newington Conservation Area Advisory Committee have made additional joint comments which reiterate their previous comments as follows:

*"The HSPG and Stoke Newington CAAC stand by their previous submissions submitted with regards to the overall estate layout plans, density, flat layouts, the elevational treatment of block B2 and landscaping.*

*As noted previously, we welcome the retention of more trees and see the elevational changes to B2 as helpful in avoiding some of the uniformity, there still remains some significant work to be done to get the most out of the site architecturally and from a landscaping and public realm perspective. Recent submissions reinforce that most of our concerns arise from an over-dense massing and a failure to address important issues early on in the design process*

*We object to the felling of the Happy Man Tree in the proposals. In the new Local Plan agreed July 2020 the Happy Man Tree has 'amenity value' as section LP51 clause 11.22 page 163. The Local Plan says: 'Trees and landscaping should be an integral part of the design process. All development proposals must retain and protect existing trees of amenity value, i.e. those that have interest biologically, aesthetically or culturally'*

*Either the importance of the Happy Man Tree was fully understood at the outset and was wilfully ignored for convenience or it was simply missed by the scheme's design team. Either way we must draw the same conclusion. It is now clear from the options discussed*

*in recent submissions that any inconvenience in terms of phasing, time to complete or additional works are entirely the fault of the applicant and can have no material weight in assessing the optimum outcome for the site.”*

Natural England have confirmed that they have no comment to make on the application.

Thames Water have confirmed comments made in relation to the previous consultation (set out in full in Appendix A to the main report to Planning Sub-Committee).

Woodberry Down Community Organisation (WDCO) have confirmed that they support the application.

### **Consultation procedure:**

Complaints have been received, some supported by screenshots, that the Council's comment submission facility on the planning website has not been working, however it has been tested by planning, tech support and IT officers on a number of occasions and found to be working. The Council's IT team have been made aware of the complaints, but have confirmed that the platform has been stable over the period in question. It is concluded that any issues appear to have resulted from operator error.

Furthermore, the large number of additional representations received, including some via the online comment submission facility, and the inclusion of an email address on the relevant webpage, which can and has been used as an alternative means of submission, indicate that no third party has been disadvantaged by this.

Similarly, complaints have been made that the application documentation has not been publicly available on the Council's website. This has also been checked on various occasions by planning, tech support and IT officers and found to be working, and many representations make reference to the additional documentation, which indicates that it has been accessible during the relevant period.

Complaints have also been received that the publicity expiry date was after the publication date of the main report to Planning Sub-Committee. This is unfortunate, and resulted from a major IT problem preventing the consultation from being actioned any earlier, but is not procedurally incorrect. All representations received up to and including that date have been recorded and are reported in this addendum, as have others received after that date up to close of play 08/09/2020. Again, it is not considered that any third party has been disadvantaged by this.

### **Petition:**

A petition supporting the retention of the tree and the redesign of the scheme has been presented to the Council (<https://www.change.org/p/hackney-council-save-our-happy-man-tree-hackney-ancient-plane-tree-to-be-cut-down-by-berkeley-homes>). At the time of writing, the petition has 25,424 signatories. This has not been formally submitted to the Planning Service in respect of the current application, however members should be aware of it.

The Council formally responded to the petition on 08/06/2020 (<https://www.change.org/p/hackney-council-save-our-happy-man-tree-hackney-ancient-plane-tree-to-be-cut-down-by-berkeley-homes/responses/42946>).

**Amended Documentation:**

Following discussions with the applicant, rain gardens along internal streets have been introduced to the proposed landscaping scheme. This has the effect of uplifting the urban greening factor (UGF) from 0.38 to 0.4, meaning that the proposal is fully compliant with policy LP48 (new open space).

The following drawing numbers are required to be substituted in the approved plans as a result.

- 1519/010 rev G BLOCK A PRIVATE PODIUM TERRACE GARDENS
- 1519/013 Rev E BLOCK B PRIVATE PODIUM TERRACE GARDENS
- 1519/010 rev J PLAY STRATEGY
- 1519/027 rev D URBAN GREENING FACTOR PLAN AND SCHEDULE
- 1519/029 rev J TREE PLANTING STRATEGY
- 1519/030 rev D LANDSCAPE MASTERPLAN WITH ENHANCEMENTS
- 1519/033 rev E TREE CANOPIES AT 10 YEARS
- 1519/034 rev E TREE CANOPIES AT 20 YEARS
- 1519/039 rev A STREET FURNITURE PLAN

These documents are available to view online.

The use of permeable surfacing within the public park will be secured by way of condition, which will serve to further uplift the UGF.

**Viability:**

A request has been made by the Chair of the Planning Sub-Committee for a summary of the viability figures, which are set out in the following table (based on the BNP Paribas review of the Financial Viability Assessment provided in support of the application with an assumed profit of 17.5%):

<b>Item</b>	<b>£s</b>
<b>Inputs</b>	
Revenues	290,188,553
Rentals	219,333
Other investment	3,736,854
Purchasers' costs	(254,106)
Overage (KSS3)	4,000,000
<b>NET DEVELOPMENT VALUE</b>	<b>297,671,301</b>

<b>Outputs</b>	
Acquisition costs	4,860,994
Construction costs	155,070,679
Other costs	120,500,167
Profit	17,239,461
<b>TOTAL COSTS</b>	<b>297,671,300</b>

Concern has been raised by a third party that the assessment of the financial viability does not take into account the independent review of the FVA by BNP Paribas, and in particular the apportioning of cost of the DEN. These figures are from the review of the FVA, and apportion the cost of the DEN over subsequent phases, not just phase 3.

**Seven Sisters Road negotiations:**

To clarify, the ongoing negotiations in respect of the Seven Sisters Road relate primarily to procedural matters such as the Terms of Reference for the Steering Group, and in no way seek to reduce the monies being secured or diminish the objective of narrowing the highway to reduce its impact as a barrier and making it a more pleasant environment for residents.

**Amendments to conditions:**

Demolition of buildings on the site has commenced under the scope of the reserved matters planning permission granted under 2015/2967. As such, in the event that planning permission is granted, it will effectively be implemented at that point. In order to prevent the applicant from not complying with the requirements of relevant conditions (i.e. those previously drafted to require the submission of details prior to commencement of demolition), it is proposed that the wording of conditions 3 (phasing of works), 4 (archaeology), 8 (demolition management and logistics plan), 10 (demolition environmental management plan) and 15 (foundations) be amended to require submission, approval and implementation within three months of the date of the decision.

**ITEM 6: Former Hackney Police Station, 2 Lower Clapton Road and 32 St John's Church Road and adjacent land within St John's Churchyard London E5 0PD**

**Additional representations received**

1 follow-up response has been received from an initial objector to the Travel Plan (TP) condition (2020/1730)

- The lack of clarity in the TP lends doubt to the veracity of the conclusions drawn within.
- There is no mention that the TP will be open to change due to the circumstances of the pandemic

- Clarity is required in relation to the management of bus stops.
- There was previously mention of pupils acting as marshalls but this is not in the TP. How is this being provided and how will pupil safety be ensured? OFFICER COMMENT: Consideration of the application to discharge the TP must be based on the measures set out within which are considered acceptable in this case.
- There should be a crossing attendant if the Toucan is not implemented from the outset.
- What is the review programme for the TP and how will it be publicised? OFFICER COMMENT: The TP outlines a number of monitoring reviews will be conducted on a termly and annual basis. There is no requirement to publicise these reviews and seeking such would be considered excessively onerous.
- Confirmation is sought as to when the school will open. OFFICER COMMENT: The school is understood to have a planned opening in October but this can be confirmed by the applicant.

The matters set out above are considered to be addressed in the officers report unless otherwise stated.

**Corrections**

The following drafting errors should be corrected:

- The applicant on the front page is Star Academies and not Helen Olive.
- 1.11 – some of the bus routes listed are no longer in operation. The correct list of bus routes is 30, 38, 55, 56, 106, 242, 253, 254, 276, 394, 425, 488 and W15.

**Signed**.....

**Date**.....

**ALED RICHARDS**  
**Director, Public Realm**