

LONDON BOROUGH OF HACKNEY

PLANNING SUB-COMMITTEE
02/02/2022

ADDENDUM SHEET

ITEM 5: Haggerston Baths, Whiston Road. Application numbers 2021/2491 and 2021/2495

16 further objections have been received, of which 8 were from objectors who had not before contacted us. The objections were on the following grounds:

- The height of the western extension will also harm neighbours' enjoyment of the listed building.
- Impact of deliveries on school children, particularly those of Bridge Academy across Laburnum Street and Haggerston Road.
- Rooms assessed as bedrooms in the daylight/sunlight report are now in use as offices by residents.
- Hackney Council has an interest in the decision and will be biased in its consideration of the application.
- The proposal will create a wind tunnel effect down Swimmers Lane.

As such, paragraph 6.11 (Consultee responses) should include the following additional information:

- The height of the western extension will also harm neighbours' enjoyment of the listed building.
Officer's Response: Loss of a view from a residential building is not grounds to refuse this application).
- Impact of deliveries on school children, particularly those of Bridge Academy across Laburnum Street and Haggerston Road.
Officer's Response: A delivery and servicing plan is required by condition, which will ensure that impacts are minimised in an acceptable way.
- Rooms assessed as bedrooms in the daylight/sunlight report are now in use as offices by residents
Officer's Response: The common use of residential spaces as de facto offices/workspaces during the day is understood, however offices are considered less important than residential spaces in terms of the amount of daylight and sunlight they receive, so this would not alter the findings of the report.
- Hackney Council has an interest in the decision and will be biased in its consideration of the application.
Officer's Response: The proposal is assessed against relevant planning policies, guidelines and material planning considerations. LB. Hackney and the members of the planning sub-committee are commonly called upon to make decisions on Council owned schemes,

of which this is not one in the usual sense, and do so in a manner befitting their professional responsibilities and the public interest.

- The proposal will create a wind tunnel effect down Swimmers Lane.
Officer's Response: A building of the height proposed does not require a wind report to be submitted and assessed. It is considered that the relationship between the proposed and existing buildings is relatively typical and would not have a significant impact in terms of wind.

Paragraph 6.2.13 should be amended to reflect a higher level of Discounted Workspace, changing from 233sqm to 531sqm, and greater clarity from the applicants in relation to the use of the employment floorspace:

6.2.13 The applicant has entered into discussions over scheme viability with the Borough and it is accepted that the costs of restoring the listed building are high. The proposal under the application lost to the cyber attack (2020/0357) is replicated in this application, being the provision of 10% discounted workspace (531sqm), which would be leased at 80% market rate and captured within the s106 legal agreement. This would have met the relevant Affordable Workspace policy target prior to the adoption of the recent Local Plan 2033 policies and it is also accepted that the site is located in an area that is not likely to see such high rental rates as in other areas of the Borough, such as Town Centres or the designated Priority Office Areas. 190sqm of Maker Spaces provided within the basement would also be provided at a discounted rate but this would be supplementary to the above offer and additional to it. A condition has been recommended requiring a detailed Discounted Workspace Statement prior to occupation, as is envisaged by the draft statement the applicants have provided.

Paragraphs 6.4.41 and 6.4.42 are erroneous, referring to a different scheme, and are therefore removed:

6.4.41 Landscaping

6.4.42 The general layout of the landscaping is considered acceptable, functioning as shared space for the commercial and residential elements of the scheme within a central courtyard. It would also provide planting and defensible space in front of the proposed residential windows. The details of the design, including the proposed lighting scheme, have not been submitted and so conditions have been recommended in this regard.

Paragraph 6.4.3 should be amended to refer to the following sections of legislation and paragraphs of the NPPF:

6.4.3 Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that the Local Planning Authority, when considering applications for works to a listed building requiring Listed Building Consent, to "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". Section 66 of the same Act requires that the Local Planning Authority, when considering applications for planning permission which "affects a listed building or its setting" to "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". Paragraph 199 of the National Planning Policy Framework (NPPF) states that "when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any

potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.’ NPPF Paragraph 202 states that, “where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal”.

Paragraph 6.4.46 should be amended to refer to the following sections of legislation and paragraphs of the NPPF:

6.4.46 Subject to the recommended details, it is considered that the proposal would achieve an acceptable standard of design that would enhance the townscape and the setting of neighbouring conservation areas and thereby achieve the design aspirations of local and regional policy. The Local Planning Authority considers that overall the proposed development and works cause less than substantial harm (in terms of the NPPF Para 202 test) to the significance of the listed building. This harm is considered to be outweighed by the public benefits of the scheme, discussed elsewhere in this report, including the reuse and restoration of the building. In reaching this conclusion the Local Planning Authority has had regard to its duties under Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Paragraph 6.6.17 is additional and erroneous and should be deleted:

6.6.17 The current cycle parking proposal provides 114 cycle parking spaces. These consist of 86 long-stay spaces and 28 short-stay spaces. The long-stay cycle parking includes: 8 x Sheffield stands (16 spaces) 1 x accessible stand (2 spaces) 22 x two-tier stands (44 spaces) and 24 x foldable bike lockers. For the visitor cycle parking, 14 x Sheffield stands are proposed to provide 28 spaces.

Paragraph 6.6.18 refers to 36 visitor cycle spaces on Swimmers Lane, rather than the 34 proposed and should be amended to read:

6.6.18 The cycle parking proposal provides 114 cycle parking spaces. These consist of 86 long-stay spaces and 28 short-stay spaces. The long-stay cycle parking includes: 8 x Sheffield stands (16 spaces) 1 x accessible stand (2 spaces) 22 x two-tier stands (44 spaces) and 24 x foldable bike lockers. For the visitor cycle parking, 17 x Sheffield stands are proposed to provide 34 spaces.

Following comments from independent advisors (RPS) in respect of the energy and sustainability of the scheme, the following additional condition is recommended:

8.2.23: Overheating

Prior to first occupation of the office floorspace (shown as WS on the plans) hereby approved, a Dynamic Overheating Analysis to assess the overheating risk shall be undertaken by a qualified assessor and submitted to and approved in writing by the Local Planning Authority. This assessment should include but not be limited to the following:

- 1) It will follow the CIBSE TM52 methodology for the London Design Summer Year 1 (DSY1) weather file: 2020s, High emission, 50% percentile scenario;
- 2) It will also investigate the risk of overheating using the DSY 2 & 3 weather files.

The measures thereby agreed shall be retained and the development maintained in that condition thereafter.

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

Following comments from independent advisors (RPS) in respect of the energy and sustainability of the scheme, condition 8.1.13 is amended to read:

8.1.13 Air Source Heat Pumps

Full details of location and design of the condenser units from the Air Source Heat Pumps (ASHP) (or any other related fixed plant adopted), shall be submitted to and approved by the Local Planning Authority, in writing, before any above ground development commences. The details submitted shall also include:

- 1) Design of a Heating Ventilation and Air Conditioning (HVAC) strategy to extend the ASHP systems to provide heating and cooling to all areas, or;
- 2) A clear demonstration of why such a design would not be feasible in this instance.

The ASHP thereby approved shall be installed prior to the occupation of the development.

REASON: In the interest of addressing climate change and reducing greenhouse gases.

Following review of further Fire Strategy information by the Borough's Building Control Officer, the following additional condition is recommended:

8.2.24 Fire Strategy

A full Fire Strategy shall be submitted prior to commencement of the development (excluding asbestos removal) demonstrating in detail how the measures in the Fire Statement Policy D12 dated 9th December 2021 by Squire and Partners will be implemented into the design of the building and to provide further details in respect of fire safety. The measures thereby approved shall be carried out in full and maintained throughout the lifespan of the development.

REASON: To ensure that the development incorporates the necessary fire safety measures in accordance with London Plan Policy D12.

Paragraph 8.13 is amended to read as follows:

8.1.3 Phasing: contract for the whole scheme

No works of alteration by way of substantial partial demolition shall begin before evidence, including proof of funds and evidence of the requests for tender for the full implementation of the comprehensive scheme of development (and the associated planning permission for which the contract(s) provides), have been submitted to, and approved in writing by, the local authority. Thereafter, additional evidence of appointing a contractor must be submitted until such time that binding contracts for works have been entered into and no occupation of the office units hereby approved shall be permitted until evidence of these binding contracts have been submitted to, and approved in writing by the Local Planning Authority.

REASON: To ensure that premature demolition does not take place and that an unsightly gap or derelict site does not detract from the character and appearance of the retained parts of the listed building and in accordance with Section 17 (3) (a) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and National Planning Policy Framework, July 2021, Paragraphs 189 to 208; The London Plan 2021 Policy HC1 Heritage conservation and growth; and Hackney Local Plan 2033, Policies LP1 Design Quality and Local Character, LP3 Designated Heritage Assets and LP4 Non Designated Heritage Assets.

Following further discussions with the Borough's Drainage Team, condition 8.1.20 is amended to read:

8.1.20 Urban Drainage, Maintenance and Ownership

Notwithstanding the details shown on the plans and documents hereby approved, prior to commencement of the development, the applicant shall submit full details of a sustainable drainage system supported by appropriate drawings, hydraulic modelling, calculations,

construction details and a maintenance and management plan for the drainage system, for approval by the Local Planning Authority in writing. The sustainable drainage system shall aim to achieve the greenfield runoff rates with the use of above ground green SuDS as prescribed in the London Plan for all return periods up to the 1 in 100 year storm events plus an allowance for climate change. The development shall not commence until written confirmation has been received from the LPA, confirming approval of the surface water drainage measures.

REASON: To ensure that the development will provide a sustainable drainage system.

Following clarification from the Environmental Protection Team, condition 8.1.39 is deleted, since it refers to measures that are already covered within the submitted draft Operational Management Plan in respect of the basement maker spaces and is considered unnecessary:

8.1.39 Hours of Use: Ancillary Use Spaces

The ancillary spaces will be subject to a booking system with each space supervised along with secure access. Access will be available on weekdays between 09:00 and 17:00 hours, Monday to Fridays only.

REASON: To ensure the use is operated in a satisfactory manner and does not unduly disturb adjoining occupiers or prejudice local amenity generally.

Signed.....

Date.....

**ALED RICHARDS
Director, Public Realm**