

LONDON BOROUGH OF HACKNEY

PLANNING SUB-COMMITTEE
10 March 2022

ADDENDUM SHEET

ITEM 5: 49-50 Eagle Wharf Road

Consultation Responses

Neighbour Objections

17 additional objections have been received at the time of writing the addendum. The matters raised are summarised below:

- The current proposal is worse than that previously presented to members in terms of public benefits
- The previous court cases were costly to the council
- The scheme does not comply with policy in terms of being employment led or the loss of the existing low cost space
- The loss of the cultural use should be resisted
- The existing buildings on site are of heritage value and should be retained.
- The proposal would have an adverse effect on neighbouring privacy
- New London Plan policies relating to the canal have not been taken into consideration.
- The proposal would adversely impact the amenity of the canal including microclimate. OFFICER COMMENT: A condition is recommended requiring the submission and approval of a wind study which would include means of mitigating any adverse impacts.
- The proposal does not make sufficient provision for wildlife.
- There is no longer the same demand for office space following Covid. OFFICER COMMENT: The long term impacts of the pandemic are as yet unknown and would not be reasonable grounds to refuse an employment-led scheme in a designated employment area.
- Concern regarding loss of restaurant.
- Concern regarding loss of community functions on site.

The matters raised above are considered to have been addressed in the main report unless otherwise stated above.

Representation from Holborn Studios

A further letter of objection has been received from Icenl, the planning consultants representing Holborn Studios. The matters raised can be summarised as follows:

- The proposal is worse than previous iterations and delivers no public benefits
- The proposals are not employment-led

- The replacement space is not of a suitable quality to replace the existing.
- The proposal does not comply with policy in terms of the proportion of employment floorspace and does not optimise business floorspace.
- The loss of the cultural use is contrary to policy.
- The proposed space is not suitable for a studio use as it is Use Class E(g)[i] and studios are in a different use class. OFFICER COMMENT: It is considered that a studio can occupy Use Class E(g)[i] space.
- There is no condition protecting the use of the space within Class E. OFFICER COMMENT: This is addressed in an amendment to para 5.3.7 below.
- The proposal would reduce the amount of affordable workspace and would not re-provide existing low cost floorspace.
- The proposed employment space is of a substandard quality, has limited natural light and low floor-to-ceiling heights.
- The basement level would not have adequate natural light. OFFICER COMMENT: This is addressed in an amendment to 5.3.5 below.
- The affordable housing offer is contrary to the council's key housing objectives.
- The application does not provide any justification for the environmental and embodied energy impact associated with the substantial demolition of the existing buildings, the embodied carbon within the existing building and its structure and the impact the demolition has on the overall ability of the scheme to comply with key policy standards in relation to reuse and carbon efficiency.
- The applicant's analysis shows that more than half the dwellings will overheat in short, intense warm spells (DSY2) and long, less intense warm spells (DSY3). Air conditioning is also required in the new non-domestic spaces. OFFICER COMMENT: The proposal is considered policy compliant in terms of overheating.
- The background papers listed in the officers' report have not been available on the council's website and have not been subject to public consultation. OFFICER COMMENT: It is officers' judgement that requirements in relation to the publication of application documents and the listing of background papers have been satisfied. A request was made by Icenl to view the listed background papers and this has been complied with.
- Members are requested to attend the site. OFFICER COMMENT: This request was forwarded to members for consideration.

The matters raised above are considered to have been addressed in the main report unless otherwise stated above.

External Consultees

Secure By Design (SBD) – Metropolitan Police

Response now received confirming the same position as summarised in the 2019 committee report with the same recommended condition.

GLA - Culture at Risk Team

Further response received which highlights the protection afforded to cultural uses in the London Plan and states that 'it is the view of the Culture & Community Spaces at Risk programme that the proposed development risks a loss of cultural infrastructure.'

OFFICER COMMENT: This is considered to have been addressed in the officers report.

The London Forum of Amenity and Civic Societies

Raise concern about the potential loss of the Holborn Studios and support the objections of The Hackney Society as expressed in the officer's report.

OFFICER COMMENT: This is considered to have been addressed in the officers report.

Corrections/Clarifications

1.4 The third bullet point incorrectly states the length of the current lease. The current lease is between 1 September 2021 and 31 August 2022.

1.5 This paragraph states that the other businesses in the building operate in similar fields to the studios. This is not correct in all cases. Other businesses operating from the site include a security and recruitment company.

3.12.5 The following sentence should be added to this paragraph: 'The matters raised above are otherwise considered to have been addressed in the report below.'

4.7 The following policies should be added at 4.7:

Local Plan Policy

- North London Waste Plan (2022)

Emerging Regional Guidance

- Draft Fire Safety LPG (Feb 2022)
- Draft Housing Design Standards LPG (Feb 2022)

5.3.5 This paragraph incorrectly states that residential space is provided at ground floor level. The final sentence of this paragraph should therefore be removed.

5.3.5 The following sentence should be added to this paragraph: 'Whilst it is noted that the supporting text of Local Plan policy LP27 seeks to avoid basement office space without access to natural light, in this case, the provision of employment space at basement level would be appropriate to the demands of studio occupiers where natural light is often not a requirement. The floor to ceiling heights of these spaces and the overall standard of provision are considered to be of an acceptable quality for this component of the scheme which comprises approximately 20% of the overall commercial provision. It is noted that a similar policy in relation to basement office space was in place when the scheme was last presented to members (DMLP policy DM15).'

5.3.7 The following sentence should be added to this paragraph: 'In order to ensure that the proposed E(g)[i] space will remain in this use class and not benefit from permitted development rights to other uses, a condition is recommended below restricting the use accordingly.'

5.3.14 The following footnote, which provides a supporting quote from the 2020 judgement, should be added to the sentence beginning ‘this is supported by the judgement on the 2020 judicial review...’

1. *‘...it is important to observe that nowhere in any of the policies relied upon by the claimant does the need to protect the specific and bespoke use operated by the claimant, and its particular requirements in relation to accommodation, arise. To that extent, therefore, in my view the officer’s observation in paragraph 5.3.41 was not misleading, nor did it omit or misinterpret the relevant policies which were rehearsed in the committee report. The officers were not suggesting that there was no policy relevant to the claimant’s use of the premises as an employment use, but that there was no policy specific to the claimant’s use specifically.’*

5.3.15 The following sentence should be added to this paragraph: ‘It is noted that when calculating the median figures based on the final proposed floorspace this produces a median number of 321 jobs. When the same calculation is applied to the existing floorspace yields 254 jobs.’

5.2.23 The table at this paragraph incorrectly includes two figures for ‘commercial letting agent fee’. This was a clerical error where the second figure was not correctly stated. The input was correctly identified in the summary report prepared by Savills. For clarity, the correct figures are as follows:

- Commercial Letting Agent Fee 10%
- Commercial Letting Legal Fee 5%

6.2.2 The following paragraph should be added: ‘It is noted that the North London Waste Plan has been adopted by Hackney Council since the Jan 2019 committee (although it has not been fully adopted by all constituent boroughs). The proposal is considered to broadly comply with the principles and aims of the policy in terms of waste hierarchy and circular economy, which will be addressed in further detail through the discharge of condition process.

8.2 The affordable workspace figure is incorrectly stated as 647sqm. This should be 643sqm.

Conditions

The following condition should be added:

9.1.51 Restriction on E(g)[i] use

The parts of the development hereby approved within part G[i] of Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended) shall only operate within that use class and shall not benefit from changes of use granted by the General Permitted Development Order (2015) (as amended)

REASON: To ensure that the development remains in office use as per the objectives of local plan policy in relation to development within Priority Office Areas.

Signed.....

Date.....

ALED RICHARDS
Director, Public Realm