

ADDRESS: 49 – 50 Eagle Wharf, London, N1 7ED	
APPLICATION NUMBER: 2017/3511	
WARD: Hoxton West Ward	REPORT AUTHOR: Barry Coughlan

<p>DRAWING NUMBERS:</p> <p>EAG-P103-S2-P0; EAG-P105-S2-P0; EAG-P106-S2-P0; EAG-P107-S2-P0; EAG-P100-S2-P0; EAG-P101-S2-P0; EAG-P102-S2-P0; EAG-P104-S2-P0; EAG-P108-S2-P0; EAG-P109-S2-P0</p> <p>EAG-P122-S2-P0; EAG-P118-S2-P0; EAG-P110-S2-P3; EAG-P111-S2-P10; EAG-P112-S2-P5; EAG-P113-S2-P4; EAG-P114-S2-P4; EAG-P115-S2-P4; EAG-P116-S2-P5; EAG-P117-S2-P1; EAG-P122-S2-P0; EAG-P220-S2-P4; EAG 4 -P221-S2-P4; EAG-P222-S2-P4; EAG 4 -P223-S2-P4; EAG 5 -P224-S2-P6; AG-P225-S2-P2; EAG-P226-S2-P5; EAG-P600-S2-P0</p> <p>DOCUMENTS:</p> <p>Design and Access Statement; Air Quality Assessment, Air Quality Neutral Assessment; Archaeological Assessment; Daylight and Sunlight Assessment; Desk Study Report May 2021; Drainage Report; Preliminary Ecological Appraisal; Landscape and Ecological Management Plan; Health Impact Checklist; Employment Floorspace Viability Report; Energy Statement Jan 2022; Heritage Statement; Noise Impact Assessment; Statement of Community Involvement; Sustainability Statement Jan 2021; Transport Assessment; Framework Travel Plan; Ventilation Statement; Child Friendly Impact Assessment (Oct 2021); GN40-Guidance-note-01_04_2021; Fire Statement March 2021; Viability Assessment (Savills) dated Nov 2020; EWR Letter RICS Guidance (Viability Letter from</p>	<p>VALID DATE: 10/10/2017</p>
---	---

Savills Sept 2021); Urban Greening Factor Calculation Feb 2022; SAP Calculations; EWR Viability Note (Savills) Feb 2022; Area Schedule dated 03/02/2022	
APPLICANT: GHL (Eagle Wharf Road) Ltd. % Agent	AGENT: Montagu Evans 5 Bolton Street London W1J 8BA
PROPOSAL: Partial demolition of existing buildings, retention of 3 storey building and former industrial chimney and redevelopment of the site to provide a mixed use scheme comprising blocks of 2 to 7 storeys and accommodating 5,591 sqm of commercial floorspace (Use Class Eg[i]) at basement, ground, first, second, third, fourth and fifth floor level, 50 residential units at part first, part second, third, fourth, fifth and sixth floor levels (comprising 23 x 1 bed, 17 x 2 bed, 8 x 3 bed, 2 x 4 bed) as well as 127 sqm café floorspace (Use Class E[b]) at ground floor level, landscaped communal gardens, pedestrian link route to the Regents Canal and other associated works.	
POST SUBMISSION REVISIONS: n/a	

RECOMMENDATION SUMMARY: Approve reasons for refusal

REASON FOR REFERRAL TO PLANNING SUB-COMMITTEE:	
Major application	Yes
Substantial level of objections received	
Council's own application	
Other (in accordance with the Planning Sub-Committee Terms of Reference)	Yes

ANALYSIS INFORMATION

ZONING DESIGNATION: (Yes) (No)

CPZ	X (Zone F)	
Conservation Area	X (Regents Canal)	
Listed Building (Statutory)		X
Listed Building (Local)	X	
POA	X (Wenlock)	

LAND USE DETAILS:	Use Class	Use Description	Floorspace (GIA)
Existing	E(g)[i]	Office	4,784
	E(b)	Food and drink	251
Proposed	E(g)[i]	Business	5,591
	A3	Food and Drink	127
	C3	Residential units	4,623

RESIDENTIAL USE DETAILS:	Residential Type	No of Bedrooms per Unit				
		1	2	3	4	5+
Existing	0	0	0	0	0	0
Proposed	Flats	23	17	8	2	0
	Dwellings	0	0	0	0	0
	Studio	0	0	0	0	0
Totals	(Total = 50)	23	17	8	2	

Overall Residential Unit Totals:	Market	Intermediate	Social	Total
Existing	0	0	0	0
Proposed	50	0	0	50

PARKING DETAILS:	Parking Spaces (General)	Parking Spaces (Disabled)	Bicycle storage
Existing	10 (informal)	0	20 (informal)
Proposed	0	3	228

CASE OFFICERS REPORT

- 1.1 Following the decision of members to refuse the application for planning permission, the below sets out the recommended reasons for refusal:
 - 1.1.1 Loss of existing cultural use

The proposed development would result in the loss of the existing photographic studio use, which is considered to be a cultural facility in use by creative industries, contrary to the objectives of policy HC5 (Supporting London's culture and creative industries) of the London Plan 2021, and policy LP10 (Arts, Culture and Entertainment Facilities) of the Hackney Local Plan 2020. The loss of the existing facility is not outweighed by the potential benefits of the proposed development which is not considered to deliver any significant wider planning benefits for the community.

1.1.2 Quality of proposed residential accommodation

The quality of the proposed residential accommodation is considered to be unsatisfactory, as evidenced by such features as an unacceptably high proportion of single aspect flats, and a shortfall in the provision of family housing, communal open space and children's play space. This is considered to be contrary to the objectives of policy D6 (Housing quality and standards) of the London Plan 2021, and policies LP14 (Dwelling Size Mix) and LP17 (Housing Design) of the Hackney Local Plan 2020, and contrary to the guidance in Hackney's Child-Friendly Places Supplementary Planning Document 2021

1.1.3 Loss of Heritage Asset

The proposal would result in the excessive loss of elements of the historic buildings on the site, which are locally listed and therefore constitute a NonDesignated Heritage Asset within the Regents Canal Conservation Area, a designated heritage asset This proposed loss of significance to the Non-Designated Heritage Assets is not considered to be outweighed by the the wider planning benefits of the scheme and is therefore contrary to the objectives of Policy HC1 (Heritage conservation and growth) of the London Plan 2021, and Policy LP4 (Non Designated Heritage Assets) of the Hackney Local Plan 2020. This proposed loss of significance to the Designated Heritage Asset is considered to be less than substantial harm in terms of the NPPF Para 202 test and is not considered to be outweighed by the public benefits of the proposals which are therefore contrary to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to the objectives of Policy HC1 (Heritage conservation and growth) of the London Plan 2021, and Policy LP3 (Designated Heritage Assets) of the Hackney Local Plan 2020.

1.1.4 Land use concerns

The proposal fails to meet the target of 60% employment floorspace in the Wenlock Priority Office Area contrary to the objectives of policy LP27 (Protecting and Promoting Office Floorspace in the Borough). At the same time the proposed

development would deliver affordable workspace in excess of the 10% required by policy LP29 (Affordable Workspace and Low Cost Employment Floorspace) of the Hackney Local Plan 2020, whilst also failing to make any significant affordable housing contribution as sought by policy LP13 (Affordable Housing) of the Hackney Local Plan 2020. As such, the proposed development is considered to provide an unsatisfactory balance of land uses that is not outweighed by the potential benefits of the scheme.

Informatives

- 1.2 The following should be attached as an informative to ensure that these issues are considered by an Inspector in the event of an appeal being lodged:

In addition to the above reasons for refusal, the proposed development has the potential to result in harm to interests of acknowledged importance but that harm could be mitigated by the use of planning conditions or planning obligations. Potentially harmful matters that could be mitigated by the use of suitably worded planning conditions:

1. Quality of external facing materials;
2. Design quality of facades, windows, doors, ground floor entrances, balconies and balustrades, and signage;
3. Quality of brickwork colour, texture, facebond and pointing;
4. Harm to any existing bird and bat habitats;
5. Loss of any existing archaeological remains;
6. Loss of historic fabric without recording in accordance with NPPF guidance;
7. Provision of visual privacy screens on some balconies and obscured glazing to some windows to prevent a significant loss of visual privacy from overlooking;
8. An undue loss of amenity and disruption from construction works that could be prevented by a suitable Demolition & Construction Management Plan and Construction Logistics Plan;
9. Drainage Strategy and details of a Sustainable Urban Drainage System to prevent local flooding with review completed prior to occupation;
10. Design and construction methodology to prevent ground and below ground structures having a prejudicial impact on Crossrail 2;
11. Piling Method Statement to prevent damage to underground water utilities;
12. Quality of landscaping scheme;
13. Flood resilient construction methodology to prevent local flooding during construction;
14. Potential harm to health arising from any land contamination that may be present;
15. Use of Secured by Design methods to protect community safety;

16. Ensuring biodiversity enhancements by securing design details of biodiverse roofs;
17. Protection of local climate by requiring wind micro-climate assessment with suitable mitigation measures;
18. Enhancing the public realm by the provision of suitable public art;
19. Protection of community safety by the provision of suitable CCTV facilities;
20. Details of play space facility to ensure the safety for users;
21. Mitigation of potential harmful impact of the single aspect of unit B16 by the provision of a suitable rooflight above the shared kitchen/living/dining area;
22. Promotion of sustainable transport forms by the provision of 102 residential cycle parking spaces and 126 employment cycle parking spaces of a suitable design;
23. Provision of 3 blue badge parking spaces with electric vehicle charging points on site to ensure adequate accessibility;
24. Securing a suitable refuse and recycling strategy to prevent pollution and harmful impacts on public hygiene;
25. Delivery & Servicing Management Plan to prevent harmful transport and amenity impacts;
26. Protection of local air quality through an Air Quality Management Plan;
27. Prevention of noise pollution by limiting noise levels from any plant and machinery;
28. Protection of public safety and local amenity through a Site Management Plan to control restaurant opening hours, control external illumination, cleaning and maintenance regime for publicly accessible areas, and any other similar measures;
29. To ensure adequate sustainability measures requiring proof of meeting BREEAM excellent rating;
30. Ensuring delivery of energy sustainability measures by requiring air permeability testing, confirmation of PV and ASHP installation;
31. Details of restaurant ventilation and extract details to ensure protection of amenity;
32. Provision of adequate noise insulation and requiring internal noise level testing of flats to ensure adequate amenity;
33. Provision of adequate energy monitoring information to ensure compliance with the GLA 'be seen' criteria;
34. Provision of flats B03, B07, B14, B18 and B20 as wheelchair units to ensure adequate accessibility;
35. Restriction of use of employment space to prevent permitted changes of use to non-employment uses.

- 1.3 Potentially harmful matters that could be mitigated by the use of suitably worded planning obligations:

1. Travel Plan with monitoring fee to ensure proportion of sustainable means of transport;
2. Car-free housing and employment space to prevent parking congestion;
3. Car club membership for future residents to discourage private car ownership;
4. Construction plan and Delivery & Servicing plan monitoring fees to ensure compliance;
5. Provision of public access to courtyard in perpetuity;
6. Contribution of £109,028 to necessary highway works in vicinity of the site to facilitate safe and adequate pedestrian access;
7. Contribution of £25,000 to Canals & Rivers Trust to mitigate impacts on the adjoining canal;
8. Schedule of repair and maintenance of chimney to ensure protection of the heritage asset;
9. Affordable housing contribution of £157,823 with early and late stage review mechanisms for the FVA with specific reference to tenant compensation costs and ground rents;
10. Carbon off-setting contribution of £132,915 to mitigate shortfall in sustainability targets;
11. Employment and skills plan, Employment and Training contribution of £214,452, use of apprenticeships and local labour;
12. Membership of Considerate Constructors scheme;
13. Provision of 643m² affordable workspace at no more than 60% of local market rates in perpetuity to be operated in accordance with an affordable workspace statement;
14. Payment of legal and monitoring fees of £14,940.

2. RECOMMENDATION

RECOMMENDATION A:

That the above reasons for refusal and suggested informatives be approved by members for inclusion on the decision notice.