



Application for Planning Permission[click here for case file](#)

Reference	PA/20/00034
Site	114-150 Hackney Road
Ward	Weavers
Proposal	Mixed use redevelopment of site including part demolition, part retention, part extension of existing buildings alongside erection of complete new buildings ranging in height from four to eight storeys above a shared basement, to contain a maximum 9 residential units (Class C3) up to 10,739 m ² (GIA) hotel floorspace (Class C1) up to 3,529 m ² (GIA) employment floorspace (Class B1), up to 358 m ² (GIA) flexible office and retail floorspace at ground level (Class A1, A2, A3 and B1) and provision of Public House (Class A4) along with associated landscaping and public realm improvements, cycle parking provision, plant and storage.
Summary Recommendation	Grant planning permission with conditions and planning obligations
Applicant	Tower Hackney Developments Limited
Architect/agent	Buckley Yeoman Architects/ Montagu Evans
Case Officer	Daria Halip
Key dates	- Application registered as valid on 06/01/2020 - Public consultation finished on 07/05/2020

1. BACKGROUND

- 1.1 This application for planning permission was considered by the Development Committee on 14th January 2021. A copy of the original report is provided as Appendix A to this document.
- 1.2 The application was deferred by Members for a committee site visit to better understand the site and its context, the impact on residents and the consultation.
- 1.3 The committee also sought information on the following items:
- a. The condition limiting the late night opening hours of the Public House to 12 months
 - b. The rent levels for the Public House with a view to providing longer term affordable rents
 - c. Review the radius for the provision of the meanwhile off site temporary venue for the Public House
 - d. Daylight/ Sunlight Impacts on Vaughan Estate, particularly with regard to the existing architectural constraints
 - e. Conditions regarding the use of the roof top area
 - f. Management of the footfall from the scheme including details of the joint management for the operation of A4 and the hotel bar

2. CONSIDERATION OF THE COMMITTEE'S REASONS FOR DEFERAL

- 2.1 The following section of the report addresses each of the issues raised by committee members in more detail.

Site visit

- 2.1 A site visit is scheduled to take place in the week commencing 1st February 2021

Consultation

Consultation undertaken by the Council

- 2.2 Statutory consultation on planning applications in the Borough is taken in line with the Town and Country Planning (Development Management Procedure)(England) Order 2015 (as amended) and the Council's Statement of Community Involvement (SCI) document. For major developments, such as 114-150 Hackney Road, the following method of consultation is required as a minimum:
- publish the application on the council's website
 - erect a site notice
 - issue a press notice in the local press
 - issue neighbours' consultation letter to occupiers of land or properties which are adjacent to and/ or have a common boundary with the application site and addresses that are within 10 meters of the boundary of the application site and properties directly facing the application site across a road or street.
- 2.3 The Council undertook statutory public consultation on the application going beyond the minimum consultation requirements in the SCI, including consulting neighbour's set approximately 50 meters from the boundary of the application site. A total of 367 consultation letters were issued to neighbours. 43 representations were received, of which one in favour and 42 against the proposal. Of these 43 representations, two were received post the first publication of the committee report but reported in the updated version.
- 2.4 A site notice was displayed outside the application site and a press notice was also issued in the local press on 16th April 2020.

- 2.5 One of the representations made on the evening of the committee raised the issue of residents within George Loveless House not being consulted. 109 letters of representation were issued to George Loveless House, to all registered addresses within the building.

Consultation undertaken by the applicant

- 2.5 Prior to the submission of the application, the applicant appointed Cascade Communications Ltd to undertake a non-statutory consultation with stakeholders and the local community on the proposal. The applicant's consultation included:

Engagement	Date
Letter to political and community stakeholders	28/06/2019
Exhibition invitation newsletter	28/06/2019
Exhibition invitation letter	28/06/2019
Public exhibition	18/07/2019
Exhibition follow-up email to attendees	24/07/2019
Meeting with Friends of the Joiners Arms	03/09/2019
Meeting with Ms Amy Lamé, Night Czar	09/09/2019

- 2.6 Over 1800 newsletters were distributed locally to households, business and other interested groups. The letters were distributed by London Letterbox, an established leaflet distribution company to ensure receipt. The public exhibition was attended by a total number of 13 residents including a representative of the Columbia Tenants and Residents Association and local councillor with 1 written feedback received. It is understood the developer offered to attend a separate meeting with Columbia Tenants and Residents Association, but this offer was not taken up by the residents' association.
- 2.7 As detailed in the table above, a meeting was held on 3rd of September 2019 with the representatives of the FoJA and representative from Columbia Tenants and Residents Association were also in attendance at a meeting with officers of the Council with GLA (including the Night-time Czar) and the developer and FoJA.
- 2.8 After the submission of the planning application, the applicant engaged in a number of meetings with the Friends of the Joiners Arms and Greater London Authority, with Council's officers also in attendance, in relation to a number of matters including the arrangements for a meanwhile use space for an LGBT+ operator, providing greater clarity on the involvement of the local Borough LGBT+ community in the selection of the operator for the Public House on site.
- 2.9 The key issues raised in all the letters of representation received are extensively reported in the main officer's report and will not be repeated herewith
- 2.10 In line with the above, the applicant has undertaken the non-statutory public consultation on this application, exceeding the minimum requirements in the Council's SCI document for major developments such as 114-150 Hackney Road.

Daylight/ sunlight impacts, Vaughan Estate

- 2.11 Members requested further clarification on the impact of the proposal on the daylight/ sunlight conditions of residents at Vaughan Estate.
- 2.12 These properties are two storey dwelling houses with mansard extension located in block form to the east of the application site. Their front elevation opens onto Vaughan Estate to the east, with the rear elevation backing onto Pelter Street to the west. These properties record the

most consistent and largest daylight impacts to any existing occupied neighbouring properties to the planning application.

2.13 The large proportion of failures in terms of daylight/ sunlight conditions at these properties are primarily due to the existing site constraints and architectural features which acts as a barrier to good daylight penetration such as the raised stairwells, overhanging platform, etc.

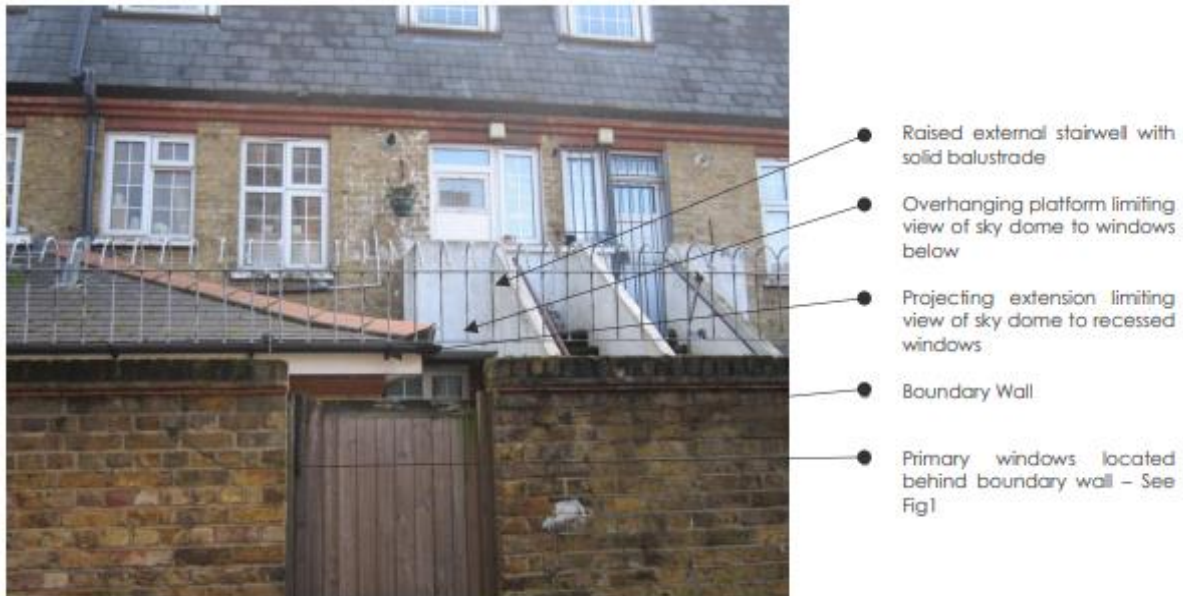


Figure 11: Existing site constrains, 1-14 Vaughan Estate

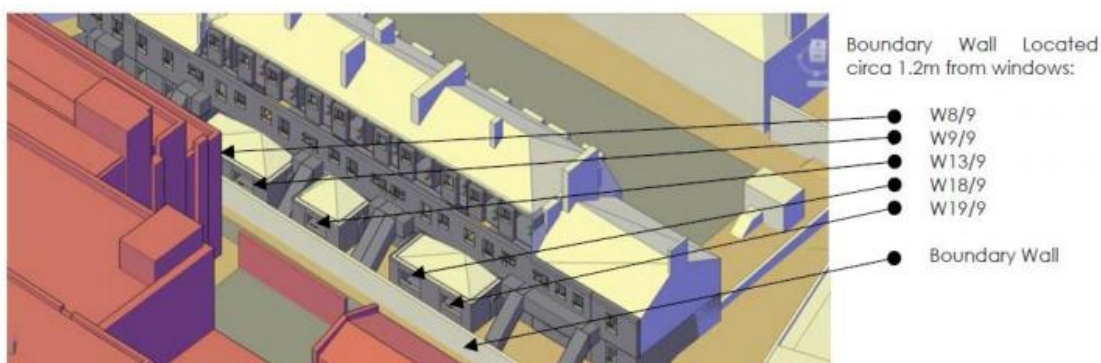


Figure 10: Modelled existing condition of 1- 14 Vaughan Estate

2.14 Also to note that the internal layout of these properties features the kitchen, bedroom and non-habitable circulation/ bathroom spaces located to the rear, whilst the primary habitable space (living rooms) are east facing, looking away from the development and remain entirely unaffected by the proposal. It appears that the internal layout was intentionally designed, with the front room and the master bedroom positioned south east facing and thus achieving the most daylight potential, whilst the kitchen, secondary bedrooms and non-habitable space located to the rear of the properties with a north-west aspect.

2.15 The table below reports the failures under extant vs current development:

Failure/ pass under the current planning permission	Failure/ pass under the extant planning permission
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VSC 21 windows minor adverse impacted 27 windows moderate adverse impacted 7 windows major adverse impacted	VSC 26 windows minor adverse impacted 20 windows moderate adverse impacted 7 windows major adverse impacted
NSL 1 room minor adverse impacted 7 moderate adverse impacted 25 major adverse impacted	NSL 2 rooms minor adverse impacted 6 moderate adverse impacted 26 major adverse impacted

- 2.16 The comparison table reveals some gains and some failures to these properties. In terms of VSC, those categorised as minor adverse impacts decrease whereas moderate adverse impacts in VSC increase (from approximately 1% to 8%). 5 additional windows identified as minor adverse impacted under the extant planning permission are now identified as moderate adverse impacted. These windows are serving five bedrooms at second floor level. The reduction in VSC component is minor, no more than approximately 3%, but sufficient to position these windows within the moderate adverse impacted category (more than 30% reduction in VSC component).
- 2.18 At ground floor level, it should be noted that none of the windows achieve 27% VSC in the existing scenario. Losses therefore appear to be in the higher category of major adverse which is not a true reflection of actual losses. In terms of those specific windows affected, these are either kitchen windows (or unknown' non habitable windows). All 7 major impacts are at this floor level and are as a direct result of the existing design outlined in paragraph 2.13 above. The impacts to the remaining windows are between negligible to moderate adverse loss.
- 2.19 At first floor level, these are mostly kitchens and bedrooms with 50% approximately of windows achieve above 27% VSC in existing scenario. Those windows which are moderately adversely affected all serve kitchens.
- 2.20 Finally, at 2nd floor, all windows achieve 27% in the existing scenario. Losses are mainly minor with some moderately adversely affected windows. Those windows facing the greatest impact (moderate) mainly serve bedrooms. It is worth noting that there is improvement in NSL levels at this floor level, which is in part due to the rationalisation and tweaks to massing as part of the currently proposed planning application.
- 2.21 Overall, the proposed development would have a minor adverse impact onto the daylight/sunlight conditions to these properties. However, when taking the extant consent as material planning consideration and the significant public benefits secured with the current scheme, the impact is considered to be on balance acceptable. This is particularly in the context of considering that the additional harm in daylight/ sunlight terms, compared to the extant permission is negligible.

Management of the Hotel Bar and the Public House

- 2.22 Both the proposed bar in the hotel and the A4 premises would benefit from separate planning conditions that would require submission and approval in writing of management plans to the local planning authority for the respective premises to deal with the management of customers as they enter and leave the respective premises and more generally the management structures put in place to better control the behaviour of customers. The conditions would include a requirement to devise a joint Community Liaison Group which would include the hotel and public house operator and representatives of the local residential associations, including an invite for a representative from the Columbia Tenants and Residents Association.

The role of the Community Liaison Group is to provide a forum to hear the views of the local community in a structured way and to ensure there is a mechanism to address any comments/concerns raised.

2.23 For clarity, the wording of the condition for the hotel would be as set out below:

Prior to occupation of the hotel and the bar as identified on Drawing 1129_PL-GA-100 Rev E hereby approved, a Hotel Operation Management Plan (HOMP) shall be submitted to and approved by the Local Planning Authority. The HBOMP shall include as a minimum, written details of the following information:

- i. Statement of Intent;*
- ii. Hours of operation and licensable activities permitted;*
- iii. Organisational responsibility for the hotel (including its bar) and the management team structure;*
- iv. Typical staffing rota and staff qualifications;*
- v. Details of the 24/7 front of house staffing level arrangement including details of door staff arrangements*
- vi. Security strategy (e.g. entry policy, drugs and intoxication policy);*
- vii. Physical and managerial noise controls processes and procedures to deal with customer dispersal strategy, customer queue management controls and management of smoking area;*
- viii. In collaboration with the Class A4 unit operator, details of a community liaison group including terms of reference which, for the avoidance of doubt, will include representation from the Columbia Tenants and Residents Association;*
- ix. Details of a complaints and investigation log including who takes ownership of serving as lead point of contact for dealing and responding to any complaints;*
- x. General emergency evacuation policy.*

2.25 As detailed in the main officer report it needs to be also noted the operation of the hotel and its bar and restaurant area will also be controlled by planning conditions in respect to control of noise, the bar being only open until midnight and no amplified music after 10pm.

Use of rooftop area

2.26 Members raised concerns about potential noise associated with the use of the rooftop terrace beyond the office hours of operation.

2.27 Access to the roof is marked onto the proposed drawings 'for maintenance only'. The roof top is housing pv panels and other plant equipment and would not be used as amenity space for any occupants of the development. A compliance condition will be added to further state that access to the roof top use is for maintenance purposes only.

Queries pertaining to the Public House

Opening Hours

2.28 The following operation hours had been secured under the extant planning permission and carried forward with this application:

0900 to 0200 the following day on Sundays to Wednesdays
0900 to 0300 the following day on Thursdays and Fridays and
0900 to 0400 the following day on Saturdays,

for a limited period of 1 year only, expiring 12 months following the A4 unit first opening for business. After this date, the opening hours would be discontinued, and the operational times revert back to

0900 to 2300 Monday to Thursdays and
0900 to 0030 the following day on Fridays and Saturdays.

- 2.29 These hours of operation are limited through a planning condition for an initial period of 12 months. The public house operator could readily seek to make these hours through submission of a variation of a condition application (s73 application), for instance 6 months after the public house first began operating.
- 2.30 Friends of the Joiners Arms (FOTJA) in their representation object to the imposition of a planning condition limiting the hours of operation for an initial 12 months period, stating that opening hours should be controlled by licensing and not regulated by the planning regime.
- 2.31 As with the extant planning permission, officers remain of the view that residential amenity is a material planning consideration and as such it is appropriate to seek to safeguard and the hours through planning by the imposition of a planning condition on hours of opening. In this instance, officers consider it appropriate to apply on a precautionary principle that the late-night opening hours are limited for an initial period of 12 months. There would be an opportunity for the operator of the Public House venue, at a later date to, to seek to extend the hours of operation by means of a variation of condition application.
- 2.32 Any future decision the licensing committee may choose to make for hours of operation under the licensing regulatory framework is not a matter planning or this application can directly influence.
- 2.33 In response to the comment from FoTJA that the 12 month limit on late opening hours introduces an unreasonable degree of uncertainty into preparation of any business plan for the Public House, officers only seek to note regardless of the hours imposed (or otherwise) by planning condition a comparable level of uncertainty for a business plan would still hold (at this moment in time) given there is no certainty the Public House will secure a late night license until the agreement of licensing framework.

Rent levels

- 2.34 Under the extant planning permission a 12month initial free rent period had been secured. FOTJA have subsequently requested in their representation an increase to 18 month initial free rent period. The applicant had agreed to an initial 18 month free rent. Prior to the committee, a subsequent representation was made by FOTJA directly to the Committee Members, to request in addition to what had been secured the provision of an affordable rent clause within the Section 106 (with the rent capped at 80% of market rent) for the operator n of the LGBT+ venue in perpetuity. As policy justification for this request, FoJA have previously referred to Policy E3 of the new London Plan Policy.
- 2.35 The market rent adopted for the viability assessment is £40 per sqft (allowed to adjust in line with the market conditions) and had been accepted as reasonable by the Council's Viability Team. The applicant is agreeable to extend the standard 5year rent review to the 'first' rent review to Year 7 and this will be reflected in the Section 106. This arrangement would give some additional certainty to the future unit occupier in drawing a business plan for the first 7 years. Subsequent reviews would continue to fall on a 5 yearly basis, i.e year 7, 12, 17, etc. The First Right of Refusal schedule in the Section 106 on the Public House to a LGBT+ Operator applies for 25 years and remains applicable should the first operator of the venue chooses to terminate the lease within that 25 year period.

- 2.36 Officers are unable to find a policy justification for a market discount rent in relation to the Public House as there is no policy supporting such a measure in either the Local Plan or the London Plan. Policy E3 relates only to Affordable Workspace (namely Use Class employment spaces) and not Public Houses or retail spaces.

Meanwhile use temporary venue radius and other changes to draft s106

- 2.37 FOTJA in their letter of representation addressed directly to members, dated 13th January 2021 requested a number of changes to the draft s106 including:
- remove reference to peppercorn rent and non-inclusion of the cost of leasing within the definition of the Meanwhile Use Contribution
 - remove the 1km distance from the application site for the re-provision of a meanwhile use temporary venue
 - clarify the process for selecting local representatives for the LGBT+ Panel.

- 2.38 In respect to the above concerns in relation to the Meanwhile use within the draft s106 the following changes and points of clarification are made:

The draft removes reference to peppercorn rent; similarly, it no longer precludes the meanwhile financial contribution being used towards lease costs for such a space.

The current draft removes the stipulation that the meanwhile use must be located within 1km of the application sites, stating instead the meanwhile use space can be anywhere else within the Borough or within 1.5 miles from the site unless otherwise agreed in writing with the Council.

In terms of selecting local representatives for the LGBT+ Panel it is envisaged the Panel would work with the long-established Tower Hamlets LGBT+ Community Forum Panel and invite possible panel membership from an elected Member of the Council

3. RECOMMENDATION

- 3.1 Taking account of the members concerns raised at the committee meeting, officers do not wish to change their original recommendation to GRANT planning permission. Officers recommend the following additional planning conditions:

[1] Prior to occupation of the hotel and the bar as identified on Drawing 1129_PL-GA-100 Rev E hereby approved, a Hotel Operation Management Plan (HBOMP) shall be submitted to and approved by the Local Planning Authority. The HBOMP shall include as a minimum, written details of the following information:

- i. Statement of Intent;
- ii. Hours of operation and licensable activities permitted;
- iii. Organisational responsibility for the hotel (including its bar) and the management team structure;
- iv. Typical staffing rota and staff qualifications;
- v. Details of the 24/7 front of house staffing level arrangement including details of door staff arrangements
- vi. Security strategy (e.g. entry policy, drugs and intoxication policy);
- vii. Physical and managerial noise controls processes and procedures to deal with customer dispersal strategy, customer queue management controls and management of smoking area;
- viii. In collaboration with the Class A4 unit operator, details of a community liaison group including terms of reference which, for the avoidance of doubt, will include representation from the Columbia Tenants and Residents Association;

- ix. Details of a complaints and investigation log including who takes ownership of serving as lead point of contact for dealing and responding to any complaints;
- x. General *emergency evacuation policy*.

Reason: to protect the amenity of the neighbours, in line with policy D.DH8 in the Local Plan 2031

[2] The rooftop area shown on the drawings hereby approved ref 1129_PL-GA-105 rev B, 1129_PL-GA-106 rev C, 1129_PL-GA-107 rev B and 1129_PL-GA-108 rev C shall be used for maintenance only and shall be kept as such in perpetuity.

Reason: to protect the amenity of the neighbours, in line with policy D.DH8 in the Local Plan 2031.