

## UPDATE DEFERRED REPORT, DEVELOPMENT COMMITTEE. 11<sup>th</sup> February 2021

Agenda item no	Reference no	Location	Proposal / Title
4.2	PA/20/00034	114-150 Hackney Road, London	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 <sup>2</sup> (GIA) hotel floorspace (Class C1) up to 3,529 m <sup>2</sup> (GIA) employment floorspace (Class B1), up to 358 m <sup>2</sup> (GIA) flexible office and retail floorspace at ground level ( <b>Class A1, A2, A3 and B1</b> ) and provision of Public House (Class A4) along with associated landscaping and public realm improvements, cycle parking provision, plant and storage.

### 1.0 Additional letter of representation

- 1.1 Three further letters of representation were received after the publication of the Deferral report on 3<sup>rd</sup> February 2021. One from the Columbia Tenants and Residents Association (CTRA), the second from the Friends of the Joiners Arms (FOTJA) and the third from the owner of number 152 Hackney Road.
- 1.2 The key issues raised in these letters of representation had been covered in the main committee report, however, for clarity and ease of reference, these are reported and addressed again below.

#### Concerns raised by CTRA

### 1.3 Use of courtyard on Diss Street:

- the entrance is too narrow and turning is tight; it would require a wide turn in order to drive into it. This arrangement would block or use either the entrance to George Loveless House or the very narrow Stamp Place to get the right angle or verse into.
- Diss Street is a 'no through road' and delivery vehicles would have to turn, blocking the road which serves as emergency access to 270 homes. Pelter Street is too narrow for large vehicles (large linen lorries) and cobble road treatment
- The reverse beeping of several lorries a day will cause nuisance to nearby residents, as well as glass recycling.
- Impact of waste collection and deliveries are treated as equal with the extant planning permission, but no attention has been given to how different the delivery needs and hours of an office led scheme

#### Officer's comments

- 1.4 Servicing and deliveries will be controlled by a planning condition and managed off Hackney Road servicing bay. Services and deliveries for the hotel and office element could be trolleyed around from Hackney Road servicing bay to Diss Street entrance, but are more likely to be carried through the front doors and transported down to the basement via the lift.
- 1.5 The only vehicle trips for the development on Diss Street are those associated with waste collection. One daily waste collection is expected for the hotel use. Waste collection would be carried out on street, outside the enclosed bin store on Diss Street. These arrangements remain the same as per the extant planning permission.
- 1.6 There are multiple existing waste collections per week for residential waste for the existing residential properties end of Diss Street, with waste collection vehicles going down Diss Street at least three to four times a week.
- 1.7 The waste collection vehicles would turn at the bottom of Diss Street/ Baroness Road (as opposed to turning within the vehicular entry to George Loveless House) to collect from the existing residential blocks and the development if granted approval.
- 1.8 Waste collection arrangements proposed for the development were assessed by the Council's Waste Department and found appropriate.
- 1.9 In terms of noise caused by glass recycling, the refuse store is located at ground floor within the building, and as such would not give rise to a noise nuisance to the nearby residents in this regard.

#### **1.10 Existing hotel accommodation nearby**

Mama Shelter on Hackney Road was not considered in the officer's report. This venue falls within night-time economy and would share footfall with the proposed hotel.

##### Officer's comments

- 1.11 Mama Shelter Hotel was listed as part of the 27 hotel accommodation identified in the CTRA's original letter of representation and addressed at paragraph 7.32 in the main committee report and again at paragraph 1.5 of the Updated Committee Report published before the 14th January, the committee date.

This hotel is located approximately 12 minutes walk from the application site, north of Hackney Road. Travellers staying at Mama Shelter Hotel are likely to use Cambridge Heath Overground station as opposed to Hoxton Overground Station or Shoreditch High Street Overground Station to get to this hotel, given that Cambridge Heath Overground station is located less than 5 minutes walk away. In terms of outing, those staying at Mama Shelter Hotel are likely to spend the night locally, along Cambridge Heath Road/ Hackney or take the overground one stop south to Shoreditch High Street as oppose to walking approximately 22 minutes along Hackney Road to get to Shoreditch. As such, it is unlikely that those staying at Mama Shelter Hotel would share the same footfall/ connection routes with the proposed hotel.

#### **1.12 Amenity impacts to neighbours from the operation of the hotel and Joiners Arms venue**

- Hotel hours of operation and impact to nearby neighbours

- Noise and vibration impact from the development had not been assessed to adjacent properties
- Noise disruption previously encountered from the Joiners Arms, but easily solutioned

Officer's comments

- 1.13 As previously stated in the committee report, the hotel bar will be controlled by a planning condition and will be closed for the public at midnight. Also, amplified music is restricted to 10pm. A Hotel Management Plan would be secured by condition should planning permission be granted. This condition would require submission of details for approval including hours of operation, details of the management team structure, door management including security strategy, noise control mechanisms to deal with customer dispersal strategy, customer queue management and management of a smoking area.
- 1.14 It would also include devising a joint community liaison group in collaboration with the separate A4 pub operator which would include representation from the Columbia Tenants and Residents association. There would be scope for ward councillors to be also on the liaison group and also officers from the Anti-Social Neighbourhood Management Team. 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.
- 1.15 In terms of managing noise and vibration during construction and at operation stage, a set of control mechanisms through conditions are introduced at different stages of project delivery
- Compliance condition to:
    - restrict demolition and construction activities outside standard construction hours
    - impose noise pollution limits,
    - ground born vibration limits,
    - air standards for construction machinery and compliance with GLA Non Road Mobile Machinery Requirements
    - noise limit to noise breakout and music noise limiters (compliance to noise rating NR40 (Leq linear) outside the affected neighbouring residential dwellings.
  - Pre-commencement stage: Submission of a Construction Management Plan. This will include details of noise assessment and mitigation measures during construction.
  - Prior to commencement of relevant works: Submission of Noise mitigation Implementation Strategy
  - Pre-occupation: Submission of Venue Operational Management Plan (for both venues)
  - Post completion: Submission of an acoustic compliance assessment
- 1.16 Also, the built core and shell would employ latest technology in terms sound insulation and reduction in noise penetration externally, unlikely to result in any additional

1.17 With these in mind, officers are confident that adequate mitigation measures in terms of noise are secured on this proposal.

### **1.18 Evidence on the hotel use for hen parties and stag nights**

#### Officer's comments

1.19 The proposed hotel's ground floor plan does not afford for a separate space to hire for large party gatherings. The reception area sits next to the bar where people would check in and out; the bar area is interspersed with the dining area and lounge area. There are no available rooms to hire within the hotel. The selling of alcohol would cease at midnight and the hotel bar will also close for the public at midnight. Also, a planning condition would be imposed to restrict amplified music at 10pm, limiting

### **1.20 Shoreditch night time economy impacts on ASB issues for neighbours, including:**

- Night noise from patrons traveling from Brick Lane to London Fields and Shoreditch High Street down to hotels on Hackney Road. These routes would be through the nearby housing estate
- Car bars – people use cars to take drugs and drink before and after they visit bars – already started to appear on Pelter Street
- The 24h nature of the hotel will attract drug users to beg outside the venue increasing drug street sales and use of nearby estates.
- Concerns on how Joiners and Hotel guests will interact on street should be considered
- The hotel and bar will provide market and context for further late-night bars along Hackney Road and dragging the night economy that is being pushed away from Old Street

#### Officer's comments:

1.21 The walking distance between Brick Lane/ Shoreditch High Street to London Fields is of approximately 35 minutes walk. The hotel users around London Fields are likely to go out to Hackney, which is approximately 5 minutes walk, as oppose to travelling south walking to Shoreditch High Street area.

1.22 As previously stated, the hotel bar would close at midnight for the public. A door management plan will be secured by planning permission for both the hotel and the public house on site. These measurements are considered to be sufficient to address any potential antisocial behaviour that might be associated with the use of these two venues.

### **1.23 No assessment done to assess impact onto the transient population through the residential estate (including Columbia Road flower market)**

#### Officer's comments

1.24 The Columbia Road Flower Market runs on Sundays only from 8am to 2pm. At these operational hours, there are not expected any material increase in population flow as a result of the development to the flower market, over and above what is currently observed. The flower market attracts visitors from a large area with people traveling from across London and beyond, including tourists.

**1.25 The proposal would increase supply support services such as policing, waste collection and street cleaning.**

Officer's comments

- 1.26 A set of public benefits and financial contributions including CIL are secured as part of this development that would compensate any increase in support services associated with the development, such as street cleaning, etc.

**Concerns raised by FOTJA**

- 1.27 Remove planning condition to limit late opening hours for an initial 12-month limit. The imposed limit on opening hours would preclude the viable operation of the pub in long run, including creation of a cultural infrastructure for the LGBT+ community.

Joiners Arms before closure benefited of late opening hours; this should be retained with the current scheme to assist with drawing a stable business plan in long run.

Limiting the hours of operation for an initial 12 month period would potentially impact on:

- Securing a long term lease for a late night LGBT+ venue
- There is no evidence to suggest that s73 (to vary the planning condition) application for a permanent change to operating hours for a late night A4 venue had been used previously, or provides clarity on how the operators would be held accountable to the local community or the MET Police. Assurance had been provided by officers that a s73 application to retain late opening hours in perpetuity is simple, however this is a contradiction by imposing a limitation on the hours of operation in the first place. There is no information on the numbers of A4 venues which had operating hours extending through a s73 application, nor the percentage of applications that were successful. No details of the framework used to make decisions, and how this differs from that of the licensing authorities.
- Since Joiners Arms closed, residential development had come forward opposite the site on Hackney Road; FOTJA fight for the protection of a vital community space within a changing urban landscape
- The noise concerns associated with the late night operating hours for the A4 space shouldn't be placed on the operation of the pub through restriction of opening hours, but on the developer to provide a shell and core with state of the art noise protections fit for late license venues, in line with the Agent of change principle.

Officer's comments

- 1.28 As stated in the deferred report published on 3<sup>rd</sup> of February 2021, officers consider that, the Council in exercising its function in preserving the amenity of the nearby residents, in line with the legislative requirements in the Local Plan, imposing such condition is necessary and reasonable. It also gives flexibility to the pub operator to apply for extended hours of operation after the first 6 months of operation without precluding the viable operation of the venue.
- 1.29 Officers draw attention to the fact that these late night operating hours are subject to a licensing application under Licencing Act 2003. This sits outside planning regime and each licencing application for late opening hours is considered on its own merits. The two regulatory bodies do not trump over the other, however, even with the approval of extended opening hours under planning, there is some degree of uncertainty over the operational hours permitted under the Licencing Act. The venue can only operate as late-night venue subject to Licencing Approval.

- 1.30 The pub operator, having obtained licencing approval for late night operating hours in the first months of operation, can apply for variation of planning condition to make the approved opening hours under the Licencing Regime permanent.
- 1.31 S73 applications to vary a condition that limits the approved operational hours are frequent submissions, with an average of few submissions a year, albeit these submissions concern all use classes and not A4 only.

### **Concerns raised by the owner of number 152 Hackney Road**

- 1.32 This is a follow up objection letter, the original letter of representation being already considered in the committee report.

Additional concerns raised include:

- Rights of light: The proposal is blocking the south side of this property's light going up four storeys
- The rooftop terrace would be impacted by the proposal

- 1.33 Rights of light sit outside planning and as such, are not a material planning consideration.

- 1.34 The proposal is primarily located to the south of the rooftop terrace at 152 Hackney Road, limiting overshadowing. Similar to the extant planning permission, the proposal retains the same relationship in terms of height and scale with this neighbouring rooftop terrace and therefore unlikely to introduce any additional harm over and above what had been previously considered acceptable.

## **2. Concluding remarks**

- 2.1 Taking account of the members concerns raised at the committee meeting and the additional letters of representation reported herewith, officers do not wish to change their original recommendation to GRANT planning permission.